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METHODOLOGICAL PROPOSAL TO EVALUATE THE HUMAN RIGHTS APPROACH IN PUBLIC POLICIES. A CASE STUDY OF OPEN GOVERNMENT PUBLIC POLICY IN MEXICO AND ITALY

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“What it means to be fully human is to live by ideas and ideals and not to measure your life by what you’ve attained in terms of your desires but those small moments of integrity and passion, rationality, even self-sacrifice. Because in the end, the only way that we can measure the significance of our own lives is by valuing the lives of others”

Alan William Parker (2003)

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Abstract

La presente investigación parte de la premisa de que para una mayor correspondencia de los procesos de política pública con los requerimientos de la sociedad contemporánea, éstos deben desarrollarse en un entorno policontextual y policéntrico. Es decir, en escenarios en los que se propicie su apertura a los diferentes contextos sociales y la intervención de diversos actores. En atención a esto, se optó por efectuar un estudio de tipo analítico-sintético, que involucrara las variables de enfoque de derechos humanos—relacionada con el policontextualismo y policentrismo de una acción— y la de política pública—relativa a la técnica/método conforme a la cual se desarrolla de forma sistemática la acción pública—.

La parte analítica de la investigación se realizó mediante el examen de los principales documentos académicos, jurídicos y políticos vinculados con el origen, concepto, desarrollo y práctica de las variables de enfoque de derechos humanos y de políticas públicas. Posteriormente considerando los resultados de la parte analítica de la investigación, se efectuó la parte sintética, mediante la articulación de la variable de enfoque de derechos humanos y la de política pública en una estructura relacionada con la incidencia del enfoque de derechos humanos en el ciclo de políticas públicas.

Con resultado se generó una metodología para calcular el grado de enfoque de derechos humanos del ciclo de políticas públicas o de alguna(s) de su(s) fase(s). La metodología se compone por 2 dimensiones, 18 categorías, 265 indicadores dicotómicos y un algoritmo matemático.

Introduction

The struggle for the recognition and the enforcement of human rights has a long history in time and space. It is enough to remember the social movements promoted at different times and places in the world by human rights defenders such as Emmeline Pankhurst Goulden, Mahatma Gandhi, Martin Luther King Jr., Nelson Mandela, among many others who have preceded them and many more who today continue to defend freedom and the right to diversity from different scenarios. Thanks to the lives and even the blood of all these people, today we enjoy rights that allow us a better quality of life than in the past. Even the different struggles for human rights that are being sustained in the present have this same expectation.

As a result, it is not strange that the human rights discourse has permeated the politics of various parts of the world as a call for unity and equality in diversity. The human rights discourse has transcended to the level of public administration, to such an extent that nowadays, good governance that does not provide the necessary protection and guarantee of human rights is inconceivable. The below has led to a new question: how should good governance integrate human rights?

In this regard, it should be pointed out that any government's purpose is the search for the common good, which is none other than the generation of conditions that allow the people to achieve the satisfaction of their essential needs and the development of their potential. In this sense, it should be noted that the problems that afflict humanity, such as hunger, poverty, lack of access to health, education, or employment systems, among many others, are addressed by the government through the public policies, which in general terms can be understood as the main bridge of communication between the people and their rulers, and whose objective is the development of action strategies for the solution of the public problems.

But, what happens when the government not only fails to do its duty but also it excludes? That is to say, what happens when public policies, even against their essence, exclude? It seems paradoxical and implausible, but it is not. What happens is that a situation of discrimination against specific population groups is generated, sustained, and institutionalised, which in turn not only does not allow for an effective contribution to the

solution of public problems, but also makes it possible to perpetuate them, or even generate new ones, thus turning the public policy cycle into a flawed process that truncates the advancement of the human rights due to a lack of adequate planning.

In this respect, perhaps a better question is: what makes a public policy discriminatory? It is the lack of consideration of the different social contexts. That is the omission of the inclusion in the public policy process of minimum standards capable of possessing a common meaning for all people. The idea of creating environments in which the generality of the people has the opportunity to understand the extremes of all public action seems impossible, but no, it is not. While it is complex, it is achievable. But how is it achieved?

An inclusive public policy is achieved by integrating into its processes a lens that facilitates all the people's visibility: human rights. As they are conditions that interest and affect everyone, they make us visible and allow us to be actors of our destiny as a society. Therefore, to achieve the generation of inclusive public policies, it is necessary to take human rights as one of their cross-cutting axes by including them as norms that rule their processes' totality. Consequently, it is essential not only if a government has a specific human rights programme, but also: 1) if the human rights principles guide its actions in a cross-cutting manner, and 2) if there is an actual project that aims their progressiveness.

The development of public policies with a human rights approach is not a demonstration of goodwill on the part of the government but a legal obligation derived from national and international human rights law, under which all public authorities, within the sphere of their competencies, must promote, respect, protect and guarantee the human rights.

However, the government of the exclusion is a reality in many contexts. This can be attributed to the comfort of the rulers and public officials and the policymakers' reluctance to include human rights principles in their work, believing that they impinge on public action's objectivity and instrumental rationality. This appreciation is false: rights can be objectified.

The belief in the impossibility of objectification of human rights is not entirely the responsibility of governments and public policy analysts, but of the general lack of understanding of the interdependence of the social sciences, the exact sciences and the arts, which has contributed to the lack of understanding of human beings, of their scope and,

therefore, of their rights. The one thing that governments and public policy professionals are guilty of is being uncritical.

As a result, the current public policy system does not respect, and even fewer guarantees, the rights of all. It is enough to go out on the street and see that the design of many cities is not accessible to people with disabilities, that various public programmes are classified as "support" or "aid" and not as the fulfilment of the authorities' obligations concerning human rights, the inaccessibility of many public projects in a citizen's language or rural environments, to mention a few examples. No, public policies are not made with everyone in mind; thus, they no longer seem public.

In addition to the above, it must be recognised that, unfortunately, in the best of cases, human rights are found at the discursive level of public policies but not at the operational level. In this sense, another question that transcends the problems that underlie the questions we have posed above becomes concrete: What can we do to watch over the respect, guarantee and progressiveness of our human rights? I would answer: measure humanity. Yes, question and evaluate the humanity of all those policies, plans, programmes, projects and public actions that affect our lives.

These tools to measure, but above all to defend human rights, although they are recent, are beginning to echo, so much so that international bodies such as the UN started to advocate for them even a few years ago. Although there are currently human rights indicators and specific models for their construction, there are no methods for their systematic introduction and even less for their measurement in the public policy cycle. It is the reason why, through the analysis of the development and implementation of the human rights approach in the field of International Development Cooperation and the public policy cycle, a methodological proposal for measuring the human rights approach in public policies is presented.

Methodological note

This research is based on the premise that for the public policy processes to correspond more closely to the requirements of contemporary society, they must be developed in a polycontextual and polycentric environment. That is to say, in scenarios in which openness to different social contexts and the intervention of diverse actors are encouraged. With this in mind, it was decided to carry out an analytical-synthetic study involving the variables of the human rights approach— related to the polycontextualism and polycentrism of the action— and the public policy— related to the technique/method according to which the public action is systematically carried out—.

The analytical part of the research was carried out through the examination of the main academic, legal and political documents linked to the origin, concept, development and practice of the variables of the human rights approach and the public policies. Subsequently, considering the results of the analytical part of the research, it was carried out the synthetic part, by articulating the variables of the human rights approach and public policy in a structure related to the incidence of the human rights approach in the public policy cycle.

As a result, it was generated a methodology to calculate the degree of human rights approach of the public policy cycle or of some of its phase(s). The methodology is composed of 2 dimensions, 18 categories, 265 dichotomous indicators and a mathematical algorithm.

It was decided to pilot the methodology developed in the public policies of open government because given their normative and operational structure, these are developed in a significantly higher polycontextual environment than public policies developed in traditional schemes, and therefore, it is presumed that they integrate the human rights to a greater degree, which gives them a higher margin of evaluability.

In this regard, it is pertinent to point out that it was decided to analyse exclusively the open government public policies issued within the framework of the OGP, given that they are based on a structured and standardised scheme that facilitates their study. In this sense, the universe to be analysed is made up of 78 member countries of the OGP. The delimitation of the sample was carried out through the application of various filters such as:

1) *The belonging of the public policies to be evaluated to different continents*. The above, with the objective to determine whether the public policy of open government— with certain common characteristics— implemented in different economic, social, legal and political contexts have a similar degree of integration of the human rights approach. This is relevant since the verification of a similar degree of integration of the human rights approach, would make possible to affirm that the only common circumstance between the countries—the public policy operated under the open government scheme— is the cause or effect of further integration of the human rights approach.

2) *The condition of being active members of the AGA at least since 2012*. This is in order to be able to appreciate the implementation of open government public policy over the longest possible period of time.

As a result, the sample was reduced to Bulgaria, Croatia, Denmark, Greece, Israel, Italy, Latvia, Lithuania, Malta, Moldova, Montenegro, Northern Macedonia, Norway, Slovak Republic, Spain, Sweden and the United Kingdom—European continent—, Argentina, Brazil, Canada, Chile, Colombia, El Salvador, Guatemala, Honduras, Mexico, Paraguay, United States and Uruguay— American continent—, Ghana, Jordan, Kenya, Kenya, Liberia, South Africa—African continent—, Armenia, Georgia, Indonesia, the Philippines, South Korea, South Korea—Asian continent—. Of the countries mentioned above, it was decided to evaluate the open government policies of Mexico and Italy, given the author's greater familiarity with both.

The public policies to be evaluated[1] are:

A) Italian public policies:

- Open Government Action Plan 2012-2013
- Open Government Action Plan 2014- 2016
- Open Government Action Plan 2016-2018

B) Mexican public policies:

[1] It should be noted that the evaluation was limited only to public policies that had already been finalised with the aim of comprehensively assessing both their design and implementation.

- Expanded Open Government Action Plan 2011-2012
- Open Government Action Plan 2013-2015
- Open Government Action Plan 2016-2018

Chapter I

Key issues about the human rights-based approach

1. How does the human rights-based approach emerge?

The concept of International Development Cooperation (IDC)[2] does not have a single definition, since "Development Cooperation has been loading and unloading content over time, in accordance with the dominant thinking and values on development, and the sense of co-responsibility of developed countries with the situation of other developing peoples" (Cunego & Ruiz, 2014:43). Notwithstanding the foregoing, the IDC can be defined in very general terms as "actions carried out by nation-states or their organisations, subnational actors or Non-Governmental Organisations (NGOs) of a country, with other of these actors, belonging to another country, to achieve common objectives at the international and/or national level of one or more actors" (Socas & Hourcade, 2009:21).

The different ways that the IDC must achieve its objectives can be classified according to:

1*) Its origin.* a) public administrations: It is carried out by national, regional and local administrations of donor countries, b) private: it is carried out with resources from individuals, companies or associations, etc.

2) *The actors involved*. a) multilateral: agencies, institutions or autonomous governmental organisations, b) bilateral: public administrations or development organisations without official status, c) decentralised: regional and local public administrations, d) non-governmental: non-governmental development organisations, e) business: companies that provide technical assistance and technology transfer.

3) *Characteristics of the funds*. a) refundable: the cooperation must be returned in the form of money or kind, b) non-refundable: the cooperation is made to fund lost.

[2] For further reference to the concept, actor and development of the IDC see: "*Introducción al Sistema de Cooperación Internacional al Desarrollo. Paradigmas, actores y perspectivas*" by Cunego & Ruiz (2014) and "*La Cooperación Internacional: herramienta clave para el desarrollo de nuestra región*" by Del Río & Chiani, (2009).

4) *Level of concessionality*. a) tied aid: conditions the recipient to exclusively purchase goods and services from the donor country, b) untied aid: does not condition the recipient to exclusively purchase goods and services from the donor country.

5) *Nature of cooperation*. a) financial: real transfer of funds to the recipient, b) non-financial: transfer of knowledge, technology, materials, cultural exchanges, sports, etc. (Duarte & Gonzáles, 2014).

In the beginning, the IDC was conceived almost exclusively as the direct transfer of financial resources to a recipient, with the objective of improving its development indicators. This conception went through a crisis that occurred during the period between the years 1980 and 1990, also called the "lost decade", due to the limited results obtained in promoting the progress of developing nations. As a consequence, the IDC scheme had to rethink and overcome the exclusively economic and vertical vision of the previous decades to adopt a development perspective closer to human rights and, therefore, to human development.

In this regard, it should be noted that the relationship between human rights and development has been framed in multiple ways. "From a legal perspective, there are three main conceptualisations: the right to development; translational human rights obligations; and human rights-based development approaches. The first two represent a fairly fundamental revision of human rights thinking and introduce new substantive rights and their corresponding obligations" (Vandenhole & Gready, 2014: 291).

On the other hand, human rights-based approaches to development are closer to the concept of development as "the elimination of some types of lack of freedom that leave individuals few opportunities to exercise their reasoned agency", and they consider that "precisely the elimination of the lack of fundamental freedoms constitute a part of development" (Sen, 2000: 16). Therefore, it´s possible to characterise human rights-based development approaches as "more pragmatic and less ambitious, in the sense that they do not foresee fundamental changes in the human rights framework" and seek to introduce human rights principles in the development thinking and practice (Vandenhole & Gready, 2014: 292).

In this context and with this new approach, the IDC began to be characterised for having the following objectives:

1. Respond to the criterion of co-responsibility.

2. To be based on the criterion of solidarity among peoples, respect and protection of human rights, and on the unceasing search for better conditions and greater resources that provide man with a situation of well-being in accordance with his human dignity.

3. Understand performances by both private and public actors.

4. Respond to priorities.

5. Have common goals and strategies.

6. Seek the existence of a clear and constant dialogue between the parts in the attempt to harmonise interests.

7. The non-interference of the cooperant in the internal or external policy of the recipient country (Duarte & Gonzáles, 2014: 117).

The IDC was also forced to begin a gradual transition from the introduction of human rights into its policies and actions. In this sense, until the mid-1990s, the integration of human rights into IDC policies could be classified into four types: implicit human rights work, human rights projects, human rights dialogue, and human rights mainstreaming. It should be emphasised that now most agencies place their policies within the categories of project, dialogue and mainstreaming.

1) *Implicit human rights work*. Agencies may not work explicitly on human rights issues and may prefer to use another description for their work—protection, empowerment or in general good governance label—. Therefore, the objective, content and approach may relate to other implicit forms of human rights mainstreaming.

2) *Human rights projects.* Projects or programs directly aimed at the realisation of specific rights—freedom of expression, right to education, right to food etc.—, specific groups—children, women, persons with disabilities etc.— or in support of human rights organisations—civil society organisations, human rights organisations etc.—

3) *Human Rights Dialogue.* Foreign policy and cooperation policy dialogues include human rights issues, most often linked to certain conditions of the rule of law and human rights. Therefore, the modalities and volume of interventions may be affected in cases of significant human rights violations.

4) *Mainstreaming of human rights.* It consists of measures or efforts to ensure that human rights are integrated into existing interventions. This may include aspects related to "do no harm" (Piron & O'Nei, 2005).

However, at the end of the 1990s, the last model for integrating human rights into IDC policies and interventions emerged and progressively developed: The Human Rights-Based Approach (HRBA) (Kindornay, Ron & Carpenter, 2012), which has changed "the way development work is carried out (process), and presents the full realisation of human rights as the goal of development work (outcomes)" (Vandenhole & Gready, 2014: 293).

Now, for an adequate understanding of the HRBA, it is necessary to locate its origin and development in a timely manner. It is difficult to determine the exact date and author of the HRBA, as there is documentary evidence of its use since the end of the 1990s by various agencies of the United Nations System, as well as by various Non-Governmental Development Organisations (NGOs) such as Oxfam, Save the Children, World Vision and CARE[3].

The analysis of the HRBA can be done from two perspectives: regulation and practice. The first refers to the progress of its content in the norms of international human rights law, and the second to the programs, policies, and strategies issued for its implementation.

From the normative aspect, the rationale for the HRBA began to be developed with the recognition of the relationship between human rights and development. The first international documents that refer to this relationship, even indirectly, by referring to the economic, social, and cultural rights indispensable for the dignity and free development of every person as a

[3] For more information, see Oxfam (2001) "*Challenges and opportunities of implementing a rights-based approach to development: An Oxfam America Perspective*". This document attempts to highlight the challenges for development organizations inherent in moving towards a rights-based perspective and their intention to build a global movement for development and change in recent decades. Available at: http://hrbaportal.org/wp-content/files/Rights-based-approach-to-.pdf

member of society—such as the right to health, education, work, rest, social security, culture and in general to an adequate standard of living—, are the Universal Declaration of Human Rights—articles 23 to 27— and the International Covenant on Economic, Social and Cultural Rights—articles 6 to 15—. Similarly, the preamble to the International Covenant on Civil and Political Rights states that for the realisation of the ideal of a free human being, it is necessary to create conditions that allow each person to enjoy his or her civil, political, economic, social and cultural rights.

Subsequently, the Declaration on Social Progress and Development of December 1966 recognised in its article 2 that development is aimed at human rights.

> Article 2. Social progress and development shall be founded on respect for the dignity and value of the human person and shall ensure the promotion of human rights and social justice, which requires: a) The immediate and final elimination of all forms of inequality, exploitation of peoples and individuals, colonialism and racism, including Nazism and apartheid, and all other policies and ideologies opposed to the purposes and principles of the United Nations; b) The recognition and effective implementation of civil and political rights as well as of economic, social and cultural rights without any discrimination.

Until then, human rights had been perceived exclusively as an objective of social development. However, this conception changed with the issuance of the Declaration of the Right to Development in December 1986, whose articles 1 and 6 recognised development as a human right, extending its scope to various scenarios.

> Article 1. The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development in which all human rights and fundamental freedoms can be fully realised.
>
> Article 6. All States should cooperate with a view to promoting, encouraging, and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion. All human rights and fundamental freedoms are indivisible and

> interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights. States should take steps to eliminate obstacles to development resulting from failure to observe civil and political rights, as well as economic, social and cultural rights.

Subsequently, another significant advance was made with the issuance of the Vienna Declaration and Programme of Action in June 1993. In paragraph 8, it stated that "democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing concepts", and in paragraph 10, it reaffirmed development as a "universal and inalienable right and an integral part of human rights". Similarly, paragraphs 17 and 18, section II, of the Declaration recognised "the need to constantly adapt the United Nations mechanism in the field of human rights to the current and future needs for promotion and protection .... within the framework of balanced and sustainable development for all", and recommended to the UN General Assembly, "the creation of a post of High Commissioner for Human Rights, with a view to promoting and protecting all human rights".

In this context, the Vienna Declaration and Program of Action had an impact on the normative, descriptive and practical aspect of development. From a normative point of view, it contributed to the integration of human rights and democratic principles into the development process. From the descriptive point of view, it has allowed us to characterise it as a humanist and integral process, under the premise that it presents interdependent economic and social aspects, which entail qualitative transformations at the same time of quantitative increases tending to the balance of all the social sectors, the satisfaction of the basic needs and the progress of the human being. From a practical perspective, the creation of a post of High Commissioner for Human Rights, in accordance with UN General Assembly Resolution 48/141 of 20 December 1993, facilitated the promotion and protection of human rights in the UN system, one of the effects of which was the issuance of programs, policies and strategies for development that led to the construction and implementation of the HRBA.

The following year, the UN issued the *Human Development Report 1994*, among its most

important contributions is the declaration that "the true foundation of human development is universalism in recognition of the life claims of all" (15), as it entails the increasing people's access to decision-making power, as well as, the protection of all fundamental human rights whether they are economic, social, civil or political. It also notes that without "appropriate distribution and public policy, economic growth may not result in the improvement of human life" (19), since "universalistic concern for the rights and interests of all human beings can only be effective through a combination of individual effort and institutional support. It is necessary to combine individual initiative with a rational public policy such as participatory community organisations" (22).

In addition, it points out several aspects related to the expansion of the IDC concept, in order to include not only international aid-related issues but also those related to trade, investment, technology and labour, since the latter are more decisive for the growth of developing countries. Also, it points out the need to rethink the general information systems of the IDC with the objective of being able to observe in a comprehensive manner, under the argument that "one of the greatest obstacles among those who oppose the reform of cooperation for development is the lack of properly organised information. It is easy to discern in existing data sources who are providing assistance and who is receiving it, as well as the general sectors to which it is assigned. But it is more difficult to find out how the aid is being used and what objectives it is pursuing" (91).

Subsequently, in March 1995, the Copenhagen Declaration on Social Development establish among its objectives "to affirm the universality of social development and to outline a new and strengthened approach to social development, giving new impetus to cooperation and participation". It also provides, as part of its commitments, to "promote social integration by fostering stable, safe and just societies based on the promotion and protection of all human rights, as well as non-discrimination, tolerance, respect for diversity, equality of opportunity, solidarity, security and participation of all persons, including disadvantaged and vulnerable groups and individuals" and to "improve and strengthen in a spirit of partnership the framework of international, regional and sub-regional cooperation for social development through the United Nations and other multilateral institutions".

However, the most relevant act for the development of the HRBA in the UN System was the

issuance of the 1997 UN Reform Program proposed by Kofi Annan, UN Secretary-General. Based on Report A/51/950 of 14 June of that year. This program had as one of its priority areas the "expansion of human rights activities through the reorganisation and restructuration of the human rights secretariat and the integration of human rights into all major United Nations activities and programs" (8).

As a consequence of the UN reform program, various UN system agencies began to incorporate the HRBA into their activities. Among the most relevant experiences are the United Nations Development Programme (UNDP) policy of 1998, the United Nations Children's Fund (UNICEF) Executive Directive CF/EXD/1998-04 of the same year, and the *Human Rights Strengthening Programme* (HURIST) of 1999.

The UNDP policy "*Integrating Human Rights with Sustainable Human Development*" of January 1998 addressed the sustainable human development paradigm as a strategy that incorporates all human rights. It characterised sustainable human development as universal and integral, emphasising the indivisibility and interrelatedness of all economic, social, cultural, civil, and political human rights. It also identified the improvement of the HRBA as one of the areas to achieve its objectives.

In spite of this, the first document in which the HRBA was described was the Executive Directive CF/EXD/1998-04 UNICEF, "*Guidelines for Humans Rights-Based Programming Approach. A Human Rights Approach to UNICEF Programming for Children and Women: What it is, and some changes it will bring*" in April 1998. It addressed how to "take into account in development work the basic principles of human rights that have been universally recognised" (Part I, A. n/a.). Similarly, he noted as contributions of the approach: the introduction of the notion of the legal and moral obligation of States and their institutions to meet the basic needs of their people, the affirmation of people as rights-holders rather than objects of charity, and the recognition of shared interests between human rights-holders and the authorities working to realise them.

On the other hand, the HURIST[4] began to be implemented in 1999 and aimed at integrating

[4] Since its creation, the HURIST has had one of its objectives the improvement and implementation of the HRBA. The last data related to its implementation and evaluation date from 2015. For more information, see:

human rights into development programs. As a joint programme of the UNDP and the OHCHR, its goal was to implement the UNDP policy for the integration of human rights with development. It gave priority attention to improving the methodology, documentation and application of HRBA in UNDP practice areas. It included activities such as national action plans for the promotion and protection of human rights, the review of the human rights programme, as well as actions related to human rights and poverty reduction, parliamentary development, environment; decentralised governance, police; and access to justice (UNDP, 2005a). Subsequently, on 8 September 2000, el UNDP published the "*Human Development Report 2000: Human Rights and Human Development*" in which it stated that human freedom is the common purpose and motivation of development and human rights and that it is precisely the HRBA that is making these an integral part of development processes and policies.

In addition, in the same year, the Joint United Nations Programme on HIV / AIDS (UNAIDS) was issued "*A human rights approach to AIDS prevention at work: The Southern African Development Community's Code on HIV/AIDS and Employment*", which outlines the vulnerability experienced by people with HIV/AIDS in South Africa in relation to obtaining and maintaining employment. In addition, it proposes the implementation of a code for the treatment of HIV/AIDS in the workplace that avoid discrimination in the workplace against people who suffer from it. The code is based on the argument that all employees with HIV/AIDS should be treated in the same way as any other employee.

Subsequently, in 2001 the World Health Organization (WHO) issued "*A human rights approach to tuberculosis*", in which it examines the human rights dimension of issues that make people vulnerable to contracting tuberculosis or hinder their access to a cure. Thus, it refers to situations such as poverty and substance abuse, as well as to specific population groups such as children, women, migrants, refugees, people in prison and people with HIV. Likewise, it emphasises the importance of the principle of non-discrimination in public health and human rights practice and that the deficiency in the right to information can have substantial impacts on the health sector; in the specific case of tuberculosis, its stigmatisation

https://erc.undp.org/evaluation/evaluations/detail/7741

and that of people who suffer from it because they don't know how they were infected and how they were cured.

Subsequently, in 2002, the OHCHR issued "*Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies*", in which it proposes to close the gap between the normative approach and the development economist approach to the concept and content of poverty. The text is based both on the experience of the international human rights system over the past 50 years and in more recent social science studies. Also, it clarifies what the HRBA means for development in practice. It, therefore, contributes to the task of integrating human rights into all of OHCHR's work, including the goal of poverty eradication.

Despite the fact that various UN agencies—including those mentioned above—, began to implement the HRBA, each one did it according to its own interpretation of HRBA, preventing its consolidation. In attention to the context and as a consequence of the necessary collaboration between these organisations, a common understanding in this regard was essential. In this context, in October 2003 was issued *"The Human Rights-Based Approach to Development Cooperation. Towards a Common Understanding Among UN Agencies*", referring to the use of the HRBA in the IDC, based on three essential premises:

> 1. All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments...
>
> 2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.….
>
> 3. Development cooperation contributes to the development of the capacities of "duty-bearers" to meet their obligations and/or of "rights-holders" to claim their rights. (UNDG, 2003: s/p).

The agreement also related HRBA to the recognition of people as the main actors in their

own development—with a special focus on disadvantaged or excluded groups—, the establishment of measurable goals and objectives, the involvement of all stakeholders as both a means and an end in itself, the establishment of sustained strategic partnerships, and accountability to all stakeholders; under the premise that the development process is locally owned.

In the same way, it established as principles of the HRBA the principles of human rights. Therefore, it estimated universality, indivisibility, interdependence and interrelation, participation and inclusion, and accountability as its principles (UNDG, 2003) and set its four essential elements in the practical field:

> a) Identification, evaluation and analysis of the human rights demands of their holders and the corresponding obligations of the guarantors of these, as well as the immediate underlying and structural causes of their non-realisation.
>
> b) Assessment of the capacity of rights holders to claim their rights, and that of duty-bearers to fulfil their obligations with the aim of developing strategies to build/improve these capacities.
>
> c) Monitoring and evaluation of both outcomes and processes guided by human rights standards and principles.
>
> d) Adjustment of programming with the recommendations of international human rights bodies and mechanisms. (UNDG, 2003: s/p).

The issuance of "*The Human Rights-Based Approach to Development Cooperation. Towards a Common Understanding Among UN Agencies*" led to the publication of a series of explanatory and adaptive documents on the practice of HRBA by the UN System, other international/national organisations oriented to international cooperation or related to development, NGOs, and various academic centres. For a detailed chronology of the publications of these actors about the HRBA during the last 20 years, see Annexe 1.

Of the total number of documents that explore the concept and practice of the HRBA issued by the aforementioned actors, around 62.49% were produced by organisations that intervene or are directly related to the IDC. The 40.34% was issued by the UN System, 17.40% by

national public agencies/organisations related to the IDC, and 4.75% by other international organisations. The remaining 37.14% was produced in a 15.01% by public organisms of various kinds with national competence that have sought to extrapolate the concept and practice of HRBA at the local level—of which 7.11% was issued by national human rights institutions and 7.9 % by government agencies—, 12.64% by NGOs—of which 9.48% were issued by international NGOs and 3.16% by national NGOs—, and 9.49% by academic institutions.

With regard to the UN System, the beginning of its documentary production about the HRBA began in 2000, and its last publication was in 2018. It reached its peak in the period of 2005-2007 in which was generated 33% of its total production. The 45% of the total documentary production of the UN System in this area was carried out by UNESCO and UNDP. The content of the documentary production of the UN System was linked to issues related to the development process, access to justice, education, culture, climate change, food, food security, urbanisation, adequate housing, work, social protection and health. In addition to this, some of these studies made special reference to the treatment of groups in vulnerable situations such as children, women, migrants and indigenous people, according to the HRBA.

The documentary production of the UN System about the HRBA was carried out by some of its funds, programs and specialised agencies such as the United Nations Regional Academy (RAUN), the Economic Commission for Latin America and the Caribbean (ECLAC), the Development Fund Nations for Women (UNIFEM), the United Nations Population Fund (UNFPA), the United Nations Research Institute for Social Development (UNRISD), the United Nations Office for Risk Reduction of Disasters (UNISDR), the Office of the United Nations High Commissioner for Human Rights (OHCHR), UN Women, UN-Habitat, the Food and Agriculture Organization of the United Nations (FAO), the International Labor Organization (ILO), the World Health Organization (WHO), the Joint United Nations Program on HIV / AIDS (UNAIDS), the United Nations Development Program (UNDP)—including Cap-Net and Water Governance Facility and its partner organisations—the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF).

Regarding the national agencies/organisations related to the IDC, the beginning of their

documentary production about the HRBA began in 2007, and its last publication was in 2018. It reached its peak in the 2014-2018 period, in which was generated 55% of its total production. The German Corporation for International Cooperation (GTZ-GIZ) issued about 40% of the total documentary production of these organisations. The content of the documents issued by these organisms refers to the specific way in which each of them understands and applies the HRBA.

Among the national agencies / organisms related to the IDC that participated in this process are the Danish Agency for International Development (DANIDA), the Austrian Development Agency (ADA), the Spanish Agency for International Development Cooperation (AECID), the Italian Agency for Development Cooperation (AICS), the Mexican Agency for International Development Cooperation (AMEXCID), the Swedish Agency for International Development Cooperation (Sida), the Swiss Agency for Development and Cooperation (SDC), the Basque Agency for Development Cooperation, the Australian Council for International Development (ACFID), the Federal Ministry for Economic Cooperation and Development of Germany (BMZ), the Generalitat Valenciana, the German Corporation for International Cooperation (GTZ-GIZ) , the Ministry of Foreign Affairs of Denmark, Ministry of Foreign Affairs of Finland (MFA), the Ministry of Foreign Affairs, European Union & Cooperation of Spain (MAEUEC), the Subgroup on Democracy and Human Rights of the International Cooperation in Peru, and the Interagency Group of the United Kingdom on approaches based on human rights.

As regards other international organisations, its documentary production about the HRBA began in 2011, and its last publication was in 2018. It reached its peak in 2013, generating 25% of its total documentary production in that year. The World Bank (WB) made about 40% of the total documentary production on the HRBA of these organisations. The content of the documentary production of these organisations highlights the concept and use of HRBA in development programming and work with donors.

Among the organisations in this category that participated in the documentary production process about the HRBA were the Agency for Fundamental Rights of the European Union (FRA), the World Bank (WB), the European Commission (EC), the Organization for the Economic Cooperation and Development (OECD), the International Organization for

Migration (IOM) and the European Network of National Human Rights Institutions (ENNHRI).

On the other hand, the documentary production of international and national NGOs about the HRBA began in 2001, and its last publication was in 2018. It reached its peak in the period 2008-2011, in which was generated 57% of its total production. Oxfam, Save the Children, ActionAid, Minority Rights Group International (MRG) made 60% of total documentary production on HRBA by the NGOs. The content of the documentary production about the HRBA by the NGOs highlights the need for a holistic approach for adequate attention to the problems, as well as the advantages of its implementation in their activities.

Among the NGOs involved in the documentary production process about the HRBA are those whose mission is directly related to the development process, human rights and various issues that begin an argument from a human rights perspective. Among the participating national NGOs are the Spanish Pro-Human Rights Association (APDHE), CARE USA, the Irish Council for Civil Liberties (ICCL), the Cideal Foundation for Cooperation and Research, Engineering for Human Development (ONWAGA), ISI Argonauta, and Red en Derechos. Among the participating international NGOs include ActionAid, Amnesty International, International Training Center for the Teaching of Human Rights and Peace (CIFEDHOP), Cordillera Indigenous Peoples' Legal Center (DINTEG), the Lutheran World Federation (LWF), the Initiative Global Network (GNI), The International Human Rights Network, Minority Rights Group International (MRG), Oxfam, Save the children, Terre des Hommes International Federation, Union for International Cancer Control (UICC), International Union for Conservation of Nature (IUCN) and WaterLex.

The documentary production of academic institutions about the HRBA began in 2003, and its last publication was in 2018. It reached its peak in 2004, generating 36% of its total documentary production in that year. The Institute for Development Studies (IDS) made about 28% of the total documentary production of academic institutions in the field. The content of the documentary production about the HRBA by academic institutions, in addition to general issues, develops arguments related to its application in specific topics such as prison management and humanitarian aid.

Among the different research centres and universities that participated in the documentary production process about the HRBA were the Center for Sustainable Investment of Columbia University (CCSI), the International Center for Prison Studies (ICPS) of King's College London, the Harvard Humanitarian Initiative (HHI), the Institut de Drets Humans de Catalunya (IDHC), the German Development Institute (GDI), the Institute for Development Studies (IDS), the University Institute for Development and Cooperation (IUDC) from the Complutense University, the Leuven Center for Global Governance Studies, the Overseas Development Institute (ODI), the University of Sussex, and the Polytechnic University of Madrid (UPM).

Finally, among the institutions with diverse national competencies, its documentary production about the HRBA began in 2007, and its last publication was in 2020. It reached its peak in the period 2016-2018 with 57% of the total production. The Danish Institute of Human Rights issued about 30% of the total documentary production of these institutions. The content of the documentary production about HRBA by these institutions is related to general issues, its application in the health system and HIV care.

Among the human rights institutions with national competence that participated in this process are the National Consultative Commission on Human Rights of France (CNCDH), the Malaysian Human Rights Commission (SUHAKAM), the National Human Rights Commission of Mexico (CNDH), the Kenya National Commission for Human Rights (KNCHR), the Macedonian Institute for Human Rights, the Danish Institute for Human Rights (NHRI) and the Vietnamese Institute for Human Rights. Among the governmental institutions with national competence that participated in this process are the Irish Health Information and Quality Authority (HIQA), the Ministry of Justice and Human Rights of Chile, the Ministry of Health of the Argentine Nation, the Ministry of Health of Peru, the Secretary of the Interior of Mexico (SEGOB), and SINERGIA-National Planning Department (DNP) of Colombia.

Regarding the content of the entire documentary production about the HRBA in the last 20 years, it should be noted that 47.21% refer generically to the concept of HRBA, its integration into the different phases of the programming process at the IDC by the actors involved in it and the context in which it takes place. However, the remaining 52.79% analyse the

application of the HRBA on specific topics such as social auditing, cancer care, climate change, the right to food, local development, disability, governance, industrialisation, provision of information during times of crisis, the interruption of the network, justice, migration, the situation of women, the situation of children and young people, journalism, fishing, poverty, the police function, the system of prison, indigenous peoples, flood risks, conflict situation, urbanisation, HIV and housing. The most recurrent themes were education with 7%, public policies with 4%, health with 4% and access to water with 3%.

From the analysis of all the documents mentioned above, it´s possible to appreciate:

1) The chronological development of the construction and implementation of the concept of HRBA in the scope of the IDC and the beginning of the search for its extrapolation in national and local contexts.

2) The change in the development paradigm. From being considered a charity or a need, this became a right and therefore, the IDC a mean to fulfil the obligation to respect, protect and ensure it, thus ceasing to be a donation or goodwill aid.

3) The significant relevance that the HRBA has gained in the last two decades in various themes and diverse institutions of different level under the central argument that the observance of human rights allows a considerable improvement in the quality and scope of actions undertaken.

2. What is the human rights-based approach?

The idea or concept of HRBA has been developed since the late 1990s predominantly by the different actors involved in the IDC processes, through a set of systematic guidelines that determined its purposes and pointed out guidelines for its optimal implementation— for more information on the chronological development of the HRBA concept see Annexe 2—.

Based on the documentary analysis that supports the perceptions about the HRBA, it´s possible to point out some issues around its conceptualisation:

1) *Terminological distinction that concluded in conceptual subsumption.* In the beginning, a terminological distinction was often made between the Human Rights-Based Approach

(HRBA) and Rights-Based Approach (RBA).

Although it could be argued that the different organisations that began to use the term HRBA or RBA used different words for essentially the same approach given the literal proximity of the two, in reality, there was a slight nuance that differentiated them for some time. In this regard, it should be noted that while essentially "all work within a rights framework has the same ultimate goal: the achievement of equity, justice and dignity for all through the realisation of the rights standards enshrined in the various human rights instruments" (GTZ, 2007: 3), some organisations had different perspectives on how this would be achieved in practice, and this is what ended up differentiating the two approaches.

In the beginning, in a strict sense, the HRBA was linked to compliance. In other words, it took as its starting point the obligatory nature of the international and regional human rights regime and focused on the obligation, capacity and action of the government to comply with the standards of human rights instruments. In contrast, the RBA was generated from the need to support citizens in raising their voices and demanding their rights and was used in various social movements, tending to focus on promoting, strengthening and empowering NGOs (GTZ, 2007).

Now, each of these approaches had its strengths and weaknesses. With its focus on the legal obligations of the government, the HRBA implied a strong commitment to the universality and legitimacy of human rights law; however, one of its main weaknesses was its difficult application at both the micro and meso levels derived from its high level of abstraction. In contrast, the applicability of the RBA was much simpler as a result of its orientation towards making citizens' voices heard predominantly in social movements; however, it lacked a balance between this voice and its proper response (GTZ, 2007).

As a result, in an attempt to address the strengths and weaknesses of each of these approaches, sought to integrate both by seeking the fulfilment of human rights from a social perspective, engaging the various actors involved in the development process. This gave rise to the conception of the HRBA as a set of systematic guidelines that seek the compliance of international human rights law from the impulse of the different actors in the society in which it intervenes.

2) *Common features of the different conceptions of HRBA.* Despite the variations between the different conceptions of HRBA, there are a number of features that are common to all of them:

a) Use and analysis of the concept of human rights. The HRBA conceives development as part of the efforts to fulfil people's rights. Therefore, it seeks to influence decision-makers who lead political, economic, cultural or social decisions and processes at different levels—local, national, regional and international— with the objective of improving people's living conditions. To achieve this, it carries out an analysis of the current state of human rights in the environment where it will be implemented, including the perspective of the rights holders, the duty bearers, and the groups in a situation of vulnerability that should benefit from the intervention.

b) Capacity building as a goal. It contributes to the improvement of the capacities of duty-bearers to meet their human rights obligations and of duty-bearers to claim their rights.

c) Consideration of rights holders as agents of change. It focuses on facilitating the access of rights holders to services by ensuring their participation as free citizens in matters that are relevant to them.

d) Existence of a logical–legal correlation of rights that promote with the state obligations. It only makes sense to talk about a right if there is a corresponding state of obligation. Therefore, the HRBA presupposes that it is possible to invoke the right against a sufficiently well-functioning state. As a consequence, it leads to the use and promotion of legal mechanisms that benefit discriminated groups (Broberg & Sano, 2017).

e) Mechanisms of action. The HRBA is implemented through four mechanisms: 1) global compliance—involves persuading States to ratify and comply with international and regional human rights treaty commitments—, 2) policies and programming—involve a variety of efforts to introduce accountability into development governance. As a result, these policies enhance a variety of accountability oriented institutions in governments and donors—, 3) normative

beliefs—materialise in rights talks, which focus on understanding the conditions and limitations of integration/adaptation processes by which global human rights norms are appropriated and transformed by local actors in different social and political contexts and aim to persuade citizens to consider themselves as rights holders— and 4) legal mobilisation—mainly through strategic litigation as an alternative, decentralised means of holding decision-makers at different levels accountable for their obligations as they prioritise and allocate resources in legislation, policy, and administrative decisions—(Gauri & Gloppen, 2012).

3) Affirmation of the existence of multiple HRBA. The affirmation of the existence of a multiplicity of HRBA's is generalised in attention to the variation of: a) the actors involved—rights holders, duty bearers and supporters whether NGOs and/or donors—, b) the emphasis placed on the inclusion of groups in vulnerable situations according to the target population, c) the nature of political regimes, d) cultural factors, e) institutional factors and f) the approach to human rights standards in each specific case (Broberg & Sano, 2017). This has caused much of the literature to lean toward using an "open definition" of the HRBA. However, it should be noted that the part of the literature that refers to the impossibility of a single definition of the HRBA tends to concentrate on the way it is conceived and implemented in the specific case, thus giving rise to a cumulus of stipulative[5] and operational[6] contextual definitions of the HRBA, which, although they have contributed to its analysis and study, have made difficult to arrive at an integrative definition.

[5] A type of definition that specifies an idea as it is understood by a particular person or as it is understood in a particular context. They are usually used to specify an abstract idea or a new concept.

[6] A type of definition consisting of a series of steps or references to assess the applicability of a concept in a given context.

4) Identity with other approaches. In attention to the wide coverage offered by human rights, some different systems of analysis such as gender[7], intersectionality[8] and human security[9] approach share certain elements and principles with the HRBA[10].

[7] The introduction of gender in the IDC began in the 1970s with the Women in Development (WID) approach, focusing mainly on anti-poverty efforts and the integration of women into development through their productive role. Later, in the 1980s, the Gender and Development (GAD) approach was adopted, which was a more holistic approach to the problem that considered gender relations and their interaction with other forms of social differentiation such as class, ethnicity or age. In the 1990s, it was observed that after two decades, no substantial changes had been achieved, and the approach called Gender in Development (GID) was developed, which addressed the analysis of social structures, as well as the processes and power relations that produce and increase social inequalities between genders. As a corollary of the GED, the empowerment approach emerged. At the same time, the GED promotes the introduction of the gender perspective within the institutions and their planning and evaluation procedures, giving rise to gender mainstreaming (Gender Mainstreaming). These two approaches that emerged under the GED exist to this day and recognize, first, the importance of mainstreaming a gender perspective in observing social relations in all development processes and, second, underscore the need to support women specifically because of the persistence of gender inequalities (GIZ, 2015b). For more information on this topic at the IDC see also: "Guía metodológica para integrar la perspectiva de género en proyectos y programas de desarrollo" (EMAKUNDE, 1998), "Impacts on Gender Equality in Development Cooperation Interventions: Gender Markers in Technical and Financial Cooperation. Case Studies and Standard Materials" (GTZ, 2006), "Achieving Gender Equality, Women's Empowerment and Strengthening Development Cooperation" (ONU, 2010), "Working for an equal future. UNICEF Policy on Gender Equality and the Empowerment of Girls and Women" (UNICEF, 2010), "Guía de la AECID para la Transversalización del Enfoque de Género" (AECID, 2015), "Informe de investigación. El uso transversal de la perspectiva de género en los proyectos de cooperación internacional para el desarrollo: una cuestión aún pendiente" (AECID, 2016), "Decálogo transversalidad del enfoque de género y derechos de las mujeres" (AECID, s/f), and "Guidelines for Gender Budgeting in Development Cooperation. A Selection of Tools and Approaches" (GIZ, 2017).

[8] The formulation of intersectionality as it is known today emerged in the late 1990s, as a critique of the fact that feminism (which mostly adopted a white perspective) and black activism (who took an androcentric point of view) did not manage to show the internal heterogeneity of the social groups they claimed to represent because the realities and demands of black women were not only not represented, but also did not derive from the simple superimposition of what was proposed by feminism (white) and the anti-racism movement (androcentric). It was a matter of understanding that the cross between the axes of gender and race produced specific realities. Currently, the most analyzed axes are social class, functional diversity/disability, age/life cycles, sexual orientation and gender identity, origin/migration, racialization, religion/beliefs, sex/gender, others, depending on the context (UVic-UCC, 2019). Within this approach, the factor of interculturality is usually also addressed, which is oriented "the recognition of the coexistence of cultural diversities in today's societies, which must coexist with a basis of respect for their different worldviews, human rights and rights as peoples" (UNFPA, 2012: 24). It is a tool that allows the analysis of the relationships between cultural groups that cohabit in the same space, from two dimensions: 1) distribution of power in decision making about their own priorities for development and control of their lives, and 2) the level of recognition of their cultural differences, without this being a reason for exclusion or discrimination. It aims to identify the symmetry/asymmetry between cultures in order to propose alternatives for their strengthening/transformation, respectively, through the identification of their causes in the political, social and economic systems and the hierarchical conceptions between cultures that allow them to be maintained (GIZ, 2013). For more information on the subject in the IDC, see also: "Intersectional discrimination against children: discrimination against Romani children and anti-discrimination measures to address child trafficking" (UNICEF, 2009), "Gender Equality in Practice" (Sida, 2009), "Desk study on the intersection of gender and disability in International Development Cooperation" (GIZ, 2014), "Making sense of 'intersectionality. A manual for lovers of people and forests" (CIFOR, 2018).

a) Gender and Human Rights-Based Approach (G&HRBA). It analyses the reality in terms of inequities and inequalities in access and the realisation of rights and focuses on those that affect women, girls and other groups in situations of vulnerability (IDHC, 2018). "Try to control the possible adverse effects and impacts that leave one or the other at a disadvantage – taking care not to discriminate on the basis of gender –; and promote equal opportunities with special emphasis on strengthening the capacities and competencies of women and girls through their empowerment as rights holders" (UNFPA, 2012: 23).

b) Intersectionality approach: Is a "model of analysis of social differences that addresses the phenomenon of what is called disempowerment—from a complex system of oppressive structures that are multiple and simultaneous—, which is produced when different modalities and forms of discrimination are crossed in the same person" that violate one or more of their human rights (UNFPA, 2012: 28).

c) Human security approach: Characterised by its focus on people—especially in conditions that threaten the survival, livelihoods and dignity of individuals—, being multisectoral—in addition to national security, it involves understanding a wide range of threats and their different possible causes related to the economy, food, health, environment, personal, community and political security, emphasising the interconnection of threats and their responses—, integral—emphasises the need for

[9] The term human security emerged in the international arena in the 1990s in "response to acute, severe and massive threats affecting people that are not resolved under the traditional state security paradigm" (Fuentes Julio, 2012:33). Since then, different definitions of human security have been developed; however, the one made by the UN Commission on Human Security is usually used as a reference in the subject: "human security is about protecting the vital essence of all human lives in a way that enhances human freedoms and human fulfilment. Human security means protecting fundamental freedoms: freedoms that are the essence of life. It means protecting the human being against critical (serious) and omnipresent (widespread) situations and threats. It means using processes that are based on human strength and aspirations. It means creating political, social, environmental and cultural systems that together provide human beings with the cornerstones of survival, livelihood and dignity" (2003: 4).

[10] Some examples of documents that have integrated HRBA into other approaches are: "*Ampliando la mirada: La integración de los enfoques de género, interculturalidad y derechos humanos*" (UNFPA, 2012), "*Guía para la Transversalización del Enfoque de Género Basado en Derechos Humanos en la Cooperación Valenciana al Desarrollo*" (Generalitat Valenciana, 2016), "*Gender mainstreaming and a human rights-based approach. Guidelines for technical officers*" (FAO, 2017), and "*La aplicación del Enfoque de Género y Basado en los Derechos Humanos (EG y BDH) en la cooperación para el desarrollo*" (IDHC, 2018).

> comprehensive and multisectoral responses in order to articulate the security, development and human rights agendas—, contextualised—recognises that insecurities vary considerably in different contexts and therefore promotes the search for contextualised solutions that respond adequately to each particular situation—and preventive—focus on prevention through the deployment of protection and empowerment strategies—(UNTFHS, 2009).

5) Towards a substantial definition of HRBA. Based on what is indicated in this section, it is feasible to construct a substantial definition of the HRBA in attention to the fundamental elements that determine its content and that have been detected in the documentary exploration carried out.

In this sense, HRBA can be understood as the analysis and attention to social problems based on the provisions of international/regional/national/local/ human rights legal instruments that are applicable, their principles and respective interpretations with the objective of complying with them from the social impulse, especially that of the rights holders who should/could benefit from/be affected by the decision/intervention made, mainly through three mechanisms: 1) their integration into policies and programming processes, 2) the promotion of human rights through capacity building for their appropriation by rights holders and duty bearers 3) the creation of mechanisms of various kinds—whether legislative, administrative, or judicial— to hold human rights duty bearers accountable.

3. Why is the human rights-based approach important?

As noted above, development requires the elimination of the main sources of deprivation of liberty: poverty, lack of economic opportunity, systematic social deprivation, neglect of public services, and intolerance or excessive intervention by repressive states (Sen, 2000). As a consequence, and derived from the nexus of development with the fulfilment, respect and guarantee of human rights, the practical value of the HRBA[11] focuses on:

[11] For better evidence of the importance and practical value that the HRBA has been brought to bear even outside the scope of the IDC see also: "*The right to education of refugee and asylum seekers minors since the approach based in human rights: difficulties, purpose and educational intervention*" (Neubauer, 2020), "*Developing emergency care systems: a human rights-based approach*" (Burkholder, Hill & Hynes, 2019), "*El papel de la Comisión Interamericana de Derechos Humanos (CIDH) ante el encuentro histórico de los derechos humanos y el desarrollo: el enfoque basado en derechos humanos (EBDH)*" (Flores, 2018), "The

1) Monitoring compliance with the State's human rights commitments. In addition to follow-up to the recommendations of the international human rights treaty bodies, and public and independent evaluations (OHCHR, 2006), the HRBA provides "a solid normative foundation of values and policy options that would otherwise be more easily negotiable" (Darrow & Tomas, 2005:485). As a result, it requires the formulation of transparent policies and the incorporation of mechanisms to monitor and account for the results obtained in the interventions carried out, as part of the fulfilment of the obligation of the State and of the duty bearers towards the holders of rights (Borja & García, 2009: 79-86) to ensure them the capacity for action and means of reparation in the event of the violation of their rights—(OHCHR, 2006; UNFPA & Harvard School of Public Health, 2010).

2) *The adoption of a holistic vision.* Being consistent with human rights standards as they relate to all human beings (Hamm, 2001), this translates into analyses of the context and proposed solutions, which should consider the diversity of factors affecting a given situation, at different scales, and how rights relate to each other (IDHC, 2018). It implies, therefore, the need to provide multisectoral responses in a coordinated manner with the various agents operating in the context, bearing in mind the social, political and legal framework that determines the relationship between the institutions, the demands, the duties and the resulting responsibilities. This eliminates sectoral biases and facilitates an integrated response to problems with multiple dimensions, forcing policymakers in the field to reflect on the why and how of their actions beyond questions of what should be done.

3) *Focuses on both process and results*. It gives equal importance to the processes and results of development since the quality of the process affects the achievement and sustainability of the results. This provides a "predictable framework for action, with the advantage of objectivity, determination and definition of appropriate legal limits" (Darrow & Tomas,

human rights-based approach to carbon finance" (Olawuyi, 2016), "*Cuidados paliativos: abordaje de la atención en salud desde un enfoque de derechos humanos*" (Pereira, 2016), "*Practicing forensic anthropology: a human rights approach to the global problem of missing and unidentified persons*" (Kimmerle, 2014), "*Medición del grado de sensibilidad frente al enfoque basado en derechos humanos y la perspectiva de género en intervenciones psicosociales*" (Gambara, Trujillo & del Rio, 2012), "*La reducción de la mortalidad infantil desde un enfoque de derechos: una comparación entre Argentina y Brasil*" (Santillán Pizarro, Rojas Cabrera, Celton & Ribotta 2011), y "*La integración del Enfoque Basado en Derechos Humanos en las prácticas cotidianas. Repensar hoy y hablar del mañana*" (Berraondo & Martínez, 2011).

2005:485). In addition, it asserts that processes that empower, eliminate discrimination, enable participation, and provide accountability will lead to more sustained and effective results over the long term (UNFPA & Harvard School of Public Health, 2010).

4) *The realisation of the rights of excluded populations and those whose rights are at risk of being violated*. It focuses on analysing inequalities, discriminatory practices and unjust power relations, which are the root causes of the human rights and development challenges that exacerbate conflict (UNFPA & Harvard School of Public Health, 2010: 82). As a consequence, it refers these rights to a framework of laws and institutions "particularly adequate to ensure that the weakest citizens have access to essential services such as health care, water, sanitation and education" (Broberg & Sano, 2017: 672), as well as, to "a legal means ready to ensure redress for its violations" (Darrow & Tomas, 2005:485).

Therefore, "it implies that the authorities promote a positive reading of human rights, which should constitute the core of political action for the State, and more broadly for duty bearers", as well as "overcome the idea, expressed in some public statements, according to which human rights are reduced to legal obstacles placed in front of political authorities" (HIQA, 2019: 6).

5) *Empowerment of vulnerable groups*. The HRBA involves "an empowerment strategy par excellence for the achievement of human-centred development goals" (Darrow & Tomas, 2005:485). As a result, it seeks to strengthen rights holders to exercise their rights, and it targets mainly those sectors that are most vulnerable so that they can position themselves vis-à-vis the State and claim their rights (Borja & García, 2009: 79-86).

6) *Strengthening the capacity of the rights holders and the duty bearers*. Understanding that the capabilities have five components:

> *a) Responsibility/motivation/ commitment/ leadership*. Acceptance and interiorisation of duty, the recognition that he/she should do something.
>
> *b) Authority*. It refers to the legitimacy of an action taken by an individual or group who feels they have the power or right to do something.
>
> *c) Access and control of resources.* A person who accepts what they should and can

do must also have the resources to act: human resources, financial resources, and organisational resources.

d) Communication capability. It is the ability to convey meaningful information and judgments and to have access to information and communication systems.

e) Ability to make rational decisions and learn. Rational decision making must be based on evidence and causal analysis of the problem (Borja & García, 2009: 79-86; UNFPA & Harvard School of Public Health, 2010).

7) *It aims at the equitable provision of services*. It begins by focusing on the most excluded populations but eventually aims to ensure equal access for all to services, goods and information related to the enjoyment and exercise of human rights (UNFPA & Harvard School of Public Health, 2010).

8) *The construction of citizenship*. For the HRBA being a citizen means having access to and enjoying human rights recognised both nationally and internationally. In this sense, the HRBA aims to establish relations of mutual responsibility, between citizens and the State, in order to change the imbalances of power and therefore proposes that the actions of the IDC be directed towards the construction of active and responsible citizenship in order to achieve a transformation of power that implies greater participation of citizens in public policy (Borja & García, 2009; Broberg & Sano, 2017). As a consequence, among the essential elements for the construction of citizenship are transparency, accountability, and citizen participation (Acebal, 2010).

9) *The participatory formulation of the political and legislative framework necessary for the fulfilment of human rights*. It allows for the institutionalisation of participatory processes that build social and political consensus (OHCHR, 2006) by incorporating the rights-holders and the duty-bearers in the actions of the IDC in order to build a dialogue between them in the search for agreements and joint solutions (Borja & García, 2009).

10) *Achieving sustained results.* The HRBA ensures the sustainability of the IDC interventions by strengthening the capacities of the rights-holders and the duty-bearers to engage in dialogue and to fulfil their responsibilities as expressed in laws, policies and

programs. In addition, by incorporating to the totality of the actions, the multicausal analysis and the work with all the holders and actors of the IDC, it also ensures that their actions have a greater impact and that the changes are sustainable over time (Borja & García, 2009; OHCHR, 2006).

11) O*rientation and strengthening of States' public policies and democratic institutions for human rights*. The human rights treaties and their interpretation by international bodies provide an explicit framework, recognised by all States and endowed with strong social and political legitimacy, which will undoubtedly improve the effectiveness of development strategies and the possibility of articulating State actors in the local, national and international arena. The HRBA provides duty bearers with the existing international and national "institutional infrastructure" in the field of human rights, thus strengthening the State's accountability and enforceability mechanisms (Borja & García, 2009: 79-86).

12) *Prioritises local ownership of development processes*. Due to the incorporation of principles such as inclusion, participation and accountability, as well as its emphasis on the development of the capacities of the right-holders and the duty-bearers, it allows for local ownership of the development process (UNFPA & Harvard School of Public Health, 2010)

13) *Strengthening good governance*. Human rights and good governance are mutually reinforcing, as both are based on basic principles of participation, accountability, transparency and state responsibility. Human rights strengthen good governance frameworks and require:

a) Going beyond the ratification of human rights treaties.

b) Effectively integrate human rights into the legislation, policy and practice of the State.

c) Establish justice as the purpose of the rule of law.

d) Understand that the credibility of democracy depends on the effectiveness of its response to the political, social and economic demands of the population.

e) Promote systems of checks and balances among governance institutions.

f) Make the necessary social changes.

g) Generate political will, public awareness and participation, and respond to basic human rights and good governance challenges such as corruption and violent conflict (Borja & García, 2009: 79-86). In addition, the HRBA provides "a secure basis for accountability, not only for the State party in question, but also for a significantly wider range of actors in the IDC" (Darrow & Tomas, 2005:485).

4. How is the human rights-based approach implemented?

In general terms, the HRBA imposes on IDC interventions the duty to give priority attention to groups in situations of vulnerability, promote special measures to equalise their conditions, rectify structural discrimination—even with affirmative measures—, make project information available in accessible formats and minority languages, support civic education, legislative reform and institutional strengthening to promote non-discriminatory and pro-human rights attitudes.

In addition to and as a consequence of the above, the implementation of the HRBA leads to supporting IDC interventions with both qualitative and quantitative data, in order to determine whether: contribute to achieving the desired behavioural change, involve stakeholders on a sustained basis enabling them to assess their progress, and report on their progress, disseminate information on stakeholders' rights—including possible mechanisms for redress of grievances—. It also implies that intervention processes reflect the requirement for free and meaningful participation contained in the UN Declaration on the Right to Development. This demands that support activities be integrated throughout the process, aimed at increasing the organisational and effective participation capacities of civil society, increasing the transparency of project information, creating specific channels of participation for the poorest and most marginalised groups, paying attention to the social and cultural context (OHCHR, 2006).

In the above scenario, for the incorporation of the HRBA in the IDC, it´s necessary to integrate the HRBA into development policies and programming.

How to integrate the HRBA into development policies?

The first step for the full integration of the HRBA is the construction of a comprehensive development policy that fully supports the HRBA; for this, it is essential that at least:

1) Identification of human rights treaties that the donor government has ratified and how they relate to international development priorities.

2) The principles and values that the government is obliged to promote through its development cooperation because of its membership in the international community, as well as additional principles and values that it must promote and/or defend through its development.

3) The criteria for the selection of priority themes for policy and the way in which they were applied, as well as the international human rights instruments linked to them.

4) The criteria for the selection of priority countries and how they were applied, as well as the identification of the main human rights and development challenges in the priority countries and their linkage to the priority themes.

5) Its linkage to human rights through issues involving: a) recognition of the nexus between development and human rights, b) the consideration of international human rights instruments as a source of commitments in the context of development, c) the inclusion of human rights and their principles—especially those of accountability, empowerment, participation, inclusion, and non-discrimination— as its cross-cutting theme, d) the inclusion of specific strategies for the inclusion of groups in vulnerable situations and e) raising awareness among rights holders and duty bearers of human rights as an integral part of the policy.

