



Monitoring Compliance
with International Human
Rights Framework

ETKİNİZ
EU PROGRAMME

ETKİNİZ EU PROGRAMME

Assessment Guideline



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with International Human
Rights Framework

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TABLE OF CONTENT

1	BACKGROUND AND INTRODUCTION
2	PRINCIPLES OF ETKİNİZ ASSESSMENT
3	ASSESSMENT PROCESS
4	TABLE
–	ANNEX I: INTERNATIONAL HUMAN RIGHTS FRAMEWORK RELEVANT TO TURKEY



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1

Background and Introduction

The current technical assistance contract “**Monitoring Human Rights Situation and Advocating for Compliance with International Human Rights Framework**” aims at “strengthen[ing] Turkish civil society organisations' (CSOs) role in the promotion and protection of human rights through expanded civil society and citizens' monitoring and advocacy at various levels.” Specific objective of Etkiniz is to “support civil society organisations in order to

1. document human rights situation,
2. facilitate consolidation of multi-stakeholder analysis and reporting and, ultimately,
3. initiate advocacy campaigns calling for an enhanced legal compliance with the international human rights framework.”¹

Accelerating political pressure and intimidation by the government in Turkey on human rights CSOs and human rights defenders (HRDs) in their watchdog / human rights monitoring (HRM) efforts for the last couple of years prompted an answer from the EU Delegation to Turkey to set up a specialised support to CSOs' HRM work.

Therefore, the Etkiniz EU Support Programme (Etkiniz hereinafter) as a service contract was developed under the Civil Society Facility (CSF) 2017 to provide in-kind support to strengthen capacities of human rights CSOs in their HRM efforts.

Human rights monitoring is a broad term describing the (1) collection, (2) verification, and (3) use of information to address human rights problems over a protracted period of time with a purpose of improving the human rights situation.

CSOs must adhere to a code of conduct in their HRM efforts. At the minimum, CSOs in their HRM activities must not harm the rights holders or any other groups involved in or mentioned in the report of the HRM activity, they must know and respect your mandate/limits of their HRM activity and the situation in the field, they must be credible and always speak truth to power, they must be impartial, they must be visible, they must show sensitivity to the conditions of the country they work in and of the daily realities of the rights holders.

The Etkiniz Technical Assistance Team (ETAT) oversees the assessment process of the in-kind support requests (please see the Request for Support (RfS) and Implementation Guides) from CSOs.

¹ Annex II: Terms of Reference of “Monitoring Human Rights Situation and Advocating for Compliance with International Human Rights Framework.”



For other assessors (NKE) as well as those CSOs who requested for support, these guidelines provide information on:

- the principles of the assessment;
- the assessment process in practice;
- how to assess the award criteria for each action and field.

2

Principles of Etkiniz Assessment

Based on the internationally agreed principles of assessment for aid effectiveness,² ETAT assess the compliance of each request against following criteria:

Relevance – The extent to which a RfS is suited to the priorities and policies of the Etkiniz, the applicant, the national/local needs (needs of the rights holders) and the EU: HRM based on international human rights law (please see Annex 1), HRM followed by advocacy actions, international mobility for HRM

Effectiveness – A measure of the extent to which a RfS activity attains its objectives *vis-à-vis* their relative importance to the objectives of the Etkiniz: purpose level indicators of the service contract.

Efficiency – The qualitative (policy changes, people informed) and quantitative (reports printed, videos shot and disseminated, number of people reached, etc) outputs in relation to the inputs. RfS uses the least costly resources possible in order to achieve the desired results.

Impact – The positive and negative changes a RfS would produce by its activities, directly or indirectly, intended or unintended. This involves the main impacts and effects resulting from the activity on the human rights monitoring.

Sustainability – The benefits of activities and/or activities themselves of a RfS are likely to continue after the Etkiniz support has been ended. This means the applicant will be able to continue its HRM activities and produce similar outputs after the Etkiniz support.

