THIRD EDITION

INTEGRATING HUMAN RIGHTS INTO DEVELOPMENT

DONOR APPROACHES, EXPERIENCES AND CHALLENGES

THE WORLD BANK
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BETTER POLICIES FOR BETTER LIVES

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Foreword

I welcome the third edition of *Integrating Human Rights into Development* as an invaluable resource for those committed to advancing engagement between human rights and development professionals and organizations.

During my term as United Nations High Commissioner for Human Rights, and over the course of my work with both Realizing Rights: The Ethical Globalization Initiative and the Mary Robinson Foundation–Climate Justice, I have continued to underscore the urgent need for human rights and development agendas to work in a mutually reinforcing way in order to eliminate poverty and promote equitable and sustainable development. The areas of convergence are becoming more and more apparent, including through initiatives on climate justice, migration, inclusion, disabilities, and that further the equality and empowerment of women and girls. The message at the level of principle and broad political commitment continues to support the fundamental compatibility of human rights and development goals, as milestones of recent years have also shown. At the same time, international policy coherence remains high on the list of international priorities for donors and is of direct relevance to the integration of human rights into development.

A number of policy milestones continue to guide donor programming and to promote the convergence between human rights and development at the level of principles, values, and goals. Of sustained relevance to this study, including in its third edition, is the DAC's 2007 Action- Oriented Policy Paper on Human Rights and Development, which included ten principles designed to serve as a basic orientation on human rights in key development areas, where donor harmonization is of particular relevance. These principles continue to provide pertinent guidance to donors and international development actors, for instance in recalling the principle of 'do no harm' or in respect of fragile states and conflict which present particular human rights challenges for development programming.

In the area of aid effectiveness, the second edition captured milestones, such as the 2008 Accra Agenda for Action which recognized respect for human rights as one of the cornerstones of sustainable development and the Fourth High-Level Forum on Aid Effectiveness, held in Busan in 2011, where donors and partners again reaffirmed the importance of shared principles, which are consistent with their international commitments and form the foundation for cooperation for effective development.

In the past four years, the post-2015 context generated perhaps the most significant milestones with the proclamation of the Sustainable Development Goals (SDGs) and the SDG Declaration (Resolution adopted by the General Assembly on 25 September 2015; Transforming our world: the 2030 Agenda for Sustainable Development) which was unequivocal in its affirmation of the centrality of human rights to development. It clearly states, "The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development." The 2030 Agenda for Sustainable Development must now be read together with the Paris Climate Agreement, and its commitment to staying "well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels". The Paris Agreement also commits governments to achieve carbon neutrality in the second half of the century, and its terms should be interpreted in accordance with the human rights language in the preamble which requires the need to respect and promote human rights, the rights of indigenous peoples, gender equality, women's empowerment and intergenerational equity to achieve a just transition.

At the operational level, development priorities in areas such as education, social protection, adequate housing, disabilities and health care are increasingly framed in terms of human rights; this is also apparent in the rise of economic and social rights litigation, particularly in the South. Like the second edition, this third edition showcases the continued growth of donor and partner experiences implementing human rights principles, tools, and programming approaches in a variety of sectors and projects. Recent experience underscores the importance of mainstreaming tools and guidance, the growing relevance of human rights due diligence and human rights impact assessments and indicators. The range of these experiences and efforts is evidence of the global commitment to human rights as well as the importance of context and alignment to partner frameworks and priorities. It also speaks to the need to tailor approaches to suit different institutional and policy frameworks in order to both achieve comparative advantage and respect the specificity of their roles internationally. Finally, the range of approaches supports a theory of complementary and mutually reinforcing approaches to integrating human rights in development.

A great deal has been achieved in recent years, even if considerable work remains to be done to operationalize human rights in development policy and practice and ensure that human rights principles and obligations are integrated effectively and consistently. There are practical challenges to meet as well, in terms of developing effective tools and robust methodologies, ensuring institutional leadership for human rights and allocating adequate resources to implementing policies as well as to training staff.

More emphasis is warranted in the areas of monitoring and evaluation frameworks to ensure that human rights are fully integrated into mainstream development policies, strategies, dialogues, and processes.

Like the first and second edition, this study remains the most comprehensive and up-to-date resource of its kind, which captures key developments of recent years, including additional policy and legal dimensions, which are essential elements of the overall interface of human rights and development. It effectively summarizes recent progress by charting donor approaches and experiences without concealing the challenges attendant on these efforts and without arguing for any particular approach for donors. In this way, it contributes objectively to making the case that human rights are now part of development, and it goes some way to showing why they should be. I commend Siobhán McInerney-Lankford and her colleagues for their valuable work.