6) If so, a description of the participatory process through which it was developed, with special emphasis on who—including whether vulnerable groups were included—and how they participated in it, and the opportunity and degree of impact they had (MRG, 2011:13-16).

How to integrate HRBA into the development programming process?

Even if a development policy successfully integrates the HRBA, it will only be susceptible

to produce results if it is systematically integrated into programming processes. To achieve it is important to take into consideration certain aspects depending on the stage of the programming process. This process should include: 1) preparatory work, 2) situation analysis, 3) program development—including a plan for monitoring and evaluation—, 4) implementation and 5) monitoring and evaluation.

1) Preparatory work.

Before starting the programming work, it´s necessary that the parties involved—the rights-holders and the duty-bearers—integrate a technical team. The team must agree on a common understanding of fundamental concepts, develop a work plan—answering the questions of what, when and how, the activities necessary for the intervention will be carried out— and establish basic internal operating guidelines— which indicate who will be responsible for each activity, and what internal communication and decision-making mechanism will be established— (Chacón, Oskoz & García, 2013). In addition to this, the team should be sensitised about the HRBA, its importance, main concepts and the effects (Bregalio, Chávez, Salinas, & Zambrano, 2013).

2)Situation analysis: identification and definition of the problem.

A comprehensive situation analysis implies: gathering information for the selection of priorities and identification of the most effective strategies regarding development problems and their relationship to human rights and analyse the root causes that lead to the violation of human rights, such as the capacity gaps of the duty bearers and the right holders (MRG, 2011; MFA, 2015). For this, it is necessary to consider at least the following aspects: a) choose appropriate techniques and sources of information, b) collect non-discriminatory information, c) identify the problem and its relationship with the human rights violation, d) determine the causal relationship of the human rights violation linked to the identified problem, e) analyse the human rights related to the identified problem in accordance with international standards, f) investigate the human rights situation related to the identified problem, g) examine the context in which the intervention will operate, h) recognise and assign roles to actors, and i) evaluate the capacity of the rights-holders and the duty-bearers.

a) *Choose appropriate techniques and sources of information.* The techniques and sources

of information must be capable of promoting the participation of the actors— the rights-holders and the duty-bearers—, in the analysis of reality and in the design of interventions. Among the former include interviews, visualisation techniques, participatory observation, Benn's diagram, surveys and the census. The latter is made up of legal sources, the documents issued by the actors, techniques implemented for the collection of information, as well as the reports or documents prepared by non-governmental organisations dedicated to the defence and protection of human rights (Fernández, Borja, García & Hidalgo, 2010; Gómez, Pavón & Sainz, 2013).

b) Collect non-discriminatory information. In conducting an analysis of the availability, accessibility, acceptability and quality of human rights-related goods and services, data should be appropriately disaggregated, preferably by the most common grounds of discrimination recognised in international law, e.g., sex, race, language, religion or belief, political or other opinions, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or another status. This can reveal which groups are most at risk of having their rights violated and should therefore be prioritised (OIM, 2015:36, UNFPA & Harvard School of Public Health, 2010).

c) *Identify the problem and its relationship with the violation of human rights*. The principles of interdependence and indivisibility should always be kept in mind. Likewise, based on the specific contexts, reference should be made to the rights of groups in situations of vulnerability and to the most pressing/systematic obstacles for their exercise, such as the absence of democratic governance, armed conflicts, poverty, among others (Fernández, Borja, García & Hidalgo, 2010; MRG, 2011; Gómez, Pavón & Sainz, 2013).

d) *Determine the causal relationship of the violation of human rights related to the identified problem*. It aims to determine why rights are violated. It makes it possible to identify the immediate, underlying and structural causes of the human rights violation and the relationship between them in order to formulate appropriate responses to it. Therefore, it should be carried out with attention to the different categories and dimensions of the rights under analysis. A useful tool for carrying out this task is the problem tree. The development of the problem tree begins with the statement of a general problem, then moves downwards by repeatedly asking why? (Borja & García, 2009; Fernández, Borja, García & Hidalgo,

2010; Moreno, 2011; MRG, 2011; Gómez et al. 2013; MFA, 2015; ONU-Habitat 2015b).

e) *Analyse the human rights related to the identified problem in accordance with international standards*. The international treaties, conventions, declarations and covenants signed and ratified by the State in question should be considered; as documents that provide the content and facilitate the construction of a conceptual framework for the application of the HRBA. It is worth noting the existence of organs of the United Nations System that, as a result of their work, build and sustain the international conceptual framework of human rights by establishing the minimum content of each right—such as the Committees, Working Groups, Independent Experts and Special Rapporteurs—. In addition to the above, it is important to bear in mind that the content of human rights has several dimensions corresponding to their availability, accessibility, acceptability, quality, sustainability and participation (Borja & García, 2009; Fernández, Borja, García & Hidalgo, 2010; Bregalio et al., 2013).

f) *Investigate the human rights situation related to the identified problem.* It facilitates knowing to what extent they are violated, as well as the degree of compliance with the obligations and responsibilities around them in accordance with international standards (Borja & García, 2009). The above includes reviewing the institutionalisation of human rights related to the problem identified. This is done in the legal system, in public policies and in the mechanisms for their enforceability. The analysis of the first makes it possible to determine if the State has signed and ratified the international human rights treaties and norms related to the intervention, if it has made any reservation, and, therefore, if its legal system includes the entire content of right in accordance with such standards. In this sense, if the State does not comply with these minimums, we would be faced with a situation of human rights violation that starts with the legislation. On the other hand, the study of public policies—understood as the framework in which governments declare how different interventions aimed at guaranteeing each of the human rights should be developed—, has as a reference the fundamental norms, laws, decrees, national and local human rights orders. Therefore, among the aspects to be evaluated are the strategies and lines of action, objectives and public budget; in order to determine if the actions, purposes and resources are adequate to the real needs for the progressive guarantee of the right. Finally, in the examination of the

mechanisms for their enforceability, it is necessary to verify their existence, adequacy to the regulations, accessibility and the repair methods they offer (Borja & García, 2009; Fernández, Borja, García & Hidalgo, 2010).

g) *Examine the context in which the intervention will operate*. This must be understood as a set of processes or phenomena that influence the verification of human rights. This makes it possible to know the conditions of the population for the exercise of their human rights; as well as those of the rights-holders and the duty-bearers, which facilitates the identification of population groups and vulnerable areas (Fernández, Borja, García & Hidalgo, 2010; Moreno, 2011).

h) *Recognise and assign roles to actors*. As already mentioned, there are different types of actors, the rights-holders and the duty-bearers. The first refers to all human beings, the second to State authorities, and the third to any individual or organisation associated with development activities. The assignment of roles is carried out based on the above characteristics and the relationships between all the holders (Borja & García, 2009) and aims to determine who is affected and who is responsible for the violation of human rights. Therefore, it is essential to identify the rights-holders and the duty-bearers, the extent of the rights, obligations, and duties, and the pattern of relationships between the different causes detected. This analysis should involve a careful assessment of the different vulnerable groups in any given context and the nature of their vulnerability in order to identify potentially vulnerable groups and the types of problems that these groups may face. (MRG, 2011; MFA, 2015).

Regarding the identification of the rights holders, it is convenient to take into account:

- Which group(s) have less access to resources/power, and if it is due to issues related to discrimination?
- Who are those affected by the adverse consequences of this situation, and who are the most vulnerable among them? Why? (MRG, 2011)

With regards to the identification of the duty-bearers, it is convenient to take into account the following:

- That the rights holders generally have more than one right, and the duty-bearers have multiple obligations/duties to fulfil with the different rights. Also, the duty-bearers may also be rights holders and vice versa.
- Who is responsible for each of the human rights concerns identified?
- What are the specific obligations of duty-bearers with regard to such concerns, and what types of obligations are they? (MRG, 2011)

i) *Evaluate the capacity of the rights-holders and the duty-bearers*. Evaluate the capacities of those involved is essential to identify what needs to be done to enable the duty-bearers to comply with them and rights-holders effectively claim them. For this, it´s important to consider the different elements of capacity: 1) Technical capacity—skills, knowledge and understanding—; 2) resource capacity—human and financial—; 3) political capacity—will to respond / motivation, authority to respond, ability to make their claims heard without taking serious risks— (Borja & García, 2009; MRG, 2011; MFA, 2015; ONU-Habitat 2015b).

3) *Design.*

Once the problem has been detected, defined and delimited based on the processes of the information gathering and analysis of the different factors involved in the violation of human rights, it is feasible to begin the intervention design phase. In this phase, alternatives on different pertinent courses of action are prepared to address the problem detected in accordance with human rights standards.

This phase includes the following activities: a) establishment of priorities, b) determination of objectives and goals to be achieved, c) detection and generation of intervention alternatives that allow reaching the proposed objectives, d) analysis of available resources, e) assessment and comparison of alternatives, f) selection of an option or a combination of them.

a) *Establishment of priorities*. Some of the human rights-based criteria for selecting priority areas for intervention include those related to:

- Important gaps between human rights standards and practices
- Issues raised by treaty bodies, special procedures, regional mechanisms

and/or national human rights institutions

- The negative social, economic and political trends that lead to human rights violations—such as social exclusion, violence, conflict, humanitarian crises, political unrest and poverty—
- Disparities that indicate unequal treatment, discrimination and persistent exclusion of vulnerable groups from opportunities and participation
- National priorities aligned with human rights
- Opportunities for multiple impacts on development and human rights
- Opportunities to work with partners and national human rights defenders in the State and civil society (UNFPA & Harvard School of Public Health, 2010:103).

b) *Determination of objectives and goals to be achieved*. Provides purpose and direction to the intervention, stating concretely the changes in the respect/enjoyment/exercise of human rights that are expired to be obtained as a result of the intervention.

c) *Detection and generation of intervention alternatives that allow achieving the proposed objectives*. The intervention alternatives may refer to one or more specific attributes of human rights or can improve the capacities of the right-holders and the duty-bearers in a variety of ways, such as direct service delivery, research on the rights intervention's target population, support and facilitation of cooperation between sectors, the dissemination of information and awareness, training and education, development of standard operating procedures, improvement of operational mechanisms, advocacy and social mobilisation, advice on policies or advice on the development of legislation, etc. (OIM, 2015). During this process, each alternative should be characterised as precisely as possible in order to generate conditions for its better analysis.

d) *Analysis of available resources*. Resources are a key factor to achieving short- and long-term results. Development challenges and their causes are often directly linked to how resources are allocated and who controls them. Therefore, the limitations that resources pose for human rights must be taken into account (UNFPA & Harvard School of Public Health, 2010). In this regard, financial, physical, and human resources should be considered.

e) *The evaluation and comparison of the alternatives*. One of the best-known techniques is cost-benefit analysis. It consists of identifying the costs and benefits associated with each alternative in order to facilitate the comparison between the different options.

f) *Selection of an option or combination of them*. To do this, the technical team must take into account the perspective of the population of the community where the intervention will be developed, which entails preparing working sessions with the community and other groups involved in the intervention.

In summary, the key points to be contained in the document(s) that support an intervention designed with HRBA are:

1) Identification and delimitation of the problem and its relation to human rights that the intervention intends to address.
2) Use of appropriately disaggregated statistical information—preferably by the most common grounds of discrimination/ vulnerable groups recognised in international law—
3) Basing the intervention in relevant universal, international and regional legal norms.
4) Basing the intervention on relevant recommendations of treaty monitoring bodies/applicable domestic human rights.
5) Description of the status of incorporation of international standards into national legal and planning frameworks.
6) Identification of the right-holders and the duty-bearers and their corresponding duties and rights.
7) Identification of capacity gaps of the right-holders and the duty-bearers.
8) Identification of groups in vulnerable situations.
9) Identification of direct and indirect beneficiaries of the intervention.
10) Determination of the proposed mechanisms for strengthening/developing the capacities of the right-holders and the duty-bearers according to the objective of the intervention.
11) Description of how rights holders and vulnerable groups participated in the validation of the causality analysis of the problem addressed by the intervention.
12) Form of approach to the causes of violation of the selected human rights and the rights interrelated to them by the actions proposed by the intervention.
13) The alliances made with different actors to overcome some of the challenges posed by

the intervention—especially those made to ensure the presence of experts and defenders of groups in situations of vulnerability, as well as relevant actors at the local level, such as NGOs—.

14) Indication of the goals and proposed outcomes of the intervention.

15) Comprehensive monitoring and evaluation plan.

16) Determination of the participatory mechanisms proposed for the implementation, monitoring and evaluation of the intervention.

17) Identification of any potential negative impact that the intervention may have on rights, as well as strategies to avoid/limit it (MRG, 2011:17-36; Borja & García, 2009:122; OIM, 2015).

In this sense, an intervention with HRBA should be designed considering the definition of the desired changes—in attention to the causes of the violation of the human right (s) related to the problem detected—such as changes in national legislation, public policies, economic policies, quality of services, structures and processes, among others—, and the selection among the existing alternatives—that respond to the interests of the right-holders and the duty-bearers, the interests and experience of the executing organizations, the available resources, and the conclusions of the studies conducted—.

4) Implementation

Theoretically, implementation is putting into action what is foreseen in the design of the intervention, so it must be in line with what is established at this stage. Therefore, it will be possible to implement the HRBA to the extent that the intervention design integrates it; otherwise, its implementation would be very difficult. Notwithstanding the above, we can affirm that regardless of the form of its design, the implementation of a project with HRBA should involve activities that promote changes in the causes of the violation of rights, promote their full exercise, incorporate and strengthen the capacities of the right-holders and the duty-bearers, integrate human rights principles, contribute to processes that are taking place in the community, or promote those that have already been agreed upon by all stakeholders and seek complementarity and coordination with other actions.

Now, it should be noted that there is no single model capable of responding to the different

contexts in which the HRBA should be applied, but rather t its implementation will depend on the specific circumstances of each case, as well as the creativity of its managers (Gauri & Gloppen, 2012), during the implementation stage key issues should be taken into account such as:

a) The impossibility of the interventions actions and effects to reach everyone at the same time. This is why priority must be given to excluded and vulnerable groups.
b) The existence of inequalities during the implementation stage, therefore, it is important to conduct an assessment to detect inequalities—especially power inequalities— as they may result in some stakeholders gaining a disproportionate share of the benefits/outputs of the intervention—for example, influence on decisions, access to information and training, etc.—
c) The establishment of transparency and accountability systems at various levels. It is important to establish roles, functions, processes, transparent decision-making criteria, mechanisms for accessing information and demanding accountability, as well as keeping records of how decisions are made as implementation proceeds—and again, these decision-making processes should be made available to the public— (UNFPA & Harvard School of Public Health, 2010:108-109).

5) Monitoring

Monitoring is a supervisory practice that allows us to obtain indications of the progress of the intervention. There are two types of monitoring that differ according to the type of project being implemented: situation monitoring and performance monitoring. The first measures the changes in a situation before, during and at the end of the project. This type of monitoring is relevant for projects that have objectives/goals/outcomes directly related to the realization of rights. The second allows observing progress in the incorporation of the HRBA in the intervention cycle independently of its objectives or results. (OIM, 2015).

6) Evaluation

A comprehensive HRBA evaluation is a methodological instrument that provides a

comprehensive and meaningful view of how HRBA is incorporated into an intervention; in such a way that it has two dimensions; one of process and the other of results. The first one "examines how and to what extent… it is integrated into the strategy's programming process", while the second one "evaluates the degree in which the strategy is guided by a system of human rights objectives and the results obtained in relation to these" (OIM, 2015: 4).

Among the types of HRBA evaluation that can be carried out in attention to different factors that determine their purpose and scope, these are internal, external and mixed evaluations—based on whether or not the evaluation team belongs to the entity proposing the evaluation—, the formative and the summative—depending on whether it proposes a gradual follow-up of the processes of a program or a global recapitulation of the same—, of diagnostic, design, process and results—in attention to the phase of the process to which it refers—, and pre-, intermediate or final—in accordance with the moment at which it is carried out—(Borja, García & Hidalgo, 2011).

The importance of evaluating with the HRBA lies in that it allows us to: a) ensure that the evaluation process is transparent and responsible; b) increase the stakeholder participation—especially of the right-holders and the duty-bearers—, c) ensure that the evaluation doesn't reinforce discrimination, neither covers up prejudices or inherent values; and d) provide a description of the evaluation and intervention context. (UNEG, 2014).

In general terms, for the design of any evaluation with HRBA, it's necessary to consider at least the following aspects: a) preparation of an evaluability diagnosis, b) stakeholder analysis, c) evaluation management structure, d) estimation of resource needs and deadlines, e) construction of terms of reference for the integration of the HRBA, f) determination of evaluation criteria, g) construction of indicators, h) selection of the evaluation team, i) data collection, j) validation of the evaluation, k) preparation of the evaluation report.

a) *Elaboration of an evaluability diagnosis.* Allows us to identify if an evaluation is justified, if it's feasible, and has a probability of generating useful information. The evaluability of a policy is categorized as high, medium and low in accordance with its predominant, intermediate or null consideration of human rights. It is highly recommended to identify

limited evaluation areas; when the evaluability policy is unknown; or is known to be low; in order to facilitate conditions for its development. This study should focus on three principal areas: quality of design, data availability and context. (UNEG, 2014: 56-60).

b) *Stakeholder analysis*. It´s the most effective tool to identify the different groups in an intervention— the right-holders and the duty-bearers, positively or negatively affected by the intervention, funders, assessors, others, etc.—, why it is important for them to participate in its evaluation—either to be informed about the evaluation progress and its findings, to be consulted about the evaluation process, to collaborate, to ensure that their concerns are considered when reviewing various evaluation options, or directly to participate in the intervention—, how will their participation in the evaluation be carried out—either by investigation preparation, development of the evaluation design, data collection and analysis, report preparation, diffusion— and when should it be included in the evaluation process—investigation preparation, development of the evaluation design, data collection and analysis, report preparation or its diffusion— (UNEG, 2014: 60-65).

In this regard, it´s equally important to consider that the human right holders belong to the most discriminated groups of society, and as a consequence, they usually have "visibility absence, political representation absence, limited participation in consultative and/or deliberative spaces, weak access to culturally, appropriate and quality goods and services, lack of opportunities to strengthen their capacities and lack of recognition of their rights" (UN Women, 2014:7).

c) *Evaluation management structure*. A basic evaluation structure is constituted by an evaluation manager—performs a key role for ensuring that the HRBA is integrated, as is the responsible person for managing the daily aspects of the evaluation—, evaluator or evaluation team—are the responsible person(s) for the evaluation execution. It is crucial that they have the specialization level required to ensure the HRBA integration, as they are responsible for defining the methodology, developing and implementing tools and methods for collecting and analyzing data, as well as the preparation for evaluation report validation—, and the reference group /advisory group—both guarantee the transparency, accountability and the credibility of an evaluation process and have a key role on the finding's validation. The reference groups should be inclusive and provide a key forum for participation in the

assessment of the different groups identified and prioritized in the stakeholder analysis. On the other hand, the members of the advisory group can include academics, gender advisors and/or UN human resources, human rights representatives, etc., and its work consists in providing a methodological guide or thematic about human rights issues that contribute to the quality and reliability of the evaluation. (UNEG, 2014: 65-66).

d) *Resource and deadline requirements estimation*. A key element in the evaluation planning implies thinking about the cost, the time and the human resources that need to be invested. The three components are interconnected and should be considered for the evaluation preparation. (UNEG, 2014).

e) *Construction of reference terms for the HRBA integration*. The reference terms are based on documents such as international/regional/national/local/of human rights instruments, and their objective is to guide the evaluation process from the purpose definition, scope, consultation methods/techniques, management structure and intended use (UNEG, 2014). The terms reference elaboration should integrate alignment criteria—it must know the national strategies and public policies, national and regional agreements signed by the countries in which the interventions are being developed— and coordination criteria—involves arrangement with national, regional and local institutions for the achievement of the objectives established in the project— (Borja, García & Hidalgo, 2011).

f) *Evaluation criteria determination*. The evaluation criteria provide a framework for the evaluation and definition of the questions it seeks to answer. However, there are commonly used criteria in the field, depending on the evaluation type to be carried out, among which are relevance, effectiveness, efficiency, impact and sustainability. Although these criteria are neutral to human rights, in an HRBA evaluation, it's important to try to consider its correspondence with them, at least in the following terms:

- Relevance. Examines the alignment and contribution of the design and intervention implementation to the human rights, according to the defined by the international and regional instruments; national policies and strategies in the field, as well as the needs of the right-holders and the duty-bearers, to whom an intervention is directed.
- Effectiveness. It assesses how rights outcomes were defined, monitored and where

appropriate achieved, as well as how the processes leading to these outcomes were aligned with human rights principles. In any case, for any project, the analysis should include the extent to which HRBA was incorporated into the design and implementation of the intervention.

- Efficiency. It requires an extensive analysis of t the benefits and costs associated with the HRBA integration into the programming. A key aspect that should be considered is that rights involve a complex long-term change process that requires sustained support. While a direct relationship between investment in resources and long-term results must be carefully established, the evaluation of efficiency must also consider short-term process achievements—participation and inclusion, etc. — and medium-term results—development of an enabling environment, capacity building, etc.—.
- Impact. The positive rights impact could be defined as the realization and real and lasting enjoyment of rights by the rights holders and the ability of the duty-bearers to respect, protect and fulfil human rights. The impact can be positive or negative, intended or unintended, as well as primary or secondary.
- Sustainability. It assesses the sustainability of results and impacts on rights. It should be considered to what extent a project has advanced key factors for the long-term realisation of rights, such as an enabling or adaptive environment for real change in rights, the enabling institutional change to systematically address rights concerns; the change in attitude and ongoing behaviour that leads to respect and verification of rights, the establishment of accountability and monitoring systems between the rights-holders and the duty-bearers, and the capacity development of the right-holders and the duty-bearers (UNEG, 2014:76-79).

g) *Indicators construction.* The indicators formulation with HRBA requires attention to general issues, such as whether the indicators are specific, measurable, achievable, relevant, specific duration, and if they have the capacity to measure the rights and actions related to them in a disaggregated manner—according to gender, race/ethnicity, age, area of residence, disability, income level, sexual orientation, HIV/AIDS status, literacy and education level, type of employment, political affiliation, religious affiliation, involvement in conflicts, etc.—.The determination of which indicators to use depends on several factors, such as the type of information needed, the completeness image needed, costs to produce the required

information, and the problem to be addressed. (UNEG, 2014).

Among the recommendations for its elaboration is the use of a combination of qualitative and quantitative indicators in order to generate diverse information and investigate deeper aspects that demonstrate changes. It's also recommended that stakeholders be consulted during the formulation and selection process, as they may have more ideas and better contextual knowledge to identify what information will be most relevant to understanding the changes to which the intervention contributes.

h) *Evaluation team selection.* The selection of a team with the appropriate qualifications will help to ensure the quality of the assessment and, therefore, the proper integration of the HRBA (UNEG, 2014).

i) *Data collection.* A combination of methods is generally recommended in order to provide a variety of perspectives for the evaluation and to promote the participation of different stakeholder groups. Different methods that can be used include documentary analysis, focus group studies, interviews, case studies, surveys, field observation, etc.

j) *Evaluation validation*. When the information has been gathered and provisional results prepared, it is recommended to validate these findings through workshops with different groups, program implementers and external experts to increase their reliability and improve the sense of ownership of the data and the process with all stakeholders, as well as to have the possibility to deepen the analysis and generate potential conclusions and recommendations.

k) *Evaluation report elaboration*. The evaluation report should indicate the extent to which relevant human rights issues were incorporated into the intervention (UNEG, 2014: 56-114).

In summary, the key points of the document that sustains the comprehensive evaluation of the HRBA in an intervention are as follows:

As for its procedural dimension:

1) The alignment of the project with international, regional and national human rights instruments, policies and strategies.

2) The analysis of how the intervention address structural inequalities and power relations.
3) Evidence of fair and equitable representation of all stakeholders in the intervention—specified by stage: design, implementation, monitoring and evaluation—
4) Evidence of beneficiary participation in the intervention—specified by stage: design, implementation, monitoring, and evaluation—
5) Evidence of adaptation mechanism used during the intervention for greater inclusion of groups in situation of vulnerability—for example, access to language, longer and more flexible consultation periods, holding meetings in minority areas, respecting traditional decision-making processes of minority communities, etc.—
6) Evidence of technical support provided to the holders of rights/vulnerable groups to strengthen/develop their participation capacity in programming and decision making.
7) Evidence of whether the resource provision was adequate for the integration of human rights in the intervention.
8) Triangulation of information using quantitative and qualitative methods to provide the context behind the numbers.
9) Disaggregation of data by sex, ethnicity, age, disability, and any other relevant category whenever possible during the intervention—if not, the reasons should be stated—
10) Point out the qualities and technical expertise of the evaluators with respect to the HRBA.

In relation to its performance dimension:

1) Evidence of progress/regression in the realization of the human rights that the intervention was intended to address.
2) Evidence of the increase/decrease in the capacity of rights holders/to defend/mobilize their rights.
3) Evidence of increase/decrease in the ability of the duty-bearers to meet their obligations/duties.
4) Measurement of the number of right holders who have benefited from intervention (MRG, 2011:17-36; UNEG, 2014)

In accordance with the foregoing, the HRBA could be used as a methodological tool for the management of IDC policies and interventions. The above, as it implies its adjustment to international/regional/national human rights regulations and policies, as well as the analysis

and approach to the problem and the context in which it is developed from a qualitative and quantitative point of view, thus facilitating its timely follow-up, control and eventual restructuring.

5. What are the main difficulties in implementing the human rights-based approach?

The difficulties in the application of the HRBA can be divided into two types: theoretical and practical. The first involves overcoming the theoretical challenges faced by human rights and therefore extrapolated to the HRBA. The second one involves the application of human rights postulates with the intention of balancing the goal of being inclusive and the challenge of managing the policies and processes of the interventions efficiently.

Theoretical difficulties

Human rights, as a conceptual framework and common language, should be applicable in all contexts, by all stakeholders and in all instances and sectors in which IDC actions are developed. However, it's important to ask about the tensions that may arise when placing its principles and values in IDC policies and interventions.

1) *Does the content of the HRBA apply universally, or does it depend on a particular cultural context?* The HRBA implementation has as challenges the mutual interpellation of some cultural traditions by others; the self-criticism of each tradition with the assumption of intercultural dialogue; and the contextualized and comprehensive negotiation of human rights standards, as indispensable requirements to contribute to their respect, promotion and verification. The challenge, therefore, is to harmonize the universality of human rights norms and guidelines with the multicultural plurality of the people and contexts where interventions are implemented.

2) Individual or collective application of the HRBA? Although the true holder of human rights is the person, this can be from two dimensions: as an individual person or as a person who is part of a collectivity or human group. It is necessary to differentiate between collective rights, where the direct subject of their exercise is a group, such as, for example, the rights of indigenous peoples, and the collective dimension of a right, which appears when the subject of the right is a person, but can only exercise it in collective contexts that give it an

inevitable group scope of application. In summary, the challenge is to clarify how the individual and collective dimensions of human rights should fit together in HRBA projects.

3) *Do only States have obligations, or are other actors involved in the implementation of the HRBA*? In this regard, it should be noted that many legal systems in different States enshrine the principle of co-responsibility or concurrence, which ensures the participation and responsibility of non-State actors in some rights. Following this line of argument, the challenge is to identify all the stakeholders, agencies and sectors that, in addition to the State, can respond to the duties set forth to ensure the rights that are the object of the intervention in order to improve and increase their results. As a logical consequence, the HRBA does not restrict the objectives of human rights claims to States or governments but leaves the idea open that individuals, companies and other private actors can also respond to them.

4) *Is there a hierarchy in the application of rights in the HRBA?* Although a project may be oriented to improve the conditions of a given right, it is not possible to establish hierarchies among them in order to achieve its objective since this could imply the violation of other rights during the process. In addition, the indivisibility of rights demands the search for strategies that best fulfil all the rights involved in the intervention. To this purpose, it is necessary not to cling to the realization of absolutes, but rather to a flexible and interrelated exercise of rights that prioritizes that the basic and dignified levels of all rights can be achieved by those involved (Fernández, 2009: 89-96).

5) *Is there a differentiated treatment between positive and negative rights in the HRBA?* The HRBA does not distinguish between so-called positive rights—economic, social and cultural— and negative rights—civil and political— but, on the contrary, points out that both may involve crucial interests. (Gauri & Gloppen, 2012).

However, some critics question the enforceability of economic, social and cultural rights given the ambiguity of the content of the obligations that are correlative to them and, therefore, argue that the HRBA might be too rigid and not convenient for the margin of discretion of those who formulate development strategies (Abramovich, 2006).

Practical difficulties

1) *The lack of activities that allow the strengthening of the State and the citizenry in a synchronous manner in the interventions of the IDC*. The HRBA implementation requires a solid and committed state structure, with policies and institutional bases that protect and guarantee human rights and a citizenry that acts and commits itself actively to the duties associated with its rights.

Until now, and in the specific framework of the IDC, these dynamics have not been worked in a synchronised and complementary manner, but rather in an isolated and autonomous manner. That is, in some cases, they have proceeded to strengthen the social fabric and citizenship without reconfiguring the State and without establishing a map of complementary actions with the demands of an active civil society. In other cases, it has focused on structural transformations of the State to adapt its dynamics to human rights, without a complementary view of the demands that would correspond to civil society to respond to these changes. In other cases, the IDC has functioned as a semi-private substitute for the role played by the State and the actions that would correspond to it as such in this area.

2) *The lack of a structural understanding of human rights within the framework of the State*. Not only from the reactive dimension but also preventive and long-term. The structural understanding of human rights implies changes in the protection strategies, defence and guarantee of rights, as well as an in-depth transformation of the state architecture in relation to public policies that may affect rights, and closer monitoring by states of cooperation policies and of the different evaluation mechanisms. (Fernández, 2009: 97-104).

3) *Negative image of human rights operators by the State*. A collateral effect of the lack of structural understanding of human rights is the negative appreciation of human rights stakeholders/promoters as "they are perceived to have a primarily adversarial relationship with the State as they seek to expose violations" in which it incurs. (Vandenhole & Gready, 2014: 295).

3) *Anteposition of political and media motivations to the HRBA*. The definition and denomination of priority countries for cooperation is a programmatic decision more related to technical, bureaucratic and political interests than to the HRBA. As a consequence, if the HRBA is not applied to define needs and urgencies a *priori*, it is very likely that the rights

perspective will be impossible to apply and develop during the intervention process.

4) *IDC action to replace local initiatives*. By replacing them or assuming them proactively, what is produced is a fracture in the roles, functions and responsibilities of some of the other stakeholders—or of all of them as a system—involved in the development processes. The role of the IDC should not be a substitute for the State in human rights matters but rather complementary or even reactive in the face of inhibitions and passivities.

5) *Gap between the framework of demands, needs and claims of communities and IDC policies.* The fracture between the content of the projects and the community needs can be analyzed in a double dimension: at a material level, producing a distance between the claims and demands of the intervention's target population and the concrete content of the projects; and at a formal-procedural level, particularly in the participatory dimension of the projects as a necessary adjustment for the implementation of the HRBA.

6) The temporality of the IDC's projects. Although cooperation projects seek sustainability and maintenance until the programmed transformation is achieved, the terms available for implementing the activities often limit their appropriation by the local people involved, and when the aid ends, the interventions cease. In the HRBA, time must be considered in the medium and long term. The challenge of a comprehensive proposal in dialogue with the contexts, which affects both the change of people and the political community, and which challenges government authorities and civil society, does not happen in a few months. Continuous work, training, accompaniment, monitoring over time, institutionalisation and appropriation of processes are the ideals to be achieved from the vision of the HRBA.

7) *Monitoring and evaluation problems*. The HRBA does not solve by itself the problem of establishing the conditions and resources necessary for the achievement of each of the human rights, nor the minimum thresholds that must be guaranteed at a global level, or the standardized measures that would allow international comparison, nor an effective evaluation of the progress achieved in the development of human rights (Fernández, 2009: 97-104).

In addition to this, there is a lack of solid evidence to demonstrate the effectiveness of HRBA. Unfortunately, given the fact that it is still a relatively new way of working, confusion and lack of clarity still surround its meaning. This has made it difficult to gather solid evidence

to fully demonstrate its effectiveness. There are several possible explanations for this:

> a) Because of the variety of orientations to implementing the HRBA, not enough documentation has been gathered to show evidence of what it actually means to successfully integrate human rights into programming.
>
> b) Many efforts to document the successful implementation of the HRBA have been driven by internal organizational and donor agendas. This has led to the presentation of information in ways that have not been easily transferable or comparable, and therefore difficult to evaluate
>
> c) Some organizations have adopted the language of rights to justify their work because it may be politically useful to do so, but in reality, they have not clarified what part of its labours is human rights-based. This makes it difficult to measure the success—or failure—of their HRBA implementation and to gather the evidence needed to show its effectiveness. (UNFPA & Harvard School of Public Health, 2010).

Also, for similar reasons to those mentioned above, it has been difficult to measure the success of the HRBA. Especially because some of the human rights principles such as indivisibility and interdependence and universality and inalienability are difficult to measure—even qualitatively—, it has been difficult to demonstrate how they play out programmatically, or whether programs that claim to adopt these principles have been more successful than those that have not (UNFPA & Harvard School of Public Health, 2010:86).

As a consequence of the above, there is a tension between the HRBA and the results-based approach, which is central to much of IDC's work. This is a consequence of the fact that a linear cause and effect relationship cannot be assumed in bringing about change, given the complex nature of change in the human rights field. However, this aspect can be bridged with the implementation of complementary methodologies to the HRBA, such as the Logical Framework Matrix (LFM)[12]. Although there are some complications for the joint implementation of both methodologies, given the different ways in which they were

[12] For more information, see ECLAC (2005). Logical framework methodology for planning, monitoring and evaluation of projects and programs. Santiago de Chile: UN. Available at: https://repositorio.cepal.org/bitstream/handle/11362/5607/S057518_es.pdf

conceived, these can be overcome if a middle ground is found between the production of results and human rights promotion activities.

8) *The dependency scheme presents in financial cooperation policies.* It is difficult to have an integrated logic of working with rights if it´s necessary to multiply the funding for projects, especially if it is a multiple and varied funding structure that establishes as a condition the strict adaptation to their way of understanding cooperation, needs and rights (Martínez, 2016).

9) *Lack of organizational adequacy for the HRBA implementation*. It's commonly forgotten that the adoption of any new policy entails changes at the formal and organizational level. "First, it's often assumed that the formal adoption of an HRBA by an organization implies that that organization actually implements an HRBA. What seems to be ignored is that the introduction of any new policy requires organizational change which often causes considerable internal changes, resistance or is encountered with lethargy and bureaucratic attitude" (Vandenhole & Gready, 2014: 292).

In this regard, it is worth noting that the main difficulties in implementing the HRBA at the organizational level occur at the technical level. "This can be explained by the fact that technical work should be placed within the context of broader political and social issues such as empowerment, participation and equality, which require political change" (301), in addition to "divergent disciplinary backgrounds and views on role definition, competing agendas, lack of capacity and learning processes-interdisciplinary human rights-related, and deficiencies in accountability and incentive structure, as well as frequent staff turnover" (301).

10) *Awareness-raising vs service provision*. Among the findings of various research studies, it has been found that it is difficult to persuade local communities to contribute time, energy and resources to activities such as awareness-raising or rights promotion. In contrast, when direct services are provided, it is easier to convince people to cooperate and even participate again on future occasions (Kindornay, Ron, & Carpenter, 2012).

11) *Perception of HRBA as a fad or a new label*. Some people question the relevance of human rights to their work. Indeed, some "staff in some countries tend to perceive human

rights mainstreaming as just another fad and an additional burden, invented by headquarters, that gets in the way of what they see as the realities on the ground" (GTZ, 2006:2).

Another argument presented against the HRBA points out that "participation has long been a requirement of good development practice, and that all human rights principles—participation, responsibility, non-discrimination/equality-belong to good governance" (GTZ, 2007:2). According to this argument, "human rights principles are considered a new label for old practice and therefore redundant" (2). However, it is worth noting that "although most contemporary notions of good governance are committed to accountability and transparency, non-discrimination seems conspicuously absent, as evidenced by the many current attempts to engender governance" (2). As a consequence of such perceptions of the HRBA by some IDC stakeholders, there is often a resistance to change to the requirements of its implementation.

Chapter II

Key issues about the discipline of public policy

1. How did the discipline of public policy emerge?

The antecedents of the discipline of public policy can be traced back to the 1920s and 1930s in the United States, in the context of a growing critique of the social studies of the time—characterised as excessively formalistic and legalistic—, the need for a more realistic approach and the need to support the government in its decision-making processes (Olavarría, 2007).

Among the different factors that allowed its emergence and development are, on the one hand, the confluence of the existence of a stable democratic system of government, the implementation of social programmes in various areas such as education, health, among other services, as well as the creation of independent research and advisory agencies for its development, and on the other hand, the separation of politics and public administration promoted by Woodrow Wilson during his administration (1913-1921), with the aim of developing the administrative and professional capacities of the modern State. This meant that by the late 1930s and mid-1940s, the use of technical-scientific rationality to address social and governance problems was already widespread (Valencia Agudelo & Alvarez, 2008), especially to support the effort to sustain the Second World War (DeLeon, 1988).

In addition to the above, it is important to consider that there was some international pressure for the development of a government scheme of this type, since, with the end of the Second World War, the socialist bloc was consolidated in half of Europe, and in 1950, the Korean War began, which would lead to the Cold War. Thus, "a new military and economic power posed several challenges to United States democratic capitalism, among which was the efficiency of public administration through a centralised State model that was able to control all means of production and distribute goods among the population" (CNDH, 2012:7). As a consequence, "it became imperative to build a public policy approach based on scientific-causal development complemented by creative imagination to generate innovative and efficient public policies" (CNDH, 2012:7).

Thus, the discipline was born to fill a cognitive gap, since unlike other disciplines such as legal science—which produces and argues the attributions, powers, controls and regulations of the government, which are fundamental to ensure its directive legitimacy—, political science—which focuses on the political actors, their relationships and outcomes, the political system and its decision-making processes—, public administration—which focuses on defining the organisation and processes to be established and implemented to ensure the efficiency of government decisions—, and the science of economics—which focuses on the generation of cost-efficiency and cost-effectiveness models of government actions, the balance of public finances and the macroeconomic balance of the nation— is the first to set as its central objective to ensure and improve the direct effectiveness of governments (Aguilar, 2019).

It is precisely in this environment of the relationship between government and knowledge that "*The Policy Sciences: Recent Developments in Scope and Method*" (Laswell & Lerner, 1951) and "*The policy orientation*" (Laswell, 1951) were published. These texts are considered foundational[13] for what was then called "policy sciences", "public policy sciences", and, more particularly, "policy sciences of democracy". In them, the objectives of the discipline are stated as the knowledge of the managerial decision-making process of government and the knowledge in this process (Aguilar, 2019:13), focusing on its cognitive dimension rather than its political-institutional dimension (Aguilar, 2012). Laswell considered that the contribution from the science of applicable knowledge would improve the administrative performance and governmental action of the State, generating a good government or an enlightened government. This idea was taken from Charles Merriam, who considered necessary the production of usable knowledge, that is, that science should be at the service of humanity (Valencia Agudelo & Alvarez, 2008; Aguilar, 2012).

Subsequently, in the 1960s, under the mandate of John F. Kennedy and Lyndon B. Johnson,

[13] Although the attribution of the founding of the discipline of public policy to the texts of Harold Laswell is generally accepted, it is not universal, since authors such as Beryl Radin, in her work "Beyond Machiavelli" (2000) attribute it to the texts of Yehezkel Dror. Therefore, to have a complete view of the subject, it is suggested to consider the following texts for the study of the historical development of the discipline of public policy: "Policy analysts: A new professional role in government service" (Dror, 1967), "Prolegomena to Policy Science" (Dror, 1970), "Design for policy sciences" (Dror, 1971), and "Ventures in Policy Science" (Dror, 1971).

a series of social programmes were put in operation—generated to combat the poverty and discrimination that became visible thanks to the movements that promoted equal civil rights in the United States during the preceding years— which required the incorporation of analysts and academics for their formulation and control. For this reason, government agencies incorporated economists, political scientists, sociologists, social psychologists and anthropologists, among others, into state public administration (Aguilar, 1996; DeLeon, 1988).

As a consequence of the above and in response to the demand from public agencies for personnel trained in public policy analysis, between 1967 and 1971, different educational institutions created the first master's and doctoral programs in public policy in the United States, such as the Institute of Public Policy Studies (University of Michigan), the Kennedy School (Harvard), the Graduate School of Public Policy (University of California Berkeley), the School of Urban and Public Affairs (Carnegie-Mellon University), the RAND Graduate School, the Department of Public Policy and Management (University of Pennsylvania), the School of Public Affairs (University of Minnesota), the Lyndon B. Johnson School of Public Affairs (University of Texas) and the Institute of Policy Science and Public Affairs (Duke University) (Allison, 2006).

However, as a result of the failures in the implementation of some of the most visible programmatic proposals of the American Democrats in the 1960s during the Kennedy and Johnson administrations—*New Frontier* and *Great Society* respectively, both described as brilliant works of social engineering, but distanced from the great difficulties that their practice entailed—(Subirats, 1992), the *Watergate* scandal and Richard Nixon's reluctance to collaborate in its clarification, as well as the 1973 energy crisis and its inadequate handling (DeLeon, 1988), led to a general agreement during the 1970s to boost the production, quantity and quality of public policy literature. Especially in terms of their implementation and evaluation, as the sufficiency and validity of the analysis of public policies were questioned, "due to the numerous evidence that showed that, after the decision, when the policy was put into practice, various interactions took place between governments, civil servants and social organisations, which affected to a greater or lesser extent the achievement of its objectives, but whose existence and implications had not been foreseen by the analysis that underpinned

their design and decision" (Aguilar, 2012:24).

In the midst of this controversy, "two positions emerged: those authors who were certain that the originality of the discipline consisted in the analysis of the decision-making process of public policies, so that the problems of implementation were of an administrative or political nature, and therefore political science and public administration should study and propose solutions, and those authors who considered that the discipline had to go beyond the analysis prior to the decision and the simple design of the policy and should include research about how the decided policy was implemented" (Aguilar, 2012:24).

In attention to the above context, in "*The emerging conception of the policy sciences*" (1970), Lasswell takes up his earlier ideas and emphasises what he called knowledge of the policy process and knowledge in the policy process, the first being procedural—for example, how does a democratic political organisation intervene publicly to reduce CO2 emissions— and the second more substantive— how much CO2 can be released into the atmosphere without causing global warming of disastrous proportions? —. His proposal aimed to improve the administrative performance and governmental action of the State through a new discipline: policy sciences. This would be transdisciplinary work on the making and process of public policy in order to understand and explain both its formation and implementation, as well as to improve its concrete content through the application of usable knowledge. Its main objective was to "build a discipline applied to the orientation and solution of social problems through the scientific analysis of public policies"—among the various social and natural sciences—, in order to articulate its theoretical and methodological heritage in the decisions of democratic governments with the aim of rationalising them within a given socio-political and historical context (Valencia Agudelo & Alvarez, 2008:94).

Likewise, in the aforementioned text, Laswell provides a guide that allows us to obtain a more general picture of the main phases of any collective act, enunciating seven stages of what he called the decision process: 1) intelligence, 2) promotion, 3) prescription, 4) invocation, 5) implementation, 6) termination and 7) evaluation. This list shaped much of the public policy research agenda in the following years in both substantive and procedural terms, as well as being the origin of the sequential model of the public policy cycle (Aguilar, 2012).

It was not until the 1980s that the study of public policy gained greater recognition and systematisation when it was established as a sub-discipline of political science. In this sense, "while political science would be in charge of studying the being—the positive— public policy would be in charge of the how and the what for—a combination of the positive and the normative or prescriptive—" (Valencia Agudelo & Alvarez, 2008:94). As a result, public policies "began to be named in public and academic spaces in the United States, France and Spain, especially by multilateral and development agencies such as the World Bank (WB) and the Inter-American Development Bank (IDB)" (Valencia Agudelo & Alvarez, 2008: 6), thus managing to be exported to Latin American and other European countries in the 1990s[14] (Aguilar, 2019).

2. What is a public policy?

The idea of public policy has been developed since the mid-1950s, mainly by academics involved in the study of public and political processes, through a series of studies that sought to determine its purposes and point out guidelines for its optimal development. The following pages provide a descriptive and non-exhaustive list of the most current public policy concepts.

Year	Author	Concept
2002	André-Noel Roth Deubel	"A public policy designates the existence of a set of one or more collective objectives considered necessary or desirable and of means and actions that are addressed, at least partially, by a government institution or organisation with the aim of guiding the behaviour of the individual or collective actors in order to modify a situation perceived as unsatisfactory or problematic" (27).

[14] As a result, the 1990s saw a strong expansion of public policy training programmes in various universities around the world. In the following decade, the number of master's and doctoral programmes offered by prestigious universities in developed countries increased sharply. This led to rankings that disseminate the quality of different training programmes—as the *US News & World Report*— to include it as an area of specialisation with the same level of recognition as other disciplines such as economics, political science, public management, business administration and law (Olavarría, 2007).

2004	Eugenio Lahera Parada	"Courses of action and information flows related to a defined public objective" (15).
2006	Mauricio Merino	"Public policy is usually defined as an intervention by organs of the State to correct or modify a social or economic situation that has been recognised as a public problem" (147).
2006	Alberto Martini & Marco Sisti	"Treatment aimed at addressing a problem that manifests itself in the form of behaviours or conditions considered socially unsatisfactory" (37).
2006	Roger D. Congleton & Birgitta Swedenbor	"From a game theory perspective, constitutions are the "rules of the political game", and public policy is a consequence of the strategies adopted by politicians, voters and the bureaucracy under those rules" (10).
2007	Mauricio Olavarría Gambi	"A State intervention, expressed in a decision or set of decisions by a public authority, which considers a technical-rational analysis for a given issue and a specific purpose, following a formal procedure, all of which takes place in the context of an intensely political process of confrontation and articulation of interests" (23). "Public policies express mandates—which are assumed to solve public problems— and which public organisations must implement" (46).
2009	Raúl Velásquez Gavilanes	"Public policy is an integrated process of decisions, actions, inactions, agreements and instruments, carried out by public authorities with the possible participation of individuals and

		aimed at solving or preventing a situation defined as problematic. Public policy is part of a given environment from which it is nourished and which it aims to modify or maintain" (156).
2011	Antonio La Spina & Efisio Espa	"A public policy refers to a declaration of intent (the objectives) on the part of a public authority, which intends to undertake some kind of intervention to change the existing situation and which includes the issuing of plans, programmes, directives and projects" (27).
2011	Peter Knoepfel, Corinne Larrue, Michael Hill & Frédéric Varone	"A public policy is defined as a series of intentionally coherent decisions or activities taken or carried out by different public –and sometimes– private actors, whose resources, institutional links and interests vary, with a view to resolving in a targeted manner a problem that is politically defined as collective in nature. This group of decisions and activities gives rise to formalised actions of a more or less restrictive nature that are often aimed at modifying the behaviour of social groups presumed to be at the root of, or able to solve, the collective problem to be resolved (target groups) in the interest of the social groups who suffer the negative effects of the problem in question (final beneficiaries)" (24).
2012	Jose Luis Méndez	"Are exercises in constant exploration and learning. This is because: a) there is almost always some uncertainty in the processes of policy formulation and implementation, leading to permanent feedback between the different stages of public policy, and b) their context changes frequently... A policy is not something that happens once and for all. It is something that is constantly being remade. Policy making is a process of

		successive approximations towards some desired objectives that are also changing in the light of new considerations" (123).
2012	Luis F. Aguilar	"Are the actions by which government leads society: solving problems, settling conflicts, generating futures of greater scope and quality, opening up opportunities" (35).
2012	PNUD	"It is a process made up of various intellectual actions (information, analysis, calculation, criticism...) and political actions (mobilisation, discussion, persuasion, negotiation, agreement...), which are interdependent and interlinked, preceding and preparing the government's decision making and subsequently carrying it out" (19).
2013	Thomas R. Dye	"Public policy is whatever governments choose to do or not to do. Governments do many things. They regulate conflict within society; they organise society to carry on conflict with other societies; they distribute a great variety of symbolic rewards and material services to members of the society; and they extract money from society, most often in the form of taxes. Thus, public policies may regulate behaviour, organise bureaucracies, distribute benefits, or extract taxes--or all of these things at once" (3).
2013	Jaime Torres-Melo & Jairo Santander A.	"Public policies are a reflection of society's ideals and desires; they express the objectives of collective well-being and allow us to understand where development is to be oriented and how to do it, showing what public intervention is intended to achieve and how responsibilities and resources are distributed among social actors. Therefore, public policies are not just

		documents with lists of activities and budget allocations; their role goes beyond that; they are the materialisation of state action, the visible bridge between the government and the citizenry" (15). "Public policies are a social construct in which the government, as the orientator of collective action, interacts with multiple and diverse social and political actors. Therefore, in contrast to some approaches that see interaction with society as regressive for decision-making, it turns out that it is not only desirable but a necessary condition for the success of public policy processes" (16).
2014	Charles L. Cochran & Eloise F. Malone	"They can be described as the overall framework within which government actions are undertaken to achieve public objectives" (3).
2015	Clarke E. Cochran, Lawrence C. Mayer, et al.	"A set of actions taken by the government that includes, among others, the making of laws and is defined in terms of a common goal or purpose" (1).
2016	Roberto Martinez Nogueira	"Firstly, policies are social constructions that are the product of processes aimed at overcoming publicly relevant situations in the face of which various agents deploy strategies backed by resources of power in arenas of collaboration and negotiation, with permanent tensions and conflicts. They are dynamic realities whose content, implementation, results and impacts depend on institutional conditions, the impact of the context and the political, technical and managerial capacities

		of the actors involved" (17).
2017	Carlos Ricardo Aguilar	"The specific and peculiar feature of public policy is that it is a set of intentional and causal actions aimed at achieving an objective of public interest/benefit whose lines of action, agents, instruments, procedures and resources are reproduced over time in a constant and coherent manner (with the necessary marginal corrections), in correspondence with the fulfilment of public functions that are of a permanent nature, or with the attention to public problems whose solution implies sustained action. The stable structure of its actions, which is reproduced over a certain period of time, is what is essential and specific to that set of government actions that we call public policy" (17).
2018	B. Guy Peters	"Said more simply, public policy is the sum of the activities of government, whether carried out directly or through agents, as those activities have an influence on the lives of citizens" (4).
2018	Adolfo A. Cervantes García	"A policy proposes an intervention to alter some circumstance, pattern of behaviour or to solve a 'public problem'. If the policy is well formulated, it will contain a description of the desired state condition and the set of means that promise to realise that condition, i.e. the instruments to achieve its goals" (29).
2019	Michael E. Kraft & Scott R. Furlong	"Public policy is what public officials within the government and, by extension, the citizens they represent, choose to do or not to do about public problems" (5).

2019	Thomas A. Birkland	"a statement by the government, at any level, in any form, of what it intends to do about a public problem" (9).
2020	Christoph Knill & Jale Tosun	"Public policy is considered to be the political outcome of the interaction of various actors who possess different types of information" (6).

Table 1. Development of the concept of public policy in the last two decades. Own elaboration.

From the definitions mentioned above, it is feasible to point out the lack of consensus without implying contradiction. This is due to the fact that since its emergence, the concept of public policy has been refined from formal, rational and political perspectives.

In this sense, from the formal perspective—according to which the notion of public policy focuses on institutional aspects—, public policy is understood as any decision of the legitimate administrative authority, adopted in its area of competence, in accordance with established procedures, binding on citizens under the rule of that authority, and which is expressed in the form of laws, decrees, administrative acts, programmes, projects and others equivalent. From the rational perspective—according to which the notion of public policy is based on public choice theory and game theory and is aimed at identifying the alternative that maximises social welfare—, public policy is understood as rational decisions in competitive situations. From the political perspective—according to which the struggle for power based on interests and advantages is expressed and realised in the process of public policy-making, that reflects the way in which the demands for authority intervention arise from the interests of various groups, how they add or subtract their interests, extend or restrict their alliances, harden or soften their positions, confront or negotiate their advantages—, public policies are understood as part of the political process in which, in chronological order: the political struggle to attain positions of power takes place, the problems to be addressed are identified, the technical-political process of construction is developed—in which those who triumphed in the power struggle make the decisions that mandate the implementation of the selected policy— and in which public policy interventions decided by power actors are

finally implemented (Aguilar, 1994).

As a consequence, it is possible to define public policy in general terms as the set of actions that a State designs and manages through government and public administration, with the aim of addressing public problems that are influenced by competitive social situations. However, according to more practical and descriptive notions of the conception of public policies, they can be classified according to the different areas they address and the different ways in which they are approached. The following is a summary of their typology.

Classification	**Denomination**	**Characteristics**
In attention to their effects	Regulatory	- Usually take the form of legal rules concerning the behaviour/interaction of individuals. -Are aimed at achieving the performance of desired behaviours or the non-performance of undesired behaviours. -Are related to highly shifting coalitions in attention to the distribution of costs/benefits. -Involve its imposition by State, mechanisms of persuasion, or self-regulation. -Examples: policies for the maintenance of historical places, environmental protection, occupational health and safety, consumer protection, regulation of public service tariffs etc.
	Distributive	-Are intended to provide/distribute public goods or services. -The distribution of goods and services is carried out for the benefit of particular groups without

		disadvantage to other groups. -Often take the form of incentives. -Can involve the recognition of rights for a specific group of the population and thus take the form of affirmative action policies[15]. -Examples: policies of provision of public services, subsidies and exemptions from certain types of taxes for a defined group, etc.
	Redistributive	-Constitute a deliberate attempt to change the distribution of income or wealth. -Involve the unequal allocation of costs and benefits, and thus often involve polarisation between "losers" and "winners". -Examples: policies of progressive taxation, labour market, and social assistance, etc.
	Constitutive	- Modify the organisation of the State -Examples: the decentralisation or federalisation policies, the introduction of administrative/institutional reforms, the creation of new public bodies, etc.
In attention to their coverage	Universal	-Guarantee access to the provision of services without any requirement other than citizenship

[15] Affirmative action public policies can be understood as those aimed at recognising a right or facilitating access to it for vulnerable population groups or at reducing or eliminating discriminatory practices through certain resources or services.

		-Examples: social security policies, compulsory basic education policies, etc.
	Focalised	-Are aimed at a specific group of the population who share a certain characteristic. -Examples: policies to address poverty, the needs of people with disabilities, children, old age, etc.
In attention to their temporal projection	State policies	-Guide the work of the State beyond the government in power -Transcend several governments/government administrations -Are carried out in a participatory manner by the different political forces of a country.
	Government policies	-Respond to a government plan -Are often inspired by the ideology of the political party in power - Are limited to a mandate
In attention to their level of coordination	Sectorial policies	-Respond to the problems that each sector of the public administration is responsible for solving. -Affect a specific public or private economic/social activity -Examples: Security, health, education policies, etc.
	Inter-sectoral	-Seek to provide comprehensive solutions to

	/multisectoral policies	complex problems that require collective action beyond traditional sectoral divisions. -Are cross-cutting throughout the different sectors of government -Can involve governmental and non-governmental actors -Examples: youth, gender policies, etc.
In attention to the level of government	National policies	-Are operational at the national level -Constitute the general policy of the government - Define the objectives, guidelines, main contents, compliance standards and service provision to ensure the development of a country's public and private activities.
	Regional/local policies	-Attempt to solve development problems within a given spatial framework. -Can have two orientations, which are not mutually exclusive: a) reducing local or inter-regional imbalances, or b) overcoming problems of economic backwardness. -Seek cohesion in national economic and social development by supporting the territories that are lagging the furthest behind. -Recognise the existence of disparities between the different regions and localities of the country, such as the spatial distribution of poverty.

Table 2. Typology of public policies and their characteristics. Own elaboration based on Cervantes García (2018), Pallavicini, Chamizo & Vargas (2013) & Heinelt (2007).

In addition to the above, it is important to highlight that the existence of a public policy implies the structured action of the State, which is reflected in an ordered set of aggregate actions at different levels of associated complexity:

1) Strategic level, which identifies the multiple scenarios that the policy space and the socially relevant problem generate in order to determine what needs to be done to solve it.

2) Planning level, where decisions are taken on the route of action of the public policy in terms of time, place, instruments and specific actions, making it ideal for determining the governance framework that will govern its implementation and the way to coordinate it.

3) Programming level, which organises the activities and defines the resources through which a specific component of the public policy will be developed.

4) Action level, which entails the fulfilment of the programmes and lines of a plan (Torres-Melo & Santander, 2013).

As a consequence, a public policy entails strategies—that define the principles, the problem to be addressed, the objectives and the fundamental routes of action on what to do and that will guide the whole process to achieve the objectives to be reached—, plans—that specifically and coherently set out the goals, guidelines and tactics in time and space, as well as the instruments, resources, mechanisms and actions to be used to achieve the desired ends—, projects—which comprise a set of orderly actions upon which specific investments are structured, and resources are managed—, and actions—which correspond to the exercise of economic, social, regulatory and administrative instruments used and developed by the government to induce certain behaviours compatible with the purposes of a plan—(Torres-Melo & Santander, 2013).

In other words, public policies are made up of strategies, plans, programmes, projects and specific actions that pursue the same objectives and whose difference lies in their magnitude,

diversity and specificity—taking into account that a public policy is made up of an accumulation of programmes, a programme is made up of a set of projects, and these, in turn, are made up of different specific activities—.

On the basis of the above, it is possible to characterise public policies in the following manner:

- Aim to solve a problem that is politically recognised as public and therefore refer to some criterion of public interest.
- Are coordinated by the State through the government and public administration—which exercises a privileged role in their process— and are therefore imputed to a public authority endowed with the possibility of ultimate recourse to the legitimate use of force.
- Involve a variety of public and private actors with power—political, social or economic— and are influenced by the position that these actors take.
- Are based on a theory/conceptual framework that gives them meaning and coherence with respect to the appropriateness of the means and objectives chosen to address a public problem.
- Seek to modify the behaviour of certain groups whose behaviour is theorised to be at the root of the problem.
- Propose one or more general and official objectives with certain stability over time and which are reconnected in a given area or sector.
- Are materialised through a system of strategies, plans, programmes, projects and actions.
- Entail the provision of legal, economic, organisational, cognitive and other means/resources, among others, to achieve the objectives set.
- Affect positively or negatively different interests.

3. How are public policies executed?

A public policy "involves a series of decisions: deciding that there is a problem, deciding what to try to solve, deciding how best to proceed, deciding to legislate on the issue, and so forth. And although in most cases the process is not so rational, any public policy will involve a series of more or less related decisions" (Subirats, 1992:41).

In this sense, it is possible to identify three families of processes that converge in the development of public policies: the recognition of the problem— which despite the idea of democracy is usually dominated by those in or around the formal positions of power—, the construction of alternatives—in which technical aspects of how a certain problem could be solved have a place, and in which government technicians, academics, experts, NGOs and interest groups are the most active participants— and the political process—predominantly dominated by those who actively participate in networks of power and influence on government decisions, and who in the exercise of their roles must be involved in addressing the public problem and formulating public policy, such as lobbyists, political parties, opinion leaders, citizen movements and others similar—(Olavarría, 2007:62-64).