Human Rights Approach – because HRM itself is a human right and because how one conducts its activities are as important as the results of the activities in achieving human rights goals and objectives, in addition to internationally accepted development aid

² Organisation for Economic Cooperation and Development (OECD) Evaluation and Aid Effectiveness No. 6 - Glossary of Key Terms in Evaluation and Results Based Management
<https://www.oecd.org/dac/evaluation/2754804.pdf>



effectiveness criteria, it is imperative to include a human rights approach to assessments of RfS for the Etkiniz.

The process proposed in a RfS therefore should take into consideration certain fundamental human rights principles:

- International human rights law: it is imperative that a RfS bases its work in international human rights law
- Non-discrimination: a RfS cannot be or promote direct or indirect discrimination.
- Equity: It is important that a RfS promotes equity: fairness, justice and impartiality. It is in a way a positive discrimination to groups that are disenfranchised, left voiceless, invisible, vulnerable because it is not possible for these groups to reach funding easily and they don't have interest groups to protect and promote their rights.
- Participation: This is about "Nothing About Us Without Us!" Although that all HRM activities aim at improving human rights situation, it is nonetheless essential if not imperative that a RfS indirectly or directly involves rights holders so that a RfS actually empowers them to know and claim their rights and increase the accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling their rights. Right to participation of persons to all matters that affect them is not only a fundamental right but also a measure of sustainability of the effects and impact of a RfS and quality assurance of outputs as a healthy democracy.

Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status or how you choose to live your life. They can never be taken away, although they can sometimes be restricted – for example if a person breaks the law, or in the interests of national security.

These basic rights are based on shared values like dignity, fairness, equality, respect and independence.

These values are defined and protected by law. International human rights law lays down the obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

In Turkey, article 90 of the Constitution gives full power of national law to international human rights treaties (laws). Turkey is bound by many international human rights treaties (see Annex 1).

We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Therefore, a RfS can cite or use any international human rights treaties to define legal obligations of governments and rights and freedoms of rights holders. However, for certain disenfranchised groups like children, women, persons living with disability, there are certain treaties a RfS must use. For example, ETAT expects a RfS to use the UN Convention on the Elimination of All Forms of Discrimination against Women when they want to do an HRM activity. Such groups and issues are highlighted as bold in Annex 1.