As a consequence of the above, "since its origins in the 1950s, the field of policy analysis has been closely connected to a perspective that considers the policy process as evolving through a sequence of discrete stages or phases" (Jann & Wegrich, 2007: 43). In this regard, the sequential model of the public policy process considers public policies are "a process that unfolds in stages, each of which has its own actors, constraints, decisions, developments and outcomes, influences the others and is affected by what happens in the others" (Aguilar Villanueva, 1992:15).

However, among the criticisms of the "sequential" or "textbook" model of public policy is that it generates an artificial and overly synthetic view that hides the real complexity of the public policy process and exaggerates its rationality[16] (Parsons, 2007). Hence, the sequential model is now seen essentially as "an analytical device, intellectually constructed, for modelling, ordering, explanation and prescription purposes", and therefore does not

[16] For further criticisms of the sequential model, it is recommended to read Nakamura (1987), Stone (1989), Lindblom & Woodhouse (1992) and Sabatier & Jenkins-Smith (1993).

constitute a descriptive representation of a sequence of times and events that actually happen one after the other, but rather denotes the logically necessary and interdependent components of any policy, integrated as a process, and in no way successive and truly separable events (Aguilar Villanueva, 1992:15).

In practice, the stages of the policy process "may overlap with each other, condense around each other, anticipate or delay each other, repeat each other". Separating policy-making into different stages "is artificial and may even be deviant, if it leaves the impression or recommends proceeding stage by stage, prohibiting progress to the next stage unless the preceding one has been completed". In synthesis, the analytical separation of public policies should not be confused with a real separation that takes into account a temporal sequence (Aguilar Villanueva, 1992:15).

Based on the above, and taking into account that the framework or perspective of the sequential model of the public policy cycle "has served as a basic template to systematise and compare the various debates, approaches and models in the field and to individually assess the contribution of the respective approaches to the discipline" (Jann & Wegrich, *2007:* 43), The following sections summarise the main characteristics of the different stages that compose it.

a) Detection of the public problem

Before addressing the issue of the public problem, it is worth noting that there are three possible scenarios that can occur around it: a) situations in which the State does not recognise a problem and, therefore, there is not even a conscious decision not to take specific actions, b) situations in which the State recognises a problem, makes a diagnosis, establishes an objective and even a strategy but decides not to go further, i.e. it does not take specific or strategic actions to solve the problem, and c) situations in which the State, faced with a given problem, implements a strategy or programme of actions aimed at resolving it through certain forms—direct public management, semi-public management, subcontracting, etc.— and incentives—monetary, legal, organisational, etc.—. It is the third situation that leads to the generation of public policy (Méndez, 2012).

The detection and first definition of the public problem is crucial because it gives the analyst

"a reason for doing all the work necessary to determine the project, and a sense of direction for obtaining evidence and information" (Bardach, 2001:17). Therefore, the first question to be answered is: how does a public problem arise? Classical literature tends to recognise the following causes:

- *The emergence of demand*. The origin of the public problem lies in isolated demands, needs of the inhabitants or a certain growing problem that is articulated, reconciled and labelled by the political structures and transformed into a demand towards the political system. Thus, there is a bottom-up process of demands from the social base to the authority, mediated by political structures, and a descending one, by virtue of which, from the political elite of society—represented by the authorities— bring down to the social base the solutions to such demands in the form of public policies.

- *From the offer*. The authorities, through the operation lines of specific public bodies, identify the situations that will be categorised as a public problem, and in response, offer certain products or services that address it, which is seen as "normal" or "expected" as it comprises part of their core obligations. The ways in which the authority convinces the citizens that the issues it has identified are real public problems and that the type of intervention proposed is the necessary one varies from the use of technical means to the dissemination of their vision through the media.

- *As a consequence of another public policy*. It may happen that during the implementation of a public policy, problems are detected that were not initially observed, or that, by changing the original situation as a result of public policy intervention, new demands are generated by it (Olavarría, 2007:12-13).

A second issue to analyse is: what are the characteristics of public problems? In general, three distinguishing characteristics of any public problem are generally recognised:

- *Interdependence.* Public problems are part of a system of action and are usually multi-causal in their origin or explanation. Since the different facets of social life are interconnected, situations that have been identified as problematic are influenced and influence others who share a system of action.

- *Subjectivity*. There are many problematic situations in society, but to be considered public problems, they must coincide with the visions, aspirations, and interests of the relevant actors with power, who push them forward and put them on the public agenda[17].

- *Dynamism*. Public problems evolve because of changes in knowledge, technology, culture, the emergence of new social phenomena, or because of the same public policy interventions (Olavarría, 2007).

A third important question is: by what criteria is it possible to identify a public problem? Commonly used criteria for the identification of a public problem are:

- *Normative need*. It is defined by experts, politicians, influential or powerful people who, according to their own values, identify what citizens need. Therefore, those deficiencies that are present in the social base, but do not coincide with their vision, are not considered a public problem.

- *Felt need*. Through the structures of representation, politicians and/or social leaders translate and communicate latent desires and motivations of citizens into concrete demands.

- *Expressed demand.* The people, through concrete acts such as the use or non-use of public services or goods distributed by public bodies, petitions, direct communications to the authority and similar tools, express specific demands that are picked up and interpreted by decision-makers and translated into concrete actions.

[17] The public agenda "is a collection of issues, understanding the causes, symbols, solutions and other elements of public problems that come to the attention of members of the public and their government officials". The agenda includes a set of beliefs about the existence and magnitude of problems and how they should be addressed by the government, the private sector, non-profit organisations, or joint action by some or all of these institutions (Birkland, 2007:63). One aspect to consider in this topic is the so-called "windows of opportunity", which refer to occasions in which, temporarily and due to movements in political processes, there is the possibility of incorporating certain public problems into the public agenda (Olavarría, 2007).

- *Comparative need.* It arises from comparing the situation of a given social phenomenon in different contexts, which makes it possible to identify a gap that needs to be narrowed or closed, transforming it into a public problem that requires intervention by the corresponding authorities (Meny & Thoenig, 1992).

Another relevant issue is: what is the process to recognise a public problem? The process of recognising a public problem can be understood as the development of a debate that involves the confrontation of arguments in order to determine whether or not a situation should be classified as a public problem and if so, the ways to address it. In this process, the arguments that are confronted express competing interests and generally use the following rationalities or bases:

- *Arguments based on the state of knowledge*. One of the recurring sources for establishing whether a situation represents objective deficiencies, and the effective ways available to address it, is the accumulated knowledge on the corresponding subject matter.

- *Arguments based on ethical-moral considerations*. In this case, the actors involved in the debate construct their arguments from their normative frameworks.

- *Arguments based on technical-economic rationales*. The basic principle of this rationality is the search for efficiency. As a result, situations that affect efficiency will be seen as problems.

- *Arguments based on political considerations*. Are related to the distribution of power in a given community and the effects that public policy interventions can have on their balance.

The debate closes with a determination on the identification of the public problem and the best way to deal with it, gathering the arguments that most closely approximate to the interests of those with the faculty to decide (Olavarría, 2007:21-23).

Therefore, in view of the above, it is possible to qualify a problem as public when:

- It Shows objective lacks or needs in society that have reached crisis proportions by negatively affecting well-being, the possibilities for development or progress, the social coexistence, etc., and therefore cannot continue to be ignored.
- It has acquired peculiar or significant characteristics that differentiate it from a more general problem.
- It causes a serious emotional situation that attracts media attention.
- It had become globally important when it was initially very limited in size and effect.
- It triggers questions related to legitimacy or power, and therefore affects the sensitive core of public power, carrying a heavy symbolic burden.
- It achieves high public visibility by connecting to trends or fashionable values
- Actors with power qualify it as such (Subirats, 1992; Olavarría, 2007).

b) Design or formulation of public policy

The design or formulation of public policies is part of the political pre-decision making and "implies to identify and/or elaborate a set of alternative policies to address a problem and to reduce that set of solutions in preparation for the final policy decision". Policy formulation addresses questions such as: What to plan to address the problem? What are the objectives, goals and priorities to be addressed? What options are available to achieve these objectives? What are the costs and benefits of each option? What externalities, positive or negative, are associated with each alternative? (Sidney, 2007:79).

The design of public policies is characterised by a technical and a political phase. The technical phase "outlines an intervention aimed at resolving or mitigating the identified problem, which involves a certain rational process in which their characteristics, causes, interconnections and consequences are examined and determined". On the other hand, the political phase "consists of the confrontation of interests that takes place around the recognition of a public problem, the demand for State intervention and the specific contents adopted by this first outline of public policy" (Olavarría, 2007:32).

In this respect, Bardach (2001) provides a schema of the public policy design process, which is composed of:

1) Problem definition[18]— this definition must be manageable and make sense in the light of the political and institutional resources available—.

2) Collection of evidence— involves gathering the information necessary to assess the nature of the problem to be defined, the particular characteristics of the specific situation of the policy to be studied, and the policies that some people have thought would work—.

3) Construction of alternatives—the development of public policy options must proceed from the general to the particular and focus on the analysis of the causes of the problem in order to conclude with the proposal of one or several basic alternatives and their respective variants—.

4) Criteria selection— criteria are the evaluative standard used to judge the goodness of the results projected in the different alternatives proposed. Among the most commonly used are the efficiency and effectiveness criteria that seek to determine whether the proposal will achieve its intended results/benefits, the value criteria such as equity, justice and freedom, the practical criteria that refer to political and institutional factors that the proposals will face if they are implemented, such as the legality, the political acceptance, and its applicability—.

5) Projection of results—depending on the cause-effect relationship and should preferably be related to an approximate magnitude—.

6) Pros and cons analysis—implies analysing the costs and benefits of the outcomes associated with the alternatives, if it is possible through the minimum acceptable or tipping point—.

[18] In this respect, Eugene Bardach steps outside the commonly established literature and points to the possibility of considering that the "problem" can be identified as an opportunity to refine policies that have not been identified as grievances or threats.

7) Decision— it must be determined which of the alternatives is the most convenient—

8) Presentation of the alternative—once all of the above steps have been taken, a decision must be made and presented to the appropriate authority—.

Nevertheless, Bardach (2001) clarifies that these eight steps may not occur in all cases and that it is, therefore, feasible to "reorder the process in three main stages: understanding and characterising the problem, defining the intervention and choosing the instruments through which public policy will be implemented" (Olavarría, 2007:33).

In the comprehension and characterisation of the problem, the public policy analyst seeks to answer questions such as: What's the problem? Why is this situation a problem? is the problem linked to excesses or deficiencies? What are the negative consequences? Who is affected and in what proportion?—if it is possible, the quantification of the problem should be sought—, how has the problem evolved? What is its current status? What would happen in the absence of intervention? Is there any public policy that has addressed the problem? are there other interventions in nearby areas, and if so, what consequences have they generated? What is the institutional, political, economic and social context in which the problem unfolds? What is the relevant background information on the situation under analysis? Among others applicable in the specific case (Olavarría, 2007).

In the definition of the intervention, analysts formulate the intervention proposals with which they hope to resolve the problem, which is based on conceptual frameworks that explain the causes that produce or contribute to the problem, its connections with other phenomena, and the State of its knowledge. However, the design of these proposals commonly faces certain kinds of constraints, either substantives— inherent to the situation that needs to be addressed, given that the characteristics of the problem and its causes are which determine the difficulties in addressing and resolving it—, institutional— that have to do with the laws, regulations and procedures involved in the decision making and implementation of the proposal—, o politics—that make reference to the acceptance that they have by other influential actors in the public policy process—(Olavarría, 2007:34- 35).

As a consequence, at the stage of the definition of the public policy intervention, it is usual to carry out an analysis of its feasibility through the following filters:

- Budget. Allows identifying the availability of resources for the implementation of the public policy that is being designed.

- Socio-economic. Allows performing the economic and social valuation of the costs and benefits associated with public policy.

- Legal. Allows verifying whether the proposed solutions contravene any of the requirements established in the general and specific regulations applicable.

- Political. Provide knowledge of the interests and power held by individuals, groups or organisations that would be both for and against the public policy.

- Environmental. Assesses the impact that public policy will have on the environment.

- Administrative. Permits the assessment of the organisational and technical resources that will be available for the implementation of the public policy based on the organisational structure under which it will operate (Cervantes García, 2018:46-47).

Finally, the public policy instruments "are the elements that the proposal designers arrange for the implementers and/or target population to do something that they would not otherwise do, with the aim of changing behaviour in order to solve a public problem or achieve goals considered in the design of the policy", These include, but are not limited to the direct management by the government or the privatisation of a service or product, the issuing of regulation or of its parameters—in case of self-regulation—, market intervention, taxes, subsidies, information and education campaigns etc. (Olavarría, 2007:37). Once the elaboration of the proposal has been completed, it will generally be confronted with proposals from other actors involved in the public policy process.

In addition, Eugene points out the most common mistakes during the design phase: the inclusion in the problem definition of an implicit solution due to semantic carelessness— the definition of the problem should be limited to a mere description, and the search for solutions should be left open— and the collection of data without analytical value—must think about what needs to be known and why for a better understanding of how to solve the problem— (Bardach, 2001).

In synthesis, the characteristics of the decisions taken during this stage of the public policy process are the following:

- Involve the choice of one alternative within a relatively small number of options
- Disrupt or maintain the status quo
- Involve taking a political position, i.e. satisfying some interests and not others, thus creating winners and losers.
- Are debated by many but decided by few, who occupy the formal positions of power in the State.
- Must comply with the formalities set out in the country's institutional framework—Constitution, laws and/or other regulations, etc.— (Olavarría, 2007).

c) Implementation

In general terms, the implementation "can be understood as the set of acts that are oriented towards the concrete realisation of the objectives set out in the design phase of the public policy" (Subirats, 1992:112). The research on the implementation stage of public policies[19] can be divided into three generations: a) *top-down approach*, which emphasises the ability of decision-makers to produce unambiguous policy objectives and to control the implementation stage, b) *bottom-up approach*, which arises as a critique of the top-down approach, sees local bureaucrats as the main actors in the delivery of public policy and conceives the implementation as negotiation processes within networks of implementers and, c) hybrid approach, which attempts to overcome the division between top-down and bottom-up approaches by incorporating elements of both (Pulzl & Treib, 2007).

Top-down approach[20]. "It studies implementation from the purposes and motivations of the

[19] For further reference on the variables and practical recommendations considered important in the literature on the implementation of public policies, we recommend reading the works by Laurence J. O'Toole, Jr. (1989 y 2000).

[20] For further reading on the subject, we recommend the following works by authors considered to be the classic theorists of the top-dow approach*:* Pressman & Wildavsky (1973), Van Meter & Van Horn (1975), Bardach (1977), Sabatier & Mazmanian (1979, 1980), Mazmanian & Sabatier (1983).

highest levels of State leadership, and has therefore been described as administrative or Weberian-rational" (Subirats, 1992:112). It is based on the assumption that it is possible to completely separate the design and implementation of public policy and that the implementers are the actual decision-makers, i.e. for this approach, the implementation of public policy begins with a political decision taken by the central government and concludes with its administrative execution. It is based on a "black-box model" of the public policy process inspired by systems analysis and assumes a direct causality of the link between public policies and observed outcomes, ignoring the impact of implementers in the execution of public policy. The main theorists of this model essentially employed a prescriptive approach that interpreted the public policy as input and implementation as an outcome factor coming to be described as a phenomenon of the ruling elite (Pulzl & Treib, 2007).

In this sense, the top-down approach could be summarised by saying: "if there is a rational decision, ideal administrative characteristics and an absence of environmental conflict, the performance of the implementers will be better developed and the final results will be better too" (Subirats, 1992:112). This conception is based on the assumptions that public policy: a) has a strictly institutional origin, b) privileges the work of experts and decision-makers, c) its execution is based on impersonal, technical, legal and administrative criteria, d) is expressed in formal documents issued by a competent authority, d) contains specific and detailed activities, operational procedures and programmes of activity, as well as clear definitions of the targets to be achieved and which will be the standard against which its performance will be compared, e) is a product for the consumption of a passive or patronising society, f) clearly identifies the means and instruments that will be available for the achievement of the goals, and, g) involves a chain of implementation that starts with the instruction of the competent authority and moves down through the chain of command to the bottom of the organisation triggering its execution (Canto, 2008; Olavarría, 2007; Meny & Thoenig 1992).

As a corollary of the above, the theorists who adopt this approach argue that implementation problems are generated by the excessive complexity of joint action, derived from the cooperation necessary for the successful implementation of public policy (Jaime, Dufour, Alessandro & Amaya, 2013).

Bottom-up approach[21]. It arises as a critique of the top-down approach, arguing that the rationality it assumes is unlikely to be given. Public policies are never perfect derived from the political, complex and controversial nature of the process in which they emerge, the frequent problems of multiplicity, ambiguity and contradiction between their objectives, the scarcity of resources aspired to or needed, the changing environmental and social conditions, among other factors and circumstances that affect its essence and processes (Olavarría, 2007; Subirats 1992).

As a result, based on various research that showed that the outcomes of many public policies do not always sufficiently relate to their original objectives—making highly questionable the causal link that they assume—, and with particular emphasis on studies of the failures of reformist public policies in the United States in the 1960s and 1970s, that determined that their failure was due to problems of misalignment between political rhetoric, inscribed objectives, the resources mobilised and the procedures adopted—and which also served as a starting point for the study on the implementation of public policies[22]—, the bottom-up approach suggests to analyse the causes that influence the implementation of public policies at the level of the recipient (Pulzl & Treib, 2007; Subirats, 1992).

The studies that adopt this approach start from the "bottom-up", identifying the networks of actors involved in the implementation of public policies. Moreover, they reject the idea that public policies are defined at the central level and that implementers should stick to their objectives as closely as possible, arguing the need and availability of discretion at the implementation stage as a beneficial factor as local bureaucrats are much closer to the problems than central policy-makers (Pulzl & Treib, 2007).

Thus, the bottom-top approach states that the implementation of public policy does not depend exclusively on its conformity with its design but on many other factors that are not available to or can be foreseen by decision-makers, emphasising that the implementation

[21] For further information on the subject, it is recommended to read the following works by authors who are considered as the classic theoreticians of the bottom-up approach: Lipsky (1971, 1980), Elmore (1980), Hjern & Porter (1981), Hjern (1982) y Hjern & Hull (1982).

[22] On this subject, see "Complexity and control: what legislators and administrators can do about implementing public policy" (Elmore, 1980), "Policy and action: Essays on the implementation of public policy" (Barret & Fudge, 1981), and "Policy analysis in mixed economy: An implementation approach" (Hull & Hjern, 1983).

process takes place through a network of actors, rather than through a rigid, hierarchical administrative structure. For the bottom-top approach, the government acts in response to pressures from various social groups in a positive-sum game and processes the demands into public policy[23] (Olavarría, 2007).

As a result, theorists of this approach argue that the problems of policy implementation are at the ultimate point of service delivery, and therefore correspond to the counter or contact staff (Jaime, Dufour, Alessandro & Amaya, 2013).

Hybrid approach[24]. The hybrid approach brought two important innovations. The first is that it attempted to overcome the conceptual weakness of the debate between top-down and bottom-up approaches, leaving aside normative aspects of the controversy and focusing instead on empirical arguments about the conceptualisation of implementation processes, pragmatically blending the extreme arguments of both approaches in models that embrace central direction and local autonomy. Secondly, some of the theorists of the hybrid approach pointed to important factors that had received little attention until then, such as the need to analyse implementation in conjunction with the public policy formulation process and not in isolation from it, and the recognition of external factors such as economic development and the influence of other policy fields (Pulzl & Treib, 2007). Currently, it is proposed that by combining both approaches, it is possible to understand the choice of means and tools made by public policy designers and decision-makers, as well as to understand and take into account the motivations of the officials who implement it operationally (Olavarría, 2007).

[23] In this regard, it should be considered that in order to make lobbying actions more effective, social actors demand a set of capacities and skills in social organisations that are not interchangeable, such as organisational capacities— that have to do with the sustainable functioning of the organisation, an effective operating model and an ongoing evaluation and learning exercise—, technical skills— to enable them to develop viable, feasible and replicable proposals, implement the actions, monitor and evaluate them—, political skills— that involve the establishment of relations with other affected and/or interested actors vis-à-vis some figure of authority—, and social roots— through which the organisations are articulated with the different actors in the community or territory during the public policy process—(Canto, 2008).

[24] In order to delve deeper into the topic, it is recommended to read the following works by authors who are considered the classic theorists of the hybrid approach: Majone & Wildavsky (1978), Scharpf (1978), Ripley & Franklin (1982), Elmore (1985), Sabatier (1986), Goggin et al. (1990) y Winter (1990).

d) Evaluation

In general terms, evaluation can be understood as "the process of determining the merit or value of something; or the product of that process" (Scriven, 1981:53). The development of evaluation theory has its origins in accountability and systematic social research. While accountability provides the justification— by representing the satisfaction of the need to evidence and inform about the objectives, processes and results of actions in order to improve them—, is primarily thanks to systematic social research— that based on the concern to employ a system of reasonable and reliable methods to determine the responsibility for the actions undertaken— that the first evaluation models were constructed (Alkin & Christie, 2013).

For a better study of the theoretical-practical development of evaluation models in general, these can be classified according to their major development in certain aspects into three distinct variables: methods, valuing, and use.

Methods[25]. It refers to the construction of generalisable methodological knowledge for evaluation. The models catalogued in this variable defined the conditions for experimental and quasi-experimental designs. Among the main models in this category are the case study, the systematic review, the impact evaluation, the programme theory evaluation, the realist evaluation, the contribution analysis, the big data analytics, the comparative qualitative-quantitative analysis, the process tracing, the mediation analysis, the variance-based methods, the multilevel statistical models, the logical framework approach, the outcome mapping, the most significant change approach, the theory of change, social network analysis, mixed methods, theory-based impact evaluation and the evaluation of randomised controlled trials (Alkin & Christie, 2013; Lemire, Peck & Porowski, 2020; Lemiere, 2020).

[25] For further information about the construction of generalisable methodological knowledge for evaluation it is recommended to read: Tyler (1942), Campbell (1957, 1969, 1971, 1975a, 1975b, 1986, 1988), Campbell & Stanley (1966), Suchman (1967), Weiss (1972a, 1972b, 1973, 1976, 1981, 1991, 1998), Cook & Campbell (1976, 1979, 1986), Cronbach & Snow (1977), Cook & Gruder (1978), Boruch, McSweeney & Soderstrom (1978), Rossi, Freeman & Wright (1979), Weiss & Bucuvalas (1980), Cronbach & Associates (1980), Cronbach (1951, 1955, 1963), Chen & Rossi (1983, 1987), Berk, Boruch, Chambers, Rossi, & Witte (1985), Rossi & Freeman (1982), Boruch (1997), Boruch, Synder, & DeMoya (2000).

Valuing[26]. The models categorised in this variable focus on the work of evaluators with respect to their findings and the determination of what to examine. Among the most important models in this category are responsive evaluation, evaluation by standards and criteria, and cultural awareness and social justice approaches (Alkin & Christie, 2013; Lemire, Peck & Porowski, 2020; Lemiere, 2020).

Use[27]. The models catalogued in this variable focused on the instrumental, conceptual or symbolic way in which the information obtained as a product of the evaluation is used. Among its principal models are those for the measurement and validation of evaluation capability, the rapid cycle evaluation, the participatory action research, the communities of practice, utilisation-focused evaluation, the developmental evaluation, participatory evaluation, the blue marble approach, the principles-based evaluation, the empowerment evaluation, the democratic evaluation, and the model CIPP (Alkin & Christie, 2013; Lemire, Peck & Porowski, 2020; Lemiere, 2020).

Extrapolating the above to the political arena, evaluation consists in "assigning value to alternative policies, laws or general decisions binding for a collectivity" (Barry & Douglas, 1975:340) and more specifically in the public policy framework, evaluation can be seen as "a scientific discipline that is justified by the pressure on public institutions to determine in which measure the public intervention produces an improvement in individual or social welfare, how this improvement is produced and how it could be achieved in a more effective way" (Ballart, 2016: 229), either as "an applied research, with an interdisciplinary tendency, carried out through the application of a systematic method, whose objective is to know, explain and evaluate a reality, as well as to contribute elements to the decision making process, which allow to improve the effects of the evaluated activity" (Cardozo, 2006:43) and whose essence is "learn from the consequences of public policies" (Dye, 2013:63) in

[26] For further information about the work of evaluators, it is recommended to read: Scriven (1967, 1972a, 1972b, 1974, 1976, 1983, 1986, 1993, 1994), Wolf (1975, 1979), Stake (2000), Guba & Lincoln (1989), House (1991a, 1991b, 1993, 2001), Abma & Stake (2001).

[27] For more information about the way in which the data obtained as a result of the evaluation is used, it is recommended to read: Provus (1969), Alkin (1969, 1972a, 1972b, 1990, 1991), Alkin, Daillak & White (1979), Patton (1978, 1986, 1997), Patton, Grimes, Guthrie, Brennan, French, & Blyth (1977), Wholey (1981, 1983), Stufflebeam (1966, 1967, 1983, 2000, 2001), Cousins & Earl (1992, 1995), Fetterman (1994, 1996, 1998), Cousins & Whitmore (1998), Preskill & Torres (2001), King (1998), Owen & Lambert (1998).

order to determine “how in the different stages of the public policy the identified problem is being reversed” (Aguilar Astorga, 2017: 21).

In this sense, the evaluation of public policies— whether they are referred to as policies, plans, programmes, project or actions— is usually carried out mainly for three purposes: 1) enlightenment or understanding about what is going on with the functioning of the intervention with the aim of exploring new meanings about its reality, 2) feedback or improvement of the design or implementation of the intervention based on experience, and 3) accountability of economic, social and political responsibility of the intervention especially if it is financed with public funds— because the taxpayer has the right to know in what and how public money is being spent—(Feinstein, 2016; Rossi & Freeman, 1989).

However, the evaluation of public policies is usually divided into different typologies according to their content and the interest of their proponents[28]: 1) design evaluations, which are often carried out to justify the need for new interventions or the reorientation of existing ones, 2) process evaluations, that aim to ensure that the way in which interventions are implemented is the most efficient, and 3) outcome/impact evaluations, which in their respective dimensions seek to satisfy the demands of controlling their effectiveness (Subirats, 1992).

[28] However, it should be noted that according to the *Evaluation Research Society* (ERS), there are six types of evaluations that are commonly conducted, including 1) the previous analysis— which answers questions of policy-making purpose and is usually done before deciding to go ahead with a new programme—, 2) the evaluability assessment— which examines the logic of a programme's assumptions and activities with respect to its objectives, describes the characteristics of the programme's implementation and determines the feasibility and usefulness of carrying out an assessment. In that sense, it can be the first phase of a broader evaluation effort and can serve both political purposes and policy formulation and implementation—, 3) the evaluation of the process— which normally aims to analyse programme implementation processes with a view to improving them—, 4) the evaluation of effectiveness or impact—which seeks to find out how well a programme is working and therefore serves primarily for accountability purposes, so the evaluation design must include a basis for comparison to understand what would have been observed in the absence of the programme—, 5) the monitoring of programmes and problems—that tracks long- or short-term progress in areas such as changes in the problem addressed by the programme, the programme's compliance, the delivery of services, and the number of clients. This type of evaluation can serve all three purposes of evaluation: policy formulation, implementation and accountability— y 6) the meta-evaluation or evaluation synthesis—that uses existing assessments to determine what has been learned about the programme. This type of evaluation can address many different evaluation questions, including those related to the extent of existing knowledge on a given programme or problem. As such, like monitoring, it can serve all three evaluation purposes—(Chelimsky, 1987:90-92), from the author's perspective, despite her daily practice, the previous analysis, evaluability assessment, monitoring and, meta-evaluation synthesis are all tools for improving the quality of the public policy process and, where appropriate, of the evaluation, but they are not an evaluation in themselves.

Design evaluation

Based on the premise that the design "is a means to understand reality and also to act on it", the design constitutes an area of research in which what was made is also an object of study. (Parsons, 2007: 582). A simple way of defining design evaluation is as one which "analyses the rationality and coherence of the intervention, checks the veracity of the diagnosis that justifies it, judges the definition of the proposed objectives in relation to given parameters, examines the correspondence between the reality of the context in which the intervention is intended and the objectives—explicit and implicit— that the political strategy intends to achieve" **(**Bueno Suárez & Osuna Llaneza, 2013: 44).

The importance of evaluating the design of public interventions lies in the fact that it often identifies issues that could be problematic for their proper development, such as the generic definition of objectives and their subjection to demagogic rhetoric that allows decision-makers to adapt them subsequently, the presence of implicit objectives contradictory to the explicit objectives, the lack of clarity about the responsibilities and expected results of the actors involved in the intervention, the identification of possible unintended or expected side effects, among others.

Regarding the time frame in which it takes place, the design evaluation is usually carried out before the implementation of the intervention, however, should be considered its importance in facilitating and complementing the assessment of the achievement of the objectives of an intervention, and thus its relevance as a complementary factor in process, outcome and impact evaluations. In addition, if it is carried out in an intermediate or ex-post phase, it can be analysed in terms of its implementation, scope and effects, and on the basis of these to draw more accurate conclusions regarding the coherence and rationality of the design.

In this sense, the evaluation of the design of public interventions can be divided into two dimensions, the rationality dimension—which aims to clarify the analytical basis of the context in which the intervention takes place and on which public actions are justified in order to be able to judge whether decisions respond to a rational logic— and the coherence dimension—which analyses the degree of compatibility of the intervention as a whole, both in terms of its internal structure and in relation to other external references—(Bueno Suárez

& Osuna Llaneza, 2013; Blasco, 2009).

The variables that are usually analysed in the rationality dimension refer to the way in which the diagnoses were elaborated, the clarification of the definition of the problems to be addressed and the way in which the target population is defined. On the other hand, the variables that are usually analysed in the coherence dimension refer to the definition, clarity, quantification and logical correspondence of the objectives pursued by the intervention with respect to the needs detected, the degree of correspondence between the chain of ends-means and the chain of cause-effect that guides the intervention, its compliance with current legislation or regulations, as well as their compatibility with other interventions with which they share objectives, target population or other elements (Bueno Suárez & Osuna Llaneza, 2013; Blasco, 2009).

However, the assessment of the internal coherence of public policies is usually based on the implementation or process theory, the theory of change and the programme theory approach, since the public interventions are conceived according to a theory—explicit or implicit—about the sequence of actions or stages to be carried out to achieve the proposed objectives and goals. From this perspective, the explanation of the behaviour of the interventions is done through two types of hypotheses: 1) those that refer to the relationships that are expected to exist between the means and the objectives that they are intended to achieve and 2) those that raise the presence of incidences that impact on the results of the intervention and that stem from contextual factors, such as the possible responses of the target population of the intervention, the environment, etc. (Bueno Suárez & Osuna Llaneza, 2013; Blasco, 2009).

As a consequence, among the main questions to be answered by a design evaluation are the following: Is it realistic to think that the objectives will be achieved as a result of the products or services that the intervention provides? Is the causal chain implied in the intervention design plausible? Are the processes for identifying the target population and the products/services object of the intervention well defined and relevant? Are the components, activities and functions of the intervention well defined and adequate? Are adequate resources allocated to the intervention? (Blasco, 2009).

Process evaluation

Once a public problem has been identified, and the intervention has been designed to address it, it is then implemented. However, during the implementation process, certain circumstances become apparent or occur which are susceptible of causing deviations or deficits with respect to the original design of the intervention—such as unclear design or a design that is not adapted to the territorial or organisational context, the subsequent modification of the economic, political or social context, the lack of resources, the inadequate socialisation of the intervention, an unexpected response from the target population, among others—, hence the importance of the evaluation of implementation (Lázaro & Obregon, 2009).

However, starting from the point of view of the design of public policies, "the evaluation of implementation assesses the consistency and coherence of the practical execution of a programme in relation to the initial design" (Lázaro & Obregon, 2009:7). In this sense, the evaluation of implementation focuses on reviewing the immediate results achieved for the intervention — what services, benefits or goods it is producing and whether they are being used by the target population— and analyse the functioning of the organisational aspects of an intervention to see if they are performing according to the original design (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017; Lázaro & Obregon, 2009).

This type of evaluation can be carried out alone or in combination with other types of evaluation. In the first case, it normally aims to analyse the programme implementation processes in order to improve them. In combination with other types of evaluation, it can serve the purpose of accountability, with an objective that may include: a) help to determine the evaluation of the effectiveness of the design, or b) help to explain their findings. In the first case, the evaluation of the process shall precede the evaluation of the effectiveness; in the second, the two are carried out simultaneously (Chelimsky, 1987).

As a logical consequence of the above, the evaluation of implementation is oriented to answer two essential questions: 1) is the target population receiving the intended services/provisions/products? — i.e. whether the goods, services or benefits provided for in the intervention have been produced in sufficient quantity and of quality, and whether they are reaching their target population and whether they are being used as was intended or whether there is any diversion— and 2) are the functioning and internal organisation of the

intervention adequate?— i.e. whether the set of factors of production of the intervention or critical functions of the implementing organisation operate with the consistency and coherence required to produce the intended outcomes. Therefore, some possible dimensions to assess in this case are the adequacy of financial, material and personnel resources, the process and service delivery chain, the organisational structure, the organisational relationships, the planning and management of quality with respect to the original plan of the intervention or other reference standards—(Lázaro & Obregon, 2009; Blasco, 2009).

In this sense, to carry out an evaluation of implementation, it is necessary to 1) identify or reconstruct the programme design and the theory of change that underpins it, 2) analyse what is happening in reality through the verification of the real execution of the main assumptions of the intervention with respect to the initial plan of the intervention, 3) assess the extent to which the deviations that occur or may occur in the implementation of the intervention continue to be part of its initial objectives, 4) analyse the functioning of the intervention and the outputs that it is achieving, and 5) to objectify, describe and assess what the programme is doing (Lázaro & Obregon, 2009). As a corollary, the implementation of the evaluation should include as part of its elements the description of the operations of the intervention (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017).

Evaluation of outcomes/impact

The evaluation of outcomes is often defined as an evaluation that "has as its main purpose to estimate the degree of fulfilment of the programme's overall objective, whose achievement has been referred as programme outcome, and which contains the observed change in the problem situation that gave rise to the intervention". Even though the evaluation of results seeks to discern the contribution that the intervention makes to the improvement of a given situation, the methodological strategy that it adopts does not allow to extract definitive conclusions on its attribution (Bertranou, 2019:179). In order to determine the attribution of certain outcomes to an intervention, it is necessary to carry out an impact assessment.

The impact evaluation "is the most rigorous evaluative methodology, because it is able to distinguish the effects of an intervention from the effects produced by other external factors" (Bertranou, 2019:180). The impact evaluation has the aim of determining more generally

whether the programme produced the desired effects and whether these effects are attributable to the intervention (Baker, 2000). It also allows examining the unintended consequences on the beneficiaries, whether positive or negative. Depending on the moment it is designed, the impact assessment can be prospective or retrospective. The prospective evaluations are developed simultaneously with the design of the intervention, and the baseline data are collected before the implementation in both the treatment and comparison groups. The retrospective evaluations are designed after the implementation of the intervention, and the treatment and comparison groups are generated ex-post (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017).

For the estimation of the impact of a programme, the counterfactual must be calculated[29], which consists of estimating what would have been the outcome if the intervention participants had not been part of it. The calculation of the impact or causal effect of an intervention (I) in an outcome of interest (Y) is obtained using the basic formula of the impact assessment:

$$\Delta = (Y \mid I = 1) - (Y \mid I = 0)$$

According to this formula, the causal impact (Δ) of an intervention (I) in an outcome (Y) is the difference between the outcome (Y) with the intervention— i.e. when I = 1— and the same outcome (Y) without the programme— i.e. when it is = 0—. The treatment group—the participant in the intervention— has a result of (Y | I = 1), while the statistically identical comparison group or control group—the group that has not participated in the intervention— allows estimating the counterfactual result of (Y | I = 0) (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017; Navarro, 2005).

As a consequence, without a control group to produce an accurate estimate of the counterfactual, the real impact of an intervention cannot be established. Therefore, "the challenge of an impact evaluation is to define a treatment group and a comparison group that are statistically identical" with the finality of having the assurance that any difference in the

[29] This is known as the counterfactual problem, which is the difficulty of measuring what would have happened if other circumstances had prevailed. As a consequence, since it is not possible to observe the counterfactual directly, it is always an estimate.

results would have to be due to it. In this sense, “a valid comparison group: 1) has the same characteristics, in average, that the treatment group had in the absence of the programme, 2) is not affected by the programme, and 3) would react to the programme in the same way as the treatment group, if it were the subject of the programme” (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017: 58).

The steps for conducting an impact assessment include: 1) constructing a theory of change that describes how the intervention is supposed to achieve the desired results, 2) develop a chain of inputs, activities, outputs and outcomes in the short, medium and long term to serve as a useful tool for outlining the theory of change, 3) construct the evaluation questions related to the causal effect attributed to the intervention with respect to the outcomes of interest in the form of hypotheses, and 4) select the indicators in attention to the whole chain of inputs, activities, outputs and outcomes in the short, medium and long term, so that they can follow the causal logic of any intervention-related effects (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017, 36- 47).

Among the existing methods to calculate the impact of interventions are before-after comparisons, the enrolled - not enrolled comparisons, random assignment, instrumental variables, regression discontinuity design, difference-in-differences, and matching. The before-after comparisons—that compare the results of the same group before and after participating in an intervention— and of enrolled - not enrolled —that compare the outcomes of a group that chooses to participate in a programme with a group that chooses not to participate— are commonly used methods, but highly risky, for constructing comparison groups that often lead to inadequate estimations of the counterfactual. The random assignment, instrumental variables, and regression discontinuity designs allow the estimation of the counterfactual using explicit intervention allocation rules that are known and understood by the evaluation team, while difference-in-differences and matching are usually applied when the rules for allocating the intervention are less clear or when none of the three previous methods is feasible (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017). The following is a brief synthesis of its characteristics.

-*Randomised allocation or randomised controlled trial (RCT).* The random assignment has a double utility: 1) provides to administrators an allocation rule when the eligible population

is larger than the number of places available in the programme, or when it is necessary to expand a programme progressively until it covers the entire eligible population, by ensuring that all eligible units have an equal chance to participate, and 2) provides an accurate estimate of the counterfactual using a valid comparison group. However, there are two types of risks to be taken into account in the selection of the allocation level[30]: 1) the spillover effect, which occurs when the treatment group directly or indirectly influences the outcomes of the comparison group—or vice-versa— and 2) the imperfect compliance, which occurs when some members of the comparison group participate in the intervention or some members of the treatment group fails to do so (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017; Navarro, 2005; Baker, 2000).

-*Instrumental variables.* It is useful to evaluate interventions with imperfect compliance, voluntary enrolment or universal coverage. It is supported by some external source of variation to determine treatment status and influences on the probability of participation in the intervention but is outside the control of participants and is not related to their characteristics. As a consequence, an instrumental variable must satisfy two basic conditions: 1) the exogeneity, i.e. it should not be correlated with the characteristics of the treatment and comparison groups, nor directly influence the outcome of interest and 2) the relevance, it should influence in the participation rates of treatment and comparison groups in different ways— normally by increasing participation in the units assigned to the treatment group—.

Thanks to the instrumental variables method, it is possible to estimate: 1) the effect of offering a programme or the intention to treat (ITT)—, which estimates the difference in outcomes between the units assigned to the treatment group and those assigned to the comparison group— regardless of whether the units in the treatment group actually receive the treatment or not. This is done by estimating the weighted average of the outcomes of participants and non-participants in the treatment group versus the average outcome of the comparison group—, 2) the effect of participating in the intervention or the treatment-on-the-treated (TOT)—, which estimates the difference in outcomes between units that actually receive the treatment and the comparison group, and, 3) the local average treatment effect

[30] The random allocation can be carried out at various levels: individual, household, enterprise, community, or regional and generally depends on where and how the programme is implemented.

(LATE)— which is often used when there is non-compliance in the treatment group, the comparison group, or both (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017).

-*Regression discontinuity design.* It can be used in programmes that have a continuous eligibility index with a threshold—score limit— Since the regression discontinuity method estimates programme impact around the score limit, or locally, the estimation cannot necessarily be generalised to units whose scores are far from the threshold, i.e. where eligible and ineligible individuals are not as similar (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017, Navarro, 2005, Baker, 2000).

-*Differences in differences.* Contrasts the differences in the outcomes over the time between a population enrolled in an intervention—the treatment group— and an unenrolled population— the comparison group—, which allows for correcting any constant differences over time between the treatment groups. The difference-in-differences approach combines two false estimations of the counterfactual: before-and-after comparisons—first difference— and comparisons between those who enrol and those who choose not to enrol—second difference— to produce a better estimation of the counterfactual, in order to compare the trends between both groups (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017, Baker, 2000).

-*Matching.* This consists of statistical techniques to construct a comparison group through the determination for each potential treatment unit, a control unit that has characteristics as similar as possible, or the probability of that unit being enrolled in the intervention. The matching can be applied in the context of almost all assignment rules of the intervention as long as there is a group that has not participated in the intervention. In addition, the matching is often combined with other methods such as difference-in-differences and synthetic control— which entails constructing a synthetic unit of comparison based on the information on the characteristics of the treated units and the untreated units—. However, "although matching contributes to controlling for basic observable characteristics, it can never rule out the bias that arises from unobservable characteristics" (Gertler, Martínez, Premad, Rawlings & Vermeersch, 2017: 173; Navarro, 2005; Baker, 2000).

In addition to the types of public policy evaluation briefly outlined above, the literature

usually classifies evaluations according to the moment at which they are carried out, by whom and for what purpose. The following is a synthesis.

Classification	Denomination	Characteristics
According to the moment in which they are carried out	Ex-ante evaluation	- Is carried out during the design stage -Consists in consideration of the relevance or pertinence of the intervention and an estimation of its possible effects.
	Ex-dure evaluation	-Take place after the start of implementation but before the conclusion of the intervention. -Focuses on medium-term progress -Are often used to provide elements of judgement to decide on the continuation of the intervention.
	Ex-post evaluation	- Is carried out after the termination of the intervention and is used to make a judgement on its success or failure.
According to who evaluates	Internal evaluation	- Is carried out by evaluators who belong to the institution or body that implements the intervention.
	External evaluation	- Is carried out by evaluators from outside the institution that implements the

		intervention.
	Mixed evaluation	-Is carried out by a mixed team of evaluators that belong to the institution or body that implements the intervention and external evaluators.
According to its purpose	Formative evaluation	- Its purpose is the learning - Occurs during the implementation - Is usually oriented towards the decision making for the reorientation of the intervention. -Is aimed to determine the degree to which the intervention reaches the population, the degree to which it is consistent with the specifications of the programme design, and the resources that have been expended to implement the intervention.
	Summative evaluation	-Seeks to measure how the intervention has impacted the problems it was intended to address. - Takes place after the implementation of the intervention.

Table 3. Typology of public policy evaluation and its characteristics. Own elaboration based on Feinstein (2016), Ligero Lasa (2016), La Spina & Espa (2011), Parsons (2007) & Scriven (1981).

e) Succession and termination

In a simple approach to the public policy cycle, "the evaluation represents some kind of feedback within the public policy process that has as a consequence the change in the policies". However, this position is somewhat naïve considering that the change in public policies "can hardly be explained in terms of the impact of a rational evaluation or research", being in the best of the cases, data, background information, generalisations and empirical ideas that affect the way of thinking of public policy-makers with respect to the problems, becoming an ingredient in the political process that allows the balancing of interests and the decision-making (Parsons, 2007: 586).

However, the process of change in public policy can entail innovation—the generation of a new public policy that is probably framed within the context of other policies—, the succession—the replacement of existing policies with new ones, without implying a fundamental change in their approach, but rather their continuity—, the maintenance—the realisation of adjustments for its support— and the termination—which implies the abandonment or gradual reduction of the policy—. The innovation and termination of public policies are at the extremes; however, they are uncommon (Parsons, 2007).

As regards the succession of public policies, this can be classified in four types: linear—is the direct replacement of one policy with another—, consolidation—is the modification of the presentation of a set of policies to form a unified arrangement—, excision—consists in separating a policy into a number of independent components—, and non-linear—is the complex combination of other types of succession—(Parsons, 2007).

It is worth noting that the succession of public policy "is associated with problems related to the design of the policy that is being put forward to succeed the one that is finishing". These problems can arise from a multiplicity of circumstances, such as the coverage of different clienteles, a change in the purpose or means of policy implementation, organisational changes, among others (Subirats, 1992:166).

In the case of the termination of the public policies, although it is uncommon, there are some circumstances in which this happens, such as the closure of a public administration function or service—whose provision can cut across different agencies and even affect the policies of

public powers—, the achievement of the results pursued by the policy, the change in the circumstances that allowed the promotion of the public policy— such as the economy, the social context, the political climate and the positions of power—, or the manifest failure of the policy. In addition to the above, there are certain factors that negatively influence the completion of public policies, such as intellectual reluctance, lack of political incentives, institutional permanence, dynamic conservatism, anti-termination coalitions, legal obstacles, high initial costs, adverse consequences, and the apathy or resistance (Subirats, 1992; Olavarría, 2007, Parsons, 2007).

Chapter III

Methodological proposal to evaluate the human rights approach in public policies

1. What is the relationship between human rights and public policy?

The complexity of the social problems that public policies are intended to address requires that they be carried out from a multidisciplinary approach, by including analytical foundations from various disciplines such as economics, political science, law, public administration, mathematics, statistics, as well as technical skills and varied sociological, anthropological and psychosocial approaches (Lasswell, 1951).

The correlation between law and public policy is evident, to the extent that it is possible to affirm that "public policy represents nothing other than the State in action, seeking to achieve the ends that the constitution and the social reality itself demand of it" (Santiago, 2018: 3). In other words, the constitutional norms and principles that govern the organisational design of the State, the ends it seeks to achieve, the essential means to achieve them, the mechanisms of limitation, control, coordination and cooperation of the organs of government and their relations with the citizenry—particularly through the recognition of people's human rights—determine the channel of development of all public action that respects the law, including public policies among them.

Some of the points of contact between public policy and constitutional law are: a) the determination of the competence, powers, procedures and constitutional principles through which the different levels and organs of government should develop the public policy process, b) the constitutional aims and objectives to be achieved through the coordinated action of the organs of government and other committed sectors through public policy schemes, c) the constitutional content of human rights to be respected and observed during the public policy process in order to endow them with technical and legal reasonableness, d) the creation and promotion of mechanisms for citizen participation that ensure that the voices and reasons of the different people affected by public policies are heard and taken into account, e) the budget as a transcendental instrument for the definition and execution of public policies, f) the procedures for coordination and articulation of public policies between the different levels of government, the various agencies that are part of the same level of

government and the public and private sectors, g) the mechanisms for constitutional control and accountability of those who hold government positions and direct the public policy process (Santiago, 2018).

As a consequence of the above, the introduction of law into the content and process of public policy has been inevitable and permanent since its origins. However, the specific inclusion of human rights in public policy has been marked by the development in recent years of the body of principles, rules and standards that make up international human rights law, which "has established with greater clarity not only the negative obligations of the state, but also a host of positive obligations, which has defined with greater precision not only what the state must not do, in order to avoid violations, but also what it must do to achieve the full realisation of rights" (Abramovich, 2006: 38). As a result, "human rights are not only thought of today as a limit to oppression and authoritarianism, but also as a programme that can guide or orient the public policies of states and contribute to the strengthening of democratic institutions" (Abramovich, 2006: 38).

In this sense, the specific inclusion of human rights in public policies can be categorised into two typologies: human rights public policies and public policies with HRBA. The first type refers to a public policy that has human rights as its subject or object, while the second refers to the integration of human rights principles and standards during the public policy cycle regardless of the subject or object of the public policy.

A) Human rights public policies

Experience in its programming dates back to just under thirty years ago as a result of the Vienna Declaration and Programme of Action, which emerged from the 1993 UN World Conference on Human Rights. In Part II, Paragraph 69, the Declaration states that "the World Conference on Human Rights strongly recommends that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights... That programme should make available to States assistance for the implementation of plans of action for the promotion and protection of human rights".

In addition to the above, paragraph 71 provides that "the World Conference on Human Rights

recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights". As a consequence, the first public human rights policies were issued under the name of "national human rights plans", the forerunners being those of Australia (1994-1998), Latvia (1995), Malawi (1995), the Philippines (1996), Brazil (1997) and Bolivia (1997).

In this context, it is relevant to highlight the issuance by different UN agencies of some guidance documents for the elaboration of human rights public policies, which have influenced their development around the world. These documents provide general guidelines on the organisation and operation of the process of designing, implementing and evaluating public human rights policies from specific and complementary sectoral perspectives so that their purposes can be implemented jointly or separately, either partially or totally. Their relevance lies not only in the international political commitment they represent and the practicality they offer but also in their joint construction of the general objectives and principles of human rights policies.

The first of these documents to be issued was "*Guidelines for National Plans of Action for Human Rights Education*" (1997) which aims to facilitate States in designing plans or strategies for human rights education[31] in the framework of the UN Decade for Human Rights Education (1995-2004) and the World Programme for Human Rights Education (2005-ongoing).

[31] States that have issued a national plan for human rights education include: Brazil (1996), Burundi (2007-2008), Colombia (2010), Costa Rica (2007-2015), Croatia (1999), Dominican Republic (2004-2006), Fiji (2003-2005), France (2000-2005), Greece (2008), Honduras (2012), Japan (1996), Jordan (2008-2011), Mexico (2008-2012), Nigeria (2002), Peru (2014- 2021), Philippines (1998-2007), Portugal (1999-2004), Senegal (2007-2010), Slovakia (2005-2014), Turkey (1998-2007) and Uruguay (2007).

States that have included a section on human rights education in their National Human Rights Action Plans include: Australia (2004, 2012), Azerbaijan (2011), Bolivia (1999, 2009-2013), Brazil (2009, 2010), Capo Verde (2003), Chad (2012-2015), China (2009-2010, 2012-2015), Croatia (2008-2011), Democratic Republic of Congo (2000), Ecuador (1998), Ethiopia (2013-2015), Finland (2012-2013), Germany (2002), Guatemala (2007-2017), Honduras (2012), Indonesia (1998-2003), Iraq (2011), Latvia (1995), Lebanon (2014-2019), Malawi (1995-1996), Mauritania (2003), Mexico (1998, 2004-2006, 2008-2012, 2013-2018, 2020-2024), Moldova (2004-2008, 2011-214), Morocco (2011-2016), New Zealand (2005-2010), Nigeria (2006, 2009-2013), Norway (1999, 2000-2005), Paraguay (2013), Peru (2006-2010), Republic of Korea (2007-2011), Sri Lanka (2011-2016), Sudan (2013-2023), Sweden (2002-2004, 2006-2009), Tanzania (2013-2017), Thailand (2011) and Venezuela (1999-2004).

Among the main contributions of the "*Guidelines for National Plans of Action for Human Rights Education*" to human rights public policy is the identification of the objectives of public action with respect to human rights education, among which are: 1) the assessment of needs and formulation of strategies, 2) the development and strengthening of human rights education programmes at international, regional, national and local levels, 3) the development of educational materials, 4) the strengthening of the role of the media in human rights education, and 5) the worldwide dissemination of the Universal Declaration of Human Rights (para. 3). Furthermore, it recognises human rights education as a fundamental human right and outlines a set of general, organisational and operational principles that should govern the design, implementation and evaluation of human rights education strategies.

General principles: 1) promote, respect and protect all human rights through educational activities for all members of society, 2) promote the interdependence, indivisibility and universality of all human rights, 3) recognise the importance of human rights education for democracy, sustainable development, the rule of law, the environment and peace, 4) recognise the role of human rights education as a strategy for the prevention of human rights violations, 5) encourage the analysis of chronic and emerging human rights problems for the search for solutions consistent with human rights standards, 6) build knowledge and capacity to use the instruments and mechanisms for the protection of human rights at global, regional, national and local levels, 7) empower communities and individuals to identify their human rights needs and ensure that they are met, 8) develop pedagogies that include knowledge, critical analysis and human rights action skills, 9) promote research and development of educational materials, 10) foster learning environments free of misery and fear that encourage participation, enjoyment of human rights and the full development of the human personality (para. 16).

Organisational principles: 1) pluralistic representation of society including NGOs; 2) transparency in their functioning; 3) public accountability, and 4) democratic participation (para. 17).

Operational principles: 1) respect for and valuing of differences and opposition to discrimination on the basis of race, national or ethnic origin, gender, religion, age, social, physical or mental condition, language, sexual orientation, etc., 2) the use of non-

discriminatory language and conduct, 3) respect and appreciation of the diversity of opinion, 4) participatory teaching and learning, 5) translation of human rights standards into everyday conduct, 6) professional training of trainers; and 7) development and strengthening of capacities and expertise for effective implementation (para. 19).

Subsequently, in 2002, the OHCHR issued the "*Handbook on National Human Rights Plans of Action*", whose main contribution is to have established a series of general guidelines for the elaboration of human rights public policies under the name of National Human Rights Plans of Action[32]—which, as mentioned at the beginning of this section, were prescribed by the Vienna Declaration and Programme of Action—. The document points out the benefits of human rights public policies, among which the following stand out 1) the stimulation of a comprehensive needs assessment in each country, 2) the generation of specific compliance commitments with achievable objectives and realistic targets, 3) the constitution of a tool for good governance and public administration—thus contributing to a stricter rule of law, to the promotion of national cohesion by fostering an environment of tolerance, harmony and common purpose, to the effective promotion of public programmes, and reducing the risk of unrest and conflict that can have adverse effects on the State and the people—, 4) mobilising a wide range of people and organisations, 5) ensuring that the concerns of vulnerable groups are incorporated, and 6) facilitating the mobilisation of resources, training and expertise from national and international organisations, as well as cooperation programmes for those countries in need (OHCHR, 2002).

It also mentions the purposes of human rights public policy, among which are: 1) to provide guidance to government officials, NGOs, professional groups, educators, advocates and other

[32] States that have issued a national human rights action plan include: Australia (1994-1998, 2004, 2012), Azerbaijan (2011), Bolivia (1999, 2009-2013), Brazil (1996, 2009, 2010), Capo Verde (2003), Chad (2012-2015), China (2009-2010, 2012-2015), Croatia (2008-2011), Democratic Republic of Congo (2000), Ecuador (1998), Spain (2008), Ethiopia (2013-2015), Finland (2012-2013, 2017-2019), Germany (2002), Guatemala (2007-2017), Honduras (2012, 2013-2022), Indonesia (1998-2003, 2004-2009, 2011-2014), Iraq (2011), Kazakhstan (2009-2012), Latvia (1995), Lebanon (2013, 2014-2019), Liberia (2013-2018), Philippines (1996-2000), Spain (2008), Lithuania (2002), Malawi (1995-1996), Mauritania (2003), Mexico (1998, 2004-2006, 2008-2012, 2013-2018, 2020-2024), Moldova (2004-2008, 2011-2014), Morocco (2011-2016), New Zealand (2005-2010), Nepal (2004), Nigeria(2006, 2009-2013), Norway (1999, 2000-2005), Paraguay (2013), Peru (2006-2010, 2014-2016), Republic of Korea (2007-2011), Somalia (2015-2016), South Africa (1998), Sri Lanka (2011-2016), Sudan (2013-2023), Sweden (2002-2004, 2006-2009), Tanzania (2013-2017), Thailand (2009-2013), Ukraine (2015-2020), and Venezuela (1999-2004).

members of civil society regarding the joint tasks to be undertaken to guarantee human rights, 2) to establish or strengthen national institutions dealing with human rights, 3) to promote universal ratification of international human rights treaties, 4) to facilitate effective compliance by governments with their human rights obligations, 5) to promote conformity of national legislation with international human rights standards, 6) promoting greater awareness of human rights standards and mechanisms, including among those whose actions are particularly critical, such as police, security forces, prison staff and politicians, as well as government officials and other social workers, and 7) developing programmes specifically aimed at alleviating the human rights of persons in situations of vulnerability (OHCHR, 2002).

In addition to the above, it points out some of the general principles of human rights public policy:

1) *Importance of the process as much as the outcome*. A public human rights policy is both a process and an outcome, and each is equally important, as the way in which the policy is developed will affect its chances of success. The process of policy development is about how the policy is constructed. This process must be substantive and comprehensive and should promote activity in a wide range of areas of public administration while involving the participation of different sectors of society. The result is the public policy itself and the activity that flows from it.

2) *Commitment to human rights standards and obligations*. The manner in which a public human rights policy is developed and implemented may vary, as it will depend on the specific context of the place and time in which it takes place, as well as the different resources available. Nevertheless, the content of the public human rights policy should observe as an essential minimum the standards contained in international human rights instruments. As a consequence, it must also pay attention to the obligations set out in treaties, conventions, declarations, recommendations, observations and any other binding international human rights instruments.

3) *Interdependence and indivisibility of human rights*. A public human rights policy must observe a holistic approach. This means that it should give equal attention to different

categories of human rights, as well as special attention to different vulnerable groups. In addition, it must consider the indivisibility and interdependence of the human rights it is aimed at as a guiding principle for its different lines of action.

4) *Action-oriented*. Although this is intuited from the very nature of a public policy, it seeks to reaffirm the importance of human rights taking a course of action and not just being written into another public document. As a consequence, a public human rights policy should: a) state clearly what the current situation is, b) identify what problems need to be overcome, c) specify what action will be taken in terms that provide benchmarks for assessing progress, d) specify who is to carry out the action, e) establish a firm time frame within which the actions will be carried out, and f) allow for effective monitoring and evaluation of what has been done.

5) *Public document*. The policy should be made a public document that is widely disseminated and easily accessible. Media coverage appropriate to the context and circumstances could even be considered to ensure that the greatest number of people affected by its possible flows of action can be aware of it and therefore have an impact on it. Likewise, where there are significant minority language groups, it should be translated. Similarly, care should be taken to ensure that the special communication needs of certain groups, especially vulnerable groups, are taken into account.

6) *Monitoring and evaluation*. Public human rights policy should be organised in a systematic way. It should foresee different monitoring and evaluation mechanisms. It is highly recommended that these mechanisms consider the participation of public officials belonging to the different areas of public administration involved in the development and implementation of the policy to ensure that they properly take their responsibility, as well as civil society organisations and human rights defenders to promote transparency and objectivity in monitoring and evaluation.

7) *Continuous process*. Promoting and protecting human rights is an ongoing process. Different human rights problems cannot be expected to be solved in the short term. This means that public policy must be seen as part of a long-term process so that the issuing of a new one should be considered as soon as the previous one expires. In addition to the above,

the public policy to be issued should consider the information inputs produced by the previous public policy, as well as to adapt to the current social and legal circumstances.