3

Assessment Process

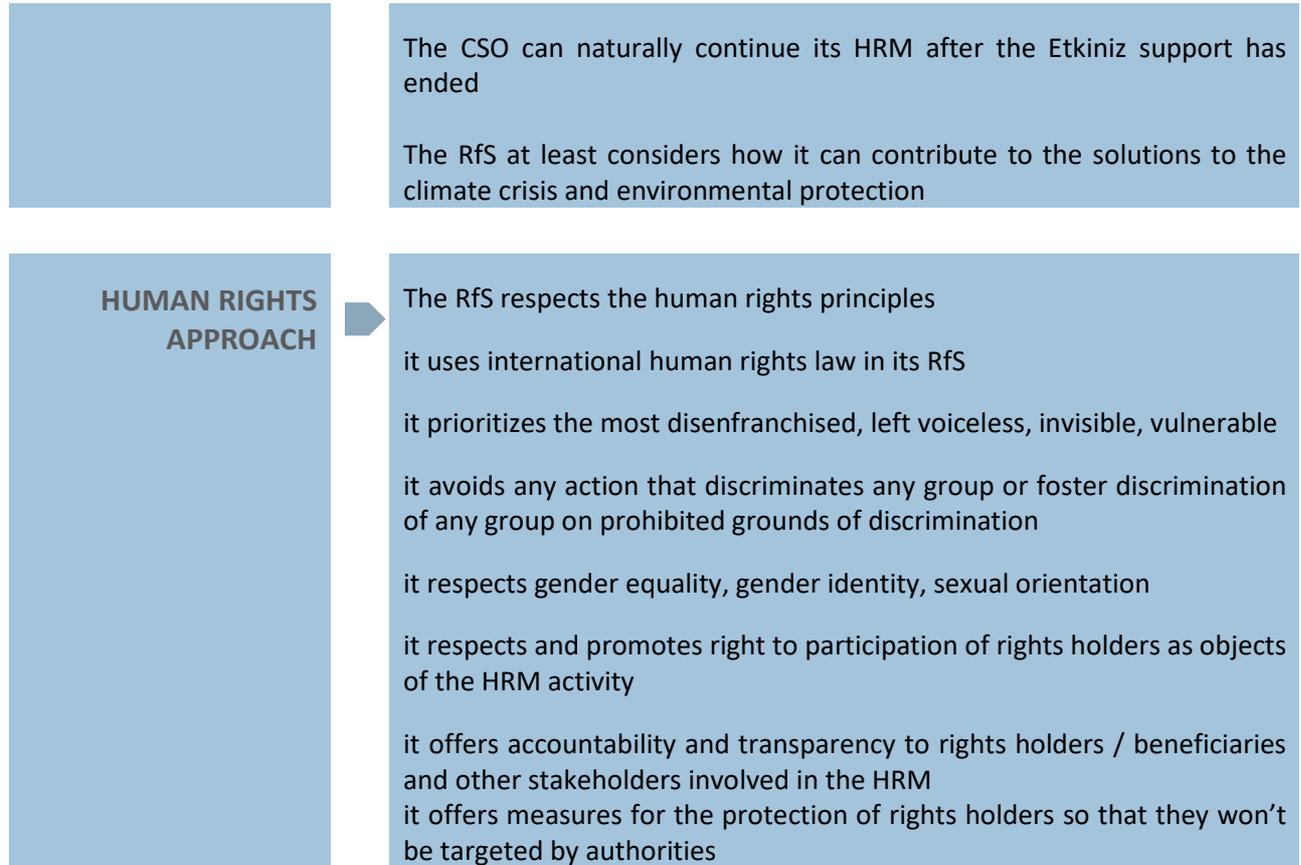
Because Etkiniz provides in-kind support, unlike grant schemes of the EU, it does not have a heavy bureaucratic application and assessment process. Empowerment of the applicant is the main trait of the assessment process. If it has HRM potential, ETAT provides each applicant insight about their RfS for them to improve their request to be more compliant to the Etkiniz or refer them to other funding opportunities.

The assessment process starts with the **relevance** (compliance) check to see if the RfS

1. is made by a CSO registered in Turkey,
2. is related to HRM,
3. uses international human rights law, and
4. takes into account the national/local needs.

Following the verification of relevance / compliance in accordance with the above criteria, ETAT then further evaluates the support request based on following basic assessment criteria tailored around the aforementioned assessment principles of Etkiniz:

PRINCIPLES	CRITERIA
EFFECTIVENESS	<p>The RfS proposes an activity that has potential to change or to contribute to change the human rights situation nationally and/or locally,</p> <p>The objectives and outputs of the RfS are measurable</p>
EFFICIENCY	<p>The RfS can be made by the small Etkiniz support</p> <p>The RfS can serve to attain purpose level indicators of the Etkiniz</p>
IMPACT	<p>The RfS focuses on making a good impact and the improvement on the current human rights situation of Turkey</p> <p>The RfS illustrates the impact it proposes to make</p>
SUSTAINABILITY	<p>The RfS proposes a sustainable, lasting effect</p>



While these evaluation criteria are a general guide, the first evaluation is made on the MIS using the table below.



4

Compliance Table

RELEVANCE	EXPLANATION
<p>The support request is made by a CSO related to HRM</p>	<p>In accordance with RfS Guide, only registered CSOs can apply to the Etkiniz support: associations, foundations, non-profit cooperatives, civil society networks and platforms (represented by a CSO with a public legal personality), civil initiatives (represented by a CSO with a public legal personality); labour unions; bar associations; occupational organisations.</p> <p>The RfS must be about HRM (see page 1 for the definition of Etkiniz). Standalone advocacy actions focusing solely on awareness raising are not HRM activities, thus not compliant to the Etkiniz. Remember that the Etkiniz is born out of a necessity of an ever-shrinking space for human rights CSOs and their watchdog functions. It is not a general CSO support, it is a support to those human rights CSOs that do and improve their impact or to those that want to do HRM by using international human rights law to create impact in lives of people whose lives are under constant threat.</p>
<p>The support request relates to international rights standards and norms</p>	<p>The RfS must base its reasoning on international human rights framework (see annex 1).</p>
COMPLIANCE CRITERIA	EXPLANATION
<p>Determining Criteria</p> <p>Does the support request involve a direct link with international human rights mechanisms, such as communication, submission,</p>	<p>It is imperative that a RfS proposes outputs that can be submitted international human rights mechanisms to bolster the impact of its advocacy.</p> <p>Although preferable, this does not mean that a RfS explicitly</p>