Finally, in 2016 the UN Working Group on Business and Human Rights issued the document "*Guidance on National Action Plans on Business and Human Rights*", which provides recommendations on the development, implementation and updating of National Action Plans on Business and Human Rights[33]—which are public policy strategies developed by some States for the prevention, mitigation and remediation of adverse human rights impacts of business activities in accordance with the UN Guiding Principles on Business and Human Rights issued in 2011—. Its main contribution to public policies on human rights is to highlight the need to issue public strategies to address issues related to human rights violations by business actors and, therefore, their inclusion as relevant actors in their development.

Based on the documents referred to above, it is possible to affirm that human rights public policies can be classified into three types according to their purposes: 1) *Public policies for the promotion of human rights*, which seek the appropriation of human rights by citizens, through campaigns of dissemination, training and education, 2) *Public policies for the realisation and materialisation of human rights*, and 3) *Public policies for the defence and protection of human rights*, which seek to prevent the violation and deterioration of human rights, as well as to carry out actions aimed at restoring them when the damage has already occurred (Jiménez, 2007). This does not imply their dissociation but rather demonstrates their complementarity, and therefore the need to use different approaches and tools during the process in order to achieve greater efficiency and effectiveness.

B) Public policies with HRBA

During the years following the construction and development of the HRBA in the sphere of the IDC, a trend originated that sought its extrapolation in the internal public policy processes

[33] States that have issued a national action plan on business and human rights include: United Kingdom (2013, 2016), Netherlands (2013), Denmark (2014), Finland (2014), Lithuania (2015), Sweden (2015), Norway (2015), Colombia (2015), Switzerland (2016), (2020-2023), Italy (2016), United States of America (2016), Germany (2016), France (2017), Poland (2017), Spain (2017), Belgium (2017), Chile (2017), Czech Republic (2017), Ireland (2017), Republic of Slovenia (2018), Kenya (2019), Thailand (2019), Japan (2020), Luxembourg (2020-2022).

of states. This trend began in the academic sector and was supported by international and national institutions, mainly in the Americas, over the last ten years, under the idea that including the HRBA in public policies allows states to fulfil two important objectives: 1) to direct the resources and goals of the exercise of public power to guarantee human dignity—in this way, human rights violations could be avoided, and more effective results could be obtained in addressing the problems established in the public agenda—and 2) to comply with the obligations established in international human rights instruments—and consequently, to promote the adoption of cross-cutting measures and actions to eliminate acts of discrimination and/or exclusion that are generated from their agencies and dependencies—.

In this context, the HRBA was redefined "as a new perspective for conceiving and designing public policies aimed at human development within the framework of a process of consultation between the State and civil society" (Jiménez, 2007:34), "through participatory processes, in order to materialise the guarantees and freedoms enshrined in the legal norms through the provision of public goods and services, the regulation of activities and the construction of institutionality and democracy" (Sánchez & Higuera, 2018: 39). As a result, the HRBA is currently considered as "a methodological instrument that uses the discourse of constitutional and international human rights theory, but which in turn incorporates a political dimension in the analysis: that of the public decision adopted through the public policies of the State, which is made primarily responsible for the enforcement of rights" (Alza, 2014: 54).

Among the contributions made by the academic sector are the establishment of some of the basic elements of public policies with HRBA—1) its transversality in the conception of human rights in all areas of the State, 2) the inclusion of the principles of universality, participation, accountability, progressivity, non-regression, and indivisibility, 3) the shared responsibility of all actors involved, and 4) the primacy of the local level in the exercise and realisation of rights (Guendel Gonzáles, 2002; Jiménez, 2007; Balakrishnan & Elson, 2008; Pérez Gómez, 2017)—, as well as the essential steps for its implementation—1) delimit the public problem and the selected alternative solution, 2) define which rights will be impacted and their contents based on human rights standards, 3) identify the corresponding state obligations, 4) verify the cross-cutting human rights principles, and 5) establish the specific

contents to verify the HRBA in public policy (Jiménez, 2007; Alza, 2014)—.

Subsequently, a number of relevant institutional documents related to the introduction of HRBA in public policies were issued, including the "*Lineamientos para la formulación de políticas públicas basadas en derechos*" of the MERCOSUR Institute for Public Policies on Human Rights (IPPDH) (2014), the IACHR's Strategic Plan 2017-2021, and the Report "*Políticas públicas con enfoque en derechos humanos*" (2018) published by the IACHR.

The IPPDH's "*Lineamientos para la formulación de políticas públicas basadas en derechos*" (2014) propose "to collaborate with planners, implementers and evaluators of public policies and services on how to incorporate and/or consolidate the rights perspective in social policies[34]" (8). In this sense, they provide a brief conceptual framework of what they consider to be the guiding principles of the HRBA—universality, equality and non-discrimination, access to guarantee mechanisms, access to and production of information, and social participation— and of the specific principles governing social rights—immediate and progressive obligations, special and priority protection for groups in situations of vulnerability, minimum levels of rights, the obligation of non-regression, the obligation to adopt measures to the maximum of available resources—and from these, they pose questions and criteria to guide and exemplify a reflective look from the logic of rights[35].

For its part, the IACHR's Strategic Plan 2017-2021 identifies as one of the main problems hindering the promotion, respect and guarantee of human rights "the lack of public policies that include a human rights approach" (38). Consequently, in its objective 3, it proposes "to promote democracy, human dignity, equality, justice and fundamental freedoms through an active contribution to the strengthening of institutions and public policies with a human rights approach in the States in accordance with inter-american norms and standards", providing as one of the means to achieve this the implementation of the "*Programa de Cooperación Técnica en Materia de Institucionalidad y Políticas Públicas con Enfoque en Derechos*

[34] It should be recalled that public social policies originally focused on guaranteeing the enjoyment of recognised social rights, without assuming such action as an obligation of the State, but rather as a mechanism for legitimising and reproducing the system (Giménez Mercado & Valente Adarme, 2010).

[35] It is worth noting that the document has served as the basis for the International Course on Public Policy in Human Rights, which has been taught annually by the same institution since 2015.

Humano"—which among other issues has the task of providing assistance, technical cooperation and training in public policies with a human rights approach[36]—.

On the other hand, the report "*Políticas públicas con enfoque en derechos humanos"* (2018) states that public policies should seek to generate structural impacts on the prevention and non-repetition of human rights violations, and to achieve this, they should have human rights as the central axis of their entire process. Consequently, the report aims to be "an effective tool for those responsible for the formulation, implementation and monitoring or evaluation of public policies, making available to them the inter-american principles and standards on the subject, as well as a set of practical guidelines to guide State action throughout the different stages of the public policy cycle from a human rights perspective" (para. 10).

The content of the report is based on the HRBA proposal for development made by the UN in "*The Human Rights-Based Approach to Development Cooperation. Towards a Common Understanding Among UN Agencies*" published in 2003 and the IPPDH's "*Lineamientos para la formulación de políticas públicas basadas en derechos*" published in 2014. The report addresses the HRBA principles that it considers applicable in the design, implementation, monitoring and evaluation phases of public policies, such as equality and non-discrimination, social participation, access to justice, access to information, transparency, accountability, priority protection for groups in situations of historical discrimination, and a gender and diversity perspective. It also develops a section on the impact of the IACHR's work on public policies through the issuance of reports on the merits, friendly settlements, thematic reports and country reports[37].

[36] In this regard, it should be noted that there is no public access to any document related to the "Programa de Cooperación Técnica en Materia de Institucionalidad y Políticas Públicas con Enfoque en Derechos Humanos" that provides information about its design, implementation or evaluation. There is only public access to general information on what is assumed to be one of its products: the International Course on Public Policies on Human Rights, which has been developed annually since 2015 by the MERCOSUR Institute for Public Policies on Human Rights (IPPDH) and whose objective is to train and strengthen the capacities of relevant actors in the Americas in the rights-based approach to public policies, and whose 2018 and 2019 editions were developed jointly with the IACHR. Regarding the structure of the course, it is worth noting that it is mostly developed virtually, with a duration of 9 weeks and that 80% of the curriculum addresses general aspects of human rights and public policy, while the remaining 20% is specifically dedicated to the HRBA in public policy.

[37] In this sense, it is pertinent to point out that the IACHR's impact is related to the proposal of public policies that allow for the promotion, realisation, materialisation, defence and protection of human rights, and not specifically the application of the HRBA.

In addition to the above, it is worth highlighting the issuing of documents related to the integration of HRBA in public policies in general and in specific matters by government agencies of different States. Among the documents related to the inclusion of HRBA in the general framework of public policies are: "*Manual para la implementación de políticas con enfoque basado en derechos humanos. Guía metodológica y estudio de casos*" published by the Ministry of Justice and Human Rights of the State of Peru (2013), "*Formulación de Políticas Públicas y Proyectos de Desarrollo aplicando el Enfoque Basado en Derechos Humanos*" published by the Democracy and Human Rights Subgroup of the International Cooperation of Peru (2013), "*Programando con perspectiva de derechos humanos en México. Manual y Protocolo para la elaboración de políticas públicas de Derechos Humanos conforme a los nuevos Principios Constitucionales*" published by the Ministry of the Interior of Mexico (2014), the "*Guía para la incorporación del enfoque de derechos humanos en políticas públicas*" published by the Ministry of Justice and Human Rights of Chile (2017), and the "*Guía de conceptos clave del Enfoque Basado en Derechos Humanos para la Gestión de Proyectos y Políticas Públicas*" published by AMEXCID (2018).

Notwithstanding the above, the HRBA has not been without its critics, which can be summarised as follows: 1) basing the public policy cycle on human rights is too restrictive—this if it is not understood that human rights are a conceptual framework for the development of the public policy cycle that aims to establish standards that guide/restrict the margin of action of governments and not to assign content to them—, 2) the lack of clarity on the content of State obligations in relation to human rights—a situation that has been solved through the development of general observations to international human rights instruments that allow defining their normative components and scopes— and, 3) the language is excessively political and not neutral with regard to human rights—forgetting that one of the main objectives of the HRBA is to make visible political, social and cultural subjects who have traditionally been excluded and, therefore, cannot remain neutral in the face of social inequalities and injustices—(Abramovich, 2006).

From the above, it follows that incorporating the HRBA into public policies requires: 1) the explicit recognition of the international and national normative framework of human rights, 2) modifications in the role and structure of the State in favour of the promotion and

development of active citizenship and practices favourable to human rights, 3) the revision of the foundations and instruments of public policy-making for the inclusion of human rights principles, and 4) cultural transformations that favour the recognition of human rights in institutions and social practices. These requirements raise the need for a strategy or method to guide the effective and progressive implementation of the HRBA (Giménez Mercado & Valente Adarme, 2010).

As a consequence, despite the fact that the HRBA began to be included in the language of public policies during the last five years, due to the high complexity of the social and institutional changes required for its incorporation into public policies, it has not had a significant application. In addition to this, based on the documentary analysis carried out, it is possible to affirm that there is little clarity regarding the concept of HRBA, and therefore, there is also a lack of a global vision or conception that would allow for the homologation of criteria in the different areas in which the public administration is involved. All of the above translates into an unsystematic, imprecise and even, in some cases, merely rhetorical use of the HRBA in public policies and programmes.

This situation stems from the confusion of the HRBA with the mere explicit mention of human rights, of some of their principles or guarantees in public policy documents, without this entailing the development of their elements, let alone the method necessary for their implementation. Therefore, while it is possible to point to the significant progress that human rights policies or plans have made in the last 20 years, it is also possible to point out that the integration of HRBA into public policies is still in development.

2. How are human rights currently measured?

One of the ways to analyse the extent to which human rights are affected by public policies is through the development of human rights indicators[38].

[38] Another way of analysing the impact of public policies on human rights is through the study of their reasonableness by the judiciary through the principle of proportionality. In particular, this position is based on the belief that fundamental constitutional rights cannot be fully secured without profound reform of the public structures and policies to which they are linked. Thus, the "structural" claim, which calls for a "structural remedy", is understood as one in which the judge, in order to protect certain constitutional goods, finds it necessary to reform a certain organisation or public policy in order to eliminate the threat to constitutional values that comes from the governmental or administrative status quo. In this way, the structural remedy is not

The use of indicators and statistics for the assessment of the human rights situation is not new. This is evidenced by the provisions of some international human rights instruments. For example, the Convention on the Elimination of All Forms of Discrimination against Women establishes the obligation of States to take appropriate measures to eliminate discrimination against women in order to ensure, among other things, "the reduction of the drop-out rate of women from school" (art. 10), and the International Covenant on Economic, Social and Cultural Rights establishes the obligation of States to take appropriate measures to eliminate discrimination against women, in order to ensure, among other things, "the reduction of the drop-out rate of women from school" (art. 10), and the International Covenant on Economic, Social and Cultural Rights, establishes as one of the measures States must take to achieve the enjoyment of the highest attainable standard of physical and mental health, "the reduction of stillbirths and infant mortality" (art. 12.2).

In the legal context, an indicator is the "magnitude, statistical or not, quantitative or qualitative of a concept, based on a previous theoretical analysis, which serves to describe the state of a given normative reality, in relation to the political, social and legislative actions carried out with a view to its effectiveness" (García Cívico, 2011:187). In this sense, human rights indicators can be understood as "that information related to all human rights norms and standards" (189), which is "susceptible of being used to measure the degree to which a human right is exercised or satisfied in a given context on the basis of certain prior theoretical

triggered by episodic or one-off breaches of constitutional norms, so that the judge does not seek to sanction one-off conduct or to eliminate from the legal system a norm that does not conform to the constitutional text, but rather to correct a "social condition" or a continuous interaction, which does not necessarily depend on the applicable legal framework, but on the way in which a certain organisation systematically violates or threatens certain fundamental rights. As a consequence, its objective is to verify whether public policies are in accordance with constitutional principles and whether the impact of a public policy on a given right implies its violation either by action, by omission or insufficient action, or by retrogression in its content through the study of its suitability or adequacy, its necessity or harmfulness and proportionality in the strict sense of the term. Although this method has some criticisms, such as, for example, its inability to address the interdependence of human rights, it has been a tool widely used by the courts, so much so that even the Constitutional Court of Colombia has created the jurisprudential category of the declaration of an "unconstitutional state of affairs", which occurs when a significant number of cases that come before it raises similar problems in relation to the possible affectation of constitutional rights and principles as a consequence of certain public policies decided or omitted by the public authorities. However, it was decided not to delve into the study of the proportionality test in the field of public policies, as it can only be applied when there is a controversy between different constitutional principles, in addition to the fact that it requires the request of the interested party for it to be applied, which is not the case with human rights indicators. For further information on the subject, we recommend reading (Covarrubias Cuevas, 2012), (Santiago, 2014), (Torres Estrada, 2016) and (Clérico, 2018).

hypotheses" (188) and which as a consequence allow inferring or having knowledge of the situation, implementation, progress or regression, acceptance or rejection, and degree of compliance with human rights (García Cívico, 2011).

In this sense, human rights indicators should fulfil four interrelated objectives: 1) to verify whether states respect, protect and fulfil human rights—this corresponds to the assessment of the State's legal accountability considering resource constraints, historical background and natural conditions—, 2) to verify compliance with human rights principles—that is, to determine whether human rights are being realised without discrimination, in progress, with sufficient participation, etc.—, 3) to verify access to human rights through norms, institutions and an enabling economic environment that convert outcomes into effective rights, and 4) to determine the non-state actors that influence the realisation of human rights—and what that influence consists of—(García Cívico, 2011). It follows from this that the importance of human rights indicators lies in their ability to link the conceptual discussion of human rights compliance with implementation practices; that is, they link the normative level of international legal obligation with the practical level of empirical data (McInerney-Lankford & Sano, 2010).

One effect of this is that human rights indicators tend to be related to a picture of people's level of well-being or vulnerability. As a result, perhaps the antecedent and trigger for the development of human rights indicators is the Gross Domestic Product (GDP)[39] because of the way it has been systematically interpreted over the years and its subsequent rethinking.

From its inception in 1934 until approximately 1990, GDP was used as the most widely accepted measure of progress or well-being and was even used as a factor to compare the quality of life in different countries. This perception of GDP was and has been criticised for being far removed from its real purpose as a measure of quantity rather than quality, for

[39] GDP "is an estimate of market output, summing the values of all final goods and services that are produced and traded for money within a given period of time. It is usually measured by adding up the nation's personal consumption expenditures—household payments for goods and services—, government expenditures—government spending on the provision of goods and services, infrastructure, debt payments, etc. —, net exports—the value of a country's exports minus the value of imports— and gross fixed capital formation—the increase in the value of a nation's total stock of monetised capital in goods—" (Costanza, Hart, Posner & Talberth, 2009:3).

encouraging the depletion of natural resources faster than they can be renewed, and for its so-called threshold effect—which states that as GDP increases, the overall quality of life increases up to a certain point, beyond which increases in GDP are offset by increases in costs associated with increased income inequality, loss of leisure time, depletion of capital and the various dimensions associated with human happiness, such as reduced community cohesion, healthy relationships, knowledge, wisdom, a sense of purpose and connection to nature—(Costanza, Hart, Posner & Talberth, 2009).

The various criticisms against GDP as a measure of well-being motivated the search for new ways of measuring well-being, which can be classified as follows: 1) Complex indicators that include GDP or some of its elements, such as the Genuine Progress Index (GPI) (1950), the Index of Sustainable Economic Welfare (ISEW) (1989), the Human Development Index (HDI) (1990), the Gender-related Human Development Index (GDI) (1996), the Gender Empowerment Measure (GEM) (1996), the Green GDP (2004), the Happy Planet Index (2006) and the Inequality-adjusted Human Development Index (IHDI) (2011), and 2) indicators that directly measure aspects of well-being related to environmental and social impacts that do not use GDP data, such as the Gross National Happiness Index (GNH) (1972), the Subjective Well-Being Index (SWB) (1984), the Ecological Footprint (1996), the Poverty Index (1997), the Global Peace Index (GPI) (2007) and the Multidimensional Poverty Index (MPI) (2010). However, despite being an important effort to measure reality from a more humanistic perspective, this set of indicators does not respond to the measurement needs of international human rights law.

In this sense, a first real approach to the issue of human rights indicators took place in the joint ECLAC/CELADE-UNFPA publication entitled "*Derechos humanos en población: indicadores para un sistema de monitoreo*" (2007). The document presents a proposal for indicators for a human rights monitoring system related to fertility, mortality and international migration. However, it was in 2008 with the "*Informe sobre los indicadores para promover y vigilar el ejercicio de los derechos humanos*" published by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in response to a 2006 request by the committees of the treaty bodies for assistance—in the analysis and use of statistical information contained in the reports submitted by States parties—, that a

conceptual and methodological framework for the development of quantitative human rights indicators was validated for the first time internationally. Accordingly, the paper examines the usefulness of a configuration of structural, process and outcome indicators and highlights some aspects to consider in the selection of indicators illustrative of different human rights.

Immediately afterwards, also in 2008, the Organisation of American States (OAS) issued the "*Lineamientos para la elaboración de Indicadores de progreso en materia de Derechos económicos, sociales y culturales*". Although the document is based on the OHCHR report on Indicators, and takes up its typology of structural, process and outcome quantitative indicators, it adds three levels or analytical categories to organise the relevant information: 1) reception of the right, 2) State capacities, and 3) financial context and budgetary commitment. In addition, it develops three cross-cutting themes to be measured by indicators and signs of progress: 1) equality, 2) access to justice, and 3) access to information and participation. In addition, unlike the OHCHR document, it focused on economic, social and cultural rights, thus highlighting the complementary nature of the reports required in both systems (para. 13).

As a result, in subsequent years, these institutions published some guidance documents aimed at facilitating the development of human rights indicators by states. The first of these was "*Indicadores de progreso para la medición de derechos contemplados en el Protocolo de San Salvador*", elaborated by the working group for the analysis of the national reports foreseen in the Protocol of San Salvador (PSS) with a first grouping of indicators related to the right to social security (art. 9), the right to health (art. 10) and the right to education (art. 13) published in 2011, and a second set of indicators on the right to work and trade union rights (art. 6, 7 and 8), the right to a healthy environment (art. 11), the right to food (art. 12), and the right to the benefits of culture (art. 14), published in 2013.

Subsequently, was issued "*Human Rights Indicators: A Guide to Measurement and Implementation*" (2013) by OHCHR, which sets out the conceptual approach taken to defining human rights indicators, whether political, civil, economic, social or cultural, in relation to international standards, identifies some examples—breaking down the right into attributes and their correspondence with structural, process, outcome and cross-cutting indicators—, sets out the methodological framework for generating information on

indicators—whether they are fact-based data, socio-economic and administrative statistics, perception and opinion surveys, or judgemental indicators—, and highlights the potential use of indicators in monitoring treaty body observations and strengthening critical development processes, such as budget preparation and programme monitoring from a human rights perspective. It also includes a typology of human rights indicators, which can be categorised as follows:

1) Regarding their nature: a) quantitative indicators, includes indicators in the strict sense as equivalent to "statistics", b) qualitative indicators, any information articulated in a descriptive or categorical form and which may take the form of checklists or sets of questions, which are intended to complement or provide further information, or of another kind, related to the realisation of human rights.

2) Regarding the information on which they are based: a) indicators based on facts, as their name indicates, they are based on facts, and therefore, their characteristic is that they can be directly observed or verified, so they are classified as objective indicators, b) indicators based on judgements, they are based on perceptions, opinions, assessments or judgements expressed by individuals and are classified as subjective indicators.

3) In terms of what they measure: a) performance indicators, they assess the incorporation of cross-cutting human rights standards, such as non-discrimination and equality, participation and accountability in the implementation of processes and activities, even seeking to modify mandates or programming objectives to reference them to particular human rights standards, b) compliance indicators, they are explicitly anchored in human rights standards and aim to capture the extent to which the obligations deriving from those standards are being met and are delivering results that can be associated with an improvement in the enjoyment of human rights, c) structural indicators, these include the measures put in place by the State to implement rights, whether they refer to the scope and coverage of legal norms or public policies, as well as the existence of CSOs and specific agencies to address them, d) process indicators, which aim to measure the quality and magnitude of the State's efforts to implement human rights, thus referring to the content of policies, plans or programmes aimed at achieving such goals, including the registration of complaints by public human rights bodies and the recommendations of special mechanisms, and e) outcome indicators, which

aim to measure the actual impact of the State's interventions on human rights.

The above-mentioned documents, due to their topicality and the process of their elaboration[40], have to this day been considered by several States as a guide for the elaboration of human rights indicators. As a result, there are a number of national and local exercises that replicate some of their guidelines[41].

3. What is our proposal for measuring the human rights-based approach to public policy?

Today, the discipline of public policy has become increasingly important within contemporary social sciences, studying various aspects related to: "a) the processes of defining the public objectives of the state; b) the development of organisations and programmes aimed at achieving these objectives, and c) the impact of these programmes" (Méndez, 2012:115). Its central point is to produce knowledge about the way in which governments decide their public policies—that is, under what assumptions, considerations and procedures—, the profile of their decision-makers, and the interaction between actors, and the hindering/facilitating factors of decisions. This is in order to know whether the development of the public policy cycle is based on data analysis and rational calculations that increase the effectiveness of the action taken or whether it is based on other criteria (Aguilar, 2019). In other words, the discipline of public policy has "the objective of knowing whether

[40] It is worth noting that both documents had an important international recognition and acceptance given the participatory process used for their elaboration. In the case of "Human Rights Indicators: A Guide to Measurement and Implementation" (OHCHR, 2013), lists of illustrative indicators for various human rights were created. They were then subjected to a validation process that included discussions with a group of international experts, special rapporteurs of the Human Rights Council, academics, experts from international organisations and civil society. Finally, between 2005 and 2012, discussions were held with national stakeholders including human rights institutions, policy planners, agencies responsible for reporting on the implementation of human rights treaties, statistical agencies and representatives of civil society in different countries and regions. On the other hand, for the elaboration of "Indicadores de progreso para medición de derechos contemplados en el protocolo de san salvador" (OAS, 2011, 2013), a public consultation was opened in which comments and observations were received, both from governments, civil society and specialised agencies in the field of economic, social and cultural rights.

[41]Without claiming to be exhaustive, below are some of the documents detected as part of the documentary exploration carried out that were issued at the national level and that fully or partially adopt the UN/OAS guidelines: "Indicadores de derechos humanos vinculados a los programas sociales de la Secretaría de Acción Social" (SAS & OACNUDH, 2017), "Indicadores para el monitoreo de la Convención de los Derechos de las Personas con Discapacidad" (CNDH, 2019), and "Atlas de desigualdad y derechos humanos. Cartography of inequality in Mexico" (CNDH, 2019).

knowledge guides the government's decision-making deliberation" and, if not, to encourage it to guide it (Aguilar, 2012a: 35).

It should be noted that "knowledge can be a basic reference for the effectiveness of public policies only if it is multi and interdisciplinary, since public objectives and problems are complex in their dimensions and causes, and therefore their attention requires the cognitive contribution of several disciplines and the ability to integrate their conceptual and explanatory contributions both in the definition of the public problem to be addressed and in the decision of the actions to solve it", through a cognitive synthesis that integrates the statements of the various disciplines that have something relevant to say about the components and causes of the public problem (Aguilar, 2012a: 35).

In this context, "academic research in the field of public policy has become increasingly important because of the need to generate practical knowledge to help solve the problems of today's society. In other words, it is not enough to describe and explain the various phenomena that affect it, but it is essential to contribute to their solution by providing evidence and appropriate analytical frameworks" (Parsons, 2007: 24), "not only to detect inefficiencies in public action and reduce them in the future, but also to achieve a better injection of normative principles in the daily development of such policies" (Subirats, 1992: 42).

Based on the above and on the premise that a public policy is justified "by its social performance, by its capacity to generate results of value for citizens, and to do so with full respect for democratic principles" (UNDP, 2012:15), one of the current discussions within the discipline is the introduction of human rights as an analytical and reference framework in the public policy cycle.

It is practically impossible to describe as effective a government that, when acting to solve the problems and needs of its community or groups within it, leaves aside or transgresses fundamental values of coexistence—such as freedom, rights, tolerance, respect, truthfulness, equity, etc.— because its transgression will generate social repudiation of the policy decided by the government, criticism of its validity or suitability, and will surely cause other, even more serious, problems that will make the eventual solution to the problem ephemeral or

fragile. In addition to this, it is very likely that the precariousness of the lives of populations or certain social groups will never be resolved if, at the same time, the transgressions of the fundamental values of life in common and equal treatment among citizens are not neutralised and sanctioned.

For example, poverty—seen from the perspective of different deprivations in the development of human potentialities, constitutes "an inescapably multidimensional phenomenon involving the different and varied functionings that people need and value, related to food, health, education, active participation in community life, etc."— which takes place in the lives of large groups of the population, cannot be significantly resolved unless discrimination, inequality, transgression, impunity, etc. are combated, since the problems that society suffers and denounces will not find a satisfactory solution unless the infractions that authorities, officials, social groups or the beneficiaries of public policy themselves commit against the principles and values of social coexistence are also resolved. Therefore, an "effective public policy is that which includes technical factors and legal and institutional standards in dealing with citizens", which promote and, if necessary, remove the obstacles that prevent people from creating and developing their capacities and life projects (UNDP, 2012:40).

As a consequence, it is normal to begin to argue that the effectiveness of any public policy depends to a large extent on issues related to respect for "the cultural identity of the peoples concerned, the rights of participation in its design and management of the people and groups to whom it is addressed, the rights of women—as key agents of development—, the environment, and a long etcetera" (Fernández-Ruíz, 1997: 698).

However, linking the attributes and principles of human rights to the practice of public action is extremely complex. Although the norm indicates to decision-makers and public policy analysts that there is a right to which they are obligated subjects, it does not specify what it consists of, what its content is, what actions must be taken to resolve its protection, and much less its degree of prioritisation—a situation that is made even more complex by budgetary restrictions and the multiplicity of possible solutions within a framework of multiple actors with diverse interests, visions and expectations—(Alza, 2014).

As a result, the extrapolation of human rights principles and attributes in the formulation, implementation and evaluation of public policies is currently practically non-existent beyond rhetoric. The absence of the operationalisation of human rights in the processes and actions of the State in general and of public policies in particular, increases the likelihood that these will have unforeseen negative effects on the enjoyment and exercise of the rights of some people—especially those who are members of a group in a situation of vulnerability—, even leading to structural discrimination[42]. Therefore, as long as this situation is not addressed, there is a possibility that even public policies aimed at combating discrimination or social exclusion will only mask an overlap in the processes and actions of the public policy system, which makes evident the need to generate instruments that allow for the analysis, integration, measurement and evaluation of the reasonableness and impact of public policies from a human rights perspective.

At this point, it is important to mention that the development of an instrument with the characteristics described above corresponds to the ideal of Harold Lasswell, considered to be the founder and one of the leading exponents of the discipline of public policy. Lasswell outlined that the "policy sciences of democracy"—as he called public policy— have as their

[42] Discrimination is a key term for understanding the problems associated with diversity. Some authors refer to the existence of different levels of discrimination, such as individual, institutional and structural. Individual discrimination refers to behaviour by members of one race/ethnic group/gender that is intended to have a differential and/or harmful effect on members of another race/ethnic group/gender. Institutional discrimination, on the other hand, is quite different because it refers to the policies of institutions of the dominant race/ethnic group/gender and the behaviours of the individuals who control them and implement their policies, which are intended to have a differential and/or harmful effect on minority race/ethnic/gender groups. Finally, structural discrimination refers to the policies of the institutions of dominant race/ethnicity/gender groups and the behaviour of the individuals who implement these policies and control these institutions, which, despite being race/ethnicity/gender neutral, have a differential and/or harmful effect on minority race/ethnicity/gender groups. In this sense, although both individual and institutional discriminations involve an intention to harm, the level of behaviour is quite different since individual discrimination involves actions of an individual or a small group of individuals acting against others because of their group membership, whereas, in institutional discrimination, the discriminatory behaviour is embedded in important institutions. Structural discrimination, on the other hand, is more controversial since it involves behaviour that is neutral but has a differential and/or harmful effect that disadvantages minority groups. In fact, the question of the intention to treat unequally or cause harm because of group membership is the main distinction between institutional and structural discrimination (Pincus, 2000). It should be noted that in this text, we opt for an expanded version of the concept of structural discrimination, referring to it as the disproportionate impacts of neutral public policies on groups in vulnerable situations, in order to avoid the confusion of referring only to population groups that have been literally designated as minorities. Therefore, the questions raised by structural discrimination in the argument that concerns us in this text are 1) are the objectives of neutral public policies worthwhile or proportionate to the negative effects they have on groups in situations of vulnerability, and 2) is it still appropriate to be blind to gender, colour, age, race, sex, physical and mental condition and other social, economic and cultural characteristics that manifest diversity?

ultimate goal “the realisation of human dignity in theory and in fact” (Lasswell, 1992:103).

Following this argument, the evaluation of public policies, even in general terms, should not be an abstract process but rather a humanistic one. This is emphasised by authorities on the subject of public policy evaluation such as Rossi and Freeman when they point out that “in an ideal world, there would be no need to constantly introduce new social programmes and fine-tune existing ones and, consequently, almost no evaluation activity” (Rossi & Freeman, 1989:254). In this sense, the importance of human rights evaluation in public policy lies in the fact that “if designers do not believe in welfare equity, the distribution of the pie will be vertical and unequal. A bigger pie does not mean bigger slices for everyone: the distribution of costs and benefits is not in itself equitable, it depends on the nature of the distributional values behind the allocation of the slices” (Parsons, 2007: 543). That is, if human rights are not incorporated as distributive values during the policy cycle, their outcomes will tend to increase inequalities among the population.

In accordance with these premises, and taking as a basis the development of the HRBA in the sphere of the IDC, and the latest advances in the introduction of human rights in national public policy schemes, our proposal contemplates the design of a methodology that allows for the integration and evaluation of human rights during the public policy cycle in a manner consistent with the obligations in this area and the technical expertise required by the discipline of public policy. The above, taking into account that from a legal perspective, the analysis of a public policy “is based on criteria such as the formal equality of citizens in their access, respect for the principle of legality, the purity of the administrative procedure followed or respect for the rights of those individuals or groups affected by or related to the policy” (Subirats, 1992:143). As a result, the proposed methodology suggests what public policies should look like from a human rights perspective.

The objective of the methodology is to calculate the human rights approach of the entire public policy cycle or of some of its phase(s) by selecting a set of elements from the system of indicators proposed for calculating the human rights approach of public policies and the application of a mathematical algorithm created for this purpose. The methodology is composed of 2 dimensions, 18 categories, and 265 dichotomous indicators—which are listed in Annexe III—.

Given the importance of the content and objectives pursued by public policies and the processes they propose to achieve them—which, depending on the way in which they are developed, can lead to an adequate or insufficient fulfilment of public policy objectives—the methodology has two dimensions: the substantive or substantial and the procedural.

It was decided to name the dimensions of the methodology as "substantive" and "procedural" in view of the use of both terms in the discipline of public administration as well as in the discipline of law to designate certain aspects that are related to the main argument of the methodology. In this sense, it should be noted that the literature on public administration[43] develops the concept of substantive rationality, which relates to the contents and objectives proposed by the actions of public organisations, and the concept of procedural rationality, which relates to the system of means or procedures available to achieve those objectives. As far as the legal literature[44] is concerned, it usually differentiates between substantive and procedural rules, the former relating to the establishment of the content and attributes of rights and the latter to the determination of the jurisdictional/administrative processes to promote their respect and guarantee.

Therefore, when we talk about the "substantive dimension", we refer to the part of the methodology that assesses the relevance of the objectives and actions proposed by the public policy to contribute to the realisation of human rights—that is, the substantial part of the public policy—. In other words, the substantive dimension of the methodology assesses what does public policy do to contribute to the realisation of human rights?

The construction of the categories and indicators that compose this dimension was carried out through the analysis and detection of specific positive duties attributable to State public administrations in accordance with the provisions set out in 1) the International Covenant on

[43]For more information on the subject, we recommend reading: "*From substantive to procedural rationality*" (Simon, 1976), "*Rationality in administrative behaviour: Simon science and public administration*" (Bartlet, 1988), and "*Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization*" (Simon, 1997).

[44]For more information on the subject, we recommend reading: "*Substance and Procedure in the Conflict of Laws"* (Ailes, 1941), "*Substance and procedure revised with some afterthoughts on the constitutional problems of irrebuttable presumptions*" (Risinger, 1982) and "*The procedural foundation of substantive law*" (Main, 2010).

Civil and Political Rights, 2) the International Covenant on Economic, Social and Cultural Rights, 3) the standards outlined in the General Comments issued by the Human Rights Committee (CCPR), and 4) the standards outlined in the General Comments issued by the Committee on Economic, Social and Cultural Rights (CESCR).

As a consequence, this dimension is limited to assessing 1) human rights whose verification necessarily refers to formally administrative/governmental actions and not to legislative or judicial actions[45], as is the case for most civil and political rights, such as freedom of expression, freedom of assembly, freedom of association and the right to justice, and 2) actions framed as formally administrative/governmental human rights obligations in the international human rights standards set out in the observations made by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights. This dimension is composed of 12 categories.

I- Right to liberty and personal security. It is based on articles 6, paragraph 1, 7, 8, paragraph 1, and 9, paragraph 1, of the International Covenant on Civil and Political Rights. It considers personal liberty as freedom from physical confinement and personal security as protection from physical or psychological harm [General Comment of the Human Rights Committee No. 35, para. 3].

II- Right to take part in the conduct of public affairs[46]. It is based on article 25, a), of the International Covenant on Civil and Political Rights. It considers the conduct of public affairs as a broad concept that allows for the exercise of political power, which includes the exercise of executive and administrative powers [General Comment of the Human Rights Committee No. 25, para. 5].

III- Right of access to information. It is based on article 19, paragraph 2, of the International Covenant on Civil and Political Rights. It considers the right of access to information held by public bodies to include records in the possession by such bodies, regardless of the form in which they are stored, their source and the date of production [General Comment of the

[45] For further reference to the formal and material functions of the State and specifically those related to public administration, we recommend reading "Tratado de derecho administrativo y obras selectas" (Gordillo, 2013).
[46] This category does not include the right to vote as the policy-makers for its proper verification are electoral bodies generally structurally independent from the public administration.

Human Rights Committee No. 34, para. 18].

IV- Right to work. It is based on article 6, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights. It considers the right to work as an individual right belonging to each person, which encompasses all types of work, whether self-employed or dependent [General Comment of the Committee on Economic, Social and Cultural Rights No. 18, para. 6].

V-Right to social security. It is based on article 9 of the International Covenant on Economic, Social and Cultural Rights. It considers the right to social security as the right to obtain and maintain social benefits, whether in cash or in-kind, without discrimination, in order to secure protection, in particular against a) lack of income from work due to sickness, disability, maternity, employment injury, old age or death of a family member; b) excessive expenditure on health care; c) inadequate family support, in particular for children and dependants [General Comment of the Committee on Economic, Social and Cultural Rights No. 9, para. 2].

VI-Right to housing. It is based on article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights. It considers the right to housing as the right to live somewhere in security, peace and dignity. It, therefore, considers that the right to housing means having a place where one can isolate oneself if one wishes, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure, and an adequate situation in relation to work and basic services, all at a reasonable cost [General Comment of the Committee on Economic, Social and Cultural Rights No. 4, para. 7].

VII- Right to adequate food. It is based on article 11 of the International Covenant on Economic, Social and Cultural Rights. It considers that the right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 6]. It, therefore, considers that the core content of the right to adequate food includes the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture, and the accessibility of such

food in ways that are sustainable and that do not interfere with the enjoyment of other human rights [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 8].

VIII- Right to Education. It is based on article 13 of the International Covenant on Economic, Social and Cultural Rights. It considers education as an intrinsic human right and an indispensable mean to achieve other human rights. It, therefore, considers that as a right within the realm of the autonomy of the individual, education is the principal means by which economically and socially marginalised adults and children can lift themselves out of poverty and participate fully in their communities [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 1].

IX- Right to health. It is based on article 12 of the International Covenant on Economic, Social and Cultural Rights. It considers health as a fundamental human right and indispensable for the exercise of other human rights. It considers that every human being has the right to the enjoyment of the highest attainable standard of health conducive to life with dignity [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 12].

X- Right to water. It is based on articles 11 and 12 of the International Covenant on Economic, Social and Cultural Rights. It considers the human right to water to be the right of everyone to sufficient, safe, acceptable, accessible and affordable water for personal and domestic uses [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 2].

XI- Right to culture. It is based on article 15, paragraph 1, a), of the International Covenant on Economic, Social and Cultural Rights. It considers that the right to participate or take part in cultural life has three main interrelated components: a) participation in cultural life; b) access to cultural life; and c) contribution to cultural life [General Comment of the Committee on Economic, Social and Cultural Rights No. 21, para. 15].

XII- Right to enjoy the benefits of scientific progress. It is based on article 15, paragraph 1, b), of the International Covenant on Economic, Social and Cultural Rights. It considers that the right to take part in and enjoy the benefits of scientific progress and its applications

encompasses both freedoms and entitlements. Freedoms include the right to take part in scientific progress and to enjoy the freedom indispensable for scientific research. Rights include the right to enjoy, without discrimination, the benefits of scientific progress [General Comment of the Committee on Economic, Social and Cultural Rights No. 25, para. 15].

On the other hand, when we talk about the procedural dimension, we refer to the part of the methodology that assesses the conformity of the phases of the public policy cycle—design, implementation and evaluation— with human rights principles, and that therefore addresses the minimum procedural guarantees that a public policy that respects human rights must observe. In other words, the procedural dimension of the methodology asks whether the way in which the phases of the public policy cycle have been developed respect, promote, and guarantees human rights. As a consequence, the construction of the categories and indicators that make up this dimension was done by analysing and determining the practical implications of human rights principles in the public policy cycle. This dimension is composed of 6 categories.

I) Universality. For analysts and policy-makers, "there is a wide margin for action because it is the very work they do that requires a kind of sensitive and judicious observation, which can hardly be reduced to specific instructions". Nevertheless, it is clear that democracy is a value, and along with it, non-discriminatory treatment, and that "impartiality cannot mean lack of understanding, or indifference to personal circumstances that are always different" (Subirats, 1992:133).

In this sense, a public policy with HRBA must take into account a fundamental assumption: there is unequal exposure to risk for different groups given the differences associated with social stratification and other variables, and therefore it must seek to determine who is at risk, vulnerability or disadvantage in order to offer them differentiated treatment in accordance with their needs, especially when, due to the circumstances affecting a disadvantaged group, equal treatment implies limiting or worsening access to a service or good, or the exercise of a right (Giménez Mercado & Valente, 2010).

Therefore, this category assesses whether the public policy process enables equal and non-discriminatory access for persons belonging to vulnerable groups potentially interested in or

affected by the public policy, in order to avoid discriminatory situations that are not based on legally established assumptions. In this regard, it is pertinent to clarify that this category includes indicators with a corrective approach—that involve attention to existing situations of discrimination— and a preventive approach—that seek to avoid possible discrimination towards vulnerable groups—. It should be noted that for the purpose of constructing preventive indicators, it is necessary to analyse the specific situation of vulnerable population groups that, due to the nature of the public policy, may see their opportunities of access to the actions or services it proposes limited.

II) Indivisibility and interdependence. The principle of indivisibility implies that "human rights can only be adequately realised together" (Fernández-Ruíz, 1997: 698). Therefore, "the lowering of the level of any one of them implies the lowering of the level of all of them and vice versa" (Fernández-Ruíz, 1997:699). In this context, the difficulty involved in the satisfaction of human rights must be recognised, since their violation is part of complex imbalances, that is, of a set of interdependent infringements of related rights whose effective realisation requires global strategies aimed at satisfying them as a whole (Fernández-Ruíz, 1997).

This is not strange or unknown to the discipline of public policy, as the problems that give rise to public policies are almost always interdependent, since "it is never a single problem that raises the concern of the community or of one of its sectors, but rather a set of factors that require a holistic global approach, which prevents a pernicious segmentation" (Subirats, 1992:49), thus generating a necessary relationship of interdependence between different institutions, agencies and/or public authorities with competence for the attention of a given public problem.

In this respect, it should be borne in mind that: 1) every organisation depends on the resources of another and in order to achieve its goals, it must exchange those resources, and 2) the power and resources—money, political legitimation, information, organisational capacity, etc.— that each organisation possesses are different in quantity and form. The practical implications of this are that the policy cycle becomes more complex because the necessary agreements or alliances between different organisations/institutions and public authorities can be used as levers vis-à-vis each other, even forming a dominant coalition that imposes

certain rules of the game and has a certain amount of discretion, this gives rise to relevant questions concerning the coherence, orientation, contents, and coordination of public policies throughout their life cycle—however, this is an underdeveloped aspect in the literature of the discipline, which has focused on public policies as a single unit, with little consideration of their interdependencies with others—.

All of the above shows "how it is not enough to design a good plan of action to be carried out, nor to have the necessary resources of all kinds, but it is necessary to take into account the disposition of the implementers and their relations with the rest of the administrative structure and with the environment—actors, groups, clienteles— in which the action is situated" (Subirats, 1992: 133), thus evidencing "the need for any public policy implementation process to design a strategy that foresees the need for negotiation and agreement, or the neutralisation of the different organisational bodies affected" (Subirats, 1992: 123). Based on the above arguments, this category values the articulation of different organisations, public institutions, authorities and levels of government in the public policy cycle.

III) Progressivity. It should be noted that there are state obligations relating to minimum essential levels of human rights that require immediate fulfilment and state obligations of progressive or gradual realisation—mainly for reasons of availability of resources— that imply that the State has two options for their fulfilment: 1) the temporal dimension—with the understanding that there are benchmarks such as goals and indicators—, and 2) the establishment of priorities—due to the impossibility of maintaining several obligations simultaneously with the same force—. In any case, even when some obligations are prioritised, the principle of non-regression must be guaranteed, which means that human rights must maintain their level of realisation and never regress (Giménez Mercado & Valente Adarme, 2010). Therefore, this category assesses whether, over time, the public policy expands or improves human rights-related products/services with respect to previous similar public policies (Giménez Mercado & Valente Adarme, 2010).

IV) Accountability[47]. In the field of public policy, accountability satisfies the need to evidence

[47] For more information on the issue of accountability in the field of public policy, we recommend reading *"Reinterpretando la rendición de cuentas o "accountability": diez propuestas para la mejora de la calidad*

and report on its objectives, processes and results. This is usually through the use of a system of reasonable and reliable methods to determine the economic, social and political responsibility of the actions undertaken, especially if they are financed with public funds—since the taxpayer has the right to know where and how public money is being spent—(Feinstein, 2016; Alkin & Christie, 2013; Rossi & Freeman, 1989).

In this regard, it is relevant to note that accountability mechanisms can be of different natures—judicial, administrative or political—, however, what is important in these cases is that, once a right has been violated, these mechanisms guarantee its full restoration to the aggrieved (Giménez Mercado & Valente Adarme, 2010). Therefore, this category values the recognition of specific obligations and responsibilities of the institutions and authorities involved in the public policy process, as well as the establishment of deadlines and mechanisms for monitoring and evaluation that allow for the detection of any possible deviation, and therefore a consequent violation of human rights.

V) Participation[48]. The relevance of citizen participation in public policy lies in the fact that since public problems are artificial and subjective—in the sense that they respond to a voluntary decision to exist and be solved—, "they have no life of their own apart from the individuals or groups that define them" (Subirats, 1992:50). As a consequence, the importance of participatory networks in the development of the public policy cycle lies in their constitution as the "means most capable of gathering the wealth of different actors—such as a university professor, a profession, a trade union or an association of property owners or neighbours, etc.—, and therefore, the exchanges, pressures and negotiations involved not only in the process of elaborating and deciding public policy, but also in its implementation and even in setting the parameters of evaluation that will serve to decide whether or not to

democrática y la eficacia de las políticas públicas en España" (Hernández, 2009), *"La evaluación de políticas públicas como instrumento para la rendición de cuentas"* (Gris Legorreta, 2012), AND *"The role of the principle of transparency and accountability in Public Administration"* (Jashari & Pepaj, 2018).

[48] For more information on the topic of citizen participation in public policy, we recommend reading *"Participación ciudadana y políticas sociales del ámbito local"* (Ziccardi, 2004), "*Sobre la participación ciudadana en las políticas públicas del ámbito local"* (Ziccardi, 2007), *"Gobernanza y participación ciudadana en las políticas públicas frente al reto del desarrollo"* (Canto Chac, 2008), *"Public participation and environmental impact assessment: Purposes, implications, and lessons for public policy making"* (O'Faircheallaigh, 2010), *"Participación ciudadana y políticas públicas. Una problematización acerca de la relación estado y sociedad civil en América Latina en la última década"* (Escobar, 2017), *"Mecanismos de participación ciudadana en las políticas públicas en América Latina"* (González & Mballa, 2017).

continue it" (Subirats, 1992:133).

This means that the design, implementation and evaluation of public policies are not limited to a matter entrusted to a certain government agency that is provided with resources to fulfil a certain objective, but rather involve a much more complex reality constructed by diverse actors with whom it is necessary to relate and mobilise (Olavarría, 2007). This gives rise to "a policy network or policy community, i.e., a network of institutional, political and social actors that face a specific task or programme of action" (Subirats, 1992:119), in which "there will be vertical and/or horizontal interdependencies, the vertical ones acting within the network itself, while the horizontal ones operate between networks, causing conflicts or maintaining isolation" (Subirats, 1992:120).

From this perspective, "it could be useful to take as a unit of study an analytical construction capable of including all public and private subjects who make decisions on common resources and their use with respect to a given problem, maintaining a series of limitations or common commitments, based on sufficient intercommunication and mutual information" (Subirats, 1992: 119), as well as the search for the empowerment of communities through documented, reflexive and critical subjects willing to become actively involved in the resolution of the problems present in their environment (Giménez Mercado & Valente Adarme, 2010) with the aim of transforming the traditional hierarchical control of the State into mechanisms of coordination and democratic co-responsibility. Therefore, this category values that every holder of rights and responsibilities of the right related to the object of public policy has the opportunity to participate in the public policy cycle in a real and meaningful way.

VI) Transparency[49]. It is based on the principle of maximum publicity of public affairs and implies that information on public decisions should be open, complete, timely, free and easily accessible to all people, and that it should also generate the necessary conditions to enable citizen participation and social and institutional control over the public function in order to reduce the margin of uncertainty and discretion, favour its efficiency and effectiveness, and

[49] For more information on transparency in public policy, we recommend reading "Transparency in policy making: A complexity view" (Brunswicker, Priego, & Almirall, 2019) and "Transparency in Public Policy" (Finkelstein, 2000).

reduce the spaces of opportunity for corrupt practices (Dassen & Vieyra, 2012) that violate human rights. As a consequence, being a public decision, public policies must share all these characteristics. Therefore, this category assesses whether the public policy has transparency as one of its transversal axes.

Among the distinctive features of the methodology is the use of a mathematical algorithm that allows the quantitative analysis of the attributes and principles of human rights in public policies. This is in order to more easily appreciate the distribution of the frequency of the observance of rights in both the content and the process of public policies. As a result, the algorithm calculates the human rights approach of a public policy in a range of 0-100 by proportionally weighting the substantive and procedural dimension of the methodology, considering that the observance of human rights is of equal relevance both in the content and in the processes of public policy.

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension

- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

It is important to clarify that, given the construction of the substantive part of the methodology, each of its categories encompasses different attributes of human rights that can each be translated into one or more objectives of public action. This means that the methodology is applicable to sectoral public policies that have more than one human rights-related objective, whether they are called strategies, plans or programmes. The following steps are necessary for the application of the methodology:

1) *Determine the applicable category(ies) of the substantive dimension*. The content and objectives of the public policy to be analysed must be related to one or more of the rights foreseen in the 12 categories that make up the substantive dimension of the methodology.

2) *Adjustment of substantive indicators if necessary*. In view of the division of competencies between the different levels of government—national, regional, local— and between the different institutions that integrate the public administration, although it is unlikely, it is feasible that some of the attributes weighted by one or more indicators of the selected categories of the substantive dimension may be considered as the exclusive competence of one of the levels of government or of a specific institution of the public administration. As a consequence, for an adequate assessment of public policy it will be necessary to adjust the indicators to such a circumstance. For this purpose, the exclusivity of the competence of another level of government/institution of the public administration with respect to the attributes foreseen by the indicators whose adjustment is sought should be substantiated and motivated. It should be emphasised that the adjustment of indicators will not be arguable when there is concurrent competence of different levels of government or of different institutions that integrate the public administration.

3) *Determine the phase(s) of the policy cycle to be analysed*. This implies establishing whether an analysis of the design, implementation, evaluation or the entire policy cycle will be conducted.

4) *Application of the indicators*. Once the applicable categories of the substantive dimension of the methodology and the phases of the public policy cycle to be evaluated have been chosen, the corresponding indicators must be applied. To do so, it is necessary that after the analysis of the information obtained about the public policy from documents or other sources, the questions posed in each of the applicable categories be answered in a well-founded and reasoned manner with a yes or no. In this regard, it is necessary to specify that some questions have a series of options deployed in items/sections that attend a gradation of the attributes/principles of human rights, and for this reason, such items/sections are considered each one as an indicator.

It should be clarified that, unlike the procedural indicators, which differ from each other depending on the phase of the public policy being analysed/evaluated, the indicators of the substantive dimension will always be essentially the same. The only change is that in the case of analysing/evaluating the design phase, reference will be made to the foresight of certain actions in the public policy to contribute to the verification of human rights, while in the implementation phase, reference will be made to the realisation of these actions, with the aim of detecting changes between the announced public policy and the realised one. This is because, due to its legal nature and scope, the proposed methodology only evaluates obligations of means and not of results. Take these details into account is relevant both for the application of the methodology and for the interpretation of its results.

5) *Application of the algorithm*. Once the previous steps have been completed, the algorithm must be applied, for which it is necessary to add up the scores of the categories of each of the dimensions. The score for each of the categories is obtained by dividing the constant of the corresponding dimension by the number of applicable categories multiplied by the quotient of the division of the number of indicators observed by the total number of applicable indicators. The total number of indicators is determined by counting each of the questions and, if applicable, by counting each of the items/sections that compose them. Once the results

for both the substantive and procedural dimensions have been obtained, they are added and divided by two.

5) *Interpretation of results*. Once the results have been obtained, it is possible to examine the degree of human rights approach observed by the public policy analysed/evaluated in a global or structured manner according to each of the categories of the dimensions or the different phases of the public policy cycle.

However, in order to carry out a comprehensive analysis/evaluation of the human rights approach in public policies at a disaggregated level of specific programmes/projects/actions, and in view of the impossibility of the substantive dimension of the methodology to evaluate public policies at this level—given the generality with which it is designed— it is proposed to adapt the methodology for these cases in the following terms:

1) *Determine the phase(s) of the programme/project/action to be analysed*. This involves determining if it will be analysed its design, implementation, or both.

2*) Application of the indicators*. Once the phases of the programme/project/action to be evaluated have been chosen, the corresponding indicators of the procedural dimension should be applied. To do so, it is necessary that after the analysis of the information obtained about the public policy from documents or other sources, the questions posed in each of the applicable categories be answered in a well-founded and reasoned manner with a yes or no. In this regard, it is necessary to specify that some questions have a series of options deployed in items/sections that attend a gradation of the principles of human rights, and for this reason, such items/sections are considered each one as an indicator.

3*) Application of the algorithm.* Once the previous steps have been completed, only the part of the algorithm that weights the procedural dimension should be applied in the following terms:

$$HRA = \sum_{j=d}^{e} CS_j$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

As a consequence, it is necessary to add up the scores of the categories of the procedural dimension. The score for each of the categories is obtained by dividing the constant of the procedural dimension by the number of applicable categories multiplied by the quotient of the division of the number of indicators observed by the total number of applicable indicators. The total number of indicators is determined by counting each of the questions and, where applicable, by counting each of the component items/ sections.

4) Interpretation of results. Once the results have been obtained, it is possible to analyse the degree of integration of the human rights approach in the process of the programme/project/action in a global or structured manner in attention to the human rights principles or to its different phases of development. It should be noted that the reference to the analysis of the human rights approach in the analysed programme/project/action will be limited to its process and not to its content.

For a comprehensive analysis/assessment of the human rights approach of specific programmes/projects/actions, it will be necessary for the analyst/assessor to generate

substantive indicators that correspond to the specific factual context and normative regime to be considered—which, in addition to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, may include other international human rights instruments, as well as applicable national, regional or local legislation—. In this hypothesis, the mathematical algorithm proposed to calculate the degree of human rights approach of sectoral public policies is susceptible to being applied to these cases, given the generality with which it is formulated.

In synthesis, the proposed methodology makes visible the fulfilment of the public administration's human rights obligations through the design and implementation of public policies, in accordance with the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The various contributions of the methodology include:

1) Its theoretical-technical contribution, through the development of the normative-technical nexus between human rights attributes and principles and the public policy cycle.

2) Its practical contribution, as it offers a new analytical framework to examine and eventually restructure the design-process-outcome relationship of the public policy cycle from a human rights approach through incremental changes.

3) Its social contribution, given that the implementation of public policies with a human rights approach, generates the possibility of important changes in people's quality of life by involving the positive integration of society.

On the other hand, the results produced by the application of the methodology allow:

1) Describe how human rights are integrated into the different phases of the public policy cycle.

2) Identify the relationships between the different phases of the public policy cycle and human rights.

3) Determine the degree of variability of the content and principles of human rights during the different phases of the public policy cycle by calculating the range and standard deviation of the values obtained after applying the proposed algorithm.

Among the various advantages offered by the application of the proposed methodology, the following were identified:Provee parámetros generales que sirven de pauta para el monitoreo de los derechos humanos en las políticas públicas.

1) It can be used as a technique for the comparative study of human rights in public policy.

2) It is feasible to use their results as a quotient for complementing outcome and impact evaluations.

3) Facilitates the accountability of public authorities on human rights issues.

4) It increases the likelihood of better human rights outcomes in public policy.

Based on the premise that "a measure is valid to the extent that it measures what it is intended to measure" (Rossi & Freeman 1989:155), the proposed methodology is considered valid to the extent that it is capable of measuring human rights principles and attributes holistically during the different phases of the public policy cycle, supporting such validity in:

1) The congruence of its use from both the theoretical and practical perspectives of the discipline of public policy and the discipline of law.

2) The congruence of the proposed measurement of human rights attributes and principles with existing alternative measures. Although the proposed methodology differs from existing methodologies for measuring human rights—such as those carried out by various international actors such as the UN, the OAS, and some IDC agencies— in that it considers the incidence of human rights in the content and process of actions, applies to a specific and well-defined object such as national, regional and local sectoral public policies, and expresses its results in numerical values, it is essentially congruent with all of them.

3) Its internal congruence. Although the methodology uses 2 dimensions, 18 categories and 265 indicators to measure the incidence of human rights attributes and principles in public

policies, all of them are interrelated and mutually exclusive, avoiding duplication in the evaluation/analysis of the same factor.

The main challenges or complications for the application of the proposed methodology include:

1) Its dynamic nature. The concept of human rights is historical in a double sense. It is a notion that has not always existed but appears at a certain point in time, but at the same time, it is also a living concept, which cannot be considered fully and definitively elaborated. The notion of human rights evolves with the evolution of history, both in terms of the connotations of the concept, its features, characteristics, notes or determinations, and in terms of its scope, that is, the sector of realities to which the concept is applied (Fernández-Ruíz, 1997).

As a result, like a process of expanding human rights and their respective interpretations, the indicators proposed in the methodology cannot be understood as independent propositions that are added together but rather as different dimensions of the same reality that are revealed. Hence, the emergence of a new right makes it necessary to reinterpret and reorganise the proposed system of indicators. In this sense, each indicator added to the system has to contribute something new to the understanding of the whole so that ultimately, the quantitative growth of the catalogue of indicators will be justified as long as it represents qualitative progress corresponding to the new rights or their interpretations. As a consequence, the methodology requires continuous updating with respect to changes in human rights norms and principles and their interpretation.

2) Resistance to change. The methodology is likely to encounter resistance to its application stemming from the lack of a structural understanding of human rights within the State in general and public administration in particular.

Chapter IV

Evaluation of the human rights approach of open government public policy in Mexico and Italy

1. What is the open government in the language of law?

One of the most relevant challenges of the present time, even in the international arena, is the search for the strengthening of a democracy that guarantees all members of society the possibility of participating and influence local development, through the promotion of substantial changes in the different facets of public power—executive, legislative and judicial —and in general, in any situation that affects the interest of the community. (Centeno & Imormino, 2017).

As a response to the above, and on the basis of the governance scheme[50] which has been under construction since approximately 1990, and which it is possible to define— from a descriptive perspective—, as "a new and different form of governance characterised by the interaction between a plurality of actors, the horizontal relations, the search for a balance between public power and civil society, and the participation in government of society in general, and not of a single actor, be it political, economic, social or cultural" (Cerrillo, 2005:13)—from an operative perspective—, as "the process by which the government, the private sector, the civil society organisations and the citizens interact for the purpose of defining, agreeing, and deciding on their objectives of common interest and value, as well as on the organisational forms, the resources and the activities they deem necessary and conducive to achieving the decided objectives" (Aguilar, 2013: 348)—from a normative perspective—, as the set of norms, rules, principles, and values that guide the interaction within the framework of networks of interdependent public, private, and social actors, in the definition of the general interest in complex and dynamic environments, through the

[50] Among the main characteristics of governance are the following: 1) the interdependence between organisations—the governance is broader than government, encompassing non-state actors—, 2) the ongoing interactions between network members, caused by the need to exchange resources and negotiate shared objectives, 3) the games-type interactions, rooted in the trust, and regulated by the norms negotiated and agreed upon by the participants, and 4) a significant degree of autonomy from the State, the networks are not accountable to the State; they are self-organised— although the State does not occupy a privileged and sovereign position, it can indirectly and unlimitedly direct the networks—(Rhodes, 2005).

development of public policies (Cerrillo, 2005)—, and therefore involves the exercise of political power to manage affairs through an independent judicial system, an effective public service, an accountable administration of public resources, an independent public auditor accountable to the representative parliament, the respect of law and human rights at all levels of government, an pluralistic institutional structure, and a free press (Rhodes, 2005)[51], the traditional governance model[52] has been proposed to redesign itself from a citizen's approach

[51] In this regard, it should be noted that, for its existence, development and social validation, governance requires a structure made up of specific institutional and technical components; that create and define the managerial capacity and effectiveness of government, either by expanding or restricting it. Among the first are: the institutions of the public powers—which are those that regulate the election process of the holders of public powers and the democratic government, determine the composition, powers, responsibilities, attributions and obligations of each of them, as well as the rules that regulate their relations of cooperation and control. It also includes the norms that regulate intergovernmental relations and government-citizen relations—, the justice and security system—concerning the impartial, honest and expeditious procurement and administration of justice, as well as the preventive and coercive work of the police, which ensure an atmosphere of legal certainty and public security—, the market— which are those that recognise and guarantee the economic freedoms that allow the development of markets as a key factor for the production of wealth—, the civil society—which encompasses those that guarantee private freedoms and as an effect, their expression and organisation, as a factor that produces moral and affective links; and therefore, a civic sense of belonging and interest in the welfare of the social whole—, and the international public institutions—that include, agreements and conventions between nation-states which bind or influence them— (Aguilar, 2013). On the other hand, although they are also institutional realities, as they have a specific practical function; the technical components of governance are the science and technology system— as a basis to determine the causal appropriateness of activities, instruments, projects and programmes to produce with effectiveness and efficiency the stated social objectives—, the public finances—that are capable of financially sustaining the state action—, the public policies—thus referring to the capacity for its formulation—, and the public administration— understood integrally in its regulations, organisational structure, management guidelines, processes, control and management schemes, as well as its measurement and evaluation systems—(Aguilar, 2013).

[52] The traditional models of government are based on a conception of the process of government as a rational, monocentric and hierarchical process. According to this approach, governments, the unique subjects of public action, identify and diagnose social problems of a supposedly objective nature, analyse the different existing alternatives and only then make the most appropriate decision for the solution to the problem in question. Once the most rational decision has been taken, the implementation of public policies is subjected to the regulatory and sanctioning monopoly of the public administration, which hypothetically has the necessary resources and instruments to unilaterally control and direct the process of social transformation. The procedures for the implementation of public decisions are also the result of a prior process of rational planning, from which it is intended to identify those organisational and procedural systems that allow for the most efficient and economic development of the policies formulated. At the organisational level, this approach translates into the defence of the principles of rationality, monopoly, hierarchy and public specialisation. In turn, the executive capacity of governments is based exclusively on the delegation of power that democratically takes place through elections, a unique and fundamental space for democratic participation. However, there are difficulties that undermine this kind of approach, these include: 1) cognitive difficulties, the knowledge about the causes and solutions of collective problems, as well as the effects of public interventions on these problems, are hardly manageable from unequivocal cognitive certainties without any actor can ever have an absolute monopoly on them, 2) difficulties related to the complexity of the values, the interests and preferences involved from multiple subjects that seek to influence the governmental policy process, 3) difficulties related to the behaviour of the authority in relation to its margin of discretion, as well as to the behaviour of the target groups of government policies whose behaviour may determine their success or failure, and 4) difficulties that are related with the probability that public interventions provoke externalities, unforeseen effects on actors or territorial levels that have not

to arrive at what we know today as open government.

It is feasible to trace the origins of the idea of open government to the US public-political space in the 1950s. The first publication related to the topic "*The open government principle: Applying the right to know under the Constitution"* of Wallace Parks (1957) relates it to the right of the people to know the details of the performance of their government. However, its popularisation began in 2009 with the issue of the *Memorandum of transparency and open government*[53] and *the Open Government Directive*[54] by the President of the United States of America, Barack Obama, which indicates that his "administration is committed to creating an unprecedented level of openness in government", that has as its objective "to ensure the public trust and establish a system of transparency, public participation, and collaboration" in order to strengthen the democracy and promote governmental efficiency and effectiveness.

Subsequently, in 2011, with the participation of state representatives from Brazil, Indonesia, Mexico, Norway, the Philippines, South Africa, the United Kingdom, the United States and South Africa, was launched the multilateral initiative *The Open Government Partnership* (OGP)[55], which affirms as objectives of open government to promote government transparency, empower citizens to demand greater accountability, combat the corruption, and take advantage of new information technologies to strengthen governance. As a result, during the last seven years, the study, development, and implementation of the concept of open government has gradually gained greater relevance at international, national and sub-national levels. But, what is open government?

In order to have an adequate concept of what is understood as an open government in the

been previously represented as subjects or objects of the decision-making process. As a consequence, the public policies provoke a series of unforeseen reactions that call into question the action of government as a propositional and unidirectional process to solve concrete problems in clearly defined and delimited areas (Blanco & Gomá, 2003: 10-11).

[53] For further information, please see the memorandum in question at the following link: https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2009/m09-12.pdf

[54] For further information, please see the directive in question at the following link: https://obamawhitehouse.archives.gov/open/documents/open-government-directive

[55] A total of 75 countries currently participate in OGP. Data consulted in: https://www.opengovpartnership.org/process/joining-ogp/open-government-declaration/

current context, it is essential to explore the content given to it in the different platforms in which it has been implemented. In this respect, it is necessary to analyse the Open Government Declaration signed by the AGA member countries, as it constitutes a common reference for 65 countries.

This declaration establishes the adoption of the principles of transparency and open government without specifying their definition. In addition to this, it states as commitments of the signatories: 1) increase the availability of information about government activities, 2) support citizen participation, 3) apply the highest standards of professional integrity at all levels of government, and 4) increase the access of new technologies for openness and accountability.

The obligation to increase the availability of information on government activities, according to the same document, can be summarised in the following way: a) ensure the availability of information; in formats that the public can easily find, understand, use, and reuse, b) provide effective remedies when information is improperly withheld, and c) solicit feedback from the public to find out which information is most valuable to them, and act in consequence.

On the other hand, the commitment to support the citizens' participation can be summarised in: a) value the participation of all people equally and without discrimination in the decision-making and formulation of policies, b) establish mechanisms to enable public participation in the conduct, monitoring, and evaluation of government activities, and c) create mechanisms for greater collaboration between governments, civil society organisations, and the private sector.

The commitment to apply the highest standards of professional integrity in all areas of governance is summarised in: a) implementing anti-corruption policies that ensure transparency in the management of public finances, b) make public the information about the income and assets of high-level civil servants, c) enact and enforce rules that protect the whistleblowers, and d) make public the information about the activities and the effectiveness of the agencies responsible for enforcing anti-corruption laws.

Regarding the obligation to increase access to new technologies for openness and accountability, this can be summarised in the following way: a) create accessible and secure

online spaces as platforms for service delivery, the public's participation and the exchange of information and ideas, b) seek greater online and mobile connectivity, and at the same time identify and promote the use of other mechanisms for the citizen's participation, and c) support and develop the use of technological innovations by public employees and citizens.

Having made these clarifications is necessary to highlight the difference between principles and commitments. A principle is a fundamental proposition according to which a subject or object of study is analysed, while a commitment refers to an obligation undertaken. In consequence, the principles inspire the actions to be developed to fulfil the obligations and not vice versa. As a corollary, while the commitments made through the signing of the Open Government Declaration elucidate some of the immediate aims of open government, they do not clarify what open government actually is.

In this regard, given the limited contribution of the declaration on the delimitation, structure and elements of open government, it is pertinent to seek a definition that allows identifying what they mean. In attention to the above, the following table shows some of the open government concepts that have been developed until now.

YEAR	AUTHOR	CONCEPT
1987	Richard A. Chapman & Michaels Hunt.	"Refers to various issues associated with government secrecy. It refers to the ability of the public in a democracy to hold the government fully accountable for its actions and to assess the validity of actions taken. It also refers to the rights of individual citizens in relation to information about them held in public organisations. This means that discussions about freedom of information, data protection, reform of Official Secrets Acts, and the necessity in a healthy democracy for information about government activities to be the publicly available, are all important topics within the

		ambit of open government" (11).
2003	OECD	"The key issues involved in building open government today: ensuring transparency, accountability and openness; widening opportunities for citizen participation input into public policy-making; and building partnerships between government, citizens and civil society organisations" (7).
2005	OECD	"Three characteristics appear to be most relevant when describing a government as open, namely: transparency - that its actions and the individuals responsible for those actions will be exposed to public scrutiny and challenge; accessibility - that its services and information on its activities will be readily accessible to citizens; and responsiveness - that it will be receptive to new ideas, demands and needs" (29).
2010	OECD	"Open government is about how government can work with society and individuals to co-create public value" (3).
2010	Antoni Manchado Lozano	"A set of practices by which traditional democratic governments engage with citizens, applying the principles of an ongoing conversation, in the dual sense of talking, listening and responding, to know their views and react to them, improving service delivery and norm enactment" (112).
2010	Daniel Lathrop	"Improved communication and operations within the

	& Laurel Ruma	various branches and levels of government. More sharing internally can led to greater efficiency and accountability" (XIX).
2010	Douglas Schuler	"An idea whose meaning is currently being constructed, offers a provocative set of ideas for reconstructing government in ways that could increase and improve the abilities of democratic societies to deal effectively, sustainably and equitably with its issues. In other words, open government, if implemented thoughtfully, could improve our democracy and our civic intelligence, while keeping the costs to acceptable and appropriate levels" (92).
2010	Martín Olivera	"Model of digital openness and freedom of knowledge initiated by the free software to representative democracy, making it more participatory, each time more direct" (237).
2010	Ariel Vercelli	"Attempt to bring greater openness to politics. This openness contrasts with the secrecy, the closure and, above all, the gap between citizens and their governments" (253).
2010	Jorge Cabezas	"Inclusive public administration, that should not accept economic or social differences in order to promote equality, thus contributing to the creation of a more just, equitable and supportive society" (278).

2011a	Álvaro Vicente Ramírez Alujas	"Paradigm and model of the relationship between governments, administrations and society: transparent, multidirectional, collaborative and oriented to citizen participation in both monitoring and public decision-making, from whose platform or space for action it is possible to catalyse, articulate and create public value from and beyond the borders of state bureaucracies" (1).
2011b	Álvaro Vicente Ramírez Alujas	"An emerging model of services that operate wherever you are-open and distributed...[in which] citizens and government co-create, co-design, co-inspire and co-produce-policies and services-together in the search for better answers to public problems" (32).
2012	Nicolás Dassen & Juan Cruz Vieyra	"Platform for rethinking the role of the State with a pro-citizen approach, through which spaces for participation and collaboration between the public sector, civil society and the private sector can be opened" (V).
2012	Rafael Martínez Puón	"Capacity that governments have to put information at the disposal of citizens, in a socially useful idea, so that they can reuse it to improve their decision-making" (143). It, therefore, "means doing things beyond governments themselves, and implies not only the transformation of governments, but also of the citizenry" (144).
2012	Gastón Concha &	"Evolution of our democratic system of coexistence and values based on the establishment of mechanisms for

	Alejandra Naser	government transparency, as well as permanent spaces for citizen collaboration and participation beyond the exercise of the right to vote" (27).
2012	José Miguel Insulza	"Public policy that brings together the concepts of transparency, participation and citizen collaboration in the public policies in which government information and data play an essential role" (9).
2012	Albert J. Meijer, Deirdre Curtin & Maarten Hillebrandt	"Openness of government is the extent to which citizens can monitor and influence government processes through access to government information and access to decision-making arenas" (13).
2012	Manuel Villoría Mendieta	"A political doctrine that holds that the activities of government and public administration should be and remain open at all possible levels for effective scrutiny and oversight by the citizens" (72).
2012	Christian P.Geiger & Jorn von Lucke	"The narrow definition of Open Government consists of transparency, participation and collaboration of the state towards third actors like the economy or the citizenship" (266). The open government consists of the "following attributes: (I) Building of new communities, (II) Information and Open Data, (III) Common Editing and Design, (IV) Common Consulting and Discussion, (V) Common Decision Making and Ordering, (VI) Common

		Action and Programming and (VII) Common Commenting and Rating of political and administrative topics" (266).
2012	Jacqueline Peschard Mariscal	"An ongoing initiative, which encompasses many aspirations from different sectors of society, and which is being defined rather by the different experiences that occur in the societies where this initiative has followers; that is, to define it by its implementation and by its results" (27).
2013	Rodrigo Sandoval Almazán	"Institutional technology platform that converts government data into open data to enable its use, protection and collaboration by citizens in public decision-making processes, accountability and improvement of public services" (40).
2013	Angela M. Evans & Adriana Campos	"Open government is broadly understood as the harnessing of information technologies to generate a participatory and collaborative dialogue between policy-makers and citizens" (173).
2013	Oscar Oslak	"New philosophy of government, a more transparent, participatory and collaborative form of public management between the State and civil society" (4).
2014	Jesús García García	"Natural evolution of e-government towards patterns of governance that emphasise accountability to citizens in order to promote transparency, and as a consequence, collaboration and participation of citizens and public

		administrations in a fairer way in the society" (78).
2015	Bernd W. Wirtz & Steven Birkmeyer	"The internal heart of open government consists of three pillars: transparency, participation, and collaboration. These pillars enhance public value. Furthermore, the three pillars influence the G2C/G2B relationship. Together, they build the internal circle of open government. This internal circle is influenced by external factors like technology, accountability, and regulations and law. Acceptance and trust in government as well as accountability also interact with the internal circle" (393).
2015	World Justice Project	"a government that shares information, empowers people with tools to hold the government accountable, and fosters citizen participation in public policy deliberations" (9).
2015	Emad A. Abu-Shanab	"a general definition of open government to include the following dimensions: the use of information and communication technology (ICT), the Internet and web 2.0 applications to fully interact with citizens and businesses, opening data needed by citizens with the required level of quality and the convenient accessibility, make government accountable for their activities and actions, open the collaboration process with citizens towards a state where, and citizens are empowered to take decisions and control public agenda" (458).
2016	XVII Conference of Ministers of	"Unprecedented institutional transition in the search for new models of governance, based on the recovery of trust and legitimacy of public action, with citizens as the centre

	Public Administration and State Reform	and protagonist of their own development" (2).
2017	Stephan G. Grimmelikhuijsen & Mary K. Feeney	"Open government is the extent to which external actors can monitor and influence government processes through access to government information and the decision-making arena. Based on this definition, we distinguish three dimensions of open government: accessibility ("access"), transparency ("government information") and participation ("decision-making arenas")" (580).
2019	Chatwin, Arku & Cleave E.	"Thus, open government can be broadly understood as policy approach to democratic governance reforms in information transparency, public participation, and accountability" (452)
2020	Ángel Caballero	"We can infer that open government, in general terms, is a model that is based on certain basic principles or assumptions which are transparency, public participation and collaboration with society, taking advantage of the opportunities offered by information and communication technologies, so if, as we have stated, we want more democratic, more open and egalitarian societies, it is necessary to generate a change of culture or mentalities by raising awareness of the importance of these principles for the constitutional State" (58).
2020	Víctor S. Peña	"Open Government is a metaphor whose content is defined more by context and reality than by theoretical

		postulates developed on some desktop..... Open Government should be a practice that promotes and rewards the initiative, competence and creativity of implementers and not merely an exercise in validation through conceptual monopoly" (152).
2020	María José Montiel & Ricardo A. Valencia	"The need for open government is based on the recognition that government authorities do not have a monopoly on collective knowledge. Additionally, the open government seeks to place the citizen at the centre of attention to the public problems that currently characterise contemporary democracies and to reverse phenomena such as corruption, human rights violations, insecurity and poor access to justice, inequality, poor quality of life, environmental degradation, barriers to economic development, to name a few" (220).
2020	María Fátima Pinho De Oliveira	"The idea of open government is based on the concept of innovation to create improvements in the efficiency, effectiveness and quality of government systems and processes: the government becomes a platform for the creation of social innovation, setting rules, providing resources, but allowing organised citizens to take meaningful actions for progress" (75).
2020	National Institute for Transparency, Access to Information and Protection of	"An open government is the one that makes its actions transparent and establishes constant communication with the citizens in order to know their needs and take decisions together. It constitutes a new way of conceiving the relationship between governments and the governed, where the hierarchies and subordination fade away to

	Personal Data of Mexico (INAI)	create a horizontal relationship" (8).
2020	Rita Grandinetti & Ezequiel Miller	"Open government incorporates, then, a series of discourses and ideas about the processes of design, implementation and evaluation of public policies. These discourses and ideas that surround the processes transcend rhetorical discourses and influence substantive issues such as changes in organisational designs and the incorporation of issues into government agendas" (94).
2020	Edgar Alejandro Ruvalcaba-Gómez	"Open Government (OG) is an innovative model that configures a public management strategy based on transparency, participation, accountability and open data, which is increasingly being taken up by governments at different levels, but also by organised civil society" (61).
2020	Jorge Castellanos Claramut	"Open government is that which is capable of establishing a permanent conversation with citizens in order to listen to what they say and request, that makes its decisions focusing on their needs and preferences, that facilitates the participation and collaboration of citizens in the definition of its policies and in the exercise of its functions, that provides information and communicates what it decides and does in a transparent manner, that submits itself to criteria of quality and continuous improvement, and that is prepared to be accountable and assume its responsibility to the citizens it has to serve. This is why we can consider that open government functions as a working tool in and for the design and

		elaboration of public policies" (190).
2021	Mariëlle Wijermars	"The concept of open government promotes the ideal of transparency and accountability in governance: citizens must be able to access government documents and proceedings in order to establish an effective climate of checks and balances" (17).
2021	Lisa Schmidthuber & Dennis Hilgers	"the extent to which external actors can monitor and influence government processes through access to government information and decision-making arenas" (3).

Table 3. Development of the concept of open government in chronological order. Source: Own elaboration.

Based on the exploration made of the construction of the concept of open government, it is possible to affirm that:

1) The development of the concept of open government had a significant boom in the period 2010-2012. This period coincides with the publication of the "*Memorandum of transparency and open government*" (2009) and the creation of the multilateral initiative "*The Open Government Partnership*" (2011), which can be considered as the two major milestones that contributed to the development and practice of open government at the present time. As a consequence of the above, it is also possible to assert that open government is essentially a product of the practice of government institutions that have been described, explored and analysed by the academic literature from the perspective of various disciplines.

2) The existence of a multiplicity of concepts related to open government from various disciplines has led to its identification in a wide variety of ways, such as philosophy, political doctrine, technological platform, public policy, relationship model, inclusive public administration, the evolution of the democratic system, institutional transition, among others.

The danger of this multiplicity of considerations is that open government can appear to be everything and end up meaning little or nothing[56].

3) Notwithstanding the above, there is general agreement in the characterisation of open government with the availability of public interest information and the inclusion of citizens in the processes of government beyond the merely electoral questions through of those that can be considered—in attention to the literature explored— its two essential elements or principles: the transparency and the citizen's participation— at its different levels, including the collaborative—. At this point, it is important to clarify that, while some of the literature explored relates the concept of open government to technology and accountability— and therefore with the legal regulation on which it is based—, these are factors that influence the development of open government and at the same time are influenced by the open government but do not constitute it.

The use of information technologies (ICTs) is only one of the means or tools that governments can use to be transparent and involve citizens in their actions, and although its

[56] One factor that influences the multiplicity of ways to conceptualise the open government is related to its impact on the so-called "open government family" (Geiger & Von Lucke, 2012), includes, but is not limited to, open data: (Janssen, Charalabidis & Zuiderwijk, 2012), (Veljković, Bogdanović-Dinić & Stoimenov, 2014), (Zuiderwijk & Janssen, 2014), (Kucera & Chlapek, 2014), (Yang, Lo & Shiang, 2015), (Vetrò, Canova, Torchiano, Minotas, Iemma, & Morando, 2016), (Dawes, Vidiasova & Parkhimovich, (2016) and (Tang & Jiang, 2021), the open access: (Suber, 2012), (Melero & Hernández San Miguel, 2014), (Montoya, 2015), (Torres & Petrizzo, 2015), (García-Peñalvo, 2017), (Vega, 2018), (Elizondo Martinez, 2019), the open knowledge: (Rodríguez, 2010), (Liyoshi & Kumar, 2010), (Molloy, 2011), (Nardi & Yrusta, 2012), (Vázquez, López, & Sarasola, 2013), (Muñoz-Justicia, 2014), the open innovation: (Fuglsang, 2008), (Bommert, 2010), (González-Sánchez & García-Muiña, 2011), (Munksgaard, Evald, Clarke & Nielsen, 2012), (Ramírez-Alujas, 2012, 2013), (Gascó, 2017), (Loukis, Charalabidis & Androutsopoulou, 2017), (Ramírez-Montoya & García-Peñalvo, 2018), (Mergel, 2018), (Villodre, 2019), (Chesbrough, 2020), the open source/open software: (Mutula & Kalaote, 2010), (Jokonya, 2015), (Robles, Gamalielsson, & Lundell, 2019), and although explored in an incipient way the open public policy cycle: (Ramírez-Alujas & Rubio, 2012).

In addition to the above, another factor to consider is the extrapolation of open government to a multiplicity of situations and contexts. Examples of the above is that currently there is a discussion on issues related to open justice: (Schoff, 2014), (Wilson & Pender, 2015), (Jiménez-Gómez & Gascó-Hernández, 2016), (Cano, Pomed, Jiménez-Gómez, & Hernández, 2016), (Deligiannis & Anagnostopoulos, 2017), (Gonzáles, 2018), (Elena & Mercado, 2019), (CONAMAJ, 2020), (Chatfield & Reddick, 2020), (Rodríguez Mondragón, 2020), (OGP, 2020), the open parliament: (Álvarez, 2017), (Van Aggelen, Hollink, Kemman, Kleppe & Beunders, 2017), (Gonzáles, 2018), (Rubio-Núñez & Vela-Navarro-Rubio, 2018), (Pérez-Moneo, 2018), (Pla, Mendoza, & Martínez, 2018), (Núñez & Navarro-Rubio, 2018), (Tuma, 2018). (Reynolds, 2019), (Serrano, 2019), (Open parliament e-Network, 2020), (Castillo, 2020), (Aranda, 2020), (Muñoz, 2020), (García & Oropeza, 2020), (Díez-Garrido & Arthur, 2020), (Puente, 2020), the open State: (Oyhanarte & Niilus, 2017), (Naser, Ramírez-Alujas & Rosales, 2017), (Gonzáles, 2018) and (Ramírez-Alujas, 2020), ONG abierta: (Imormino, 2014) and the open political parties: (Díez-Garrido, 2020).

use is desirable given its degree of penetration in society, it is not indispensable for the development of open government, which is different from e-government[57]—and for which ICTs are indispensable—. With regard to accountability[58], although it influences the content of open government, it is only a support tool for its verification because, for real accountability, it is necessary to have a sanctioning regime with specific rules and processes which are not limited to the mechanisms of transparency and the citizen participation offered by the open government.

Now, with the finality of delving deeper into the concept of open government, it is pertinent to consider even in a synthetic way the different conceptions and implications of its principles. With regard to transparency, it "is a concept related with the possibility that the actual information of a company, government or organisation can be consulted by the different subjects affected by it, in such a way that they can make informed decisions without information asymmetry" (Perramon, 2013:12). As a result, the transparency can be understood, as "the space in which priority is given to the policies and mechanisms that maximise the access to information and data to improve the decision-making processes of both political life and the day-to-day of individuals" (Luna, 2009: 37), or as "an instrumental quality at the service of certain purposes such as citizen participation, good governance or social cohesion" among others (Torno, Arroyo, Martínez, & López, 2012: 39).

One of the main objectives of transparency in government is to increase its democratic

[57] In general terms, e-government "refers to the political-administrative structures and governance processes in which information and communication technologies are used" (Annttiroiko, 2008:12), therefore can be defined as the "governmental activities that take place through digital processes via a computer network, usually the Internet, between government and members of the public and private sector entities, especially regulated entities. These activities generally involve the electronic exchange of information to acquire or provide products or services, to place or receive orders, to provide or obtain information, or to complete financial transactions" (Brown, 2005: 242). For more information on the concept, tools and implementation of e-government, we recommend reading "*Electronic Government: Concepts, Methodologies, Tools, and Applications*" (Anttiroiko, 2008).

[58] In general terms, accountability can be defined as the "subsidiary action to a prior responsibility, which implies a transitive relationship and concerns the manner in which that responsibility was fulfilled" (Merino & López, 2010: 1); or as the permanent obligation of politicians, civil servants and elected officials to inform and justify in public the acts they carry out as a result of a delegation of authority, and that includes the capacity to sanction them in the case of infringement to their public duties (Schedler, 2008). For more information on the concept, tools and implementation of accountability, we recommend reading "*The Oxford handbook public accountability*" (Bovens, Goodin, & Schillemans, 2014).

legitimacy and to encourage citizens to become active participants, and not only reactive ones (Cerrillo, 2005). With regard to its typologies, beyond the countries where they are implemented, the sectors they are focused on, and the actors involved, the transparency policies can be divided into two main groups. The first generation "aim to open official archives or the access to public information, since this represents a universal value or right" (Molina & Cruz, 2012:4), and the second-generation access to information policies, or focalised transparency, "aim to disseminate specific information .... that also serves a specific purpose, e.g. to support a particular public policy or to reduce a risk that affects the quality of a public service, such as the education, health, etc." (5).

By its nature, "the focalised transparency policies have an important diagnostic phase, in the framework of which the precise political objective of information disclosure is identified, and the dynamics, capacities and incentives of the users of information and of the entities in charge of disclosing it are specified" (Molina & Cruz, 2012:5). Consequently, the type of information disclosed in the general transparency policies and in the focalised transparency policies is different. In the focalised transparency policies, "specific information is provided which in itself leads to a course of action by the users" (6), while, in general, transparency policies, "the information tends to be prescriptive, and users of the information do not necessarily automatically understand how or for what purpose the information can be used" (6).

As a result, the practical implications of the principle of transparency in the open government scheme are related to the information on the activities of government agencies be created and made available to the public, with limited exceptions and in a timely manner. This includes the disclosure of information both in response to requests from the public and proactively on the initiative of public bodies in response to the needs of society.

As far as citizen participation is concerned, it can be understood in general terms as the "intervention of someone in something that belongs to him, or that at a certain moment is common to him because he has a latent or manifest interest there" (Sánchez, 2009: 87), which is referred to "two types of social expressions: on the one hand, the defence of particular interests—collective and diffuse— which seek political expression and resolution; and, on the other hand, the defence of alternative conceptions of the public interest" (Cunill,

2006:168), that are materialised through “all those political and social practices in which the citizenry seeks to influence on some public dimension” (Castellanos Claramunt, 2020:33). As a consequence, citizen participation comprises not only the “meeting between a few individuals who freely decide to take part in a collective action and an environment that makes this action possible” (Merino, 1996:46), but also in the processes of constitution of the different social groups (Bolos: 1999).

In Correa’s conception (1998) the citizen participation exists when there is a strengthened citizenry, and this achieves or gains the effective possibility of influencing the conflicts that are generated. Therefore, it is important to analyse the levels of participation that are available in a society in order to understand the forms and interpretation of citizen participation. In this respect, Arnstein (1969) facilitates this work through his proposal of the ladder of citizen participation, which catalogues its effects. The ladder of citizen participation consists of eight levels divided into three categories: non-participation, tokenism participation, and citizen power.

8 7 6	Citizen control Delegated power Partnership	Citizen power
5 4 3	Placation Consultation Informing	Tokenism participation
2 1	Therapy Manipulation	Non-participation

Source: Arnstein, S. (1969). A Ladder of Citizen Participation.

In the category of non-participation, Arnstein points to therapy and manipulation as two subcategories. Its real objective is not to enable people to participate in the programmes or actions that public authorities carry out, but on the contrary, to enable those in power to educate or manipulate the interest of the citizen through persuasion. With regard to the category of token participation, she subdivides it into three subcategories: a) information, b) consultation, and c) placation, and explains that they allow citizens to participate, vote and be heard under certain conditions and without a guarantee that their participation will influence the decisions taken by their representatives in power. Thus, there is no guarantee of changing the status quo because the holders of public power retain in all moment the continuing right to decide. In relation to the category of citizen power, she subdivides it into three categories, partnership, delegated power, and citizen control, in which citizens participate in and influence decision-making through negotiation and agreements. The citizens who participate at this level are empowered to implement and exercise control over all the public actions agreed upon.

As a result, the practical implications of the principle of citizen participation in the open government is translated into the inclusion of participatory mechanisms, which must be based on clear and reasonable information, and deadlines and procedures that lead to the empowerment and active collaboration of the people.

Summarising the above, it is possible to define the open government in an operational manner as the set of actions carried out by the government that refer in general terms to 1) build mechanisms to broaden the availability of public and socially useful information related to its activities, and 2) create mechanisms to incorporate people's participation that allow citizen control and collaboration in the development of their activities (Imormino, 2020).

Now, in order to adapt the concept of open government into the language of human rights, it is necessary to take into account the orientation of its teleology and operability towards access to public information and the participation of people in the making/implementation of government decisions, so in this sense, its study must be linked to the right to information and the right to political participation. Both rights are inextricably linked since in order to

participate in public life; it is necessary for people to have a minimum of information to enable them to act accordingly. These rights are therefore interrelated as an input/mechanism that the democratic rule of law offers and that the open government scheme promotes.

The right to information can be defined as the fundamental guarantee that every person has: 1) to attract information—includes the faculty of access to public archives, registers and documents—, 2) to inform—includes the freedom of expression, the freedom of press, and the freedom of constitution of informative societies and companies— and 3) to be informed— includes the faculty to receive objective and opportune information, and that this information be complete and universal, i.e., for all persons—, (Carpizo & Villanueva 2001; Roberts, 2001), which has four dimensions: 1) as a right that complements the democracy—which serves as a control of governmental power and allows citizens to participate in a genuine debate—, 2) as a right of individual autonomy—in attention to the fact that information reinforces or is constitutive of individual autonomy—, 3) as a right that complements the market— allowing the market for goods and services to self-regulate, since more information leads to more informed consumer decisions—, and 4) as a socio-economic right—related to the availability of mechanisms that allow access to the information—(Klaaren, 2013).

The international normative framework of the right to information is underpinned by the recognition of the importance of the free flow of information; through the enshrinement of the freedom of expression in international human rights instruments. The starting point for its protection began in 1948, with the Universal Declaration of Human Rights— whose article 19 establishes that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"—. Although this instrument has no binding effect, it has a global and regional orientative character.

In this context, the International Covenant on Civil and Political Rights was adopted on 16 December 1966; and its article 19 reaffirms the conception of freedom of expression in terms of the Universal Declaration of Human Rights. It introduces the subjection of its exercise to special duties and responsibilities, and therefore, constrains it to certain restrictions established in the law, necessary to ensure respect for the rights or the reputation of others,

as well as for the protection of the national security, the public order, the public health, or the public moral.

In addition to these texts, there are some specific international instruments that include the freedom of expression, such as the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5, d), viii), the Convention on the Rights of the Child (art. 13, paras. 1 and 2), and the Convention on the Rights of Persons with Disabilities (art. 21); and the right of access to information, such as the Convention on the Elimination of All Forms of Discrimination against Women (art. 16, para. 1, e) and the Convention on the Rights of Persons with Disabilities (art. 21).

As far as the right to political participation is concerned, this can be defined as "the faculty of persons to intervene in the political life of the nation, to participate in the formation of the will of the State and in the direction of government policy, as well as to be members of the various State agencies". Therefore, "encompasses the various forms of power-sharing that allow influencing the direction of the public in general" (Bernales Ballesteros, 2006: 11).

The international normative framework of the right to political participation is based on the idea that all persons have the right to participate in the government of their country. The starting point for its protection began in 1948, with the Universal Declaration of Human Rights, whose article 21 establishes that "everyone has the right to take part in the government of his country, directly or through freely chosen representatives". Text that subsequently was inserted in the same terms in the International Covenant on Civil and Political Rights (art. 25) and the American Convention on Human Rights (art. 23).

In addition to these texts, there are some specific international instruments that include the direct participation in the conduct of public affairs, such as the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5, c), the Convention on the Elimination of All Forms of Discrimination against Women (art. 7, b) and c), and the Convention on the Rights of Persons with Disabilities (art. 29, a) and b).

Among the documents outlined in the previous paragraph, those that go into greater detail about the specific content of the right to direct participation in public affairs are the Convention on the Elimination of All Forms of Discrimination against Women, which

establishes that States parties shall take measures to ensure to women, on equal terms with men, the right to "….b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government …….c) To participate in non-governmental organisations and associations concerned with the public and political life of the country".

2. Why evaluate the human rights approach to open government?

The evaluation of the human rights approach to any public policy has an intrinsic value of its own, as it is precisely the right—both national and international— which determines the content and modality of any public action respectful of human rights, and in the measure that this is evaluated, we will be in a position to establish a clear baseline from which to start to inquire about the appropriateness of sustaining or redirecting the public policy strategies employed. The above, since the evaluation of the human rights approach in the terms proposed in this text, makes it possible to identify in a structured way the extent to which governmental public policies comply with the principles and the positive human rights obligations that are attributable to the public administration.

The decision to specifically analyse the open government public policy as a first test of the proposed methodology for calculating the human rights-based approach to public policy is due to several reasons that suggest that it has a greater margin of evaluability with the parameters proposed in the methodology than any other public policy. These reasons are centred on 1) the identity of normative principles of governance and open government with human rights principles, 2) the compatibility, at least partial, of the operationalisation of the public policy of open government with the human rights approach, and 3) the impact that open government public policies designed/implemented so far have proven to have on different human rights.

With regard to the identity of the principles of governance and open government with human rights principles, it should be noted that from a normative perspective, governance is integrated by the principles of transparency—wich allows to increase the democratic legitimacy of the administrations themselves, and encourages citizens to become active, rather than just reactive participants—, accountability— that implies that each actor in the

different networks will be responsible, and therefore accountable to different audiences, through the mechanisms that each one, according to its autonomy, will determine—, participation— according to which all actors with interests, resources, or visions should be able to join the networks in accordance with the rules and guidelines established—, efficiency— refers to the achievement of the result that corresponds to the objectives pre-established by the organisation; and has as a result the subsumption of the criteria of efficiency and economy— and coherence—implies that the objectives are consistent and coordinated, and thus that there are no political effects contrary to the intended outcomes, or the aims of existing policies— (Cerrillo, 2005).

As far as the open government is concerns, it is pertinent to point out that, in addition to the principles of transparency and participation, the aforementioned principles of governance are also inherent to it, at least in an underlying way, since it is precisely from the governance scheme that the open government paradigm was generated. In this sense, if we consider the principles of universality, indivisibility, interdependence, progressivity, transparency, accountability and participation as principles of human rights, it is possible to affirm the identity of the three schemes with regard to the principles of transparency, accountability and participation. Furthermore, it is possible to argue for the subsumption—at least partial— of the principles of indivisibility and interdependence by the principle of coherence, since they imply the necessary coordination and internal and external consistency of the objectives set with the different human rights.

With regard to the at least partial compatibility of the operability of the public policy of open government with the human rights approach, it is appropriate to make some clarifications. In general terms, the open government seeks to transform the structures, processes and tools of the government sector, which inevitably affects its products, including public policies (Ramírez-Alujas & Cruz Rubio, 2012). Despite the fact that the analysis and interpretation of the effects of the open government scheme on public policy has been practically neglected by the specialised literature in this field, based on the analysis carried out in this text, it is possible to affirm that open government influences the way public policies are implemented.

This is because, by adopting the principles of the open government paradigm described above—transparency and citizen participation—, through the various trends that have been

generated to put the open government into practice—as "the construction of new communities, the availability of information and open data, the common editing and design, the common consultation and discussion, the common decision making and planning, the common action and programming, and the common commentary and rating of political and administrative issues" (Geiger & Von Lucke, 2012:266)— to a regular public policy cycle, it becomes possible to integrate citizens into the political and administrative process that the public policy cycle entails, giving rise to what could be termed as "open public policies".

Despite, the topic of the "open public policies" has been little explored, there is already a significant body of questions surrounding them, such as: What determines whether a public policy can be understood or characterised as open as compared with a traditional public policy, its design, its implementation or its results? Are there degrees of openness, i.e. can one public policy be more open than another? Do open public policies exist per se or are they the result of a particular institutional setup?

The definition of an open public policy can be approached from two perspectives: 1) on the basis of the actors involved in its elaboration and, 2) on the basis of its process and results. In this sense, in the first case, open public policies could be defined as all those public policies "that emerge under the wing or thanks to the work and collaboration of governments that operate as open, transparent, participatory and collaborative governments and administrative apparatuses that act in consequence" (Ramírez-Alujas & Cruz Rubio, 2012: 57), i.e. a public policy would be open by the fact that it is a product of an administrative apparatus embedded in an open institutional and organisational ecosystem, and as a result operates under the principles of transparency and citizen participation. In the second case, open public policies could be defined as "those that are born, include and reproduce mechanisms of transparency, participation and collaboration as a substantive part of their design, that is to say, as the main referents that guide and define their aims" (Ramírez-Alujas & Cruz Rubio, 2012: 58), i.e. the key to distinguishing an open public policy according to this definition lies in the tools used to determine its content and process.

A first aspect to consider regarding the two proposed definitions of open public policy is that even though the ideal is that both public policies and ecosystems should be open, given the emergence of the open government paradigm in the public sector only 10 years ago and the

economic, material, human and time resources required to implement such a broad structural change in the public sector, it is possible that open public policies do not coincide spatially and temporally with an open institutional and organisational ecosystem and vice versa, which makes evident the usefulness of the second definition of open public policy.

Given the possibility that open public policies do not coincide spatially and temporally with an open institutional and organisational ecosystem and vice versa, four scenarios for the development of the open government paradigm on public policies are possible: 1) normal administrative systems that coexist with non-open public policies, 2) open public policies that emerge and thrive in normal administrative systems, 3) normal public policies that coincide with open systems and 4) open public policies in open ecosystems.

From the combination of these scenarios, it is possible to speak of: a) an ecosystemic transformation— scenario 1-3- 4— in attention to the fact that before changing public policy, the aim is to change the ecosystem in which it operates in order to force a systemic openness, b) an endogenously induced opening—scenario 1-2— that takes place when closed political-administrative apparatuses seek to generate openness from the public policies, c) a systematically induced openness— scenario 3-4— in which open political-administrative apparatuses wish to consolidate their openness to all the public policies that the open government host (Ramírez-Alujas & Cruz Rubio, 2012).

Having made the above clarifications, it is feasible to affirm that there is a greater probability that a public policy of open government will put into practice the principles of transparency and participation— consistent with the human rights approach— with respect to a traditional public policy.

In relation to the incidence that open government public policies designed/implemented so far have shown to have on different human rights, it is worth noting that after the analysis of the open government public policies issued within the framework of the OGP[59], It is possible

[59] It was decided to analyse exclusively open government public policies issued within the framework of the OGP since they are based on a structured and standardised scheme that facilitates their study. For the analysis, the last action plan issued by each of the OGP member states was taken as a sample, in other words, a total of 78 open government action plans issued between 2017 and 2020 were analysed. In addition, for a more in-depth analysis, the action plans of the countries that started issuing open government plans in 2011 and 2012 were analysed in series in order to assess their gradual development.

to affirm that the design of open government action plans underwent a structural change, since the first plans were focused exclusively and entirely on the publication of government information, while some of the current plans focus on issues directly related to the development and the human rights. The above entails the expansion of the practice of open government to issues that substantially do not respond to those related to transparency and citizen participation in public management, but which are formalised through them. In other words, there has been a shift from considering transparency and citizen participation exclusively as a direct or substantial objective of open government public policy, to a cross-cutting operational one. The consequences of the above may present an unparalleled opportunity for open government public policy to involve the operationalisation of human rights and its principles in the future.

In addition to the mentioned above, some practices consistent with the human rights approach were detected in the open government action plans, such as:

- The involvement in the development and or implementation of open government action plans of public and/or private actors related to the defence of human rights by the 21% of the sample analysed—represented by countries such as Afghanistan, Albania, Argentina, Australia, Bosnia, Burkina Faso, Denmark, Ghana, Guatemala, Honduras, Indonesia, Ireland, Mexico, Paraguay, Peru, Serbia and Sierra Leone—.

- The foresight of specific actions or strategies to mainstream the gender perspective and the empowerment of women by the 7.6% of the sample analysed, consisting of the development of the Great Council of Women and the National Plan for the empowerment of women— Afghanistan—, the capacitation in the gender mainstreaming of the three powers of the State—Argentina—, the encouragement and promotion of women's candidacies in the decision-making process—Burkina—, the co-creation of the National Plan for the Prevention and Eradication of the Violence against the Women and Gender—Ecuador—, and the creation of a citizen observatory on gender-based violence and gender diversity—Uruguay and Ecuador—.

- The prevision of strategies for the transparency and openness of data on specific issues such as the monitoring of the education— Afghanistan, Armenia, Czech Republic,

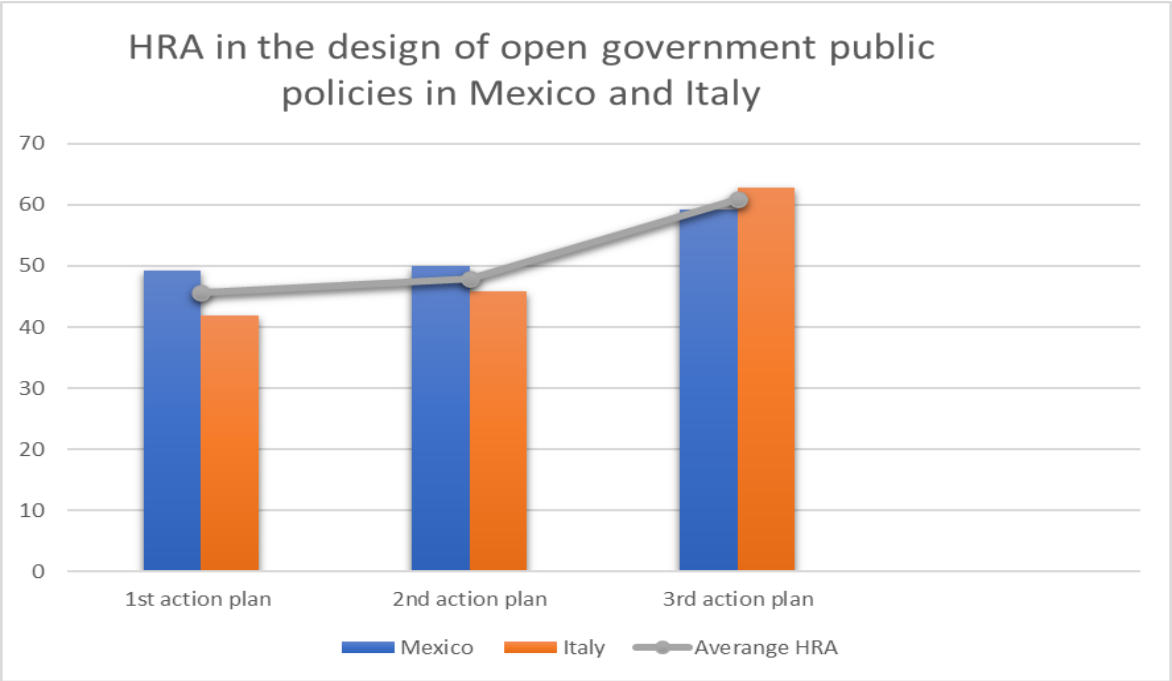
Ecuador, Mexico, New Zealand, Panama—, the human trafficking—Argentina—, access to justice— Afghanistan, Macedonia—, the access to safe drinking water—Armenia, Panama—, the environment— Costa Rica, Ecuador, Ireland, Mexico, Macedonia, Portugal, Tunisia, Uruguay—, the citizen security—Costa Rica— and the health—Denmark, Greece, Panama and USA— by the 32% of the sample analysed.

- The visibility and promotion of inclusive dialogue with the indigenous peoples—Argentina, Canada—by the 2.5% of the sample analysed.

- The systematic collection of evidence about the legal needs of people, which will serve as input for a participatory design of new mechanisms of access to justice, in the context of a new roundtable of dialogue between institutions of the justice system and civil society—Argentina, Ireland— by the 2.5% of the sample analysed.

3. What were the main results of the evaluation of the rights-based approach in the open government public policies of Mexico and Italy?

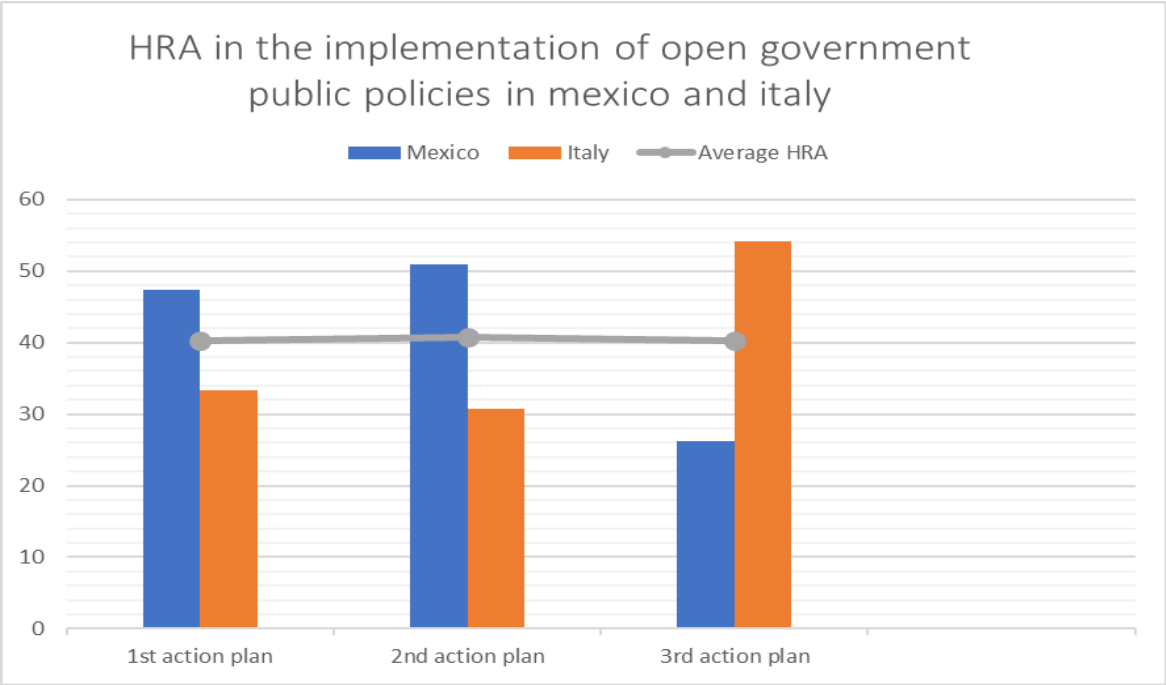
The main results of the application of the methodology for assessing the human rights approach to open government public policies in Italy and Mexico from 2011-2018— which can be analysed in greater detail in Annexe IV—, are summarised in the following tables and graphs:



Graph 1. Own elaboration

Variables	**Mexico**			**Italy**		
Period	**2011-2012**	**2013-2015**	**2016-2018**	**2012-2013**	**2014-2016**	**2016-2018**
Right to participate in public affairs	44.4%	55.5%	66.6%	33.3%	55.5%	55.5%
Right of access to information	80%	60%	60%	60%	40%	60%
Universality	0%	0%	0%	20%	0%	20%
Interdependence and indivisibility	50%	50%	100%	100%	100%	100%
Progressivity	NA	50%	50%	NA	50%	100%
Transparency	33.3%	66.6%	83.3%	50%	66.6%	83.3%
Accountability	66.6%	50%	33.3%	0%	33.3%	66.6%
Participation	31.5 %	38.8%	66.6%	16.6%	16.6%	33.3%

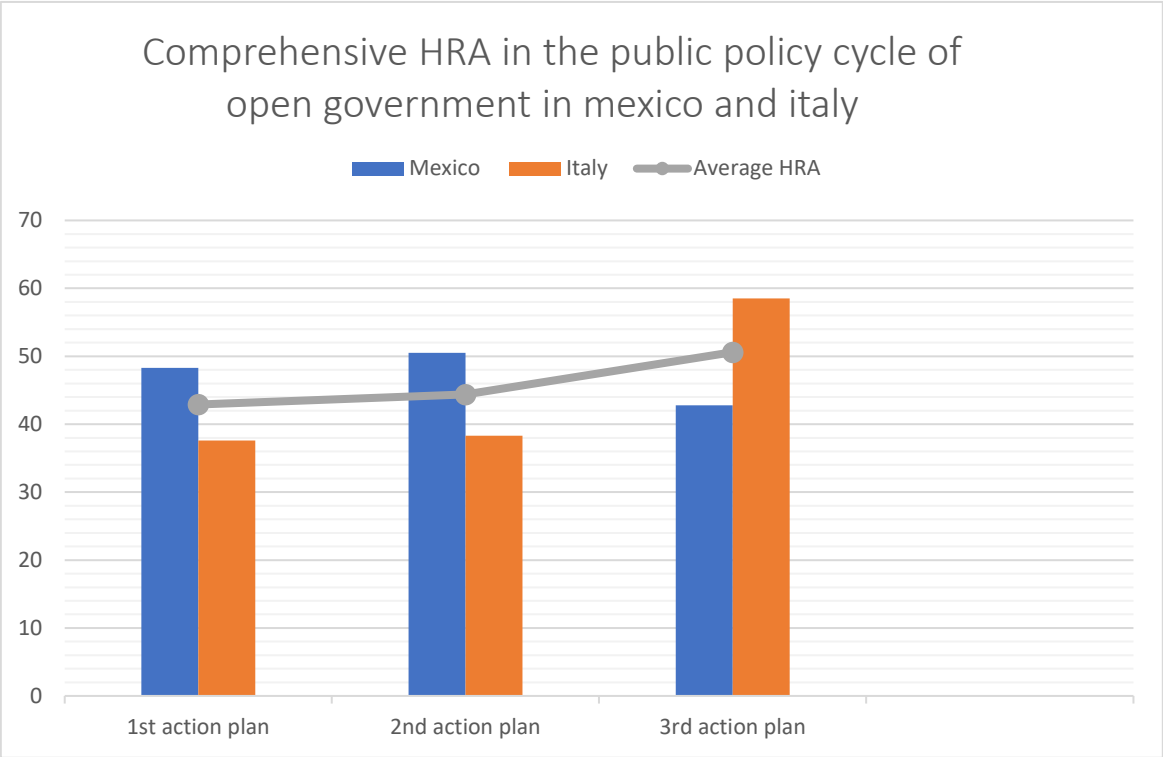
Table number 4. “Comparison of the integration of the human rights approach in the design of open government public policies in Mexico and Italy, disaggregated by variable”. Own elaboration



Graph 2. Own elaboration

Variables	Mexico			Italy		
Period	2011-2012	2013-2015	2016-2018	2012-2013	2014-2016	2016-2018
Right to participate in public affairs	44.4%	44.4%	0%	33.3%	0%	33.3%
Right of access to information	80%	60%	20%	60%	40%	40%
Universality	0%	0%	0%	0%	0%	25%
Interdependence and indivisibility	50%	50%	100%	50%	100%	100%
Progressivity	NA	50%	50%	NA	50%	100%
Transparency	25%	75%	75%	25%	75%	75%
Accountability	37.5%	50%	0%	0%	25%	50%
Participation	50%	75%	31.2%	25%	0%	81.2%

Table number 5. Comparison of the integration of the human rights approach in the implementation of open government public policies of Mexico and Italy, disaggregated by variable. Own elaboration.



Gráfica 3. Elaboración propia

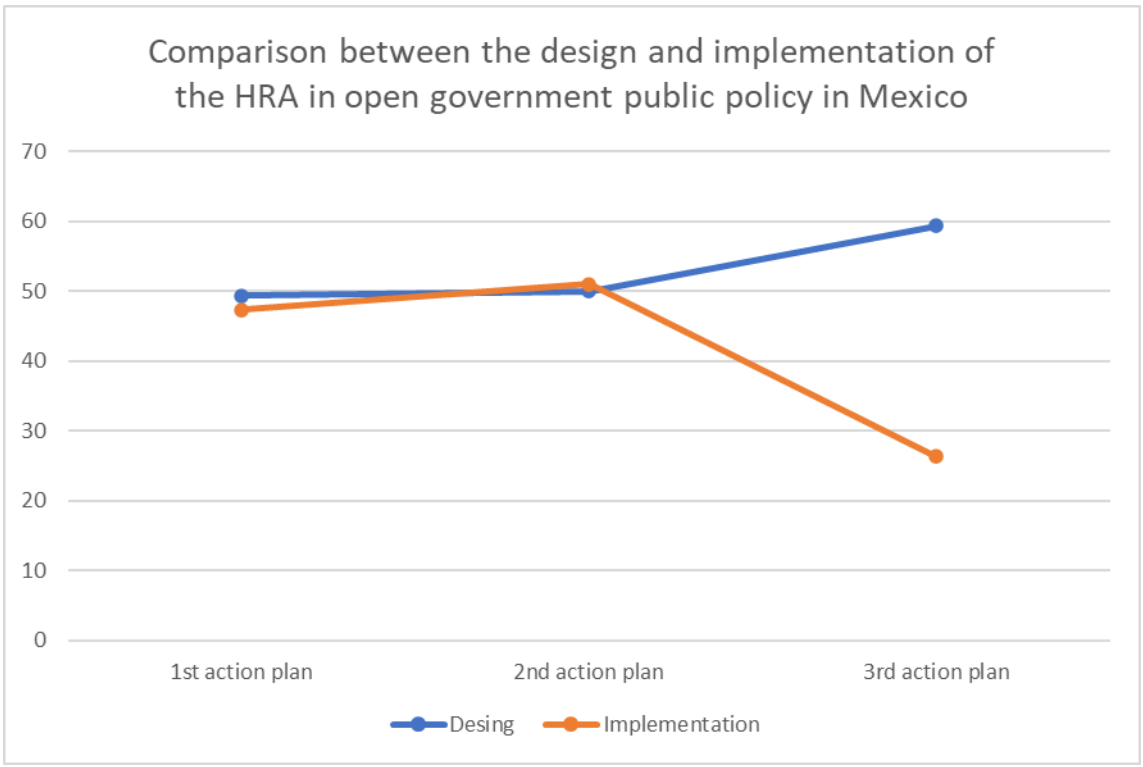
Variables	**Mexico**			**Italy**		
Period	**2011-2012**	**2013-2015**	**2016-2018**	**2012-2013**	**2014-2016**	**2016-2018**
Design HRA	49.3%	50%	59.3%	41.9%	45.9%	62.8%
Implementation HRA	47.3%	51%	26.3%	33.3%	30.7%	54.1%
Comprehensive HRA	48.3 %	50.5%	42.8%	37.6%	38.3%	58.4%

Table number 6. Comparison of the comprehensive human rights approach in the open government public policy cycle of Mexico and Italy

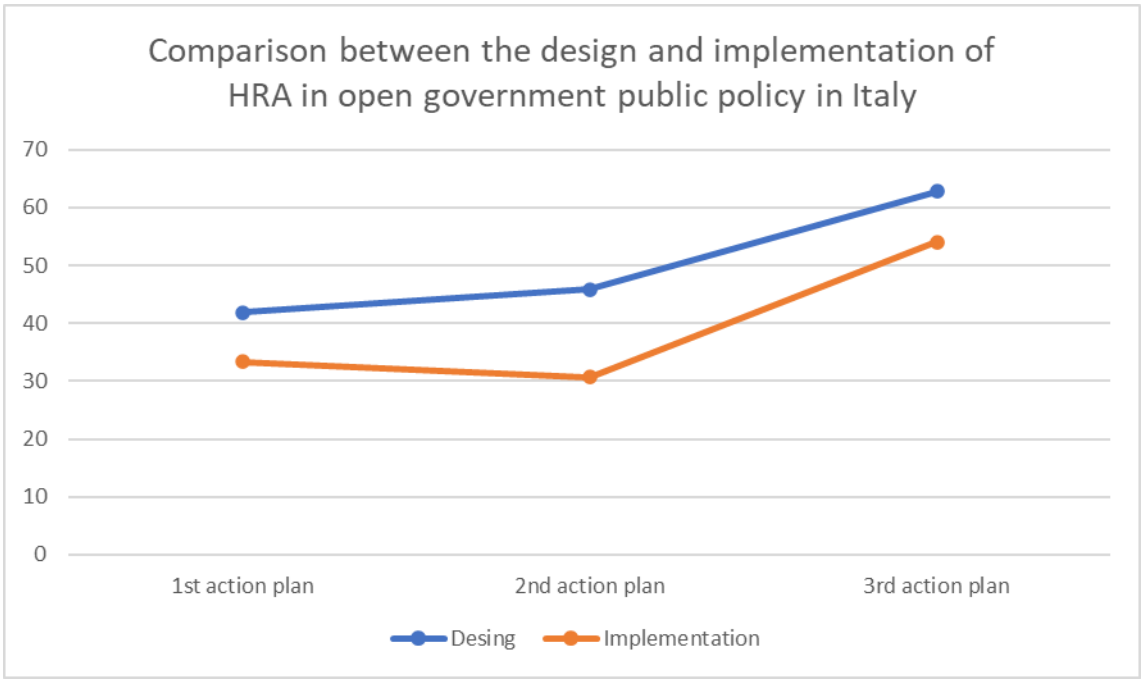
Based on the data indicated in the tables and graphs above, it is possible to affirm that in general terms, the public policy cycle of open government in Mexico and Italy has a significant deficit in the integration of the human rights approach in a 52.7% and 55.3% respectively. It is estimated that this situation is due to the fact that, despite the identity between the analytical frameworks of open government and the human rights approach, open government public policies are not conceived from a human rights perspective.

Despite the above, the integration of the human rights approach in the design of the open government public policies in both Mexico and Italy increased by an average of 8 and 10 percentage points, respectively, with the issuing of each plan. As a consequence, we could speak of the progressive development of the human rights approach in the design of open government public policies equivalent to a 15% and 19% of real increase in the integration of human rights attributes and principles in both countries, respectively. It is estimated that this situation is due to the progressiveness of open government public policy and not to the progressiveness of a human rights-based design, as a result of the partial identity between the analytical frameworks of open government and human rights.