reporting, etc. (in particular to UN human rights committees)?

states a submission to an international human rights body.

ETAT can guide and help the RfS to this direction. ETAT actively seeks such opportunities for applicants of the Etkiniz support.

Does the support request focus on making a good impact and improving human rights?

If a RfS proposes activities only benefit the applicant CSO or its representatives, then this RfS does not have a focus on improving human rights situation in Turkey.

This does not mean that activities focusing on building HRM capacities of applicant CSOs are not compliant. This means that activities to build HRM (see definition on page 1) capacities of CSOs or their representatives must also have a focus on improving human rights and democracy in Turkey by offering tangible HRM outputs.

Are the objectives and outputs of the support request measurable?

It is imperative that both the objectives and qualitative (policy changes, people informed) and quantitative (reports printed, videos shot and disseminated, number of people reached, etc) outputs are measurable.

Mere awareness raising objectives and their subsequent outputs are not measurable in their impact. Because most CSOs see awareness raising activities as least dangerous for them in terms of provoking reprisals from the government, they are the most used without a measurable outcome.

They are good intentions but remember, road to hell is paved with good intentions!

Does it prioritise disenfranchised/marginalised groups?

This is about positive discrimination to groups that are disenfranchised, left voiceless, invisible, vulnerable because it is not possible for these groups to reach funding easily and they don't have interest groups to protect and promote their rights. Therefore, it is important if a RfS prioritises disenfranchised / marginalised groups such as persons with disabilities, children, women, LGBTI+, minorities, asylum seekers and refugees, internally displaced people, migrants, persons living in poverty, older persons.

For example, an association set up for business interests



does not need Etkiniz support, but its women's group that are disenfranchised by the male leadership in the association may qualify for limited support to a certain degree.

However, priority must always be given to those that needs the most and that do not have easy access to corporate or government support. The Etkiniz must not be used to sustain or increase current and persistent inequalities.

Does it engage relevant rights holders, other relevant stakeholders?

It is about fostering democracy not only through CSOs' participation in public decision making through their watchdog functions but also through participation of rights holders in HRM activities of CSOs, because "nothing about us without us!"

CSOs may not directly involve rights holders in all HRM actions and their subsequent advocacy initiatives, but they may indirectly enable their voices in their HRM actions. Therefore, ETAT expects CSOs to show some effort in this regard.

Does it include any measures to protect right holders?

Although it is important to engage rights holders in HRM actions, measures to protect rights holders from government or third-party reprisals must be part of any HRM action.

It is part of the ethics of HRM: do no harm.

ETAT provides guidance if this element is missing in a RfS.

a. Does it have measures to ensure non-discrimination?

b. Does it promote gender equality?

HRM actions in essence are conducted to bolster accountability of duty bearers such as government agencies, municipalities against discrimination.

However, HRM actions should also actively seek to avoid any activities that is discriminatory or may yield outputs that perpetuates discrimination to a certain group of people or individuals.

Therefore, ETAT must look into a RfS from a non-discrimination lens to see if the action may trigger a discriminatory action towards a certain group of people.



On the other hand, highlighting rights violations sustained by a certain disenfranchised group does not count as discriminatory, it is a measure of equity.

Likewise, because discrimination based on gender and gender identity affects more than half of the population, it is imperative that a RfS proposes measures to close the gender gap in their HRM actions.

SUPPORTING CRITERIA

EXPLANATION

Is the requested budget amount below or equal to EUR 3 000?