With regard to the integration of the human rights approach in the implementation of open government plans, there was a variable behaviour with ups and downs in both countries, with 21 percentage points down in Mexico and 21 percentage points up in Italy. However, the integration of the human rights approach in the implementation of the different open government plans was tendentially lower than the integration of the human rights approach in their design in both countries by an average of 11 percentage points, equivalent to a 21% real gap between the human rights approach of the open government public policy adopted in its design and the one actually implemented. It is estimated that this situation was due to the lack of development of an adequate technique for both the design and the implementation of public policies in general in both countries and their consequent systematic application, which ended up having an impact on such specific issues as the human rights. These behaviours are illustrated in the following two graphs.



Graph 4. Own elaboration.



Graph 5. Own elaboration.

Among the main strengths of open government public policy in both countries in terms of

the integration of a human rights approach in its content, we find that all of them include activities linked to the right of access to public information, mainly through proactive transparency of the structure, functions and services performed/provided by public administrations and the improvement of access through the use of open data. Furthermore, actions related to the right of access to information constitute approximately 80% and 30% of the public policy of open government in Mexico and Italy, respectively, of which 16% and 2.8% refer to information related to the reduction of public risks/solution of public problems/exercise of a right/fulfilment of an obligation so that as a consequence it is still an area to be developed.

However, among its main areas of opportunity is the introduction and maintenance in greater number and quality the citizen participation actions developed so far, which constitute approximately 20% of the public policy of open government in both countries, with the objective to progress to a co-responsibility scheme, which among other variants allows to provide them with a binding character, or the delegation of strategic activities, to mention some examples. Finally, among its weaknesses is the lack of introduction and maintenance of reasonable adjustments that allow/facilitate the exercise of the right of access to information and the right to participation in public affairs to especially vulnerable groups, such as population groups with certain disabilities that diminish/impede their access to information or participatory activities in accordance with commonly used processes, as well as the development of activities for the promotion of the right of access to information and the right to participation in public affairs.

On the other hand, among the main strengths of open government public policy in both countries with regard to the integration of a human rights approach in their processes is the participation of various public administration institutions and even different levels of government in its design and implementation. Among its main areas of opportunity are the expansion and progressive sustaining of the degree and quality of transparency, accountability and citizen participation as a transversal axis—during all its phases: design, implementation and evaluation—, and the progressive extension of services/actions related to the right of access to information and public participation that have as objective. The above, given that we detected a significant deficit in the transparency and accountability of

the public policies analysed, because the publicly accessible documents of both public policies do not systematically offer certainty regarding essential issues such as the deadlines, conditions or those in charge of the development of the actions proposed, the deadlines and conditions for participating in them, the public budget used to carry them out, as well as the continued development of the actions undertaken in the past.

In addition to the above, among its main weaknesses are its complete omission in the identification of discrimination and vulnerable groups related to the public problems it seeks to address through access to information and citizen participation, and therefore, the lack of attention to the main causes of human rights violations related to its general objective. Furthermore, the open government policies of both countries do without any alternative means of access to their activities in response to the needs of the different target population groups, since all of their activities are accessible exclusively by digital means, thus excluding those who do not have access to these means or lack the technical capacity to use them. Furthermore, an issue that aggravates the above situation is that they do not foresee activities for their dissemination among population groups that traditionally do not know about them, nor do they foresee the development of activities that allow for the strengthening of the necessary capacities—especially, but not exclusively technical, given its development in purely digital environments— for the adequate use by the people of the services and actions that they offer.

However, it is considered that perhaps the most relevant data provided by this research is the possibility of affirming that: even when open government public policies have not been conceived from a human rights perspective, their specific design and implementation method/technique allows for better integration of human rights in the public policy cycle. The above is based on the results obtained from the evaluation of the human rights approach to which the open government public policies of Mexico and Italy were subjected, which shows that their integration of the human rights approach ranges between 45% and 50%, considering this a high value, given that the integration of the human rights approach is not one of their objectives. In addition to the above, it is estimated that the achievement of the evaluation result was due to the introduction of the principles of transparency and citizen participation in public policy processes, which are a characteristic and identifying feature of

the open government scheme.

In this sense, it is considered that, based on the study carried out, a window of opportunity has been detected for the introduction of human rights in a cross-cutting manner in the public policy cycle in general, given that its feasibility has been corroborated, at least partially. This is due to various factors such as the confluence of political will, the growing interest of civil society and the theoretical and practical development of participatory and accountability schemes that open government has promoted and encouraged over the last 10 years. However, as the open government is a window of opportunity to promote the integration of a human rights approach in the public policy cycle, this implies that it can close in the face of changes in the political or social scenario, which would entail missing the opportunity offered by the current situation to build an open government for all people and not just for some.

Finally, perhaps from an overly idealistic perspective, it is considered that the present methodology can lay the groundwork not only for the development of future analyses/evaluations of the incidence of human rights on the content and processes of specific public programmes, projects or actions, but also provides the basis for the expansion of the questions of what does the public administration do for the verification of human rights? and, are the processes in which the public administration operates consistent with human rights? to questions such as: what do the legislative and judicial powers do for the verification of human rights? and, are the processes in which the legislature and judiciary operate consistent with human rights?

Conclusions

As a result of the analysis carried out during the investigation, it is possible to conclude the following:

1) The human rights approach emerged in the sphere of IDC, which among other things, brought about a paradigm shift in development. From being considered a charity or a necessity, it became a right, and therefore IDC became a means to comply with the obligation to respect, protect and guarantee it, thus ceasing to be a donation or goodwill aid. In addition to the above, in the last two decades, the human rights approach has gained significant relevance in various issues and institutions at different levels under the central argument that through the observance of human rights, a considerable improvement in the quality and scope of the actions undertaken is possible.

2) In view of its current development, it is possible to define the human rights approach as the analysis and attention to social problems based on the provisions of the applicable international/ regional/ national/ local/ human rights legal instruments, their principles and respective interpretations with the aim of complying with them from a social perspective, especially that of the rights-holders who should/could benefit from/be affected by the decision/intervention made, mainly through three mechanisms: 1) their integration into policies and programming processes, 2) the promotion of human rights through capacity development for their appropriation by rights-holders, duty-bearers and 3) the creation of mechanisms of various kinds—be they legislative, administrative, or judicial—to hold duty-bearers accountable.

3) Derived from the nexus of development with the fulfilment, respect and guarantee of human rights, the practical value of the human rights approach focuses on: 1) the monitoring of the State's compliance with human rights commitments, 2) the adoption of a holistic view, 3) its focus on both processes and outcomes, 4) the realisation of the rights of excluded populations, and those whose rights are at risk of being infringed, 5) the empowerment of groups in situations of vulnerability, 6) the strengthening of the capacity of rights holders, 7) the pursuit of equitable service delivery, 8) the building of citizenship, 9) the participatory formulation of the policy and legislative framework necessary for the realisation of human

rights, 10) the achievement of sustained results, 11) the prioritisation of local ownership of development processes, and 12) the strengthening of good governance.

4) Public policies can be defined as the set of actions that a State designs and manages through a government and a public administration, with the aim of addressing public problems that are influenced by competitive social situations. In this sense, incorporating the human rights approach into public policies requires: 1) the explicit recognition of the international and national normative framework of human rights, 2) the modification of the role and structure of the State in favour of the promotion and development of active citizenship and practices favourable to human rights, 3) the revision of the foundations and instruments of public policy-making for the inclusion of human rights principles, and 4) cultural transformations that favour the recognition of human rights in social institutions and practices.

5) Despite the fact that the human rights approach began to be included in the language of public policy during the last five years, due to the highly complex social and institutional changes required for its incorporation into public policy, it has not been applied to any significant extent. In addition to this, based on the documentary analysis carried out, it is possible to affirm that there is little clarity regarding the concept of a human rights approach, and therefore, there is also a lack of a global vision or conception that allows the homologation of criteria in the different areas in which the public administration is involved. All of the above translates into a non-systematic, imprecise and even, in some cases, merely rhetorical use of the human rights approach in public policies and programmes.

6) Among the main contributions of the proposed methodology for calculating the human rights approach of the entire public policy cycle or of some of its phase(s) are those of a theoretical-technical nature— through the development of the normative-technical nexus between human rights attributes and principles and the public policy cycle—, and practical— as it offers a new analytical framework to examine and eventually restructure the design-process-outcome relationship of the public policy cycle from a human rights approach through incremental changes—.

7) From the application of the proposed methodology, it was possible to determine: a) the way in which human rights are integrated into the different phases of the public policies analysed, b) the existing relationships between the different phases of the public policy cycles analysed and the human rights, and c) the degree of variability of the content and principles of human rights in the different phases of the public policy cycles analysed.

8) Among the various advantages offered by the application of the proposed methodology were: a) the provision of general parameters that served as a guideline for the monitoring of human rights in public policies, and b) the possibility of using it as a technique for the comparative study of human rights in the public policies analysed.

9) Among the main results of the application of the methodology in the open government policy cycle in Mexico and Italy (2011-2018) are the following:

- The detection of a significant deficit in the integration of the human rights approach, with an average of 52.7% and 55.3%, respectively.

- The progressive development of the human rights approach in the design of open government public policies is equivalent to a 15% and a 19% real increase in the integration of human rights attributes and principles in both countries.

- The integration of the human rights approach in the implementation of the different open government plans was on average 11 percentage points lower than the integration of the human rights approach in their design in both countries, equivalent to a 21% real gap between the human rights approach adopted in the design of the open government public policy and the one implemented.

10) Although open government policies have not been conceived from a human rights perspective, their specific design and implementation method/technique allows for better integration of human rights in the public policy cycle. The above is affirmed by the results obtained from the evaluation of the human rights approach to open government public policies in Mexico and Italy—the only common circumstance between the two countries—, which show that their integration of the human rights approach is similar, oscillating between

45% and 48%, considering this value as high, given that the integration of the human rights approach is not one of their objectives.

11) The open government scheme constitutes a window of opportunity for the introduction of human rights in a cross-cutting manner in the public policy cycle in general, given that its feasibility has been corroborated, at least partially. This is due to various factors such as the confluence of political will, the growing interest of civil society and the theoretical and practical development of participatory and accountability schemes that the figure of open government has promoted and encouraged over the last 10 years. However, as the open government is a window of opportunity to promote the integration of the human rights approach in the public policy cycle, it could close in the face of changes in the political or social scenario, which would mean missing the opportunity offered by the current situation to build an open government for all people and not just for some.

Annexe I- "Chronology of publications related to the human rights approach"

Year	Author	Abstract
(2003)	United Nations International Children's Fund (UNICEF)	"*Human rights approach to development programming*" Incorporates all the recommendations made in the course of these numerous commentary sessions. In addition, it includes two annexes, one on monitoring and evaluation and the other describing how the HRBA is applied in conflict situations and complex emergencies.
(2003)	German Corporation for International Cooperation (GIZ)	"*Human Rights Strengthening Programme (HURIST) – Lessons for German DC in human rights approaches to development cooperation*" Narrates the experience of the *Human Rights Strengthening Programme* (HURIST) and its human rights approach to development cooperation.
(2003)	German Development Institute (GDI)	"*Learning from the UK Department of International Development's Rights-Based Approach to Development Assistance*" It aims to provide an identification of some of the lessons that can be learned from the experience of the *Department for International Development*, make a comment on the current challenges facing DFID, and provide some recommendations to the German government.

(2004)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	*"Manual on rights-based education: global human rights requirements made simple"* It translates globally accepted human rights into guidelines for national education strategies and is intended as a reference tool for policymakers and education professionals, as well as those working in international development cooperation.
(2004a)	Institute of Development Studies (IDS)	"*Rights-based approaches and beyond: challenges of linking rights and participation*" Explores the growing trend of "HRBAs" to development, based on interviews with various international human rights and development organisations primarily based in the United States, as well as insights from the authors years of experience working with development and rights groups in the global south.
(2004b)	Institute of Development Studies (IDS)	*"What is the "rights-based approach" all about? Perspectives from International Development Agencies*" Seeks to unravel some of the questions such as: Where does today's rights-based approach discourse come from? Why rights and why now? What are the differences between versions and emphases articulated by different international development stakeholders? What are their shortcomings, and what do they imply for development practice and policy? In reflecting on these questions, it explores some of the variety of ways of

		relating human rights to development.
(2004c)	Institute of Development Studies (IDS)	"*Kenyan civil society perspectives on rights, rights-based approaches to development, and participation*" It explores country-level practice around emerging rights-based approaches to development and their relationship to more established participatory development practices. Drawing on the perspectives of a cross-section of Kenyan civil society groups, it examines the extent to which these approaches overlap and assesses the prospects for an integrated and sustained approach to civil society challenge of institutional arrangements that foster unequal relationships.
(2004)	Overseas Development Institute (ODI)	"*DFID Human Rights Review A review of how DFID has integrated human rights into its work*" It was elaborated at the request of the Department for International Development (DFID). Its purpose is to gain a greater understanding of DFID's human rights work. The focus is on lessons that can be learned from experiences on the ground, covering a range of sectors and initiatives, particularly at the country level. The review attempts to show how human rights can contribute to poverty reduction at the normative, analytical and operational levels. Concludes with some forward-looking recommendations.
(2005)	United Nations Population Fund	"*Rights into Action. UNFPA implements Human Rights-*

	(UNFPA)	*Based Approach*" Exposes the human rights principles implemented in UNFPA's work on issues related to development, reproductive health, gender equality and women's empowerment. It also points out how programming contributes to the promotion of human rights and shows the significant role that good practices and the sharing of synergies between different stakeholders can play in the protection of human rights.
(2005a)	United Nations Development Programme (UNDP)	"*Human Rights in United Nations Development Programme. Practice note*" It outlines the strategic areas of intervention of the United Nations Development Programme, among which are the promotion and application of HRBA for development programming through strengthening the capacity of its staff and partners to understand and apply HRBA, human rights-based guidance in the assessment and analysis of the development situation and formulation of development programs/projects, social transformation by empowering people to exercise their agency to influence change processes.
(2005b)	United Nations Development Programme **(**UNDP)	"*Programming for Justice: Access for All. A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*" Drawing on the experiences and lessons learned from different access to justice interventions within Asia-Pacific, it analyses a wide range of obstacles and

		strategies for capacity development to improve access to justice. In particular, it examines formal and informal systems of justice, legal aid and empowerment, as well as the specific obstacles faced by disadvantaged groups and those in conflict situations in terms of their ability to access justice.
(2006a)	United Nations Development Programme (UNDP) & Human Rights Commission of Malaysia (SUHAKAM)	"*A Human Rights Perspective on MDGs and Beyond New Development Targets*" It seeks to provide new ideas about how the Millennium Development Goals (MDG) agenda can be advanced using a human rights perspective.
(2006b)	United Nations Development Programme **(**UNDP)	*"Applying a human rights-based approach to development cooperation and programming: A UNDP Capacity Development Resource".* Seeks to enhance the capacity of UNDP staff to effectively adopt and implement the HRBA in response to the common understanding issued in 2003. Illustrates how human rights standards and principles should relate to UNDP's engagement with the development agenda at the country level and influence advocacy, policy and programming initiatives at all stages of the development planning and implementation process. Provides guidance and offers an overview that can be adapted to the particular needs of each country.
(2006)	United Nations	"*Indicators for Human Rights-Based Approaches to*

	Children's Fund (UNICEF)	*Development in UNDP Programming. A Users' Guide*" It contains separate sections on different aspects related to the development and use of indicators in key elements of programming. It summarises the normative evolution of human rights and explains how they have been incorporated into the activities of all UN agencies. It also reviews the existing main indicators for human rights and analyses their limitations for human rights-based programming. Finally, it offers advice on how to use indicators for all phases of the program—design, implementation, monitoring and evaluation—.
(2006)	Office of the United Nations High Commissioner for Human Rights (OHCHR)	"*Frequently asked questions on a human rights-based approach to development cooperation"* It notes that translating the principles of the HRBA into practical terms should help to address the underlying and systemic causes of discrimination in order to promote genuine and substantive equality; identify the specific obstacles that duty-bearers face in fulfilling their obligations, and the capacities that rights-holders—especially the poorest and most disadvantaged—,must have to claim their rights; and ensure that stakeholders have ownership and control over policy processes at all stages—diagnosis, analysis, planning, implementation, monitoring and evaluation—.
(2006a)	United Nations Educational, Scientific and	"*The Human Rights-based approach and the United Nations system*"

	Cultural Organization (UNESCO)	Analyses policies and practices supported throughout the United Nations system and highlight the lessons learned and good practices that could inspire UNESCO's action. It also presents specific recommendations for UNESCO's mandate in education, science, culture and communication.
(2006b)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	*"Strategy on human rights"* The Strategy proposes a roadmap for the implementation of the HRBA for UNESCO. It states that all activities should contribute to the promotion of human rights and that, therefore, the fundamental principles of human rights, such as equality, participation, and accountability, should guide the design, implementation and evaluation of all its programs.
(2006)	Save the Children	"*Child Rights Programming How to Apply Rights-Based Approaches to Programming. A Handbook for International Save the Children Alliance Members*" It aims to provide an introduction to child rights programming: Save the Children's approach to using human rights principles and standards in its work with children, their families, caregivers and communities.
2006	Ministry of Health of Peru	"Enfoque de derechos humanos, equidad de género e interculturalidad en salud. Marco conceptual" Its purpose is to contribute to the development of collective knowledge of HRBA in the health sector.

(2007)	United Nations Development Fund for Women (UNIFEM)	"*CEDAW and the Human Rights-Based Approach to Programming. New York: UNIFEM*" Documents the knowledge and experience gained by UNIFEM up to 2006, with the objective of helping UNIFEM staff to further deepen the HRBA in programming.
(2007a)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	"*Documenting emerging lessons learned for human rights-based programming: An Asia-Pacific perspective*". Exposes the lessons learned from documenting experiences and programs that incorporated HRBA in various Asia-Pacific countries from 2004 to 2006. Initial observations of such experiences and programs resulted in the documentation and publication of fourteen case studies in countries such as Bangladesh, India, Nepal, Cambodia, Indonesia, Laos, Vietnam, the Philippines and Fiji under the auspices of the UN Asia-Pacific Interagency Lessons Learned Project (LLP) on HRBA for Development.
(2007b)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	"*A Human Rights-Based Approach to education for all*" It points out the general aspects of the practice of HRBA in IDC and the need to incorporate it in education policies, as well as the tensions that it could entail among the different actors. Develops the conceptual and legal framework of the HRBA for education policies by relating it to three interdependent dimensions: a) the right of access to education, b) the right to quality

		education, and c) the right to respect within the learning environment.
(2007c)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	"*Social Audits for Strengthening Accountability: Building blocks for human rights-based programming – Practice note".* Analyses the instrumental value of social audits to guide the programming from an HRBA perspective. Notes that from documenting experiences and programs that incorporated the HRBA in several countries in Asia and the Pacific between 2004-2005, it found success in effective implementation of various forms of social audits under various names and with different effects related to the accountability of duty bearers and vindication of rights in situations related to state obligations to policy planning and implementation, responsibilities of service providers, and ensuring accountability of mid-level duty bearers to their stakeholders.
(2007)	World Health Organization (WHO)	"*Human Rights-based Approach to Health and Environment Report of a Regional Seminar*" This report provides a thematic synthesis of the seminar discussions and describes the conceptual framework of the HRBA in the area of health and the environment. It also documents cases in which governments and civil society groups have used human rights to promote legislative and policy change.

(2007)	German Corporation for International Cooperation (GIZ)	"*Training on Human Rights-Based Approaches to Development. Experiences and Materials 2006*". It is a summary of training experiences on the HRBA in different German development agencies. The training was organised by the German Institute for Human Rights as part of the project "*GTZ-project Realising Human Rights in Development Cooperation*", commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ). The material used in training is attached to the document.
(2007)	Oxfam & CARE USA	"*Rights-based Approaches. Learning Project*" Presents the conclusions of 26 experienced CARE and Oxfam development practitioners from an analysis of eight cases and a workshop methodology. The conclusions provide a set of informed assessments of the differences between the approaches used by CARE and Oxfam and their relative impacts.
(2007)	Danish Institute for Human Rights (DIHR)	"*Applying a rights-based approach an inspirational guide for civil society".* Provides the history and understanding of the basic thinking behind the rights-based approach. Relates these elements to the poverty and development context and sets out some of the challenges and advantages of its use. In addition, it offers practical guidelines on how an organisation can begin to use the rights-based approach in its work. Presents the human rights principles often associated with the approach and translates them into

		four areas that have more practical applicability in relation to development work.
(2007a)	United Nations Development Programme (UNDP)	"*Operationalizing Human Rights-Based Approaches to Poverty Reduction. Interim Pilot Project Report*" This is the documentation of the recent field experience of the UNDP pilot Project "*Operationalizing Human Rights Approaches to Poverty Reduction*". Presents the background and context of HRBA for poverty reduction, describes how the teams prepared and implemented the pilots at the national and local levels, and presents lessons learned from the perspective of project staff.
(2007b)	United Nations Development Programme (UNDP) & *Cordillera Indigenous Peoples' Legal Centre* (DINTEG)	"*Indigenous Peoples and the Human Rights-Based Approach to Development: Engaging in Dialogue*" Seeks to examine the development policies of agencies and organisations from a human rights-based perspective. Outlines the process of dialogue in which key development finance institutions engage with indigenous peoples' organisations and representatives to enable better design and implementation of human rights-based development initiatives.
(2007)	Economic Commission for Latin America and the Caribbean (ECLAC)	*"Sustainable development from a human rights perspective and the challenges it represents for the Caribbean SIDS".* The general purpose of this report is to examine the extent to which the pursuit of sustainable development

		in the Caribbean Small Island States is guided, specifically with respect to the integration of human rights principles, norms and standards in development programs and projects, following the HRBA.
(2007)	UK Interagency Group on Human Rights-Based Approaches	"*The Added Value of Rights-based Approaches to Development*" It is the final report of an evaluation process of 14 projects supported by international NGO members of the Inter-Agency Group (IAG) on HRBA. The IAG is a free-standing UK network of about 30 NGOs and representatives of the UK Department for International Development (DFID) and international affiliates who have an interest in, and are in some way actively involved in, the use of HRBA in development practice and/or policy development. This evaluation was designed to provide a comparison between projects that integrate HRBA and those that do not. It aims to explore whether the recent movement towards more rights-based ways of working in development was adding value by being more effective and leading to greater benefits for all development participants.
(2008)	ActionAid, Amnesty International, The International Human Rights Network & Terre des Hommes International Federation	"*Human Rights-Based Approaches and European Union Development Aid Policies*" It is based on a desk review of key policies, consultations with a range of EU and Member State officials, development specialists and other stakeholders through questionnaires, individual interviews and a workshop held in Brussels in December 2007. It aims to

		raise awareness among those responsible for formulating, implementing and reviewing EU development policies of what the HRBA entails and to explore whether EU development policies reflect the legal principles enshrined in the HRBA. The document is intended as an advocacy tool for those seeking to strengthen the EU's accountability for the implementation of the HRBA, development actors, NGOs, their networks and partners.
(2008)	German Corporation for International Cooperation (GIZ)	"*Strengthening a Human Rights-based Approach in the Tanzanian-German Programme to Support Health. Results of a short assessment*". It presents the main findings of the evaluation. It also provides a brief description of the human rights context in which the program operates, focusing on relevant mechanisms at the international, regional and national levels. Finally, it describes the program's achievements and discusses challenges and options for strengthening the HRBA in the next phase.
(2008a)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	"*The Human Rights-Based Approach to Journalism. Training Manual Viet Nam*" Points out the general framework of the HRBA, making special reference to the applicable national and international legal framework, as well as to groups in situations of vulnerability. It concludes with the proposal of a toolbox for the application of the HRBA in the practice of journalism.

(2008b)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	"*Undertaking a Human Rights-Base Approach: A guide for a basic programming*" From the lessons learned in documenting experiences and programs that incorporated HRBA in various Asia-Pacific countries from 2004 to 2006, it details a series of tools that are intended to serve as a guide in the process of designing, implementing, monitoring and evaluating HRBA projects.
(2008)	Federal Ministry for Economic Cooperation and Development of Germany	"*Applying human rights in practice. Fact sheets on a human rights-based approach in development cooperation*" Points out how the HRBA is applied in the priority areas of German development policy in order to provide a guide for development practitioners in their work. Among the issues it addresses are the right to education, energy, health, justice, food, the environment, water, and the economy.
(2008)	Swiss Agency for Development and Cooperation (SDC)	"*A human rights-based approach to water and sanitation*" Its objective is to help SDC workers and partners to understand the issue of the right to water, the challenges associated with its implementation, and how these challenges can be addressed from a human rights perspective.
(2008)	Save the children	"*A Rights-Based Approach to Strategic Planning. A Guide for Southern African Civil Society*

		Organisations" It is significantly based on two approaches. The first is child rights programming, which is based on the human rights of children as enshrined in various international Pacts and Conventions. The second is appreciative inquiry, an alternative methodology for organisational development and capacity building, initially developed in the mid-1980s.
(2008)	Human Rights Association of Spain (APDHE) and ISI Argonauta	"*Enfoque basado en derechos humanos y cooperación internacional para el desarrollo. Documentos para el debate*" Compiles the presentations discussed at the "I Jornadas Internacionales de trabajo: reflexión y debate sobre el enfoque basado en derechos humanos y la cooperación internacional para el desarrollo", celebrated in Madrid from April 7 to 11, 2008. The themes of the Conference were: 1) Contributions and limits of the HRBA in IDC; 2) sustainable livelihoods; 3) gender; 4) children and youth; 5) humanitarian aid; 6) practical incorporation of the HRBA in the project management cycle.
(2008)	Overseas Development Institute (ODI)	"*Accountability and Non-discrimination in Flood Risk Management Investigating the potential of a rights-based approach. Honduras case study*" This project considers the potential of an approach to flood management based on human rights, accountability and non-discrimination— including affirmative action—. It describes how the flood

		management sector in Honduras has been explored using analytical tools to investigate how poor populations at risk have been served by policies and institutions viewed through the lenses of accountability and non-discrimination.
(2009)	United Nations Development Programme (UNDP)	"*Primer on Rights-Based Local Development Planning. Based on Experiences of the UNDP Rights-Based Municipal Development Programme in Bosnia and Herzegovina*" It aims to present the methodology developed by the Rights-Based Municipal Development Programme (RMAP) in UNDP Bosnia, and Herzegovina (BiH) developed while assisting BiH municipalities to address development and human rights gaps. To achieve the above, it develops key concepts of development and human rights, analyses the local development and rights-based municipal development program in BiH and advocates for the use of a human rights lens on local development planning.
(2009)	UK Interagency Group on Rights-Based Approaches	"*Rights-based approaches and Humanitarian Interventions in Conflict Situations. A Learning and Discussion Document*" Developed in collaboration with ActionAid & CARE International, it documents the challenges and opportunities of working with HRBA in conflict contexts. It highlights how rights-based approaches can add value in conflict contexts and, conversely, how conflict-sensitive approaches can add value to rights-

		based approaches. While describing the conceptual, operational, and organisational challenges of working in these areas, it emphasises steps that can be taken to ensure that the work is effective.
(2009)	Minority Rights Group International (MRG)	"H*uman rights-based approaches to development education. A toolkit for activists in new EU member states*" It is the product of a two-year project carried out by MRG to raise public awareness of development issues and increase public support in the new member states of the European Union for international assistance from their governments and policies. In addition, it shares lessons learned in the field by some European NGOs.
(2009)	International Center for Prison Studies (ICPS) of King's College London	"*A Human Rights Approach to Prison Management. Handbook for Prison Staff*" Proposes a set of observable principles for prison administration based on international human rights standards. Among the topics it addresses are the prohibition of torture, medical care in prison, management of high-security prisoners, disciplinary procedures and punishments, constructive and social reintegration activities, the situation of foreign prisoners, inspection procedures, the situation of juvenile, young, and women prisoners, preventive prisoners, long-term, life, and death row prisoners.
(2009)	Agencia Vasca de Cooperación para el	*"Guía metodológica para la incorporación de los*

& (2013)	Desarrollo & UNESCO respectivamente	*derechos humanos en la Cooperación al Desarrollo*" Addresses the importance of the implementation of the HRBA in the Non-Governmental Cooperation for Development, as well as its potentialities and risks through the analysis of practical cases.
(2009) & (2014)	German Corporation for International Cooperation (GIZ)	"*The Human Rights-Based Approach in German Development Cooperation*" Provides an introduction to the HRBA. Describes the principles and characteristics of the HRBA and describes how the work in German government development agencies can be strengthened by using it.
(2010a)	United Nations Population Fund (UNFPA)	"*A Human Rights-Based Approach to Programming. Practical Implementation Manual and Training Material*" Provides step-by-step guidance on how to apply a culturally sensitive, gender-sensitive, human rights-based approach to programming in each of UNFPA's three main areas of work: population and development, reproductive health, and gender. It also outlines how to apply such an approach in the context of a humanitarian emergency.
(2010b)	United Nations Population Fund (UNFPA)	"*HRBA Checklist of questions*" They were developed in collaboration with the Harvard School of Public Health in a list of suggested questions for the implementation of an approach to programming based on human rights. The questions are focused only

		on the human rights principles of participation and inclusion, equality and non-discrimination; accountability; and the rule of law.
(2010)	International Labour Organization (ILO)	"*International labour migration A rights-based approach*" Is an exhaustive discussion of labour migration issues in a globalised world, it highlights ILO perspectives on labour migration, the connections between migration and development, decent work for migrant workers, the normative framework for the protection of migrants' rights, international labour governance, and the role of social dialogue and international cooperation. In doing so, it brings together the elements of a rights-based approach to labour migration as identified by its constituents.
(2010)	Austrian Development Agency (ADA)	"*Human Rights Manual Guidelines for Implementing a Human Rights-Based Approach in ADC*" The handbook is primarily addressed to staff of the Austrian Development Agency (ADA) in Vienna and in the coordination offices. It is also addressed to staff responsible for development cooperation in the Federal Ministry for European and International Affairs (FMEIA), Austrian Development Cooperation (ADC) partners, whether implementing agencies or government partners, and consultants providing implementation advice. It essentially analyses the three dimensions of human rights as defined in the ADA policy document (as a principle, as a sector of intervention and as part of

		the policy dialogue).
(2010)	Australian Council for International Development (ACFID)	"*Practice note. Human Rights-Based Approaches to Development Endorsed at ACFID Development Practice Committee (DPC)*" It aims to provide a possible definition of HRBA and describe the tools that are commonly used to implement it in order to assist Australian non-governmental relief and development organisations in their own consideration of human rights and their work.
(2010)	ActionAid	"*Action on Rights Human Rights-Based Approach Resource Book*" It brings together some of ActionAid's most important lessons and insights from its work on change within a Human Rights-Based Approach. As a consequence, it points out the different elements of an HRBA and explores why ActionAid has adopted it. In addition, it outlines what ActionAid considers an HRBA program to be, its principles and areas of programming, implementation and the organisational support systems in which it operates. Finally, it explores the theme of solidarity and why it is important in ActionAid's HRBA.
(2010)	University Institute for Development and Cooperation of the Complutense University of	"*Guía para la Incorporación del Enfoque Basado en Derechos Humanos en las Intervenciones de Cooperación para el Desarrollo*" Provides a collection of tools for the incorporation of

	Madrid (IUDC) & ISI Argonauta	human rights principles, norms and values of human rights in IDC interventions and answers some of the most frequently asked questions about the contributions and challenges of HRBA.
(2011)	UN Women	"*Evaluación con enfoque de igualdad de género y derechos humanos. Sistematización de la práctica en América Latina y el Caribe*" Addresses the context in which the approach emerged and its characteristics, describes the methodology used, the scope and the materials analysed, presents the results of the systematisation of evaluations and guides for mainstreaming the approach in the region, as well as a set of reflections, conclusions and suggestions that emerge from the analysis.
(2011)	United Nations Educational, Scientific and Cultural Organization (UNESCO)	"*A Rights-Based Approach to Monitoring Children and Young People's Well-Being*" The specific purpose of the Report is to contribute to a shared understanding of a human rights-based approach to monitoring the well-being of children and youth. In this regard, it explores the relationship between the correlative obligations to children's rights, specifically those set out in the UN Convention on the Rights of the Child. It also provides an overview of some existing approaches to monitoring the rights and welfare of children in Ireland and Northern Ireland.
(2011)	United Nations Development	"*Guide for local planning from a human rights-based*

	Programme **(**UNDP)	*approach*" It is based on past experiences so that it can be replicated in other localities. Its objective is to provide methodological tools and guidelines for the formulation of local plans or strategies for poverty reduction from the HRBA.
(2011)	The Lutheran World Federation (LWF)	"*Rights-based approach. A reference material applying RBA in the project cycle*" It aims to help staff to apply the rights-based approach in their work by providing them with knowledge and practical tools.
(2011)	International Union for Conservation of Nature (IUCN) and Vietnam Institute for Human Rights	"*Training manual human rights-based approach to environmental protection*" Was developed with the objective of increase the awareness of committee officials, governments, associations and trade unions at various levels on the importance of the connection between environmental protection and human rights protection, improving their skills and capacity to integrate human in the formulation of policies and laws on the environment and on access to human rights in environmental protection.
(2011)	Minority Rights Group International (MRG)	"*Integration of the human rights-based approach into development policies and programmes: A guide for the New EU Member States*" Provide general guidance for development planning and implementation. Explains what HRBA is and what it

		looks like in practice. Summarises the key principles of HRBA and provides concrete examples of their application. Then it presents a series of practical tools on how to integrate HRBA into policy formulation and program and project development. Finally, it outlines concrete steps and recommendations on how to integrate HRBA specifically into the development policies and programming of Hungary, Poland and Cyprus as the countries under analysis.
(2012)	United Nations Development Programme (UNDP)	"*Towards a Human Rights-Based Approach to Food Security. A Self-Assessment Tool to Achieve Balanced Plant Regimes*" It consists of a tool for assessing national legal and policy frameworks that form the base for the fulfilment of human rights, with a special focus on the right to food and with a view to the approval of laws that adequately regulate plant varieties. This tool can contribute to countries' promotion of human rights, the establishment of equitable, participatory systems, and a better understanding of standards related to biodiversity, food security and rural livelihoods. It also provides a review matrix that can help to examine the effectiveness of national legislation about protection and access to plants and plant varieties in order to promote the right to food.
(2012)	United Nations Population Fund (UNFPA), UNDP, UNICEF & UN	"*Ampliando la mirada: La integración de los enfoques de género, interculturalidad y derechos humanos"* This document is a first inter-agency effort that seeks to integrate these three approaches in an articulated and

	Women	strategic manner, with the objective that the work of the United Nations can generate deep and sustained impacts, adjusted to the concrete realities of the people.
(2012)	Office of the United Nations High Commissioner for Human Rights OHCHR	"*Principles and guidelines for a human rights approach to poverty reduction strategies*" Its objective is to support the countries, international agencies and development practitioners to translate human rights norms, standards and principles into pro-poor policies and strategies. It is based on previous OHCHR publications such as "*Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies*" (2006), "*Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies*" (2002) and "*Human Rights and Poverty Reduction: A Conceptual Framework*" (2004). Also engages in consultations with various interested parties—including member states, intergovernmental and non-governmental organisations —.
(2012)	United Nations Children's Fund (UNICEF)	"*Global Evaluation of the Application of the Human Rights-Based Approach to Unicef Programming*" Su Its objective was to assess UNICEF's experience in implementing the HRBA in its programming, identifying its strengths and weaknesses, and analysing if there is an enabling environment within UNICEF to foster its understanding and practice. The evaluation was overseen by a reference group and managed by the UNICEF Evaluation Office. It was based on both qualitative data—collected from interviews, focus

		groups and existing survey data— and quantitative data—obtained from extensive document reviews and field observations by members of the evaluation team—.
(2012a)	German Corporation for International Cooperation (GIZ) & GmbH[60]	"*A human rights-based approach to disability in development. Entry points for development organisations*" Its objective is to provide guidance to people in governmental and non-governmental organisations about development cooperation and basic human rights principles. It therefore explains and illustrates the implications of applying these principles to development practice.
(2012b)	German Corporation for International Cooperation (GIZ)	"*Frequently Asked Questions on the Human Rights-based Approach in Development Cooperation*" Answers to the frequently asked questions about HRBA in development cooperation. In addition, it also provides links to various sources of information on related topics that facilitate in-depth research.
(2012)	World Bank (WB)	"*Human Rights-Based Approaches to Development Concepts, Evidence, and Policy*" This document evaluates the benefits, risks and limitations of human rights-based approaches to development, which can be categorised according to the institutional mechanisms on which they are based:

[60] Federally owned company, which implements development programs on behalf of the German government, and CBM, a non-governmental organization.

		global compliance based on international and regional treaties; donor and executive agency policies and programming; rights talk; and legal mobilisation.
(2012)	Danish Institute for Human Rights (DIHR)	"*Resources to guide a Human Rights-Based Approach to Development Programing*" It gives a brief introduction about the HRBA, how to integrate it, its priority areas and lessons learned from its implementation. It also provides a compendium of existing resources related to the different areas addressed.
(2012)	International Training Centre on Human Rights and Peace Teaching (CIFEDHOP)	"*The Human Rights-Based Approach: A Field of Action for Human Rights Education*" Proposes to reaffirm the relevance of human rights to the IDC and discusses how the capacity building of rights holders and duty bearers can be implemented in practice. It also specifies key issues for human rights training and education, as well as for ensuring their integration into development programs and policies.
(2012)	Rights Network	"*El comienzo es siempre hoy. Incorporando el Enfoque basado en Derechos Humanos a la Educación para el Desarrollo*" It is addressed to people involved in the work of Education for Development within the NGDO sector. It invites agents involved in development education to incorporate HRBA into their practice, facilitating an approach to its main conceptual tools and offering

		practical proposals for its incorporation into their daily work.
(2013)	World Bank (WB) & Organization for Economic Co-operation and Development (OCDE)	"*Integrating human rights into development. Donor approaches, experiences, and challenges*" Seeks to advance in the understanding of the nexus between development and human rights through a systematic consideration of donor approaches. It also seeks to improve the understanding among donors of how to work collectively to advance in the strategic and coherent integration of human rights in development. It brings together key policy statements of recent years with a discussion of the approaches and experiences of bilateral and multilateral agencies dedicated to integrating human rights into their development cooperation activities.
(2013)	German Corporation for International Cooperation (GIZ)	"*Compilation - Promising Practices on the human rights-based approach in German development cooperation*" Provides information about various development cooperation programs in different sectors and countries in Africa, Asia and the Middle East. All the programs introduced implemented elements of the HRBA, which aims to showcase the added value of the HRBA and its impact.
(2013)	United Nations Development	"*Human Rights-Based Approach to Development Planning Toolkit"*

	Programme (UNDP)	A step-by-step guide for development planners and practitioners that strengthens the capacities of both national and local government actors to apply HRBA in development planning and programming.
(2013)	Democracy and Human Rights Subgroup of International Cooperation in Peru	"*Formulación de Políticas Públicas y Proyectos de Desarrollo Aplicando el Enfoque Basado en Derechos Humanos"* It offers a methodological guide whose objective is to contribute to the effective enforcement of human rights in the Peruvian State. To this end, it establishes the necessary tools to ensure that international human rights standards are integrated into public policies and development projects implemented in Peru.
(2013)	Leuven Centre for Global Governance Studies	"*Promoting a Human Rights-Based Approach (HRBA) within the development effectiveness agenda*" The document provides a concise mapping of government guidelines and best practices, as well as the positions and opinions of different stakeholders, including major multilateral institutions, bilateral donors and civil society organisations.
(2013)	University Institute for Development and Cooperation (IUDC) of the Complutense University of	"*El Derecho a la Alimentación en la Cooperación argentina y brasileña desde un Enfoque Basado en Derechos Humanos*" Analyses the elements of the HRBA, as well as the possibilities and challenges posed by its incorporation into the Argentine and Brazilian Cooperation,

	Madrid.	especially in the specific case of the right to food.
(2013)	Engineering for Human Development (ONWAGA) & Polytechnic University of Madrid (UPM)	"*Guía para la incorporación del enfoque basado en derechos humanos (EBDH) Derecho Humano al agua y saneamiento*" Develops the normative framework of the right to water and proposes a general outline of the application of the HRBA for the design, implementation, and evaluation of policies and projects related to the right to water and sanitation.
(2013)	Cideal Foundation for cooperation and research	"*El enfoque basado en derechos humanos en los programas y proyectos de desarrollo*" Describes the history and characteristics of human rights. It refers to the contributions of the HRBA to the IDC and makes a proposal for the application of the HRBA in development programs and projects.
(2014)	Economic Commission for Latin America and the Caribbean (ECLAC)	*"De la retórica a la práctica: el enfoque de derechos en la protección social en América Latina"* Points out the basic elements of the HRBA and proposes certain public policy measures related to the approach to advance in the establishment of social protection systems.
(2014)	United Nations Office for Disaster Risk Reduction (UNDRR)	*"Finding the missing thread: the inclusion of a human rights-based approach in tackling climate change mitigation, adaptation and disaster risk reduction"* Reviews the literature about climate change, especially

		mitigation and adaptation, along with the literature on disaster risk reduction. The objective is to present key concepts and demonstrate how human rights appear in the literature on each of these topics. Also, it develops the notion of HRBA and motivates why it should be included in initiatives aimed at addressing climate change—mitigation and adaptation—and disaster risk reduction. Finally, it looks at case studies and demonstrates that countries where there was greater respect for human rights also had better resilience and less vulnerability in terms of coping with natural disasters.
(2014)	UN Women	"*Guía de evaluación de programas y proyectos con perspectiva de género, derechos humanos e interculturalidad*" It is intended to be a practical tool for integrating the three approaches into the UN Women project evaluation cycle.
(2014)	European Commission (EC)	"*Tool-box. A rights-based approach, encompassing all human rights for EU development cooperation*" Describes what is the HRBA for development by highlighting its core concepts and rationale, clarifying common misunderstandings and introducing relevant legal references. Then describes how to systematically apply HRBA in European Union (EU) development cooperation, outlining what objectives to pursue, what working principles to apply, and how to integrate it into each phase of project cycle management. Finally, it

		provides a checklist and offers support measures and pragmatic guidance to staff and partners involved in the implementation of EU development cooperation.
(2014)	UN Women & SINERGIA & National Planning Department of Colombia (DNP)	"*Guías para la Aplicación del Enfoque de Igualdad de Género y Derechos Humanos en el Sistema Nacional de Evaluación en Colombia*" Its objective is to strengthen institutional capacities in monitoring and evaluation with a focus on gender equality, human rights and interculturality in the Colombian State as part of a project aimed at strengthening these capacities in Latin America and the Caribbean.
(2014)	Ministry of Foreign Affairs, European Union and Cooperation (MAEUEC)	"*Diferentes aproximaciones para hacer una evaluación sensible al género y al enfoque basado en derechos humanos para el desarrollo*" Realises a synthesis and classification of the different evaluation proposals with HRBA and DGE. In addition, it makes a proposal of guidelines and elements that help to understand and, if necessary, choose between different options.
(2014)	Secretary of Human Rights, Justice, Governance and Decentralization, UNICEF, OHCHR, UNDP, Swiss Cooperation in	"*Manual para la Transversalización del Enfoque Basado en Derechos Humanos en los Planes y Presupuestos Municipales*" The central objective is to provide methodological guidelines and tools for mainstreaming the HRBA in the preparation of Municipal Development Plans, Annual

	Central America, & AECID	Investment Plans and the Municipal Budget.
(2014)	Institut de Drets Humans of Catalunya (IDHC)	"*Derechos Humanos y Desarrollo: El Enfoque Basado en Derechos Humanos en la Cooperación al Desarrollo – EBDH"* It delves into the background of the HRBA, its foundation and concept, its main components and the contributions and challenges of its incorporation in the field of IDC.
(2015)	International Organization for Migration (IOM)	"*Rights-based approach to programming*" It aims to help all IOM staff to adopt the HRBA for programming by identifying the international legal standards at play in their projects and understanding and incorporating rights principles into the various stages of programming— assessment and situation analysis, planning and design, implementation, and rights measurement: monitoring and evaluation.—.
(2015)	United Nations Children's Fund (UNICEF)	"*Introduction to the human rights-based approach. A guide for finnish NGOS and their partners*" They aim to address the need to understand what HRBA involves in the different phases of the project cycle, from the planning phase to the monitoring and evaluation of a project. They focus on explaining the basic principles and steps of HRBA through practical case examples and illustrations.

(2015a)	UN-Habitat	"*A Human Rights-Based Approach to Sustainable Urbanization and the Realisation of Human Rights in the City. A Think Piece for the preparation of the Habitat III Conference, 2016"* Suggests an HRBA for the urbanisation with the objective of creating cities where human rights are progressively realised. Its two main objectives are: to develop a specific HRBA for the urbanisation process for the achievement of sustainable and progressive realisation of human rights in the urban environment as a result and to analyse key past and current urbanisation experiences from the HRBA.
(2015b)	UN-Habitat	"*Programmatic guidance notes for un-habitat staff promotion and protection of human rights*" This program guidance note provides assistance to UN-Habitat staff in the promotion and protection of human rights. Its objectives are to 1) provide a clear description of human rights and the HRBA highlighting its relevance to UN-Habitat's work, 2) clearly define UN-Habitat's responsibilities with respect to human rights, and 3) provide guidance on how the HRBA should be integrated into UN-Habitat's programming.
(2015)	United Nations Development Programme (UNDP)	"*A Human Rights-based Approach to Development Programming in UNDP – Adding the Missing Link*" Highlights the normative and operational aspects of the HRBA for development programming and attempts to address the why, what, how and when questions that are

		regularly asked in the field and at headquarters. Also, it shows that UNDP's programming process offers ample opportunities for the application of the HRBA.
(2015)	Regional Academy on the United Nations (RAUN)	"*A Human Rights Approach to Industrialization in the Context of the Sustainable Development Goals. Vienna, Austria*" Analyses the impact of industrialisation programs on human rights in developing countries. Since the United Nations Industrial Development Organization (UNIDO) is one of the most prominent participants in the field of industrialisation in developing countries, UNIDO projects are taken as examples and case studies for the analysis. In addition, it outlines the changes in development theory and the emergence of HRBA for development, introduces the framework for analysing human rights, and analyses in detail four projects in two countries in order to find evidence of the impact of UNIDO projects on human rights. The conclusion summarises the findings and offers a brief outlook for future studies.
(2015)	Spanish Agency of International Cooperation for Development (AECID)	*"Manual de la AECID para la aplicación del Enfoque Basado en Derechos Humano*s" It is intended to enhance understanding and promote continuous and ongoing learning about the HRBA. The Handbook starts with the conceptual and normative framework of the HRBA and provides a set of checklists and general guidance to facilitate the application of the HRBA at all stages of the strategic planning process.

		Finally, a section is included in which a series of useful tools for its practical application is highlighted.
(2015)	Swedish International Development Cooperation Agency (Sida).	"*Human Rights-Based Approach at Sida. Compilation of thematic area briefs*" It is composed of 10 thematic area briefs with information about the application of the HRBA. These summaries provide guidance and practical examples about how to apply the HRBA when assessing, planning, designing and monitoring programs in various thematic areas such as education, environment and climate change, health, market development, peacebuilding, governance and research.
(2015a)	German Corporation for International Cooperation (GIZ)	"*Incorporating the Human Rights-Based Approach into Resource Governance Projects in the Context of Technical Cooperation*" Describes the options for incorporating human rights-related advisory services into future GIZ resource governance projects and programs.
(2015)	AMEXCID, GIZ, Proatec & Oxfam	"*Guía metodológica de Planeación y Seguimiento Participativo con enfoque de Derechos Humanos para la Gestión Municipal en el Estado de San Luis Potosí*" Its objective is to support the State of San Luis Potosi in the review, adjustment and implementation of public policies and institutional practices that improve equal opportunities for its inhabitants in access to quality basic services, employment, justice, security and human

		rights by the improvement in the performance of the Public Function through effective processes, innovative and participatory tools and mechanisms, and the design, planning, execution, coordination and supervision of public programs.
(2015)	Ministry for Foreign Affairs of Finland (MFA)	"*Human Rights-Based Approach in Finland Development Cooperation. Guidance note*" Its objective is to introduce the Finnish perspective of the HRBA and provide guidance on how to use it. It also discusses the challenges and opportunities for its implementation.
(2015)	Kenya National Commission on Human Rights (KNCHR)	"*Training manual on human rights-based approaches to governance and development*" Its objective is to provide a didactic framework and strategic guidance to develop the capacities of state agencies and non-state actors to understand human rights-based approaches to governance and service delivery and to ensure that these approaches are incorporated into their interventions.
(2016)	Generalitat Valenciana	"*Guía para la transversalización del Enfoque de Género Basado en Derechos Humanos en la Cooperación Valenciana al Desarrollo*" Presents a general theoretical framework, directed especially to professionals and people involved in the planning and elaboration of policies, strategies, programs and projects under the HRBA, which must

		necessarily include a gender perspective, based on the principle of equality and non-discrimination, in order to promote a change in the effective redistribution of power relations.
(2016)	Danish International Development Agency (DANIDA)	"*Lessons Learned on the Danish Human Rights-Based Approach*" Its purpose is to identify what HRBA is and lessons learned from its implementation in Denmark. It is based on three case studies of Danish bilateral assistance in Bangladesh, Mali and Tanzania, complemented by additional DANIDA country examples identified through interviews. These case studies provide illustrations of some of the benefits and challenges of Danish HRBA, on the basis of which more generalisable findings have been drawn. In addition, to contextualise the Danish HRBA experience, the study also analyses two bilateral donor agencies (Sweden and Germany), two multilateral agencies (UNICEF and UNDP) and two non-governmental organisations (DanChurchAid (DCA) and CARE International).
(2016)	United Nations Research Institute for Social Development (*UNRISD*)	"*Redefining a Rights-Based Approach in the Context of Temporary Labour Migration in Asia. Addressing Multiple Forms of Migrant Precarity: Beyond "Management" of Migration to an Integrated Rights-Based Approach*" Analyses the implications of the dominant framework that has so far guided migration policy in Asia and shaped intra-Asian migration patterns and dynamics.

		Identifies institutional gaps that obstruct the realisation of migrants' human and labour rights in East, Southeast, South, and West Asia. The key argument presented is that the dominant migration governance project continues to fail in several key areas, reflected in decent work deficits in relation to labour rights, the nature of employment opportunities, and the lack of social protection at all stages of the migration process.
(2016)	Food and Agriculture Organization of the United Nations (FAO)	*"Exploring the human rights-based approach in the context of the implementation and monitoring of the SSF Guidelines*" Provides a summary of the presentations, discussions, conclusions and recommendations of the workshop on "Exploración del enfoque basado en los derechos humanos en el contexto de la implementación y el seguimiento de las Directrices SSF" (small-scale fisheries), which was held at FAO Headquarters in Rome, Italy, from 24-26 October 2016. The report was prepared by the workshop organisers from FAO's Fisheries and Aquaculture Department and Legal Office.
(2016)	National Human Rights Commission of Mexico (NHRC)	*"La Cooperación Internacional desde un enfoque en Derechos Humanos y la Comisión Nacional de los Derechos Humanos"* Addresses the elements and principles of the HRBA, as well as its implications in its integration in the different phases of the project. It also addresses the issue of

		international cooperation in the field of human rights.
(2016)	Danish Institute for Human Rights (INDH)	"*Human rights impact assessment guidance and toolbox*" Its purpose is to provide those involved in the conduct, implementation, review or follow-up of Human Rights Impact Assessments (HRIAs) of projects and business activities practical guidance and tools to ensure that such assessments apply a human rights-based approach and are consistent with the UN Guiding Principles on Business and Human Rights (UN Guiding Principles).
(2017)	ONU-Habitat	"*Human rights in cities handbook series. The Human Rights-Based Approach to Housing and Slum Upgrading*" It is a guide for housing and slum upgrading practitioners in the use of HRBA in their interventions. It also advocates for the use of HRBA in preventive measures—such as the provision of new housing—, and curative interventions— such as the upgrading of slums and informal settlements— in the planification, design, implementation, monitoring and evaluation. It prioritises refocusing urban development priorities to the people in vulnerable situations to ensure that they benefit from and participate in strategies to combat inequalities and segregation in towns and cities.
(2017)	Food and Agriculture Organisation of the	"*Gender mainstreaming and a human rights-based approach. Guidelines for technical officers*"

	United Nations (FAO)	It brings together the key elements for gender mainstreaming and HRBA contained in the various guidelines, manuals, tools and other documents used by FAO and the UN System in a user-friendly format, in order to facilitate its staff the process of observation and successful mainstreaming of them at all levels of the project cycle— design, implementation, monitoring and evaluation—, and in general in all the activities and documents of its projects.
(2017)	United Nations Development Programme (UNDP) & Ministry of Foreign Affairs of Denmark	"*The Human Rights-Based Approach in Belarus, Moldova and Ukraine. Regional Study and Practical Guidance on the Application of HRBA by Civil Society Organisations*" It analyses the scope of implementation of the HRBA by Civil Society Organisations (CSOs) in Belarus, Moldova and Ukraine, identifies possible problems they might face in this context, as well as opportunities for successful integration of the HRBA into their daily activities. It concludes with practical recommendations for overcoming these problems.
(2017)	European Network of National Human Rights Institutions (ENNHRI)	"*Applying a Human Rights-Based Approach to Long-term Care for Older Persons: A Toolkit for Care Providers*" It has the objective to help care providers across Europe to understand their human rights obligations in relation to the older people in need of long-term care by the demystification of human rights and establishing of linebases of how to apply them in care environments. It

		is builded on the work monitoring of the human rights situation in the long-term care sector carried out by ENNHRI members in six European States to highlight how an HRBA can help care providers meet their human rights obligations.
(2017)	Union for International Cancer Control (UICC)	"*Developing a rights-based approach to cancer control advocacy*" It proposes to raise awareness of cancer as a public health and human rights issue, considering the challenges of disproportionate access to essential cancer prevention, treatment and care for vulnerable populations. This approach supports cancer advocacy in three ways: standard-setting, awareness-raising and accountability of UN Member States.
(2017)	World Bank (WB)	"*A human rights-based approach to the economic security of older people in Moldova*" It explores the situation of older people in Moldova in relation to their right to economic security and the applicable national and international legal framework. It places special emphasis on the rights to health, employment, and social security, as well as the greater vulnerability of women.
(2017)	Harvard Humanitarian Initiative	"*The Signal Code: A Human Rights Approach to Information During Crisis*" It was undertaken on the premise that the humanitarian community now faces an equally crucial and defining

		moment that requires a specific HRBA for humanitarian activities. It aims to identify, define, articulate and translate existing international human rights standards into the context and use of information, data and ICTs in humanitarian contexts.
(2017)	International Labour Organisation (ILO)	"*Promoting a Rights-based Approach to Migration, Health, and HIV and AIDS: A Framework for Action*" It has the objective of highlighting how the deficits in access to health, the provision of HIV services, as well as the risk factors related to HIV, are intertwined with the complex conditions of migration and decent work gaps, which often exacerbate these risks and increase the vulnerability of migrants in countries of origin, transit and destination. It proposes the change of these conditions through migration governance with HRBA. This includes guaranteeing access to adequate social protection, labour, occupational health and safety for migrant workers.
2017	Ministry of Justice and Human Rights of Chile	*"Guía para la incorporación del enfoque de derechos humanos en políticas públicas"* It contains sections related to international human rights law, the human rights approach in public policy, public budgeting, and the business.
(2018)	United Nations Development Programme (UNDP), Cap-Net,	"*Human rights-based approach to integrated water resources management. Training manual and facilitator's guide*"

	WaterLex, Water Governance Facility & REDICA	It proposes the integration of HRBA for water resources management and provides a toolbox to achieve this.
(2018)	Italian Agency for Development Cooperation (AICS)	"*I diritti nella Cooperazione. Proposta di procedure per l'integrazione di un approccio basato sui diritti*" It presents a definition of the HRBA, describes the regulatory framework underpinning its adoption in AICS programmes, positive experiences and lessons learned in its implementation by intergovernmental agencies, donors and international organisations, the operational principles underlying the HRBA, in line with the conclusions and toolbox adopted by the European Union in international development cooperation programmes, and the practical steps to apply the methodology in programmes and initiatives carried out by AICS.
(2018)	Mexican Agency for International Development Cooperation (AMEXCID)	*"Guía de conceptos clave del Enfoque Basado en Derechos Humanos para la Gestión de Proyectos y Políticas Públicas*" It was developed as part of the work of the International Technical Assistance of the Social Cohesion Lab II. It is intended as an introductory guide to facilitate the understanding of key concepts and elements of the HRBA. Its thematic content is divided into four parts: 1) The Human Rights-Based Approach, 2) Human Rights Protection Systems, 3) International Human Rights Standards related to the design and management of

		public policies, and 4) HRBA in the public service.
(2018)	Global Network Initiative (GNI)	"*Disconencted: A human rights based approach to network disruptions*" Presenta los resultados de la investigación que aborda el impacto de las interrupciones de la red en los derechos humanos. Concluye con recomendaciones para organizaciones de la sociedad civil (OSC), activistas, académicos, empresas y otros que trabajan para disuadir a los gobiernos de ordenar futuras interrupciones.
(2018)	Institut de Drets Humans de Catalunya (IDHC)	"*La aplicación del Enfoque de Género y Basado en los Derechos Humanos (EG y BDH) en la cooperación para el desarrollo*" It gives a brief definition of both approaches, identifying the main elements that characterise them, as well as their added value and various implications and consequences derived from their correct application. It aims to analyse their application in the various phases of the project cycle (identification, formulation, implementation, monitoring and evaluation), and to propose some specific tools for their incorporation.
(2018)	University of Sussex	"*Achieving SDG4 through a Human Rights Based Approach to Education*" In addition to outlining the general aspects of the HRBA, it proposes the LEARN principles as an integral part of the approach to education by referring to: 1) guide the implementation of education policies by the

		legal standards of the right to education, 2) the pursuit of children's empowerment through rights-based quality learning, 3) the accountability of duty bearers to fulfil their obligations, 4) the respect for the participation of rights holders in their own education on an ongoing basis and 5) the non-discrimination in order to ensure equitable and inclusive learning for all children. In conclusion, it proposes a number of key questions for analysing HRBA in education policy.
(2018)	Irish Council for Civil Liberties (ICCL)	"*A Human Rights-Based Approach to Policing in Ireland"* It is based on lessons learned from the reform process in Northern Ireland, where the Police Service adopted a human rights-based approach to policing, overseen by the Northern Ireland Policing Board. In addition, it examines both the international and national legal framework that sets the standards for the Garda Síochána, the current practice of the Garda Síochána in meeting the standards and lessons that can be learned from Northern Ireland. It also offers recommendations aimed at achieving a human rights compliant police service.
(2018)	Ministry of Health of Argentina	"*Mi salud, mis derechos. La respuesta al VIH desde el enfoque de derechos humanos"* It presents an action guide for the creation of teams to introduce the HRBA into state responses to HIV and AIDS. The document also aims to demonstrate that in order to develop such areas, it is necessary to map

		existing resources at both state and societal levels, as well as to promote networking to enhance them through collaborative agreements and partnerships that are sustained over time.
(2018)	Fundamental Rights Agency of the European Union (FRA)	*"Shifting perceptions: towards a rights-based approach to ageing*" It addresses the effects of ageism by adopting a multi-level approach that focuses, respectively, on the older person as a social group and on the society in general. It highlights the different challenges faced by older people and examines their experiences, taking into account other characteristics such as gender, immigrant or minority status, disability or the fact of living in rural areas. Secondly, it briefly reflects on legal and policy developments in the EU by examining how selected legal and policy instruments affect the rights and experiences of older people.
(2018)	French National Consultative Commission on Human Rights (CNCDH)	"*Statement of opinion «for a human rights based approach"* It makes a number of recommendations related to the HRBA. In general terms, it invites public authorities, both at national and local level, to implement the HRBA. Points out that action plans should be accompanied by an impact study that contains an assessment of the consequences of the envisaged provisions on human rights, and the necesity of train in the HRBA, to the elected representatives such as

		administrative officials.
2018	OAS	*"Políticas públicas con enfoque en derechos humanos*" It argues that public policies should seek to generate structural impacts on the prevention and non-repetition of human rights violations, and to achieve this they should have the human rights as the central axis of their entire process.
(2019)	Health Information and Quality Authority (HIQA)	"*Guidance on a Human Rights-based Approach in Health and Social Care Services*" It points out that a human rights-based approach is an important pillar of all health and social care, which must be implemented in parallel with other legal and regulatory frameworks that health workers must follow. It aims to assist staff and organisations to integrate human rights into their practice in attention to the public sector equality and human rights duty which in respect of Section 42 of the Irish Human Rights and Equality Commission Act 2014 they must comply with.
2020	Mexican Ministry of the Interior	*"Normas y lineamientos Para una cobertura mediática con enfoque de derechos humanos y de respeto a la víctima*" It seeks to guide the work of the media from a HRBA.
(s/f)	Institute for Human Rights de Macedonia	"*Handbook for Application of the Human Rights Based Approach. República de Macedonia*" Its objective is to help the CSOs and their partners to

		understand the meaning of the HRBA, its principles, content and its method of application in daily work in the context of Macedonia, as well as to build capacities within CSOs on how they can apply the HRBA during the preparation and implementation of strategic documents, programmes, projects and individual activities.

Annexe II- "Development of the concept of the human rights approach in chronological order"

Year	Author	Concept
1999	Overseas Development Institute (ODI)	"A rights-based approach to development sets the achievement of human rights as an objective of development. It uses thinking about human rights as the scaffolding of development policy" (1).
2001	Oxfam	"It, (rights-based approach) transforms needs into rights and responsibilities. It forces the question of what is the state's responsibility to its citizens and what in fact is the national social contract and how much does it represent reality" (32).
2004	Overseas Development Institute (ODI)	"The human rights approach to development means empowering people to take their own decisions rather than being the passive objects of choices made on their behalf" (16).
2017	Morten Broberg & Hans-Otto Sano	"For the purposes of the present article, a human rights-based approach to development is a way (or a 'method') of implementing human rights in a development context" (665).
(2005b)	United Nations Development Programme **(**UNDP)	"A human rights approach seeks to develop people's capacity to demand accountability in two ways: by defining a minimum scope of legitimate claims (human rights); and by enhancing the accountability mechanisms and processes through which they protect these claims (e.g.,the justice system)" (3).
(2005a)	United Nations Development Programme **(**UNDP)	"Human rights-based approaches promote social transformation by empowering people to exercise their "voice" and "agency" to influence the processes of change. It strengthens democratic

		governance by supporting the state to identify and fulfil its responsibilities to all under its jurisdiction. And it gives substance to universal ethics by translating the principles of international declarations and conventions into entitlements and concrete action" (15).
(2006a)	United Nations Development Programme **(**UNDP)	"The purpose of human rights-based approaches to development is to mainstream human rights principles into all aspects of development programming. Programme aims and objectives are informed by a concern for human rights. Some programmes may be specifically related to human rights, while others may only be indirectly related, but all programmes must seek to include attention to their human rights impact and attention to human rights principles throughout the process of programme implementation" (18).
2006	Office of the United Nations High Commissioner for Human Rights (OHCHR)	"The Human Rights-Based Approach is a conceptual framework for the human development process that is normatively based on international human rights standards and operationally oriented towards the promotion and protection of human rights. Its purpose is to analyse the inequalities that lie at the heart of development problems and to redress discriminatory practices and unjust power sharing that hinder development progress" (16).
(2006b)	United Nations Educational, Scientific, and Cultural Organization	"In practice this means that all activities should contribute to the realization of human rights. It implies that basic human rights principles, such as equality in rights, participation and accountability, together with human rights standards, should guide

	(UNESCO)	the elaboration, implementation and evaluation of all programmes" (2).
(2006)	Save the children	"Rights-based approaches hold powerful people and institutions accountable for their responsibilities to those with less power. Rights based programmes support rightsholders - especially the poor, powerless and discriminated-against - to claim their rights. They have the potential to increase impact and strengthen sustainability by addressing the underlying causes of violations of rights, and bringing about policy and practice changes to make a sustained difference to the lives of individuals, both now, and in the future" (21).
(2007b)	United Nations Educational, Scientific, and Cultural Organization (UNESCO)	"A rights-based approach seeks to raise levels of accountability in the development process by identifying 'rights holders' and corresponding 'duty bearers' and to enhance the capacities of those duty bearers to meet their obligations" (11).
2007	Oxfam	"Rights-based approaches to development are grounded in the normative framework of human rights and in direct interventions at building rights-holders' capacity to claim their rights and duty-bearers' ability to meet their obligations" (4).
2007	Institute of Human Rights of Denmark (INDH)	"A rights-based approach to development is a framework that integrates the norms, principles, standards and goals of the international human rights system into the plans and processes of development. It is characterised by methods and activities that link the human rights system and its inherent notion of power and struggle with

		development" (9).
2007a	United Nations Development Programme **(**UNDP)	"A Human Rights-Based Approach uses human rights law as a framework for the achievement of poverty reduction.It does this by applying the intrinsic values (e.g.dignity,non-discrimination and participation) and the basic principles of human rights (e.g.indivisibility and interdependence of human rights,the roles of duty bearers and rights holders) in the planning,implementation,monitoring and evaluation of poverty reduction programs and projects" (11).
2008	German Corporation for International Cooperation (GIZ)	"A human rights-based approach to development is now widely understood as a conceptual framework normatively rooted in human rights standards and principles and contributing to building the capacities of "duty-bearers" to meet their obligations, and of "right-holders" to claim their rights" (1).
2008a	United Nations Educational, Scientific, and Cultural Organization (UNESCO)	"The human rights-based approach aims to ensure that projects and programmes are based on international human rights standards, that they empower those that are involved and have a strong focus on the most disadvantaged.16 The approach examines all aspects of a particular human rights issue, examining local, state and national factors, government policies and the legal environment to ensure that there is a holistic understanding of why a right isn't being realized" (24).
2009	Minority Rights Group International (MRG)	"The human rights-based approach (HRBA) to development created a new language and provided tools for the articulation of more effective and equitable responses to the multiple dimensions of

		poverty" (5).
2010a	United Nations Population Fund (UNFPA)	"A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights" (71).
2010	Austrian Development Agency (ADA)	"The integration of a human rights-based approach is geared both to the results of development cooperation programmes as well as the process leading to these" (17).
2010	Australian Council for International Development	"The most fundamental definition of a human rights-based approach is that development activities aim to respect, protect and fulfil the human rights codified in the international human rights legal framework" (1).
2011	United Nations Development Programme **(**UNDP)	"The Human Rights-based Approach (HRBA) considers the conceptual framework provided by human rights as rights recognized by international treaties, ratified by the States and likewise recognized in the constitutions and legal systems of the States. Such framework offers a coherent system of principles and guidelines which are applicable to development policies" (12). "The HRBA is the means to enforce those legal, imperative and demandable obligations imposed by international human rights treaties and the constitutions. On the other hand, however, the adoption of a HRBA has an instrumental rationale, since it leads to better and more sustainable development outcomes" (13).
2011	Lutheran World	"When applying RBA the process is as important as

	Federation (LWF)	the outcome. In this process the development organisation has the role of a facilitator rather than implementer…Using RBA means looking beyond the effects of poverty and other rights violations and identifying and addressing their root causes. For example, gender inequality is one of the root causes of poverty and discrimination" (13).
2011	Minority Rights Group International (MRG)	"The HRBA represents a sharp departure from traditional approaches to development15 assistance, which focused largely on needs of the poor and the provision of specific commodities and services to meet those needs. In contrast, HRBA looks to empower people through an inclusive and participatory approach focused on rights rather than needs" (6).
2012	Office of the United Nations High Commissioner for Human Rights (OHCHR)	"The human rights approach underlines the multidimensional nature of poverty, describing poverty in terms of a range of interrelated and mutually reinforcing deprivations, and drawing attention to the stigma, discrimination, insecurity and social exclusion associated with poverty. The deprivation and indignity of poverty stem from various sources, such as the lack of an adequate standard of living, including food, clothing and housing, and the fact that poor people tend to be marginalized and socially excluded. The commitment to ensure respect for human rights will act as a force against all these forms of deprivation" (4).
2012	United Nations Population Fund	"The central objective of the human rights-based approach is to serve as a tool for identifying and

	(UNFPA)	analysing the inequalities that are part of the most important development problems in order to correct discriminatory practices and unjust power relations that hinder progress. This vision undoubtedly implies going beyond the concept of law in its primarily legal conception to also encompass the needs, possibilities and strategies to be deployed in order to ensure their fulfilment and development. Social plans, policies and programmes must promote the realisation of rights and the improvement of rights-holders' capacities to exercise them. In this sense, the human rights-based approach focuses explicitly on discrimination and marginalisation in the development process" (21).
2013	Ingeniería para el Desarrollo Humano (ONWAGA)	"The HRBA emerges from the field of development cooperation as a conceptual frame of reference based normatively on international human rights standards and aimed at the promotion and defence of human rights" (2).
2014	German Corporation for International Cooperation (GIZ)	"The HRBA is a conceptual framework that is based on internationally recognised human rights and is directed to promoting and protecting these rights in practice. An HRBA integrates the norms, standards and principles of international human rights law into the plans, policies and processes of development. The HRBA implies a shift in perspective for development cooperation: target groups are no longer beneficiaries but turn into 'rights-holders' with legal entitlements, and government institutions are no longer mere service providers but 'duty-bearers,' who are under an obligation to deliver on

		people's human rights. At the heart of the HRBA is the recognition that unequal power relations and social exclusion deny people their human rights and often keep them in poverty. A human rights focus helps explain why women and specific groups, such as ethnic or religious minorities, are highly over-represented among the poor, and why very often poverty is passed on from generation to generation" (2).
2015	International Organization for Migration (OIM)	"A rights-based approach is a conceptual framework and methodological tool for developing programmes, policies, and practices that integrate the rights, norms and standards derived from international law" (16).
2015	United Nations Children's Fund (UNICEF)	"A human rights-based approach is focused on conscious and systematic enhancement of human rights in all aspects of project and program development and implementation. It is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights" (8).
2015	United Nations Development Programme **(**UNDP)	"A human rights-based approach constitutes for UNDP a holistic framework methodology with the potential to enrich operational strategies in key focus areas. It adds a missing element to present activities by enhancing the enabling environment for equitable development, and by empowering people to take their own decisions. It brings in legal tools and institutions – laws, the judiciary and the rule of law principle - as a means to secure freedoms

		and human development" (2). "A human rights-based approach constitutes for UNDP a holistic framework methodology with the potential to enrich operational strategies in key focus areas. It adds a missing element to present activities by enhancing the enabling environment for equitable development, and by empowering people to take their own decisions. It brings in legal tools and institutions – laws, the judiciary and the rule of law principle - as a means to secure freedoms and human development" (2).
2015	Swedish Agency for International Development Cooperation (Sida)	"Implies both what to be achieved and how it can be done. A HRBA is primarily applied through the four principles of non-discrimination, participation, transparency and accountability. The main purpose of a HRBA is to empower boys, girls, men and women to claim their human rights (as rights holders) and to increase the capacity of those who are obliged to respect, promote, protect and fulfil those rights (as duty bearers)" (1).
2016	Generalitat Valenciana	"In essence, the HRD approach structures the social reality by recognising the population to be accompanied in their development processes as individual and/or collective holders of rights and freedoms and not as mere beneficiaries of the project" (6).
2016	Danish International Development Agency (DANIDA)	"The Danish HRBA includes international human rights standards as objectives: the universally agreed commitments and legal frameworks to protect human dignity, such as the rights to life and to an adequate standard of living, for which duty-bearers

		(e.g. state actors) are responsible and that rightsholders (e.g. citizens or refugees) can claim and hold state actors accountable for. The Danish approach also requires the systematic application of four human rights principles derived from international treaties which shape the processes of development: Participation and inclusion, Accountability, Non-discrimination and Transparency" (12).
2016	Food and Agriculture Organization of the United Nations (FAO)	"The HRBA is analysed and implemented using three "lenses": (1) the achievement of human rights as the overall objective or guiding framework of development and/or emergency-related initiatives; (2) respecting the human rights principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment and the rule of law (PANTHER) in the design, implementation, monitoring and evaluation of programmes or projects, in order to improve targeting, efficiency, effectiveness and quality of outcomes; (3) the promotion of rights, duties, responsibilities and accountability mechanisms by developing the capacity of duty bearers to meet their obligations and of right holders to claim their rights" (6).
2016	Danish Institute for Human Rights (INDH)	"In the business context, HRIA can be defined as a process for identifying, understanding, assessing and addressing the adverse effects of a business project or activities on the human rights enjoyment of impacted rights-holders such as workers and community members" (9).

2017	European Network of National Human Rights Institutions (ENNHRI)	"A human rights-based approach (HRBA) to service delivery is a model that places the principles and standards of human rights as central to all aspects of service planning, policy and practice. A HRBA has the following key elements: 1. all key stakeholders are empowered and can participate in achieving the realisation of rights; 2. the rights promoted are explicitly linked to national and international human rights law (set out in Annexe One); 3. accountability is clear; and 4. the most discriminated against, marginalised or excluded people are prioritised" (8).
(s/f)	Institute for Human Rights of Macedonia[61]	"A human rights-based approach is underpinned by international human rights law and recognizes the full spectrum of human rights: civil, cultural, economic, political and social rights. The promotion of human rights has been fostered by many types of activities, among which human rights education and training has played a key role in developing capacities for the effective realization of human rights" (11).
2018	Italian Agency for Development Cooperation (AICS)	"It is a methodology that allows standards and principles developed in the international human rights system to be integrated organically into development processes. Rather than constituting a new agenda of priorities that supersedes methodologies already adopted in cooperation, RBA mainstreaming allows for the calibration of existing priorities, tools and methodologies so that human rights and development are mutually

[61] Although the document does not indicate the date of its issuance, it was issued in or after 2017 given the citation in it of other sources published in 2017.

		reinforcing strategic objectives" (3).
2018	Irish Council for Civil Liberties (ICCL)	"Essentially, a human rights-based approach to policing is one which puts the rights enshrined by the European Convention on Human Rights and Fundamental Freedoms (ECHR) of individuals and protected groups at the centre of every decision and action of the police service and police officers. Every policy, training exercise and operational application of powers and duties begins with a consideration of the rights at issue. The ensuing policy and practice respects, protects and fulfils human rights. Such an approach has been tried and tested and proved to be truly democratic; enabling people to know their rights, to claim and defend them" (32).
2018	Ministry of Health of the Argentine Nation	"This approach can thus be understood as a new paradigm for conceiving and designing public policies aimed at human development within a framework of cooperation between the state and civil society, incorporating the socio-legal doctrine of the principles of interdependence and integrality" (15).
2019	Health Information and Quality Authority (HIQA)	"A human rights-based approach to care and support seeks to ensure that the human rights of people using services are protected, promoted and supported by staff and services" (4). "The human rights-based approach provides both an objective and a process to achieve said objective. The objective consists of ensuring the effective realisation of human rights for all, including the most disadvantaged, in other words of fully

		achieving the ambition embedded at the core of the Universal Declaration of Human Rights (A). The process that this approach adopts implies that a certain number of principles, arising from consideration of human rights, are observed during the action taken by public authorities and, more broadly, by "duty-bearers" (6).

Annexe III

"Proposal of indicators to evaluate the human rights approach in public policies"

A) Substantive indicators

I -Right to liberty and personal security

1) Have actions been proposed/implemented to prevent the unjustified use of force in the maintenance of public order? [General Comment of the Human Rights Committee No. 35, para. 9 and General Comment of the Human Rights Committee No. 6, para. 4]

2) Have actions been proposed/implemented to:
a) prevent the forced disappearance of persons
b) investigate cases of forced disappearance of persons
c) locate the disappeared persons
d) restitute the remains of deceased victims of disappearances [General Comment of the Human Rights Committee No. 6, para. 4]
e) protect the persons against the deprivation of their liberty by third parties [General Comment of the Human Rights Committee No. 35, para. 7]
f) protect the persons from foreseeable threats to their life/physical integrity by any state agent
g) protect the persons from foreseeable threats to their life/physical integrity by third parties? [General Comment No. 35 of the Human Rights Committee, para. 9]

3) Have actions been proposed/implemented in relation to human rights instruction and training with special emphasis in the prohibition of torture, cruel, inhuman or degrading treatment and forced disappearance of persons to:
a) public servants
b) any person involved in the custody/treatment of any person under any form of detention or imprisonment? [General Comment of the Human Rights Committee No. 20, para. 10].

4) Have actions been proposed/implemented in relation to the awareness of the population in human rights with an emphasis in:

a) the prohibition of torture,

b) the cruel, inhuman or degrading treatment

c) the forced disappearance? [General Comment of the Human Rights Committee No. 20, para. 10]

5) Have actions been proposed/implemented in relation to the systematic monitoring of the human rights compliance of the methods and practices of:

a) the interrogatory

b) the treatment and custody of persons subjected to any form of detention

c) the treatment and custody of persons in prison? [General Comment of the Human Rights Committee No. 20, para. 8, 11]

6)Have actions been proposed/implemented to eradicate:

a) the trafficking in women and children

b) the forced prostitution

c) the disguised slavery in the form of household or other personal services? [General Comment of the Human Rights Committee No. 28, para. 2]

7) Have actions been proposed/implemented to prevent future injuries in the face of violence against certain categories of victims such as:

a) Human rights defenders

b) Journalists

c) Witnesses/whistleblowers

d) Women

e) Children

f) LGBTTIQ persons

g) Persons with disabilities? [General Comment No. 35 of the Human Rights Committee, para. 9].

II- Right to take part in the conduct of public affairs

1) Have mechanisms for citizen participation been proposed/implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

2)Have mechanisms of citizen participation been proposed/implemented to allow the participation in:

a) the formulation or design of strategies/plans/programmes/projects/actions

b) the implementation of strategies/plans/programmes/projects/actions

c) the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

3) Have mechanisms of citizen participation been proposed/implemented that allow:

a) to hear 'people's opinions and proposals

b) to give a binding character to the opinions and proposals of the persons

c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

4) Have mechanisms of citizen participation been proposed/implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

5) Have actions been proposed/implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

III- Right of access to information

1)Have actions been proposed/implemented for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

2) Have actions been proposed/implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No.

34, para. 19]

3) Have actions been proposed/implemented to ensure that information in the public domain:
a) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

4) Have actions been proposed/implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

IV- Right to work

1) Have actions been proposed/ implemented to prevent/regularise unregistered employment? [General Comment of the Committee on Economic, Social and Cultural Rights No. 18, para. 10]

2) Have actions been proposed/implemented to help people to identify available jobs and how to access them? [General Comment No. 18 of the Committee on Economic, Social and Cultural Rights, para. 12]

3) Have actions been proposed/implemented for equal access to and treatment in the employment of vulnerable groups such as:
a) women
b) young people
c) older adults
d) persons with disabilities
e) migrant workers
f) convicts

g) members of minorities? [General Comment of the Committee on Economic, Social and Cultural Rights No. 18, paras. 12, 13, 16, 17, 23 and General Comment of the Committee on

the Rights of Persons with Disabilities No. 2, para. 41]

4) Have actions been proposed/implemented for the prevention and sanction of:
a) the forced labour
b) the child labour? [General Comment of the Committee on Economic, Social and Cultural Rights No. 18, para. 23, 24]

5) Have actions related to training, technical/vocational education been proposed/implemented to facilitate access to employment? [General Comment of the Committee on Economic, Social and Cultural Rights No. 18, para. 25, 27]

6) Have actions related to the provision of information/promotion of the right to work been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights No. 18, para. 28]

V- Right to social security

1) Have actions been proposed/implemented to provide information/promote the right to social security, including how to access the different social security schemes? [General Comment of the Committee on Economic, Social and Cultural Rights No. 9, para. 9]

2) Have actions been proposed/implemented for the social protection of persons who
a) are unable to make sufficient contributions
b) because of their physical, mental, legal or social conditions, require specialised services for their protection
c) work in the informal sector? [General Comment of the Committee on Economic, Social and Cultural Rights No. 9, paras. 50, 51]

3) Have actions related to the right to social security for persons with disabilities been proposed/implemented through the use of facilities and information in accessible and disability-friendly formats? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 42]

VI- Right to housing

1) Have tenure regularisation actions been proposed/implemented for households without tenure? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

2) Have actions been proposed/implemented to ensure that all dwellings are adequate and therefore have:
a) safe drinking water
b) energy for cooking
c) heating
d) lighting
e) sanitation and washing facilities
f) food storage
g) waste disposal
h) drainage services
i) emergency services
j) adequate space for occupants
k) capacity to protect its occupants from cold, dampness, heat, rain, wind or other health threats, structural hazards and disease vectors
l) capacity to ensure the physical safety of its occupants? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8.]

3) Have actions been proposed/implemented to ensure that the percentage of housing costs are commensurate with income levels? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

4) Have housing subsidies/financing schemes been proposed/implemented for people who cannot afford adequate housing? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

5) Have actions been proposed/implemented for the construction and, where appropriate, relocation of housing in a location that allows access to:
a) employment options
b) health care services

c) child care centres, schools and other social services? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

6) Have any actions been proposed/implemented in relation to the care of people living in inadequate housing? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

7) Have actions related to the promotion of adequate housing been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

8) Have actions related to the right to adequate housing of vulnerable groups been proposed/implemented such as:
a) Older adults
b) Children
c) Persons with specific medical conditions that aggravate their vulnerability, such as the terminally ill, HIV positive, persons with persistent medical problems, the mentally ill
d) Victims of natural disasters or people living in disaster-prone areas [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]
e) Persons with disabilities [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 42]
f) Homeless persons and their families? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 13]

9) Have actions related to the provision of information/ promotion of the right to adequate housing been proposed/implemented?

10) Have culturally appropriate actions been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 4, para. 8]

VII- Right to adequate food

1) Have actions been proposed/implemented to protect/prevent by both public and private means the contamination of alimentary products due to:
a) adulteration

b) poor environmental hygiene

c) improper manipulation at different stages of the alimentary chain? [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 8]

2) Have actions been proposed/implemented to ensure that everyone has access to a minimum of essential food:

a) sufficient

b) safe

c) and nutritionally adequate to protect against hunger? [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 14]

3) Have actions been proposed/implemented to ensure physical/economic access to adequate food for persons in vulnerable situations such as:

a) nursing infants and young children

b) elderly people

c) persons with physical/mental disabilities

d) people with persistent medical problems

e) people in a situation of poverty? [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 13]

4) Have actions been proposed/implemented to ensure food security through the promotion of:

a) production

b) processing

c) distribution

d) marketing

e) consumption of healthy food? [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 25]

5) Have actions been proposed/implemented to ensure that the activities of the private sector, civil society and individuals in general:

a) do not infringe on basic food resources

b) are not contrary to the right to adequate food? [General Comment of the Committee on

Economic, Social and Cultural Rights No. 12, paras. 15, 27, 28 and 29]

6) Have actions related to the provision of information/promotion of the right to adequate food been proposed/implemented?

7) Have actions been proposed/implemented that consider the non-nutrition-related cultural values associated with food and its consumption? [General Comment of the Committee on Economic, Social and Cultural Rights No. 12, para. 8]

VIII- Right to education

1) Have actions been proposed/implemented for the progressive development of teaching institutions and programmes in sufficient quantity? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 13, para. 6]

2) Have actions been proposed/implemented related to the proper functioning of educational institutions such as buildings, sanitary facilities for both sexes, drinking water, teaching materials, libraries, computer facilities, etc.? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 13, para. 6]

3) Have actions been proposed/implemented for the educational inclusion of vulnerable groups such as:

a) Women, through the elimination of gender stereotypes [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 55, and General Comment of the Committee on the Elimination of Discrimination against Women No. 36, paras. 25, 29]

b) Persons with disabilities, through access to educational infrastructure, information and school communication in formats accessible to the different types of disabilities [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 39]

c) Persons from disadvantaged groups, through the establishment of a scholarship scheme [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 26, 53]

d) Minorities, through measures to ensure that education is culturally acceptable? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 50]

4) Have actions been proposed/implemented to promote the material accessibility of education? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 13, para. 6]

5) Have actions related to universal access to free primary education been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 10, 25]

6) Have actions related to free secondary and higher education been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 14, 25]

7) Have actions related to the development of technical and vocational education been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 16, 25]

8) Have actions for the development of fundamental education programmes been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 22, 25]

9) Have actions been proposed/implemented to avoid that the right to education is hindered by third parties? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 47]

10) Have monitoring and follow-up actions been proposed/implemented for the school system at all levels of education? [General Comment of the Committee on Economic, Social and Cultural Rights No. 13, para. 48, 49, 54]

11) Have actions related to the provision of information/promotion of the right to education been proposed/implemented?

IX- Right to health

1) Have actions been proposed/implemented to improve child health? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 14]

2) Have actions been proposed/implemented to improve maternal health during
a) the pregnancy
b) the childbirth
c) after childbirth? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 14]

3) Have actions been proposed/implemented to improve sexual and reproductive health services? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 14]

4) Have actions been proposed/implemented for the promotion of the right to health and health education including information on:
a) the main health problems
b) the methods for their prevention
c) the health services available for their attention? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, paras. 14, 16, 17, 35, 44]

5) Have actions been proposed/implemented for the promotion of the adoption of preventive measures of:
a) the accidents at work
b) occupational diseases? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 15]

6) Have actions been proposed/implemented to ensure that workplaces are provided with:
a) adequate supply of clean drinking water
b) basic sanitary conditions? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 15]

7) Have protocols been proposed/implemented for emergency medical care in cases of:
a) accidents
b) epidemics
c) natural disasters
d) other emergency situations? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 16]

8) Have actions been proposed/implemented to facilitate the management of infectious diseases through:

a) the access to relevant technologies

b) the improvement of epidemiological surveillance

c) the immunisation

d) the collection of disaggregated data? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 16, 34]

9) Have actions been proposed/implemented to ensure equal and opportune access to health services:

a) preventive

b) curative

c) rehabilitation services provided by both the public and private sector? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 17, 35]

10) Have actions for the supply of essential medicines been proposed/implemented? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 17]

11) Have actions been proposed/implemented for appropriate mental health treatment and care such as:

a) provide community-based services or alternative social services for persons with psychosocial disabilities in order to offer less restrictive alternatives to confinement

b) provide treatment and rehabilitation programmes for persons in institutions that serve the purposes alleged to justify their internment

c) prevent conditions of detention which are incompatible with human rights? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 17 and General Comment of the Human Rights Committee No. 35, para. 19]

12) Have actions been proposed/implemented to provide health insurance to those without sufficient means? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 19]

13) Have actions been proposed/implemented to ensure appropriate training of health sector staff including human rights education? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, paras. 35, 36, 44]

14) Have actions been proposed/implemented for the existence of a sufficient number of hospitals, clinics, health centres, and mental health institutions? [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 36]

15) Have actions been proposed/implemented related to the right to health of vulnerable groups such as:

a) Women, through the implementation of health protocols and hospital procedures that address violence against women and the provision of appropriate health services and training of health workers on gender-related issues so that they can detect and address the health consequences of gender-based violence [General Comment of the Committee on the Elimination of Discrimination against Women No. 24, para. 15]

b) Persons with disabilities, through access to health infrastructure, information and communication in accessible formats appropriate to different types of disabilities [General Comment of the Committee on the Rights of Persons with Disabilities General Comment No. 2 para. 40]

c) Older adults, through the establishment of regular check-ups and physical and psychological rehabilitation measures aimed at maintaining the functionality and autonomy of older people. [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 25]

a)Minorities, through the cultural appropriateness of health services, taking into account preventive care, healing practices and traditional medicines [General Comment of the Committee on Economic, Social and Cultural Rights No. 14, para. 27]

X- Right to water

1) Have actions been proposed/implemented to ensure physical access to the minimum essential amount of water that is sufficient and suitable for personal, domestic and disease prevention purposes for the general population? [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 16, 26, 37]

2) Have specific actions been proposed/implemented to ensure access to safe drinking water for people

a) belonging to nomadic/wandering communities

b) asylum seekers

c) internally displaced persons

d) homeless people? [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 16]

3) Have actions been proposed/implemented to ensure that prisoners and detainees have sufficient and safe water to meet their individual daily needs? [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 16]

4) Have actions been proposed/implemented for the promotion of the right to water, including the dissemination of adequate information on:

a) the hygienic use of water

b) the protection of water sources

c) the methods to reduce water wastage [General Comment of the Committee on Economic, Social and Cultural Rights, No. 15, para. 25]

5) Have actions been proposed/implemented to ensure that water is affordable, e.g. by providing for free or low-cost water supply or income supplements? [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 27, 37]

6) Have actions been proposed/implemented to ensure that sufficient water is available for present and future generations through:

a) the reduction in the exploitation of water resources,

b) the elimination of pollution of watersheds and water-related ecosystems,

c) the consideration of the potential impacts of climate and environmental change,

d) the increase in the efficient use of water by consumers,

e) the reduction of water wastage during water distribution? [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 28]

7) Have actions been proposed/implemented to ensure that all people have access to adequate sanitation? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 15, para. 29]

8) Have actions been proposed/implemented to prevent, treat and control water-associated diseases? [General Comment of the Committee on Economic, Social and Cultural Rights No. 15, para. 37]

XI- Right to culture

1) Have actions been proposed/implemented to protect and promote the diversity of cultural manifestations? [General Comment of the Committee on Economic, Social and Cultural Rights No. 21, paras. 43, 52, 53 and 54]

2) Have actions been proposed/implemented for the care, preservation and restoration of historical sites, monuments, works of art, literary works, etc.? [General Comment of the Committee on Economic, Social and Cultural Rights No. 21, para. 50]

3) Have actions been proposed/implemented for the incorporation of cultural education in the curricula of all cycles, including history, literature, music and the history of other cultures? [General Comment of the Committee on Economic, Social and Cultural Rights No. 21, para. 54]

4) Have actions been proposed/implemented to ensure access for all people to museums, libraries, cinemas, theatres, cultural activities, services and events? [General Comment of the Committee on Economic, Social and Cultural Rights No. 21, para. 54]

5) Have actions been proposed/implemented to promote effective access for all to intangible assets of culture, such as language, knowledge and traditions? [General Comment of the Committee on Economic, Social and Cultural Rights, No. 21, para. 70]

6) Have actions related to the provision of information/promotion of the right to culture been proposed/implemented?

7) Have actions been proposed/implemented related to the right to culture of vulnerable groups such as:

a) Women

b) Children

c) Elderly people

d) Minorities [General Comment of the Committee on Economic, Social and Cultural Rights No. 23, para. 9]

e) Migrants

f) Indigenous peoples

g) People that live in poverty [General Comment of the Committee on Economic, Social and Cultural Rights No. 21, paras. 25-39]

h) Persons with disabilities [General Comment of the Committee on the Rights of Persons with Disabilities General Comment No. 2 para. 44]

XII- Right to enjoy the benefits of scientific progress

1) Have actions been proposed/implemented for

a) conservation

b) development

c) dissemination of science? [General Comment of the Committee on Economic, Social and Cultural Rights No. 25, para. 14, 46]

2) Have actions for the promotion of academic and scientific freedom been proposed/implemented? [General Comment No. 25 of the Committee on Economic, Social and Cultural Rights, para. 46]

3) Have actions been proposed/implemented to adopt mechanisms to bring government policies and programmes into conformity with the best available and generally accepted scientific evidence? [General Comment of the Committee on Economic, Social and Cultural Rights No. 25, para. 52]

4) Have actions related to the provision of information/promotion of the right to enjoy the benefits of scientific progress been proposed/implemented?

5) Have actions been proposed/implemented in relation to the right to enjoy the benefits of scientific progress of vulnerable groups such as:

a) Women

b) Minorities

c) Indigenous peoples

d) Persons living in poverty

e) Persons with disabilities? [General Comment of the Committee on Economic, Social and Cultural Rights No. 25, paras. 28, 31, 35, 38, 39, 39, 44, 45]

B) Procedural indicators

Design phase

I- Universality

1) Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?

2) Are the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project foreseen to be addressed?

3)Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

4) Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

5)Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

II- Interdependence and indivisibility

1)Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public problem it addresses?

III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

IV- Transparency

1)Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed

a) publicly accessible

b) are easily accessible

c) use clear language

d) are available with reasonable adjustments for accessibility to persons with disabilities?

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed

a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address?

b) refers to the design process of the strategy/plan/programme/project?

V- Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

3)Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

4)Are the institutions/officials responsible for the activities foreseen by the strategy/plan/programme/project identified?

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

6)Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

VI- Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made

b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups who are presumed to be affected by the public problem to be identified were invited to participate

d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated into the diagnostic document?

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the strategy/plan/programme/project?

Implementation phase

I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

II- Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

2)Was the strategy/plan/programme implemented in coordination with other

strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

IV- Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:
a) publicly accessible
b) easily accessible
c) written in plain language
d) available with reasonable accommodation for accessibility to persons with disabilities?

V- Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:
a) were they publicly accessible
b) allowed for a timely follow-up of their actions?
c) observed reasonable adjustments for accessibility to persons with disabilities?

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

3) Does the evaluation of the strategy/plan/programme/project refer to
a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

VI- Participación

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns / comments were incorporated?

Annexe IV

"Documents of the comprehensive evaluation of the human rights approach in the open government public policies of Italy and Mexico"

Evaluation of the human rights approach of the open government action plan of Italy (2012-2013)

I- Design evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been proposed in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. The plan foresees two mechanisms for citizen participation, the public consultation for the design of legislation and policies for the administrative simplification and regulatory improvement (p. 9), and the public consultation for the design of the smart city/community policies and legislation (p. 10).

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been proposed to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. The consultations proposed are intended to serve as input for the formulation of regulations/policies for administrative simplification and regulatory improvement, and the development of smart cities/communities in attention to the interests

of citizens. b) No. c) No.

Number of indicators observed=1/3

3) Have mechanisms of citizen participation been proposed that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons
c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. The proposed consultations have the objective to know the opinions and proposals of the people regarding the formulation of regulations/policies for the administrative simplification and regulatory improvement, and the development of smart cities/communities. b) No. c) No.

Number of indicators observed=1/3

4) Have mechanisms of citizen participation been proposed observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= a) No.

Number of indicators observed=0/1

5) Have actions been proposed in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 9

Number of category indicators observed= 3

Category II - Right of access to information

1) Have actions been proposed for the incorporation into the public domain of information related to the structure, functions and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. The plan foresees the implementation of a transparency portal that contains: the strategic and operational objectives, plans and performance reports, indicators, targets, stakeholders and results achieved or the reasons for not achieving the result set by the public administration (p. 8), the approval of a more efficient regulatory framework to prevent and fight against corruption within the public administration, including a section on increased transparency about the assets of public administrators (p. 9), the implementation by the Ministry of Territorial Cohesion of an information system about the status of the unitary regional planning actions—EU Structural Funds, Cohesion and National Development Funds—(p. 9) and the launch of the initiative "*Come fare*..." that promotes the transparency in the public administration websites with regard to all information on the provision of services and administrative procedures (p. 9).

Number of indicators observed=1/1

2) Have actions been proposed for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. The proposal of the initiative "*Come fare*…" promotes the proactive transparency of information about how to access the provision of administrative services and procedures (p. 9).

Number of indicators observed=1/1

3) Have actions been proposed to ensure that information in the public domain:

c) is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
d) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. It is envisaged to amend national legislation to incorporate provisions to facilitate the publication and re-use of public data, including by the definition of automated processes (p. 11), improve the National Open Data Portal (p. 11) and promote national standards for open data (p. 11). b) No.

Number of indicators observed= 1/2

4) Have actions been proposed in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 5

Number of category indicators observed= 3

B) Procedural dimension

Category I- Universality

1) Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?

Answer= No.

Number of indicators observed=0/1

2) Are the main causes of human rights violations related to the overall objective of the

strategy/plan/programme/project foreseen to be addressed?

Answer= No.

Number of indicators observed=0/1

3) Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

Answer= No.

Number of indicators observed=0/1

4) Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed=0/1

5) Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

Answer= Yes. It foresees the development of citizen empowerment initiatives aimed at increasing the quality of interaction and dialogue between citizens, stakeholders and public entities (p. 9)

Number of indicators observed=1/1

Total number of indicators in the category= 5

Number of category indicators observed= 1

Category II - Interdependence and indivisibility

1) Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

Answer= Yes. The plan was designed by the Department of the Civil Service in collaboration with other relevant public bodies such as the Department of Digitalisation and Technological Innovation, the Ministry of Education, University and Scientific Research, the Ministry of Territorial Cohesion, and the Independent Commission for the Evaluation, Transparency and Integrity of Public Administration (CIVIT-ANAC) (p. 11).

Number of indicators observed=1/1

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public problem it addresses?

Answer=Yes. It foresees the coordination of the open government plan with Italy's digital agenda strategy. (p. 8).

Number of indicators observed=1/1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

Answer= Not applicable as this is Italy's first open government action plan.

Number of indicators observed= Does not score for calculation

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

Answer= Not applicable as this is Italy's first open government action plan.

Number of indicators observed= Does not score for calculation

Total number of indicators in the category= 2

Number of category indicators observed= Category not applicable

Category IV-Transparency

1)Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed:

a) publicly accessible

b) are easily accessible

c) use clear language

d) are available with reasonable adjustments for accessibility to persons with disabilities?

Answer= a) Yes. It is available on the OGP Italy website.. b) Yes. c) Yes. d) No.

Number of indicators observed=3/4

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed:

a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address

b) refers to the design process of the strategy/plan/programme/project?

Answer= a) No. b) No.

Number of indicators observed=0/2

Total number of indicators in the category= 6

Number of category indicators observed= 3

Category V-Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

Answer= No.

Number of indicators observed=0/1

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed=0/1

3) Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed=0/1

4) Are the institutions/officials responsible for the activities foreseen by the strategy/plan/programme/project identified?

Answer= No.

Number of indicators observed=0/1

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed=0/1

6) Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 6

Number of category indicators observed= 0

Category VI-Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made
b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms
c) vulnerable groups who are presumed to be affected by the public problem to be identified, were invited to participate
d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise
e) human rights organisations were invited
f) academic institutions were invited
g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated into the diagnostic document?

Answer= No. There is no mention of any diagnosis that has served as a basis for the design of the plan.

Number of indicators observed=0/8

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:
a) a public convocation was made
b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms
c) vulnerable groups interested/affected by its object were invited
d) civil society organisations related to its object were invited
e) human rights organisations were invited
f) academic institutions were invited
g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated?

Answer= a) Yes. A public consultation was held, b) No. The information on the purpose of the plan was not disseminated in advance. c) No. d) Yes. The civil society organisations involved in the promotion of open government were invited by e-mail, although they are not identified in the plan. e) No. f) No. g) Yes. The public consultation was online and open from

12 to 27 April 2012. h) No. None of the proposals made by the participants in the public consultation were included[62].

Number of indicators observed=3/8

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed=0/1

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 18

Number of category indicators observed= 3

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

[62] Due to the generic information in the plan, these data were taken from the OGP reporting mechanism.

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{7} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{3}{9}\right) + \left(\frac{3}{5}\right)\right] = 16.6 \ + 30 \ = 46.6$$

$$CS_j = \left(\frac{100}{5}\right)\left[\left(\frac{1}{5}\right) + \left(\frac{2}{2}\right) + \left(\frac{3}{6}\right) + \ \left(\frac{0}{6}\right) + \left(\frac{3}{18}\right)\right] = 4 + 20 + 10 + 0 + 3.3 = 37.3$$

$$HRA = \frac{1}{2}[46.6 + 37.3] = 41.9$$

II- Implementation evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes[63]. The Civil Service Department conducted three public consultations with the aim of including citizen participation in the formulation of policies and legislation for administrative simplification and regulatory improvement in the Italian public administration.

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been implemented to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. The consultations implemented were intended to serve as a basis for the formulation of regulations/policies of administrative simplification and regulatory reform[64]. b) No. c) No.

Number of indicators observed=1/3

[63] It is worth noting that although the plan foresees consultation with citizens on new policies and legislation related to smart cities/communities (p. 10), this did not occur during the life of the plan.

[64] In this respect, it should be noted that the "Semplifica Italia" decree published on 09 February 2012 introduced some of the suggestions for simplification measures made by citizens and businesses in the online consultation. "*Burocrazia, ¡diamoci un taglio!"*, However, no information was found on which ones specifically, which makes it impossible to generate an idea of the degree of impact of citizen participation in this area.

3) Have mechanisms of citizen participation been implemented that allow:
d) to hear people's opinions and proposals
e) to give a binding character to the opinions and proposals of the persons
f) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. The consultations implemented were aimed at ascertaining people's opinions and proposals regarding the formulation of regulations/policies for administrative simplification and regulatory improvement. b) No. c) No.

Number of indicators observed=1/3

4) Have mechanisms of citizen participation been implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= No.

Number of indicators observed= 0/1

5) Have actions been implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 9

Number of category indicators observed= 3

Category II - Right of access to information

1) Have actions been implemented for the incorporation into the public domain of

information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. Although not all the actions foreseen in the plan were carried out, those that did take place were: the issuance of a new anti-corruption law n. 190/2012— which, among other issues, reorganised the rules related to the transparency obligations and the dissemination of information by public authorities—, was launched the portal "*OpenCoesione*", which allows the users to utilise the open data from projects financed through the European Structural Funds and other national cohesion policies, and the launch of the initiative "*Come fare...*" that promotes the transparency in public administrations' websites with regard to all information about the provision of services and administrative procedures.

Number of indicators observed=1/1

2) Have actions been implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It was implemented the initiative "*Come fare...*" that promotes the transparency of public administrations' websites with regard to all information about the provision of services and administrative procedures.

Number of indicators observed=1/1

3) Have actions been implemented to ensure that information in the public domain:
a) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. It was issued the legislative decree 179/2012 which provided new rules to facilitate the dissemination of open government practices and facilitate the access and sharing of public data with the introduction of the principle of "openness by default", increased the number of datasets on the government's open data portal, and adopted standards on the use of open data in July 2013. b) No.

Number of indicators observed= 1/2

4) Have actions been implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 5

Number of category indicators observed= 3

B) Procedural dimension

Category I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

Answer= No.

Number of indicators observed=0/1

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

Answer= No.

Number of indicators observed=0/1

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed=0/1

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

Answer= No[65].

Number of indicators observed=0/1

Total number of indicators in the category= 4

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

Answer= Yes. In the implementation of the plan, participated public agencies such as the Department of Public Function (DFP), the Agency for Digital Italy (AGID), the Ministry of University Education and Research (MIUR), the Departments of Communication and the Department for Development and Cohesion of the Ministry of Economic Development, the Independent Commission for the Evaluation of Transparency and Integrity of Public Administration (CIVIT)—now the National Authority for Anti-corruption and for the evaluation and transparency of public administration (A. N.A.C.)— and the Centre for

[65] While the plan foresees the development of citizen empowerment initiatives aimed at increasing the quality of interaction and dialogue between citizens, stakeholders and public entities (p. 9), these activities were replaced by mechanisms to find out the satisfaction of users of public services.

Services, Assistance, Study and Training in Public Administration (FormezPA).

Number of indicators observed=1/1

2)Was the strategy/plan/programme implemented in coordination with other strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

Answer= No. Even though it was planned to coordinate the implementation of the open government plan with Italy's digital agenda strategy, the latter was not issued during the plan's validity.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

Answer= Not applicable since it is Italy's first open government action plan.

Number of indicators observed= Does not score for calculation

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

Answer= Not applicable since it is Italy's first open government action plan.

Number of indicators observed= Does not score for calculation

Total number of indicators in the category= 2

Number of category indicators observed= Category not applicable

Category IV-Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:

a) publicly accessible

b) easily accessible

c) written in plain language

d) available with reasonable accommodation for accessibility to persons with disabilities?

Answer= a) No[66]. b) No. c) Yes. d) No.

Number of indicators observed=1/4

Total number of indicators in the category= 4

Number of category indicators observed= 1

Category V-Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:

a) were they publicly accessible

b) allowed for a timely follow-up of their actions?

c) observed reasonable adjustments for accessibility to persons with disabilities?

Answer= No.

Number of indicators observed=0/3

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

Answer= No.

Number of indicators observed=0/1

3) Does the evaluation of the strategy/plan/programme/project refer to

[66] Al momento de su emisión y por varios años despues, el plan estuvo disponible online. Sin embargo, al momento de la presente evaluación ya había sido retirado de la web.

a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

Answer= a) No. b) No. It made reference to only some of the proposals for action outlined in the design. c) No. d) No.[67]

Number of indicators observed=0/4

Total number of indicators in the category= 8

Number of category indicators observed= 0

Category VI-Participation

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer: a) Yes. The Civil Service Department organised two public consultation events and

[67] As the assessment document is not public, this information was obtained from OGP's independent reporting mechanism.

a multi-stakeholder meeting during the implementation of the plan[68]. b) No. There is no information available. c) No. d) Yes. Civil society organisations related to the open government were invited. e) No. f) No. g) No. The stakeholders expressed dissatisfaction with the fact that one of the consultations had 6 days prior notice. h) No. There is no information available.

Number of indicators observed=2/8

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:
a) a public convocation was made
b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms
c) vulnerable groups interested/affected by its object were invited.
d) civil society organisations related to its object were invited
e) human rights organisations were invited
f) academic institutions were invited
g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated?

Answer= a) Yes. A public consultation was held. b) No. Immediately after the publication of the self-assessment of the open government plan, the consultation on its evaluation was launched. c) No. d) Yes. The Italian government specifically invited a selected number of civil society organisations that focus their work on government openness. e) No. f) No. g) No. The deadline for participation was two weeks and was considered by some participants to be rushed as the deadline started to run immediately after the publication of the self-assessment report. h) No. Despite multiple inputs/comments from participants, these were

[68] On 10 December 2012, the third OGP European Open Meeting was held in Rome, entitled "Trasparenza, Partecipazione e Collaborazione: La Pubblica Amministrazione si apre al dialogo", on 29 May 2013 the public event "Open Government: prospettive e opportunità" during the 23rd edition of FORUM PA—one of the most important events in Italy related to innovation and modernisation of public administration—, and on 04 July 2013 a meeting with stakeholders.

not incorporated.

Number of indicators observed=2/8

Total number of indicators in the category= 16

Number of category indicators observed= 4

c) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{3}{9}\right) + \left(\frac{3}{5}\right)\right] = 16.6 \ + \ 30 = 46.6$$

$$CS_j = \left(\frac{100}{5}\right)\left[\left(\frac{0}{4}\right) + \left(\frac{1}{2}\right) + \left(\frac{1}{4}\right) + \ \left(\frac{0}{8}\right) + \left(\frac{4}{16}\right)\right] = 0 + 10 + 5 + 0 + 5 = 20$$

$$HRA = \frac{1}{2}[46.6 + 20] = 33.3$$

Evaluation of the human rights approach of Italy's open government action plan (2014 -2016)

I- Design evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1)Have mechanisms for citizen participation been proposed in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. The plan foresees the restructuring and relaunch of the electronic portal. *Partecipa!* in order to broaden its objective to monitoring and evaluation of public services—(p. 4) and the joint definition with the society of a policy/guideline about the participatory processes in public administration (p. 5)[69].

Number of indicators observed= 1/1

2)Have mechanisms of citizen participation been proposed to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration?
de las dependencias / organismos que integran la administración pública? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. b) Yes. c) Yes. The plan envisages that with the restructuring of the electronic portal *Partecipa!* it is possible to include citizen participation not only in the

[69] Although it does not specifically detail the participatory mechanism to be used, the plan mentions the implementation of "participatory processes" for the definition of the policy/guideline on participatory processes in public administration.

formulation but also in the implementation and evaluation of public services (p. 4).

Number of indicators observed= 3 /3

3)Have mechanisms of citizen participation been proposed that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons
c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. It is understood that the restructuring of the electronic portal *Partecipa!*, such as the development of the policy/guideline about participatory processes in public administration, and the public consultation open to citizens and businesses for the identification of additional information to be disclosed with respect to that already provided in the "*Agenda nazionale per la valorizzazione del patrimonio informativo pubblico 2014"* will make it possible to hear people's opinions and proposals. b) No. c) No.

Number of indicators observed=1/3

4) Have mechanisms of citizen participation been proposed observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= a) No.

Number of indicators observed=0/1

5) Have actions been proposed in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 9

Number of category indicators observed= 5

Category II - Right of access to information

1)Have actions been proposed for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. Among the actions foreseen in the plan is the initiative *TransPArenti+1*, which has among its objectives the restructuration of the web interface for a greater amount of quality public data (p. 7), the enhancement of the national data portal by increasing the quantity and quality of the datasets published in the national portal— through the launch of all the data indicated in the "*Agenda nazionale per la valorizzazione del patrimonio informativo pubblico 2014*"—, the publication of the most important data for citizens and businesses (p. 9), the launch of the *Soldipublici* web platform to monitor and analyse the financial information of public bodies, including budgets, expenditures and tenders (p. 11).

Number of indicators observed=1/1

2) Have actions been proposed for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= No.

Number of indicators observed=0/1

3) Have actions been proposed to ensure that information in the public domain:
a) is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability?

[General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. The use of open data is foreseen in all transparency-related initiatives. b) No.

Number of indicators observed= 1/2

4) Have actions been proposed in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 5

Number of category indicators observed= 2

B)Procedural dimension

Category I- Universality

1)Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?

Answer= No.

Number of indicators observed=0/1

2)Are the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project foreseen to be addressed?

Answer= No.

Number of indicators observed=0/1

3) Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

Answer= No.

Number of indicators observed=0/1

4) Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed=0/1

5)Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

Answer=No.

Number of indicators observed=0/1

Total number of indicators in the category= 5

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

Answer= Yes. The plan was designed by the Civil Service Department of the Agency for Digital Italy. (AgID) and the National Anti-Corruption Authority (A.N.AC.) (p. 3).

Number of indicators observed=1/1

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public

problem it addresses?

Answer= Yes. It foresees the coordinated implementation of some of its actions with the "*Agenda nazionale per la valorizzazione del patrimonio informativo pubblico 2014"*

Number of indicators observed=1/1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. Extends the degree of influence of the citizen participation in public administration to the monitoring and evaluation of public actions/services— in contrast to the open government plan (2012-2013), which restricted it to its design—. In addition, it expands the quantity and quality of datasets available on transparency portals compared to those set out in the open government plan (2012-2013).

Number of indicators observed=1/1

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

Answer= No. The mechanisms of access to information and citizen participation have the same characteristics as those established in the open government plan (2012-2013), and therefore do not allow access to new population groups.

Number of indicators observed= 0/1

Número de indicadores de la categoría= 2

Number of category indicators observed= 1

Category IV-Transparency

1) Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed:
a) publicly accessible
b) are easily accessible
c) use clear language
d) are available with reasonable adjustments for accessibility to persons with disabilities?

Answer= a) Yes. It is available on the OGP Italy website. b) Yes. c) Yes. d) No.

Number of indicators observed=3/4

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed:
a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address
b) refers to the design process of the strategy/plan/programme/project?

Answer= a) No. b) Yes. It mentions the process of elaboration of the plan, although in a very general way.

Number of indicators observed=1/2

Total number of indicators in the category= 6

Number of category indicators observed= 4

Category V-Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

Answer= No.

Number of indicators observed=0/1

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed=1/1

3) Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed=0/1

4) Are the institutions/officials responsible for the activities foreseen by the strategy/plan/programme/project identified?

Answer= Yes. It identifies the institutions responsible for each of the actions.

Number of indicators observed=1/1

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed=0/1

6) Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 6

Number of category indicators observed= 2

Category VI-Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made

b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups who are presumed to be affected by the public problem to be identified, were invited to participate

d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated into the diagnostic document?

Answer= No. There is no mention of any diagnosis that has served as a basis for the design of the plan.

Number of indicators observed=0/8

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer= a) Yes. A public consultation was held. b) No. Information on the purpose of the plan was not disseminated in advance. c) No. d) Yes. Civil society organisations involved in

the promotion of open government were invited, although this was limited to organisations that had already worked on the development of the previous open government plan, such as *Cittadinanzattiva, Open Economics Working, Group @OKFN Yourtopia Italy Project, World Economic Forum*. e) No. f) No. g) Yes. The consultation was public, online and open from 04 to 24 November 2014. h) No. None of the proposals made by the participants were included[70]

Number of indicators observed=3/8

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed=0/1

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 18

Number of category indicators observed= 3

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

[70] Due to the generic information in the plan these data were taken from the OGP reporting mechanism.

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRBA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{5}{9}\right) + \left(\frac{2}{5}\right)\right] = 27.7 \ + 20 \ = 47.7$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{0}{5}\right) + \left(\frac{2}{2}\right) + \left(\frac{1}{2}\right) + \left(\frac{4}{6}\right) + \left(\frac{2}{6}\right) + \left(\frac{3}{18}\right)\right]$$

$$= 0 + 16.6 + 8.3 + 11.1 + 5.5 \ + 2.7 = 44.2$$

$$HRA = \frac{1}{2}[47.7 + 44.2] = 45.9$$

II- Implementation evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= No. The late approval by Parliament of law 124/2015 and the subsequent decrees did not allow to begin the implementation of the restructuration and relaunch of the electronic portal *Partecipa!*—whose purpose was to extend its objective to the monitoring and evaluation of public services, as it was limited to the consultation—(p. 4) and the joint definition with the society of a policy/guideline about participatory processes in the public administration (p. 5). As a result, these actions were forwarded to the open government plan (2016-2018).

Number of indicators observed= 0/1

2) Have mechanisms of citizen participation been implemented to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a), b) y c) No. No citizen participation mechanism was carried out during the validity of the plan.

Number of indicators observed= 0/3

3) Have mechanisms of citizen participation been implemented that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons

c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a), b) y c) No. No citizen participation mechanism was carried out during the validity of the plan.

Number of indicators observed=0/3

4) Have mechanisms of citizen participation been implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= No. No citizen participation mechanism was carried out during the validity of the plan.

Number of indicators observed=0/1

5) Have actions been implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 9

Number of category indicators observed= 0

Category II - Right of access to information

1) Have actions been implemented for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. The data.gov website was updated, and more than seventy-six institutions published more than 10,000 datasets. In addition, it offered citizens a tool to reuse existing open data based on three interlinked transparency initiatives in the section *Data4all*: *SoldiPubblici*, which is related to the expenditure of the public administration and *ItaliaSicura*, concerning a programme for the monitoring of hydrogeological instabilities.

Number of indicators observed=1/1

2) Have actions been implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= No.

Number of indicators observed=0/1

3) Have actions been implemented to ensure that information in the public domain:
e) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
f) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. The use of open data is foreseen in all implemented transparency initiatives.
b) No.

Number of indicators observed= 1/ 2

4) Have actions been implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0 /1

Total number of indicators in the category= 5

Number of category indicators observed= 2

B) Procedural dimension

Category I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

Answer= No.

Number of indicators observed=0/1

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

Answer= No.

Number of indicators observed=0/1

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed=0/1

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 4

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

Answer= Yes. The actions of the plan were implemented jointly by the Agency for Digital Italy (AgID) and the National Anti-Corruption Authority (A.N.AC.) (p. 3).

Number of indicators observed=1/1

2)Was the strategy/plan/programme implemented in coordination with other strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

Answer= Yes. It was implemented in coordination with the *"Agenda nazionale per la valorizzazione del patrimonio informativo pubblico 2014"*

Number of indicators observed= 1/1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. The quantity and quality of the datasets available on the transparency portals were expanded compared to those set out in the open government plan (2012-2013).

Number of indicators observed=1 /1

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

Answer= No. The mechanisms for access to information have the same characteristics as the open government plan (2012-2013), so they do not allow access to new groups of the population.

Number of indicators observed=0 /1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category IV-Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:

a) publicly accessible

b) easily accessible

c) written in plain language

d) available with reasonable accommodation for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.

Number of indicators observed=3/4

Total number of indicators in the category= 4

Number of category indicators observed= 3

Category V-Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:

a) were they publicly accessible

b) allowed for a timely follow-up of their actions?

c) observed reasonable adjustments for accessibility to persons with disabilities?

Answer= No.

Number of indicators observed=0/3

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

Answer= No.

Number of indicators observed=0/1

3) Does the evaluation of the strategy/plan/programme/project refer to

a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

Answer= a) Yes. b) Yes. c) No. d) No.

Number of indicators observed=2/4

Total number of indicators in the category= 8

Number of category indicators observed= 2

Category VI-Participation

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated?

Answer: No.

Number of indicators observed=0/8

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:
a) a public convocation was made
b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms
c) vulnerable groups interested/affected by its object were invited.
d) civil society organisations related to its object were invited
e) human rights organisations were invited
f) academic institutions were invited
g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated?

Answer= a) No. The evaluation process did not consider citizen participation.

Number of indicators observed=0/8

Total number of indicators in the category= 16

Number of category indicators observed= 0

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{0}{9}\right) + \left(\frac{2}{5}\right)\right] = 0 \ + \ 20 = 20$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{0}{4}\right) + \left(\frac{2}{2}\right) \ + \left(\frac{1}{2}\right) + \left(\frac{3}{4}\right) + \ \left(\frac{2}{8}\right) + \left(\frac{0}{16}\right)\right]$$

$$= 0 + 16.6 + 8.3 + 12.5 + 4.1 + 0 = 41.5$$

$$HRA = \frac{1}{2}[20 + 41.5] = 30.7$$

Evaluation of the human rights approach of Italy's open government action plan (2016 -2018)

I- Design evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1)Have mechanisms for citizen participation been proposed in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. It foresees the realisation of three public consultations at national level for the definition of a policy/guideline for the public consultation process in Italian public administration (55), the Ministry of Infrastructure and Transport foresees the creation of two participation platforms: one dedicated to the evaluation of investments in public infrastructure, the other for the public debate on important public infrastructure to be carried out, in connection with the development of the Opencantieri database, which will be extended with regional data through weekly automatic update flows (59). In addition, specifically in Rome, it is planned to implement a participation strategy that includes the launch of a website for the reception of petitions, requests, ideas and proposals to simplify the Roman public administration (63). On the other hand, in Bologna, it is planned to carry out public consultations to share and define priorities, starting from populations at risk of exclusion to co-design a digital literacy plan aimed at inclusion and urban regeneration and to open a space on the web for petitions, requests, ideas, proposals and participatory budgeting. (64-66).