A RfS must have a budget under € 3000. However, if the action is compliant with a good potential impact, ETAT may ask the applicant to scale back the RfS to have a second request to conclude the action or suggest other Etkiniz support such as expert support to make the request compliant.

Do the requested budget items correspond to the proposed activities?

ETAT may need to support certain CSOs that provided budget items which are not corresponding with proposed activities.

ETAT actively seeks to provide such support to the applicant CSOs.

Is the support request realistic in terms of budget and planned results?

Unrealistic or exuberant budget items may mean

- a disingenuous attitude towards human rights principles and the Etkiniz EU programme, therefore, this should be seen as a red flag for further investigation into the applicant CSO
- misunderstanding of the Etkiniz support on the part of the applicant CSO, therefore ETAT must re-inform the applicant CSO about the Etkiniz

ETAT should also look at the following project purpose level indicators in assessing the overall impact of a RfS to the Etkiniz. They are not only essential milestones for the project, but also solid indicators for a healthy democracy with string CSOs doing vital human rights watchdog functions.



- 1.1. Number of local and regional HRM reports: (18 CSOs with 64 reports-2014 to 2018)
- 1.2. Number of national HRM reports:264 reports (2014 to 2018)
- 2.1. Number of CSOs that regularly and systematically monitor and report on human rights:
- (87 CSOs with 30 international CSOs)
- 2.2. % of CSOs that use international procedures and standards in their HRM - % 26
- 2.3. Number of CSO human rights reports submitted to UN human rights monitoring mechanisms – (23 CSO reports)
- 2.4. Number of individual communications and inquiries initiated by human rights CSOs to UN human rights monitoring mechanisms – (7 individual communications)
- 3.1. Social media traffic (# of persons reached) of CSO HRM reports – (from 2019 with Etkiniz EU Programme) (Twitter, Facebook, Instagram)-to be completed by the end of 2019

ANNEX

ANNEX I: International Human Rights Framework Relevant to Turkey

UNITED NATIONS MECHANISMS			
Mechanism	Law	Nature of mechanism	Rights groups or rights area
Human Rights Council	UN Charter	Complaints Procedure	All human rights
Commission and Sub-Commission on the Promotion and Protection of Human Rights	UN Charter	Complaints or communications	All human rights, urgent matters
Universal Periodic Review	UN Charter	Reporting	All human rights
TREATY BODIES (COMMITTEES)			
Committee on the Elimination of Racial Discrimination	International Convention on the Elimination of All Forms of Racial Discrimination	Reporting	Racial Discrimination
Committee on Economic, Social and Cultural Rights	International Covenant on Economic, Social and Cultural Rights	Reporting	Economic, Social and Cultural Rights
	Optional Protocol to the Covenant on Economic, Social and Cultural Rights	communications procedure	



The Human Rights Committee	International Covenant on Civil and Political Rights	Reporting	Civil and Political Rights
	Optional Protocol to the International Covenant on Civil and Political Rights	communications procedure	
	Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty		
Committee on the Elimination of Discrimination against Women	Convention on the Elimination of All Forms of Discrimination against Women	Reporting	Women, gender equality, gender identity, LGBTI+
	Optional Protocol to the Convention on the Elimination of Discrimination against Women	communications procedure	
Committee against Torture	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	communications procedure	Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	communications procedure	
	Subcommittee on Prevention of Torture	Visits	
Committee on the Rights of the Child	Convention on the Rights of the Child	Reporting	Children
	Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	Reporting	
	Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	Reporting	
	Optional Protocol to the Convention on the Rights of the Child on a communications procedure	communications procedure	
Committee on the Protection of the Rights of All Migrant Workers and Members of Their	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Reporting	Migrant Workers and Members of Their Families