Number of indicators observed= 1/1

2)Have mechanisms of citizen participation been proposed to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions

c) the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration?
de las dependencias / organismos que integran la administración pública? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. The totality of the proposed mechanisms for citizen participation are aimed at the formulation or design of different public administration actions. b) No. c) Yes. The evaluation of public investments is foreseen.

Number of indicators observed= 2/3

3)Have mechanisms of citizen participation been proposed that allow:
g) to hear people's opinions and proposals
h) to give a binding character to the opinions and proposals of the persons
i) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. b) No. c) No.

Number of indicators observed= 1/3

4) Have mechanisms of citizen participation been proposed observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= No.

Number of indicators observed= 0/1

5) Have actions been proposed in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= Yes. In Rome, it is foreseen to develop a communication plan about the rights and

opportunities for citizen participation (p. 63).

Number of indicators observed= 1/1

Total number of indicators in the category= 9

Number of category indicators observed= 5

Category II - Right of access to information

1)Have actions been proposed for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. The plan foresees the creation of a platform for the insertion and continuous updating of information on prisons. (40), the activation of the tender board of *Consip* with the objective of publishing the number and value of the tender procedures announced and adjudicated by *Consip* (42) and the publication of new datasets about the purchases made by public administrations in the telematic platform Aquistinretepa.it (130). Also, Milan foresees the publication of any document useful to evaluate the activity of the councillors and of each act approved by the Executive, the City Council and the municipalities in an integrated and easily usable environment (45) and the publication of the agenda of meetings of public decision-makers (98).

Number of indicators observed= 1/ 1

2) Have actions been proposed for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It is proposed to make accessible and usable the information of the services related to mobility and transport through a single integrated platform for information exchange and provision, in order to improve mobility, the travel experience as well as the efficiency of the logistics chain (15).

Number of indicators observed= 1/1

3) Have actions been proposed to ensure that information in the public domain:
a) is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. It foresees the simplification of procedures for the public disclosure of public administration data (34), and the integration of the portal *OpenCUP* with other national open data portals (24). b) No.

Number of indicators observed= 1/ 2

4) Have actions been proposed in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 3

B)Procedural dimension

Category I- Universality

1)Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?
Answer= No.

Number of indicators observed= 0/1

2)Are the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project foreseen to be addressed?

Answer= No.

Number of indicators observed= 0 /1

3)Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

Answer= No.

Number of indicators observed= 0/1

4)Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

5)Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

Answer= Yes. The plan foresees open data training in at least one higher education institute in Florence (28), the implementation of training/information initiatives for the dissemination of knowledge on the use of the portal *OpenCUP*. (26), the implementation of information and awareness-raising actions on the content of the Internet Bill of Rights and the dissemination of digital rights awareness (112), and the development of a curriculum for the construction of abilities for the practice of digital citizenship (124). In addition, it is planned to carry out a consultation in Bologna to define priorities, based on populations at risk of exclusion— such as schools, social centres for the elderly— with the aim of co-designing an inclusion-oriented digital literacy plan (66)[71].

[71] This action is unique in Italy's open government plans, as for the first time an action related to vulnerable groups is proposed.

Number of indicators observed= 1/1

Total number of indicators in the category= 5

Number of category indicators observed= 1

Category II - Interdependence and indivisibility

1) Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

Answer= Yes. In addition to the set of public institutions that have been involved in the development and implementation of the previous open government plans, for the first time, the actions of the municipal public administrations of Bologna, Florence, Milan and Rome have been added.

Number of indicators observed= 1/1

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public problem it addresses?

Answer= Yes. It is planned to be implemented in coordination with the Three-Year Plan for ICT in Public Administration 2017- 2019

Number of indicators observed= 1 /1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. Citizen participation is extended to the evaluation of public works investments (p. 59). It also extends to the municipal level, in Rome through the launch of a website for the reception of petitions, requests, ideas, proposals to simplify the municipal public administration (p. 64) and in Bologna through a space on the web for petitions, requests, ideas, proposals to the municipal public administration (p. 66). In addition to the above, the publication of information on penitentiary centres has been extended (p. 40) and the number and value of the tender procedures announced and adjudicated by *Consip* (p. 42). Also, at the municipal level, Milán extends the publication of information to any document useful to evaluate the activity of the councillors and of each act approved by the Executive and the City Council (45).

Number of indicators observed= 1/1

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

Answer= Yes. It is planned to extend the public information and citizen participation services to the municipalities of Bologna, Milan and Rome.

Number of indicators observed= 1/ 1

Número de indicadores de la categoría= 2

Number of category indicators observed= 2/2

Category IV-Transparency

1) Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed:
a) publicly accessible
b) are easily accessible
c) use clear language
d) are available with reasonable adjustments for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.

Number of indicators observed= 3/4

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed:
a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address
b) refers to the design process of the strategy/plan/programme/project?

Answer= a) No. b) Yes.

Number of indicators observed= 1/2

Total number of indicators in the category= 6

Number of category indicators observed= 5

Category V-Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

Answer= No.

Number of indicators observed= 1/1

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed= 1/1

3) Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed= 1/1

4) Are the institutions/officials responsible for the activities foreseen by the

strategy/plan/programme/project identified?

Answer= Yes. The institutions responsible for each of the actions are indicated, including the name of the public servant in charge.

Number of indicators observed= 1/1

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed= 0/1

6) Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 6

Number of category indicators observed= 4

Category VI-Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made

b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups who are presumed to be affected by the public problem to be identified, were invited to participate

d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated into the diagnostic document?

Answer= No. A diagnosis was not developed prior to the design of the plan.

Number of indicators observed= 0/8

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:
a) a public convocation was made
b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms
c) vulnerable groups interested/affected by its object were invited
d) civil society organisations related to its object were invited
e) human rights organisations were invited
f) academic institutions were invited
g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated?

Answer= a) Yes. The development of the plan was done in two phases. From 6 June to 15 July 2016, a consultation was held with member organisations of the Open Government Forum about the priorities of the third action plan. From 15 July - 31 August 2016, an online consultation was conducted in order to improve the actions and commitments included in the first draft of the plan. b) No. It is not mentioned, but it is presumed that this has been done as on the two previous occasions, in which information is made available at the time the consultation is opened. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) No.

Number of indicators observed= 5/8

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

Answer= Yes. Through the regular meetings of the Open Government Forum.

Number of indicators observed= 1/ 1

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the

strategy/plan/programme/project?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 18

Number of category indicators observed= 6

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

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- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category

- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{5}{9}\right) + \left(\frac{3}{5}\right)\right] = 27.7 + 30 = 57.7$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{1}{5}\right) + \left(\frac{2}{2}\right) + \left(\frac{2}{2}\right) + \left(\frac{5}{6}\right) + \left(\frac{4}{6}\right) + \left(\frac{6}{18}\right)\right]$$

$$= 3.3 + 16.6 + 16.6 + 13.8 + 12.1 + 5.5 = 67.9$$

$$HRA = \frac{1}{2}[57.7 + 67.9] = 62.8$$

II- Implementation evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. The working group on the participation of the Open Government Forum elaborated a draft set of guidelines on public consultation in Italy defining the main principles for public administration consultations, which was subject to public consultation from 5

December 2016 to 12 February 2017. Subsequently, from 13 February and in collaboration with the administrations concerned, it analysed the comments received during the consultation and produced a new version of the document incorporating most of the suggestions, and on 9 March 2017, the guidelines were published. Also, on 7 February 2018, Rome fully implemented a citizen participation portal, and in Bologna, several public consultations were held from May to October 2017 to identify priorities and areas for participation and redevelopment.

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been implemented to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. b) No. c) No.

Number of indicators observed= 1/3

3) Have mechanisms of citizen participation been implemented that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons
c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. b) No. c) No.

Number of indicators observed=1/3

4) Have mechanisms of citizen participation been implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with

Disabilities No. 2, para. 43]

Answer= No.

Number of indicators observed=0/1

5) Have actions been implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed=0/1

Total number of indicators in the category= 9

Number of category indicators observed= 3

Category II - Right of access to information

1) Have actions been implemented for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. A platform was implemented for the insertion and continuous updating of information about penitentiary centres, the Consip tender board, in which the number and value of tender procedures announced and adjudicated by Consip are published, and the publication of 10 new datasets about purchases made by the public administrations in the telematic platform Aquistinretepa.it. In addition, since September 2016, the agenda of meetings of public decision-makers in Milan has been published.

Number of indicators observed= 1/ 1

2) Have actions been implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No.

34, para. 19]

Answer= No. Even though it was envisaged to make information about services related to mobility and transport accessible and usable through a single integrated information exchange and delivery platform, in order to improve mobility and the travel experience, the platform does not offer key data sets such as real-time transport arrivals, or local transport stop locations and routes.

Number of indicators observed= 0/1

3) Have actions been implemented to ensure that information in the public domain:
a) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. ANAC approved the project "Transparency" relevant to simplification - definition of transparency practices for public administrations. b) No.

Number of indicators observed= 1/2

4) Have actions been implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 2

B) Procedural dimension

Category I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

Answer= No.

Number of indicators observed= 0/1

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

Answer= No.

Number of indicators observed= 0/1

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

Answer= Yes. Four meetings were held in high schools in Florence, in which the use of data for resilience and monitoring of the territory was explained to students and teachers, and how open data can be used through open-source tools. Infographics, small informative pills, the publication of video tutorials and various events in the territory were realised to explain the data contained in *OpenCUP* as well as its operation, registration and publication processes.

Number of indicators observed= 1/1

Total number of indicators in the category= 4

Number of category indicators observed= 1

Category II - Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

Answer= Yes.

Number of indicators observed=1/1

2)Was the strategy/plan/programme implemented in coordination with other strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

Answer= Yes. It was implemented in coordination with the Three-Year Plan for ICT in Public Administration 2017- 2019.

Number of indicators observed= 1/1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. It started to publish information about prisons and about the number and value of tendering procedures announced and awarded by *Consip*. Also, at the municipal level, Milan started to publish the agenda of public decision-makers meetings.

Number of indicators observed= 1/1

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

Answer= Yes. The public information and citizen participation services were extended to the municipalities of Bologna, Milan and Rome.

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category IV- Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:

a) publicly accessible

b) easily accessible

c) written in plain language

d) available with reasonable accommodation for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.

Number of indicators observed=3/4

Total number of indicators in the category= 4

Number of category indicators observed= 3

Category V-Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:

a) were they publicly accessible

b) allowed for a timely follow-up of their actions?

c) observed reasonable adjustments for accessibility to persons with disabilities?

Answer= a) Yes. b). An electronic dashboard hosted on Italy's open government website was used.

Number of indicators observed=2/3

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

Answer= No.

Number of indicators observed=0/1

3) Does the evaluation of the strategy/plan/programme/project refer to

a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

Answer= a) Yes. b) Yes. c) No. d) No.

Number of indicators observed=2/4

Total number of indicators in the category= 8

Number of category indicators observed= 4

Category VI-Participation

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer: a) Yes. b) Yes. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) No. The participation during the implementation of the plan took place through the regular meetings of the Open Government Forum[72].

Number of indicators observed=6/8

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:
a) a public convocation was made
b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms
c) vulnerable groups interested/affected by its object were invited.
d) civil society organisations related to its object were invited
e) human rights organisations were invited
f) academic institutions were invited
g) accessible deadlines and conditions for participation were established
h) the participant concerns/comments were incorporated?

Answer= In addition to the regular meetings of the Open Government Forum, the self-assessment of the plan was subject to public consultation from 23 October to 25 November 2018. a) Yes. b) Yes. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) Yes[73].

Number of indicators observed=7/8

Total number of indicators in the category= 16

Number of category indicators observed= 13

[72] El foro de gobierno abierto se integra por mas de 100 organizaciones de la sociedad civil, empresas e instituciones académicas.

[73] The Italian government published a report about the input provided during the public consultation on the self-assessment of the plan.

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{3}{9}\right) + \left(\frac{2}{5}\right)\right] = 16.6 \ + \ 20 = 36.6$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{1}{4}\right) + \left(\frac{2}{2}\right) \ + \left(\frac{2}{2}\right) + \left(\frac{3}{4}\right) + \ \left(\frac{4}{8}\right) + \left(\frac{13}{16}\right)\right]$$

$$= 4.1 + 16.6 + 16.6 + 12.5 + 8.3 + 13.5 = 71.6$$

$$HRA = \frac{1}{2}[36.6 + 71.6] = 54.1$$

Evaluation of the human rights approach of Mexico's open government action plan (2011-2012)[74]

I- Design evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been proposed in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. It is planned to set up a web platform where each agency of the federal public administration can post the challenges it faces, provide data and receive proposals from citizens, universities and communities (para. 2) and institutionalise mechanisms for citizen participation in accordance with the provisions of the General Law on Climate Change in the deliberations, implementation and monitoring of projects (para. 32).

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been proposed to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. b) Yes. c) No.

Number of indicators observed= 2/ 3

3) Have mechanisms of citizen participation been proposed that allow:

[74] El plan evaluado es la versión ampliada del primer plan de gobierno abierto de México.

a) to hear people's opinions and proposals

b) to give a binding character to the opinions and proposals of the persons

c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. b) No. c) No.

Number of indicators observed= 1/3

4) Have mechanisms of citizen participation been proposed observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer=.No.

Number of indicators observed= 0/1

5) Have actions been proposed in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 9

Number of category indicators observed= 4

Category II - Right of access to information

1) Have actions been proposed for the incorporation into the public domain of information related to the structure, functions and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It foresees the publication of information about the public services provided by the federal public administration—among the information items are: the population they benefit, the policy or programme on which they are based, the procedures to obtain them, their cost, the time of answer, the mechanisms of citizen participation they contemplate and their results, the complaints system they observe and its results; the budget allocated and exercised; as well as indicators related to their quality— (para. 1), the publication of a national catalogue of procedures (para. 3), the publication of statistics on investigations carried out by the authorities into transnational bribery (para. 5), the elaboration of a work plan for the publication of the lists of beneficiaries of government subsidy programmes (para. 8), the publication of the resources allocated, the allocation and monthly execution of resources for the protection of journalists and human rights defenders (para. 10), the publication of the amounts allocated to the federal entities for the purchase of medicines and other health inputs (para. 11), the publication of information on exploration and exploitation projects of mining companies operating in Mexico (para. 13), the publication of the annual list of donations, grants, reports on the verification and follow-up of resources provided and evaluations carried out on Petróleos Mexicanos regarding the correct application of resources (para. 14), the publication of tender rulings and public versions of contracts signed by Petróleos Mexicanos and its subsidiaries (para. 16), the publication of information by unit on official advertising expenditure (para. 18), the publication of information on the composition, terms and destination of public debt, trusts and tax credits (para. 20), the publication of elements that strengthen the transparency of subsidy programmes (para. 22), the publication of elements that identify the evolution of the matrix of performance indicators of all programmes evaluated since the 2008 budget year (para. 23), the publication of the resolutions and opinions of the following regulatory bodies: the Energy Regulatory Commission, the Federal Telecommunications Commission, and the Directorate of Civil Aeronautics and Ministry of Communications and Transport (paras. 24, 25, and 26), the development of a programme to make accessible and transparent the consultation of preliminary investigations electronically for victims of crime (para. 29), the publication of the number of complaints filed with each Public Prosecutor's Office by place of occurrence and type of crime (para. 30), the publication of data related to the system of sanctions for non-compliance with the regulatory framework for access to information (para. 33), and the

compilation and publication of all sectoral plans and programmes of the federal public administration (para. 35).

Number of indicators observed= 1/1

2) Have actions been proposed for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It foresees the publication of information about the procedures to access public services provided by the federal public administration, their cost and time of answer (para. 3) and the publication of information about collection points and recycling centres by State, the amount of PET manufactured and exported, how much is recycled, what is the country's infrastructure for PET recycling, and other related information that provides the actors of the sector and the population in general tools for the adequate management of PET waste (para. 6).

Number of indicators observed= 1/1

3) Have actions been proposed to ensure that information in the public domain:
a) is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. It provides for the use of free and open formats (paras. 8 and 21), the improvement of the quality of certain databases used by researchers (para. 9), the use of online search engines (paras. 17, 24, 25, and 26), the consideration of only data in CSV, XML, and KML formats as public information, and the modification to text and retrievable databases of all scanned PDF files (para. 34). b) No.

Number of indicators observed= 1/2

4) Have actions been proposed in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= Yes. It foresees the publication of training materials and tools developed by obliged entities to disseminate, promote and teach the right of access to information (para. 27) and the proactive promotion and dissemination of the right of access to information and protection of personal data through non-electronic means (para. 28).

Number of indicators observed= 1/ 1

Total number of indicators in the category= 5

Number of category indicators observed= 4

B) Procedural dimension

Category I- Universality

1) Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?
Answer= No.

Number of indicators observed= 0/1

2) Are the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project foreseen to be addressed?

Answer= No.

Number of indicators observed= 0/1

3) Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

Answer= No.

Number of indicators observed= 0/1

4) Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

5) Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

Answer= Yes. It involves the participation of a total of 19 public institutions. These include the National Commission for Social Protection in Health, the Energy Regulatory Commission, the Federal Telecommunications Commission, the National Council for the Evaluation of Social Development Policy, the General Directorate of Civil Aeronautics, the National Institute of Statistics and Geography, the National Institute of Migration, the Federal Institute for Access to Information, Petróleos Mexicanos, the Attorney General's Office, the Ministry of Communications and Transport, the Ministry of Economy, the Ministry of Public Education, the Ministry of Energy, the Ministry of Public Function, the Ministry of Finance

and Public Credit, the Ministry of Environment and Natural Resources, the Ministry of Foreign Affairs, the Ministry of the Interior and the Tax Administration Service.

Number of indicators observed= 1/ 1

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public problem it addresses?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

Answer= Not applicable because it is Mexico's first open government plan.

Number of indicators observed= Not applicable.

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

Answer= Not applicable because it is Mexico's first open government plan.

Number of indicators observed= Not applicable.

Número de indicadores de la categoría= 2

Number of category indicators observed= Not applicable.

Category IV-Transparency

1) Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed:

a) publicly accessible

b) are easily accessible

c) use clear language

d) are available with reasonable adjustments for accessibility to persons with disabilities?

Answer= a) No. b) No. c) Yes. c) No.[75]

Number of indicators observed= 1/4

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed:

a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address

b) refers to the design process of the strategy/plan/programme/project?

Answer= a) No. b) Yes.

Number of indicators observed= 1/2

Total number of indicators in the category= 6

Number of category indicators observed= 2

Category V-Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

Answer= No.

[75] At the time of its issuance and for several years thereafter, the plan was available online. However, at the time of this evaluation it had already been removed from the web.

Number of indicators observed= 0/1

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed= 1/1

3) Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

Answer= Yes. It foresees the use of working meeting sheets in which are established the actions of public agencies for the fulfilment of the plan's commitments, which are validated by the civil society organisations that participated in its elaboration (para. 2).

Number of indicators observed= 1/1

4) Are the institutions/officials responsible for the activities foreseen by the strategy/plan/programme/project identified?

Answer= Yes. It identifies the responsible public institution and the civil society organisation in charge of monitoring compliance.

Number of indicators observed= 1/1

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed= 0/1

6) Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

Answer= Yes. It foresees the use of compliance forms for the commitments established in the plan, which are validated by the participants in its elaboration (para. 2).

Number of indicators observed= 1/1

Total number of indicators in the category= 6

Number of category indicators observed= 4

Category VI-Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made

b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups who are presumed to be affected by the public problem to be identified, were invited to participate

d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated into the diagnostic document?

Answer= No.

Number of indicators observed= 0/8

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer= a) No. A restricted invitation was issued to eleven civil society organisations whose

purpose is transparency and accountability. b) Yes c) No. d) Yes[76]. e) No. f) No. g) Yes[77]. h) Yes[78].

Number of indicators observed=4/8

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

Answer= Yes. It foresees the use of follow-up forms for the working meetings, in which the actions of the public agencies for the fulfilment of the plan's commitments are established, and which are validated by the civil society organisations that participated in their elaboration (para. 2).

Number of indicators observed= 1/1

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the strategy/plan/programme/project?

Answer= Yes. It foresees the use of compliance forms for the commitments established in the plan, which are validated by the civil society organisations that participated in its elaboration (para. 2).

Number of indicators observed= 1/1

[76] The civil society organisations that participated were: Article 19, SocialTIC (formerly Citivox), Fundar, Centro de Análisis y Investigación y Análisis; Gestión Social y Cooperación (GESOC), Instituto Mexicano para la Competitividad (IMCO); Cultura Ecológica, Centro de Investigación y Desarrollo (CIDAC) and Transparencia Mexicana.

[77] During the elaboration of the original plan, civil society organisations had only one week to make their proposals, while in the extended plan they had five months (January-May 2012).

[78] In this regard, it is worth noting that Mexico's first original open government plan only included a proposal from the different civil society organisations that were specifically invited to collaborate in its elaboration. Given this situation, and the manifest dissatisfaction of these organisations with it, it was proposed that the plan be expanded and that a Tripartite Technical Secretariat (STT) be created, integrated by one representative from the CSOs, one from the IFAI and one from the SFP, in which each representative would have a voice and a vote, with the objective of acting as a permanent and institutionalised space for decision-making, consultation, follow-up of compliance with the commitments established in the AGA, as well as communication between governmental actors and civil society. Thus, with the participation of eight civil society organisations specialising in transparency and accountability issues, the expanded open government plan was developed over a period of five months, which included 36 proposals from participating civil society organisations.

Total number of indicators in the category= 18

Number of category indicators observed= 6

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} PC_i + \sum_{j=3}^{7} PC_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{4}{9}\right) + \left(\frac{4}{5}\right)\right] = 22.2 \ + 40 \ = 62.2$$

$$CS_j = \left(\frac{100}{5}\right)\left[\left(\frac{0}{5}\right) + \left(\frac{1}{2}\right) + \left(\frac{2}{6}\right) + \ \left(\frac{4}{6}\right) + \left(\frac{6}{18}\right)\right] = 0 + 10 \ + \ 6.6 + 13.3 \ + 6.6 = 36.5$$

$$HRA = \frac{1}{2}[\ 62.2 + 36.5\ ] = 49.3$$

II- Implementation evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. On 15 October 2012, the Ministry of the Public Function (SFP) began operating the portal www.tramitefacil.gob.mx, which among other things allowed citizens to evaluate procedures online—even from mobile devices—make suggestions and recommendations for improvement, and to know how these suggestions or recommendations are taken into account through management improvement projects.

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been implemented to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. b) No. c) Yes.

Number of indicators observed= 2/3

3) Have mechanisms of citizen participation been implemented that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons
c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. b) No. c) No.

Number of indicators observed= 1/3

4) Have mechanisms of citizen participation been implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= No.

Number of indicators observed= 0 /1

5) Have actions been implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 9

Number of category indicators observed= 4

Category II - Right of access to information

1) Have actions been implemented for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. Among the actions foreseen in the plan that were carried out for its fulfilment during its validity are: 1) the implementation of the portal www.tramitefacil.gob.mx by the Ministry of Public Function (SFP), which among other issues allowed to concentrate in a single site the data of the 308 high-impact federal procedures—which can be consulted, downloaded and used by the interested party— and to inform about changes and improvements in the procedures with the publication of improvement projects and studies carried out by the internal control bodies, 2) the portal http://www.programassociales.mx, which contains the inventories of the National Evaluation Council (CONEVAL) of the social development policy of federal social development programmes and actions 2011 and of State social development programmes and actions 2010—which systematise relevant information on development programmes and actions—, 3) the publication on the website of the National Commission for Social Protection in Health (CNPSS) of budgetary information related to transfers to the federal entities and the coordination agreements of the social protection system in health, 4) the publication of the Integral System of Mining Economy (SIAM), 5) the publication on the PEMEX website of information about the formalisation contracts for the granting of social support, the authorised destination of donations, and their verification for 2010 and 2011, 6) the publication in open data by the SFP of information from the Social Communication Expenses System (COMSOC) regarding the reports of social communication expenses of the agencies and entities of the public administration from 2009 to May 2012, 7) the publication on the "Transparencia presupuestaria" portal by the Ministry of Finance and Public Credit (SHCP) of the results indicator matrices of all programmes from 2008 to 2013 and the assessment of the evolution of the quality of the results indicator matrices, 8) the publication of the resolutions and opinions of the Energy Regulatory Commission, the Federal Telecommunications Commission, the Directorate of Civil Aeronautics and the Ministry of Communications and Transport, 9) the publication of information by the General Directorate of Responsibilities and Asset Situation about the administrative procedures initiated and sanctions imposed for violations of the Law on

Access to Information, and 10) the publication of the sectoral plans and programmes to combat corruption corresponding to the 1995-2000, 2001-2006 and 2006-2012 administrations by the SFP.

Number of indicators observed= 1/1

2) Have actions been implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. The portal www.tramitefacil.gob.mx was implemented by the SFP, which, among other things, made it possible to concentrate in a single site the data of the 308 procedures necessary to access the services provided/comply with the administrative obligations imposed by the federal public administration— which can be consulted, downloaded and used by the interested party—. Also, the Ministry of the Environment and Natural Resources (SEMARNAT) published information in the focalized transparency section of its website relative to a directory with a list of authorised PET manufacturing companies, guides for the identification of waste, consultancies related to the subject, as well as programmes for prevention and integrated waste management.

Number of indicators observed= 1 /1

3) Have actions been implemented to ensure that information in the public domain:
a) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. Online search engines were implemented to improve access to the resolutions and opinions of regulatory bodies such as the Energy Regulatory Commission, the Federal Telecommunications Commission, the Directorate of Civil Aeronautics and the

Ministry of Communications and Transport. In addition, the open data interoperability scheme was integrated into the generally applicable administrative manual on transparency and access to information. b) No.

Number of indicators observed= 1/2

4) Have actions been implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= Yes. The IFAI set up a microsite on the OGP website with more than 450 dissemination materials— in all kinds of formats, such as videos, manuals, brochures, posters, guides and online courses— developed in Mexico for the dissemination, training and promotion of transparency, access to information, accountability and protection of personal data. In addition, posters disseminating the right of access to information were published for distribution on the communication platforms of the Institute of Mexicans Abroad, the National Commission for the Development of Indigenous Peoples, the National Trust Fund for Ejidal Development, the Popular Insurance, the National Commission for Social Protection in Health and Liconsa—40,000 impressions—and 29,186 posters to promote the right of access to information to the beneficiaries of the programmes of the aforementioned institutions in the 32 federal entities of the country.

Number of indicators observed= 1 /1

Total number of indicators in the category= 5

Number of category indicators observed= 4

B) Procedural dimension

Category I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

Answer= No.

Number of indicators observed= 0/1

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

Answer= No

Number of indicators observed= 0/1

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 4

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

Answer= Yes.

Number of indicators observed= 1/1

2)Was the strategy/plan/programme implemented in coordination with other strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

Answer= Category not applicable as this is Mexico's first open government plan.

Number of indicators observed= Not applicable.

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

Answer= Category not applicable as this is Mexico's first open government plan.

Number of indicators observed= Not applicable

Total number of indicators in the category= 2

Number of category indicators observed= Category not applicable

Category IV-Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:

a) publicly accessible

b) easily accessible

c) written in plain language

d) available with reasonable accommodation for accessibility to persons with disabilities?

Answer= a) No[79]. b) No. c) Yes. d) No.

Number of indicators observed= 1/4

Total number of indicators in the category= 4

Number of category indicators observed= 1

Category V-Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:

a) were they publicly accessible

b) allowed for a timely follow-up of their actions?

c) observed reasonable adjustments for accessibility to persons with disabilities?

Answer= a) No[80]. b) Yes. c) No.

Number of indicators observed= 1/3

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

Answer= No.

Number of indicators observed= 0/1

3) Does the evaluation of the strategy/plan/programme/project refer to

a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

[79]It should be clarified that the evaluation of the first open government plan was made publicly available on Mexico's open government website. However, at the time of this evaluation it was no longer available and was therefore assessed negatively.

[80] The monitoring through the compliance reports of the commitments established in the open government plan (2011-2012), as well as the meetings of the tripartite technical secretariat for this purpose, were always limited to the organisations that participated in the elaboration of the extended open government plan.

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

Answer= a) Yes. b) Yes. c) No. d) No.

Number of indicators observed= 2 /4

Total number of indicators in the category= 8

Number of category indicators observed= 3

Category VI-Participation

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer: a) No. b) Yes. c) No. d) Yes. e) No. f) No. g) Yes. h) Yes[81].

Number of indicators observed= 4/8

[81]Through the compliance reports that the civil society organisations involved in the elaboration of the expanded open government plan validated with respect to each of the plan's commitments, not only was monitoring carried out, but also a mechanism for citizen participation in the implementation of the plan, since it allowed for the incorporation and follow-up of the comments and observations of the participating civil society organisations.

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer= a) No. b) Yes. c) No. d) Yes. e) No. f) No. g) Yes. h) Yes[82].

Number of indicators observed= 4/8

Total number of indicators in the category= 16

Number of category indicators observed= 8

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

[82] The evaluation report of the open government plan was developed jointly by the public authorities involved in its implementation and the civil society organisations that participated in its elaboration and implementation.

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{7} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{4}{9}\right) + \left(\frac{4}{5}\right)\right] = 22.2 \ + \ 40 = 62.2$$

$$CS_j = \left(\frac{100}{5}\right)\left[\left(\frac{0}{4}\right) + \left(\frac{1}{2}\right) + \left(\frac{1}{4}\right) + \ \left(\frac{3}{8}\right) + \left(\frac{8}{16}\right)\right] = 0 + \ 10 + 5 \ + 7.5 \ + 10 \ = 32.5$$

$$HRA = \frac{1}{2}[\ 62.2 + 32.5\ ] = 47.3$$

Evaluación del enfoque de derechos humanos del plan de acción de gobierno abierto de México (2013-2015)

I- Design evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been proposed in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. It is envisaged to build a tool in a single web access point that allows citizens to evaluate the most demanded public procedures and services (para. 1) and the reorganisation of the register of missing persons with the participation of civil society organisations (para. 5).

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been proposed to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. b) No. c) Yes.

Number of indicators observed= 2/3

3) Have mechanisms of citizen participation been proposed that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons
c) to delegate certain strategic activities? [General Comment of the Human Rights

Committee No. 25, para. 5, 8]

Answer= a) Yes. b) No. c) No.

Number of indicators observed= 1/3

4) Have mechanisms of citizen participation been proposed observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer=No.

Number of indicators observed= 0/1

5) Have actions been proposed in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= Yes. The creation of tools to promote the exercise of the right to participation in decision-making is envisaged (para. 25).

Number of indicators observed= 1/1

Total number of indicators in the category= 9

Number of category indicators observed= 5

Category II - Right of access to information

1) Have actions been proposed for the incorporation into the public domain of information related to the structure, functions and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It provides for the publication of a national catalogue of government services and procedures (para. 1), the publication of administrative rulings of regulatory bodies such

as the Mexican Institute of Intellectual Property (IMPI) and the Federal Commission for the Protection against Health Risks (COFEPRIS) (para. 2), the publication of information about the Mexican Official Standards in force, as well as the process to create new standards, including the members of the national advisory committees, the procedures to comply with them and those responsible for their implementation (para. 3), the publication of statistical data on arrests and confiscations in the country (para. 4), the publication of a single list of beneficiaries of the federal government's social programmes that are part of the National Crusade against Hunger (para. 6), the publication of information about the formation, adjudication, execution, fulfilment and completion of public contracts (para. 7), the publication of the progress of the federal public administration agencies in their contracting processes (para. 8), the publication of information that allows individuals to know and follow up the allocation and destination of federalised spending, as well as public works financed with federal resources (para. 9), the publication of all phases of the process of delivery of resources from the National Entrepreneur Fund (para. 11), the publication of geo-referenced information about public infrastructure projects (para.12), the publication of a catalogue by agency with information about the planning and the operation of public infrastructure (para. 13), the bimonthly publication of statistical information from the Attorney General's Office (para. 18), the publication of processes for granting education scholarships (para. 19), the publication of information about government assistance, rescue and reconstruction efforts in areas affected by natural disasters (para. 21), the publication of contracts signed with extractive companies, and reports from regulatory agencies on their operations, projects and revenues (para. 22), and Mexico's adherence to the Extractive Industries Transparency Initiative (para. 26).

Number of indicators observed= 1/1

2) Have actions been proposed for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It provides the publication of basic guidelines and useful information for the compliance with tax obligations and the exercise of tax rights (para. 10), the publication of

standardised information to help businesses understand the requirements for importing or exporting, paying taxes, and obtaining funds from the different federal government agencies (para. 11), and to promote the publication of road data and improve the application of "Traza tu ruta" in order to provide people useful information for their journeys (para. 16).

Number of indicators observed= 1/1

3) Have actions been proposed to ensure that information in the public domain:
a) is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= Yes. The use of open data is foreseen in the single register of beneficiaries of the federal government's social programmes that make up the National Crusade against Hunger, the budget transparency platform and environmental information (paras. 6, 9, 16 and 24), as well as the development of a national open data policy (para. 14). b) No.

Number of indicators observed= 1/2

4) Have actions been proposed in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/ 1

Total number of indicators in the category= 5

Number of category indicators observed= 3

B) Procedural dimension

Category I- Universality

1) Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?

Answer= No.

Number of indicators observed= 0/1

2) Are the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project foreseen to be addressed?

Answer= No.

Number of indicators observed= 0/1

3) Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

Answer= No.

Number of indicators observed= 0/1

4) Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

5) Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

Answer= Yes.

Number of indicators observed= 1/1

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public problem it addresses?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. Compared to the actions of the previous open government plan, the 2013-2015 open government plan expands information services with the inclusion of focalised transparency items for the fulfilment of tax obligations (para. 10), and the opening of road data to allow the optimisation of route layout (para. 16).

Number of indicators observed= 1/1

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

Answer= No.

Number of indicators observed= 0/1

Número de indicadores de la categoría= 2

Number of category indicators observed= 1

Category IV-Transparency

1) Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed:
a) publicly accessible
b) are easily accessible
c) use clear language
d) are available with reasonable adjustments for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.
Number of indicators observed= 3 /4

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed:
a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address
b) refers to the design process of the strategy/plan/programme/project?

Answer= a) No. While the plan states that a diagnosis was made for each thematic area it covers, it does not provide information about its results. b) Yes.

Number of indicators observed= 1/2

Total number of indicators in the category= 6

Number of category indicators observed= 4

Category V-Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

Answer= No.

Number of indicators observed= 0/1

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed= 1 /1

3) Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

Answer= Yes. Follow-up meetings with the officials in charge and the implementation of a public dashboard are foreseen.

Number of indicators observed= 1/1

4) Are the institutions/officials responsible for the activities foreseen by the strategy/plan/programme/project identified?

Answer= No.

Number of indicators observed= 0/1

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed= 0/1

6) Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed= 1/1

Total number of indicators in the category= 6

Number of category indicators observed= 3

Category VI-Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made

b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups who are presumed to be affected by the public problem to be identified, were invited to participate

d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated into the diagnostic document?

Answer= No.

Number of indicators observed= 0/8

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer= a) No. b) Yes. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) Yes, 17 of the 26 proposals come from participatory exercises with different stakeholders[83].

Number of indicators observed= 5/8

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

Answer= Yes. It foresees the implementation of a monitoring methodology that includes the elaboration of work plans for each of the commitments agreed between officials and the responsible civil society organisations, through the establishment of six-monthly targets and indicators.

Number of indicators observed= 1/1

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the strategy/plan/programme/project?

Answer= Yes. It foresees the implementation of an evaluation methodology that includes the elaboration of work plans for each of the commitments agreed between officials and the responsible civil society organisations, through the establishment of targets and indicators.

Number of indicators observed= 1 /1

Total number of indicators in the category= 18

Number of category indicators observed= 7

C) Application of the algorithm

[83] In this regard, it is relevant to note that from the 8 civil society organisations that participated in the elaboration of the first open government plan, the number of participants increased to 200, among which, in addition to civil society organisations, were involved academics, human rights defenders, programmers, and entrepreneurs.

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRBA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{5}{9}\right) + \left(\frac{3}{5}\right)\right] = \ 27.7 + 30 \ = 57.7$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{0}{5}\right) + \left(\frac{1}{2}\right) + \left(\frac{1}{2}\right) + \left(\frac{4}{6}\right) + \left(\frac{3}{6}\right) + \left(\frac{7}{18}\right)\right]$$
$$= 0 + 8.3 + 8.3 + 11.1 + 8.3 + 6.4 = 42.4$$

$$HRA = \frac{1}{2}[\,57.7 \;+\; 42.4\,] = 50$$

II- Implementation evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. The platform www.gob.mx was implemented, which, in addition to including a national catalogue of procedures and services, incorporated an online citizen participation component that allows opinions to be gathered on issues of interest to the agencies, as well as the submission of demands, complaints and denunciations.

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been implemented to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= a) Yes. b) No. c) Yes.

Number of indicators observed= 2/3

3) Have mechanisms of citizen participation been implemented that allow:

a) to hear people's opinions and proposals

b) to give a binding character to the opinions and proposals of the persons

c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. b) No. c) No.

Number of indicators observed= 1/3

4) Have mechanisms of citizen participation been implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= No.

Number of indicators observed= 0 /1

5) Have actions been implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 9

Number of category indicators observed= 4

Category II - Right of access to information

1) Have actions been implemented for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights

Committee No. 34, para. 19]

Answer= Yes. Among the actions foreseen in the plan that were carried out for its fulfilment during its term are: 1) the implementation of the platform www.gob.mx that includes a national catalogue of procedures and services of the federal public administration, 2) the list of applicable regulations at the federal level was published on the website www.ordenjuridico.gob.mx, 3) a catalogue of Official Mexican Standards (NOM) was published, 4) a web platform for the detainee consultation system was built—which allows the user to check whether a person is detained in a federal public prosecutor's office, the authority that made the arrest, the address of the office where he/she is being held and the time he/she was taken into custody—, 5) various items were added to the compranet page on public procurement, 6) information about public infrastructure works being built with federal resources, including their location, technical, economic and social justification, as well as their physical progress, was published on the budget transparency portal, 7) geo-referenced information on projects under the responsibility of the Ministry of Communications and Transport was published (SCT), 8) the digital monitoring system for public infrastructure was built, which allows visual indicators to be consulted to show the progress of the execution of public works, 9) a tool was developed to visualise the levels of increase and decrease in the incidence of crime in which the number of preliminary investigations can be observed, disaggregated by federal entity and type of federal crime, 10) The portal of the National Scholarship System was created to make transparent the information and processes for the granting of educational scholarships by the Government of the Republic, 11) the Reconstruction MX platform was created to monitor resources, transparency and accountability in the resources allocated to the response to damage caused by natural phenomena, and 12) was published in open data format the reports about: the outcome of the inspection, the mining concessions, the Public Mining Registry, the mining production statistics, the credits granted by FIFOMI; and the amounts collected in the mining sector.

Number of indicators observed= 1/1

2) Have actions been implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No.

34, para. 19]

Answer= Yes. A platform of tax rights and obligations was developed. This is a space where links and simple and understandable explanations of tax processes are presented so that citizens are aware of their tax rights and obligations and can interact freely and in an informed manner with the tax authority. In addition, information on road infrastructure was published in open data, and the application “Mappir Traza tu ruta” was launched.

Number of indicators observed= 1 /1

3) Have actions been implemented to ensure that information in the public domain:
a) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= Yes. In February 2015, the government of the republic's open data policy was issued, which was operationalised through the implementation guide of the open data policy published in June 2015, which, among other issues, provides the creation of the datos.gob.mx platform as the single catalogue of datasets made available to the population by the agencies and entities of the federal public administration, as well as by the productive enterprises of the State.

Number of indicators observed= 1 /2

4) Have actions been implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 3

B) Procedural dimension

Category I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

Answer= No.

Number of indicators observed= 0/1

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

Answer= No.

Number of indicators observed= 0/1

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

Answer= No

Number of indicators observed= 0/1

Total number of indicators in the category= 4

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

Answer= Yes.

Number of indicators observed= 1 /1

2)Was the strategy/plan/programme implemented in coordination with other strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. Compared to the actions of the previous open government plan, the 2013-2015 open government plan expanded information services with the inclusion of targeted transparency items for the fulfilment of tax obligations, the opening of road data, and the generation of an app that allowed for the optimisation of road mapping.

Number of indicators observed= 1/1

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category IV-Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:

a) publicly accessible

b) easily accessible

c) written in plain language

d) available with reasonable accommodation for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.

Number of indicators observed= 3/4

Total number of indicators in the category= 4

Number of category indicators observed=3

Category V-Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:

a) were they publicly accessible

b) allowed for a timely follow-up of their actions?

c) observed reasonable adjustments for accessibility to persons with disabilities?

Answer= A public tracking dashboard was implemented. a) Yes. b) Yes. c) No.

Number of indicators observed= 2/3

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

Answer= No.

Number of indicators observed= 0/1

3) Does the evaluation of the strategy/plan/programme/project refer to

a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

Answer= a) Yes. b) Yes. c) No. d) No.

Number of indicators observed= 2 /4

Total number of indicators in the category= 8

Number of category indicators observed= 4

Category VI-Participation

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer: a) No. b) Yes. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) Yes.

Number of indicators observed= 6/8

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer= a) No. b) Yes. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) Yes.

Number of indicators observed= 6/8

Total number of indicators in the category= 16

Number of category indicators observed= 12

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{4}{9}\right) + \left(\frac{3}{5}\right)\right] = 22.2 \ + \ 30 = 52.2$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{0}{4}\right) + \left(\frac{1}{2}\right) + \left(\frac{1}{2}\right) + \left(\frac{3}{4}\right) + \left(\frac{4}{8}\right) + \left(\frac{12}{16}\right)\right]$$
$$= 0 + 8.3 + 8.3 + 12.5 \ + 8.3 + 12.5 \ = 49.9$$

$$HRA = \frac{1}{2}[\,52.2 + \ 49.9] = \ 51$$

Evaluación del enfoque de derechos humanos del plan de acción de gobierno abierto de México (2016 -2018)

I- Design evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1)Have mechanisms for citizen participation been proposed in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= Yes. It is foreseen to establish a mechanism for citizen participation in the formation of training programmes, implementation and evaluation of judicial operators (p. 15), and to elaborate a participatory diagnosis about disappearances in Mexico to be presented to the Congress of the Union (p. 16), design, jointly with civil society, academia, experts, victims and government, a single, nationally standardised methodology for the publication of information about missing persons (p.16), put in place the National Care System through an inclusive and binding participatory body in charge of its design, implementation, monitoring and evaluation (p. 20), create a multidisciplinary group involving civil society, academia and government to monitor existing regulations, international agreements signed by the government, and participate in the design, implementation and evaluation of public policies to combat obesity (p. 32), renovate and articulate the mechanisms of citizen participation in the fight against corruption (p. 35) and have mechanisms for accountability and citizen evaluation of the allocation and exercise of public spending (p. 35).

Number of indicators observed= 1/1

2) Have mechanisms of citizen participation been proposed to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments / agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]
Answer= a) Yes. b) Yes. c) Yes.

Number of indicators observed= 3/3

3) Have mechanisms of citizen participation been proposed that allow:

a) to hear people's opinions and proposals

b) to give a binding character to the opinions and proposals of the persons

c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= a) Yes. b) Yes. c)No.

Number of indicators observed= 2/3

4) Have mechanisms of citizen participation been proposed observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= Not indicated.

Number of indicators observed= 0/1

5) Have actions been proposed in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 9

Number of category indicators observed= 6

Category II - Right of access to information

1)Have actions been proposed for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee

No. 34, para. 19]

Answer= Yes. It is envisaged to create a public mechanism to monitor the national implementation of the standardised protocol for the search of missing persons and the investigation of the crime of enforced disappearance (p.16), the publication of information about missing persons in open data with a unique and nationally standardised methodology (p.16), make the criteria for granting concessions to large water consumers transparent (p.27), to make the water use register 100% transparent (p.27), develop a national platform for tracking of the public infrastructure and the budget expenditure of the three levels of government (p.35), implement a digital platform that articulates the different instruments, tools and databases about vulnerability, risk and impacts of climate change at the national level (p.39), and publish all related and relevant information to reduce vulnerability and risks associated with the effects of climate change (p.40).

Number of indicators observed= 1/1

2) Have actions been proposed for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. It is planned to disseminate at all social levels and with all possible media resources among the population all their rights in order to transmit the security of their physical and personal integrity to report the crimes of which they are victims (p. 16), disseminate information about the care rights among the entire population (p.19), disseminate information about what is an obesogenic environment and what is an obesogenic diet (p.31), disseminate the available information about climate change to communities through their own forms of communication to reduce their vulnerability (p.39).

Number of indicators observed= 1/1

Have actions been proposed to ensure that information in the public domain:
a) is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]

b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 17, 21, 22, 24, 38]

Answer= a) Yes. The use of the open data format and a single, nationally standardised methodology for the publication of information about missing persons is envisaged. b) No.

Number of indicators observed=1 /2

4) Have actions been proposed in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/ 1

Total number of indicators in the category= 5

Number of category indicators observed= 3

B) Procedural dimension

Category I- Universality

1) Are the discriminations and vulnerable groups related to the public problem that the strategy/plan/programme/project seeks to address identified?

Answer= No.

Number of indicators observed= 0/1

2) Are the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project foreseen to be addressed?

Answer= No.

Number of indicators observed= 0/1

3) Are alternative modalities/reasonable adjustments for access to strategy/plan/programme/project activities for vulnerable population groups foreseen?

Answer= No.

Number of indicators observed= 0/1

4) Are activities planned for the dissemination of the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

5) Are capacity building activities foreseen for the proper use of the strategy/plan/programme/project by the people?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 0

Category II - Interdependence and indivisibility

1) Is the coordination of different public agencies/institutions/agencies, including from different levels of government, foreseen in the design/implementation/evaluation of the strategy/plan/programme/project whose competences are related to the public problem to be addressed?

Answer= Yes.

Number of indicators observed= 1/ 1

2) Is the coordinated operation of the strategy/plan/programme foreseen with other strategies/plans/programmes/projects that relate to one or more rights related to the public problem it addresses?

Answer= Yes. It is planned to be coordinated with the national strategy for the prevention and control of overweight and obesity.

Number of indicators observed= 1/1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1) Are services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded from previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. Compared to previous plans, the 2016-2018 open government plan expands its action to specific thematic areas related to human rights such as the right to health, the right to water and gender equality.

Number of indicators observed= 1/1

2) Is access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous similar strategies/plans/programmes/projects?

Answer= No.

Number of indicators observed= 0/1

Número de indicadores de la categoría= 2

Number of category indicators observed= 1

Category IV-Transparency

1) Are the documents in which the strategy/plan/programme/programme/project/project configuration is detailed:
a) publicly accessible

b) are easily accessible

c) use clear language

d) are available with reasonable adjustments for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.

Number of indicators observed= 3/4

2) Does the document in which the configuration of the strategy/plan/programme/project/projects is detailed:

a) refers to the diagnosis of the public problem that the strategy/plan/programme/project intends to address

b) refers to the design process of the strategy/plan/programme/project?

Answer= a) Yes. b) Yes.

Number of indicators observed= 2/2

Total number of indicators in the category= 6

Number of category indicators observed= 5

Category V-Accountability

1) Is there a budget breakdown foreseen for the development of the strategy/plan/programme/project activities?

Answer= No.

Number of indicators observed= 0/1

2) Are specific deadlines for the achievement of the objectives of the strategy/plan/programme/project foreseen?

Answer= No.

Number of indicators observed= 0/1

3) Are mechanisms for monitoring the strategy/plan/programme/project foreseen?

Answer= Yes. As in the previous government plan, the use of a public dashboard is foreseen.

Number of indicators observed= 1/1

4) Are the institutions/officials responsible for the activities foreseen by the strategy/plan/programme/project identified?

Answer= No.

Number of indicators observed= 0/1

5) Is foreseen a mechanism for the interposition of any recourse for irregularities in the development of the strategy/plan/programme/project?

Answer= No.

Number of indicators observed= 0/1

6) Is evaluation of the implementation of the strategy/plan/programme/project foreseen?

Answer= Yes.

Number of indicators observed= 1/1

Total number of indicators in the category= 6

Number of category indicators observed= 2

Category VI-Participation

1) Is the strategy/plan/programme/project is based on a participatory diagnosis, and if so, for its development:

a) a public convocation was made

b) information on the purpose of the participatory exercise was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups who are presumed to be affected by the public problem to be identified, were invited to participate

d) civil society organisations whose purpose is related to addressing the public problem to be identified were invited to participate in the exercise

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated into the diagnostic document?

Answer= An online public consultation was conducted during 2015 to identify the thematic axes on which the plan would focus. In addition, open workshops were held to identify the priority public problems and their causes, according to the thematic axes. a) Yes. b) Not specified. c) No. d) Yes. e) Yes. f) Yes. g) Not specified. h) Yes.

Number of indicators observed=5 /8

2) Was the strategy/plan/programme/project elaborated in a participatory way, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be developed was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer= Working groups were held, consisting of collaborative exercises between civil servants, academics, experts and members of civil society organisations to define two-year goals and identify lines of action based on public problems and their causes. a) Yes. b) Not specified. c) No. d) Yes. e) Yes. f) Yes. g) Not specified. h) Yes.

Number of indicators observed= 5/8

3) Are mechanisms for citizen participation foreseen during the implementation phase of the strategy/plan/programme/project?

Answer= Yes. It foresees the issuing of work plans for each of the commitments established

in the plan, in which the routes of action for the fulfilment of the established goals and lines of action will be indicated, detailing responsibilities, activities, times, means of verification and results indicators.

Number of indicators observed= 1/1

4) Are mechanisms for citizen participation foreseen during the evaluation phase of the strategy/plan/programme/project?

Answer= Yes.

Number of indicators observed= 1/1

Total number of indicators in the category= 18

Number of category indicators observed=12

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{6}{9}\right) + \left(\frac{3}{5}\right)\right] = 33.3 + 30 = 63.3$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{0}{5}\right) + \left(\frac{2}{2}\right) + \left(\frac{1}{2}\right) + \left(\frac{5}{6}\right) + \left(\frac{2}{6}\right) + \left(\frac{12}{18}\right)\right] = 0 + 16.6 + 8.3 + 13.8 + 5.5 + 11.1 = 55.3$$

$$HRA = \frac{1}{2}[\ 63.3 + 55.3\ ] = 59.3$$

II- Implementation evaluation

A) Substantive dimension

Category I- Right to participate in the conduct of public affairs

1) Have mechanisms for citizen participation been implemented in the activities of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= No mechanisms for citizen participation were implemented.

Number of indicators observed= 0/1

2) Have mechanisms of citizen participation been implemented to allow the participation in:
a) the formulation or design of strategies/plans/programmes/projects/actions
b) the implementation of strategies/plans/programmes/projects/actions
c) the evaluation of strategies/plans/programmes/projects/actions of the departments/agencies that integrate the public administration? [General Comment of the Human Rights Committee No. 25, para. 5]

Answer= No mechanisms for citizen participation were implemented.

Number of indicators observed=0 /3

3) Have mechanisms of citizen participation been implemented that allow:
a) to hear people's opinions and proposals
b) to give a binding character to the opinions and proposals of the persons
c) to delegate certain strategic activities? [General Comment of the Human Rights Committee No. 25, para. 5, 8]

Answer= No mechanisms for citizen participation were implemented.

Number of indicators observed= 0/3

4) Have mechanisms of citizen participation been implemented observe reasonable adjustments for accessibility by identified vulnerable groups, such as persons with disabilities, through the use of accessible facilities and formats suitable for different types of disabilities, etc.? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para. 43]

Answer= No mechanisms for citizen participation were implemented.

Number of indicators observed= 0 /1

5) Have actions been implemented in relation to the promotion of the right to participate in the conduct of public affairs? [General Comment of the Human Rights Committee No. 3,

para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 9

Number of category indicators observed= 0

Category II - Right of access to information

1) Have actions been implemented for the incorporation into the public domain of information related to the structure, functions, and activities carried out by the agencies/ bodies that constitute the public administration? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= Yes. A water quality and measurement platform was implemented on the website of the CONAGUA.

Number of indicators observed= 1/1

2) Have actions been implemented for the incorporation into the public domain of information related to the reduction of public risks/ solution of public problems/ exercise of a right/ fulfilment of an obligation? [General Comment of the Human Rights Committee No. 34, para. 19]

Answer= No.

Number of indicators observed= 0 /1

3) Have actions been implemented to ensure that information in the public domain:
a) Is of easy, fast, effective and practical access [General Comment of the Human Rights Committee No. 34, para. 19]
b) observe reasonable adjustments for its accessibility by persons with disabilities, through the use of accessible formats and technologies appropriate to the different types of disability? [General Comment of the Committee on the Rights of Persons with Disabilities No. 2, para.

17, 21, 22, 24, 38]

Answer= No.

Number of indicators observed= 0/2

4) Have actions been implemented in relation to the promotion of the right of access to information? [General Comment of the Human Rights Committee No. 3, para. 2 and No. 34, para. 18]

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 5

Number of category indicators observed= 1

B) Procedural dimension

Category I- Universality

1) Were the main causes of human rights violations related to the overall objective of the strategy/plan/programme/project addressed?

Answer= No.

Number of indicators observed= 0/1

2) Were alternative modalities/reasonable adjustments implemented to allow access to the activities of the strategy/plan/programme/project by the different population groups it seeks to serve?

Answer= No.

Number of indicators observed= 0/1

3) Were activities implemented to disseminate the strategy/plan/programme/project to target population groups that are not traditionally aware of it?

Answer= No.

Number of indicators observed= 0/1

4) Were capacity building activities implemented for the adequate use of the strategy/plan/programme/project by the people?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 4

Number of category indicators observed=0

Category II - Interdependence and indivisibility

1) Was the strategy/plan/programme/project implemented in a joint/coordinated manner with different public agencies/institutions/agencies whose competences are related to the public problem it addresses?

Answer= Yes.

Number of indicators observed= 1/1

2)Was the strategy/plan/programme implemented in coordination with other strategies/plans/programmes that relate to one or more rights related to the public problem it addresses?

Answer= Yes. It was implemented in coordination with the national strategy for the prevention and control of overweight and obesity.

Number of indicators observed= 1/1

Total number of indicators in the category= 2

Number of category indicators observed= 2

Category III- Progressivity

1)Were services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded compared to previous strategies/plans/programmes/projects/projects of the same type?

Answer= Yes. The amount of publicly available information about the nation's water resources was increased.

Number of indicators observed= 1/1

2)Was access to services/provisions/actions related to the overall objective of the strategy/plan/programme/project expanded with respect to strategies/plans/programmes/projects of the same type?

Answer= No.

Number of indicators observed= 0/1

Total number of indicators in the category= 2

Number of category indicators observed= 1

Category IV-Transparency

1) Are the evaluation documents of the strategy/plan/programme/project/:
a) publicly accessible
b) easily accessible
c) written in plain language
d) available with reasonable accommodation for accessibility to persons with disabilities?

Answer= a) Yes. b) Yes. c) Yes. d) No.

Number of indicators observed= 3/4

Total number of indicators in the category= 4

Number of category indicators observed= 3

Category V-Accountability

1) Were mechanisms for citizen monitoring of the strategy/plan/programme/project implemented and, if so:

a) were they publicly accessible

b) allowed for a timely follow-up of their actions?

c) observed reasonable adjustments for accessibility to persons with disabilities?

Answer= Se implementó un tablero digital de control público. a) Yes. b) Yes. c) No.

Number of indicators observed= 2/3

2) Were mechanisms for the lodging of appeals for irregularities in the development of the strategy/plan/programme/project made available?

Answer= No.

Number of indicators observed=0 /1

3) Does the evaluation of the strategy/plan/programme/project refer to

a) the conditions of time, manner and, if applicable, place, in which each and every one of the actions foreseen in its design were implemented

b) the results of each and every one of the actions foreseen in their design

c) the impact it caused

d) how was the budget allocated for the development of the activities of the strategy/plan/programme/project used?

Answer= a) No. b) No. c) No. d) No.

Number of indicators observed= 0/4

Total number of indicators in the category= 8

Number of category indicators observed= 0

Category VI-Participation

1) During the implementation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be implemented was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

Answer: a) No. b) Yes. c) No. d) Yes. e) Yes. f) Yes. g) Yes. h) No.[84]

Number of indicators observed= 5/8

2) During the evaluation of the strategy/plan/programme/project, was the inclusion of the participation of the people/groups interested/affected by it considered, and if so, during its development:

a) a public convocation was made

b) information on the purpose of the strategy/plan/programme/project to be evaluated was disseminated sufficiently in advance and in understandable terms

c) vulnerable groups interested/affected by its object were invited.

d) civil society organisations related to its object were invited

e) human rights organisations were invited

f) academic institutions were invited

g) accessible deadlines and conditions for participation were established

h) the participant concerns/comments were incorporated?

[84] It should be noted that the participatory process of implementation and evaluation of the open government plan was carried out normally until May 2017, when the civil society organisations participating in its elaboration decided to abandon the project due to alleged spying by the Mexican government on various journalists and human rights defenders, including some of the participants of the tripartite technical secretariat.

Answer= There was no participatory exercise.

Number of indicators observed= 0/8

Total number of indicators in the category= 16

Number of category indicators observed= 5

C) Application of the algorithm

Algorithm:

$$HRA = \frac{1}{2}\left[\sum_{i=a}^{b} CS_i + \sum_{j=d}^{e} CS_j\right] = \frac{1}{2}[SD + PD]$$

Where:

$$CS \quad = \left(\frac{DC}{NC}\right) * \left(\frac{NIO_k}{NI_m}\right)$$

K= 0,..,m

M=1,…,n

Meaning of literals:

- HRA = Human rights approach
- SD = Substantive dimension
- PD = Procedural dimension
- CS = Category score
- NC = Number of dimension categories
- NIO = Number of indicators observed in the category
- NI = Number of indicators in the category
- DC = Dimension constant

Substitution:

$$HRA = \frac{1}{2}\left[\sum_{i=1}^{2} CS_i + \sum_{j=3}^{8} CS_j\right] = \frac{1}{2}[SD + PD]$$

$$CS_i = \left(\frac{100}{2}\right)\left[\left(\frac{0}{9}\right) + \left(\frac{1}{5}\right)\right] = 0 + 10 = 10$$

$$CS_j = \left(\frac{100}{6}\right)\left[\left(\frac{0}{4}\right) + \left(\frac{2}{2}\right) + \left(\frac{1}{2}\right) + \left(\frac{3}{4}\right) + \left(\frac{0}{8}\right) + \left(\frac{5}{16}\right)\right]$$

$$= 0 + 16.6 + 8.3 + 12.5 + 0 + 5.2 = 42.6$$

$$HRA = \frac{1}{2}[\,10 + 42.6\,] = 26.3$$

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