Families			
Committee on the Protection of All Persons from Enforced Disappearance	International Convention for the Protection of All Persons from Enforced Disappearance	Reporting	Enforced Disappearance
Committee on the Rights of Persons with Disabilities	Convention on the Rights of Persons with Disabilities	Reporting	Persons with Disabilities
	Optional Protocol to the Convention on the Rights of Persons with Disabilities	communications procedure	
Special Procedures	UN charter	Annual reporting, urgent actions	
Working Group of experts on people of African descent			People of African descent
Working Group on arbitrary detention			Arbitrary detention
Working Group on the issue of human rights and transnational corporations and other business enterprises			Business and human rights
Working Group on enforced or involuntary disappearances			Enforced or involuntary disappearances
Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination			Armed conflict
Working group on the issue of discrimination against women in law and in practice			Women in law and in practice
Special Rapporteur in the field of cultural rights			Cultural rights
Special Rapporteur on the rights of persons with disabilities			Persons with disabilities
Special Rapporteur on the right to education			Education
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment			Environment
Special Rapporteur on extrajudicial, summary or arbitrary executions			Extrajudicial, summary or arbitrary executions
Special Rapporteur on the right to food			Food
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression			Freedom of opinion and expression
Special Rapporteur on the rights to freedom of peaceful assembly and of association			Freedom of peaceful assembly and of association
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living			Adequate housing, adequate standard of living
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health			Health
Special Rapporteur on the situation of human rights defenders			Human rights defenders
Special Rapporteur on the independence of judges and lawyers			Judges and lawyers
Special Rapporteur on the rights of indigenous peoples			Indigenous peoples



Special Rapporteur on the human rights of internally displaced persons	Internally displaced persons
Special Rapporteur on the human rights of migrants	Migrants
Special Rapporteur on minority issues	Minority issues
Independent Expert on the enjoyment of all human rights by older persons	Older persons
Special Rapporteur on extreme poverty and human rights	Extreme poverty
Special Rapporteur on the right to privacy	Privacy
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	Racism, racial discrimination, xenophobia
Special Rapporteur on freedom of religion or belief	Freedom of religion or belief
Special Rapporteur on the sale of children, child prostitution and child pornography	Children, sexual exploitation
Special Rapporteur on contemporary forms of slavery, including its causes and its consequences	Slavery, women, children, labour rights
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	Terrorism
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	Torture and other cruel, inhuman or degrading treatment or punishment
Special Rapporteur on trafficking in persons, especially women and children	Trafficking, women, children
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence	Grave human rights abuses
Special Rapporteur on violence against women, its causes and consequences	Violence against women
Independent expert on protection against violence and discrimination based on sexual orientation and gender identity	Sexual orientation and gender identity
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	Hazardous substances and wastes, children, indigenous communities
Special Rapporteur on the human right to safe drinking water and sanitation	Safe drinking water and sanitation
Special Rapporteur on the right to development	Development

COUNCIL OF EUROPE MECHANISMS

Mechanism	Law	Rights group or rights area
European Court of Human Rights	The Convention for the Protection of Human Rights and Fundamental Freedoms	All rights all groups
Committee of Ministers (Department for the Execution of Judgments of the European Court	Execution of judgments of the European Court of Human Rights	All rights all groups



of Human Rights)		
European Committee on Social Rights	European Social Charter (revised)	All rights all groups – specific causes on children, women, labour/work conditions
European Commission for Democracy through Law (Venice Commission)	Resolution Res (2002) 3 Adopting the Revised Statute of The European Commission for Democracy Through Law	Rule of law, democracy through law
Commissioner for Human Rights	Resolution (99) 50 on the Council of Europe Commissioner for Human Rights	All rights all groups
Congress of Local and Regional Authorities	European Charter of Local Self-Government	Local democracy
Platform to promote the protection of journalism and safety of journalists	Declaration on the protection of journalism and safety of journalists and other media actors	Freedom of press, journalists
Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)	Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)	Violence against women and domestic violence, children
Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee)	The Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	Sexual exploitation and abuse of children
Group of Experts on Action against Trafficking in Human Beings (GRETA)	Convention on Action against Trafficking in Human Beings	Trafficking in human beings
Advisory Committee on FCNM	Framework Convention for the Protection of National Minorities (FCNM)	Minorities
Group of States against Corruption (GRECO)	Criminal or Civil Law Conventions on Corruption	Corruption
Cybercrime Convention Committee (Budapest Committee)	Budapest Convention on Cybercrime	Cybercrime