Mary Robinson
Former President of Ireland
Former United Nations High Commissioner for Human Rights
President, The Mary Robinson Foundation–Climate Justice

Preface

The past two decades have witnessed a convergence between human rights and development, most notably at the level of international political statements and policy commitments, and the past 10 years have been marked by particularly important milestones. Of sustained relevance to this publication is the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) 2007 Action-Oriented Policy Paper that affirmed unequivocally that human rights are an essential part of development cooperation, noting the increasing convergence of the two areas and the relevance of human rights considerations to aid effectiveness; the 2008 Accra Agenda for Action and 2011 Busan outcome document both acknowledged the importance of human rights standards and principles. In the context of the Millennium Development Goals, the 2010 UN World Summit outcome document confirmed the centrality of human rights to sustainable development, which paved the way for the 2015 Sustainable Development Goals (SDGs) and an even greater substantive convergence between human rights principles and the global development goals: like the 2000 Millennium Declaration, the declaration in the 2030 Agenda for Sustainable Development (SDG Declaration) adopted by the UN General Assembly in 2015 underscored the centrality of human rights in development. The 2013 "Vienna + 20" conference had reiterated the central connections between human rights and development, reaffirming the right to development and calling for the effective integration of human rights into the post-2015 agenda. In the environmental sphere, the outcome document from the 2012 UN Conference on Sustainable Development (Rio + 20) reaffirmed the importance of all human rights for sustainable development and the need for green economy policies in the context of sustainable development and poverty eradication to respect all human rights; in the climate change context, the 2015 Paris Agreement also recognized the links to human rights. Finally, in the sphere of business and human rights, the 2013 adoption of the Guiding Principles on Business and Human Rights by the UN Human Rights Council, although of more indirect relevance to donor policies, signalled a rapprochement in terms between the worlds of finance and investment on the one hand and human rights on the other. In more applied terms, the links between rights violations, poverty, exclusion, environmental degradation, vulnerability, and conflict have continued to be explored. There is growing recognition of the intrinsic importance of human rights in a range of contexts, as well as their potential instrumental relevance for improved development processes and outcomes and a sustained interest in tools and metrics, including human rights indicators.

The third edition of *Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges* consolidates the findings and research compiled in 2006 and 2012 with key developments and activities that have occurred in the subsequent years. This edition is intended to build on the review and findings of the first and second editions, rather than to supplant them, so that much of that material is preserved here. Like the first two editions, this study seeks to advance understanding of the nexus between development and human rights through a systematic consideration of donor approaches. It also seeks to enhance understanding among donors on how to work collectively to advance the strategic and coherent integration of human rights in development in light of agencies' roles and areas of comparative advantage.

The book remains focused on the policies and programmes of donors but also encompasses intergovernmental organizations and other actors whose work relates to or influences development in order to provide an even more comprehensive view of current trends and thinking around human rights and development.

This study brings together the key political and policy statements of recent years with a discussion of the approaches and experiences of bilateral and multilateral agencies engaged in integrating human rights in their development cooperation activities in a variety of ways. Although the landscape of development cooperation has continued to evolve rapidly, marked by the emergence of new donors and influenced by a range of actors, this study retains a focus on donors reviewed in 2006 who established positions on human rights, even where those positions are more implicit. The 2008 financial crisis defined the context of aid, placing additional pressure on donors to demonstrate impact and results: this fact underscores the need to establish the instrumental relevance and "value added" of human rights. Nevertheless, the experience of recent also attests to the sustained commitment of OECD member countries and multilateral donors to engage with human rights strategically, as a means for improving the delivery of aid and promoting sustainable and equitable development results.

Like the first and second editions, this edition is based on a thorough examination of policy, guidance and operational documents, evaluations, and other analyses of practical experience, as well as interviews with donor agencies. It reviews the approaches of different donor agencies and their rationales for working on human rights. It confirms the range of donor approaches to human rights: some donors adopt human rights–based approaches (HRBAs), others opt for more incremental but explicit approaches, and still others integrate human rights implicitly into various dimensions of their development work. The study identifies the current practices in this field and looks at the common elements of those practices. It illustrates how aid agencies are working on human rights issues at the programming level, and what donors have done over the past six years, charting significant changes and advances. Like the first and

second editions, this study draws together lessons that form the core of the current evidence on the added value of human rights for development. It addresses opportunities and challenges (conceptual and practical) attendant to human rights in evolving development partnerships between donors and partner countries, as well as in the workings of the international aid system more broadly. It also highlights significant political statements and declarations of recent years that recognize the connections between human rights and development.

In aggregate terms, this study confirms the global trends toward recognizing the links between human rights and development at the level of international political statements and commitments, and it confirms the diversity of approaches that exists between donors at the level of individual agency policies and operations. Donors maintain distinct rationales for engaging in human rights, based on their legal and policy mandates, their institutional roles, and their priorities. Nevertheless, in substantive and operational terms, the areas of engagement are often the same, with activities of different agencies sometimes overlapping. Moreover, the past six years have evidenced a shared emphasis on implementation, monitoring, and evaluation, as well as on results and impact.

A note on methodology: the same basic approach was employed to research and write this edition as was used for the first and second editions. Agencies were invited to share a written summary of their policies and experiences as well as recent country and sector programmes that showcased their particular approaches to integrating human rights. Many of these written submissions were followed by interviews. The submissions were coded and complied and integrated into chapters covering rationales, conceptual underpinnings, general approaches to development programming, tools and frameworks, and two chapters containing country and sector programme examples. The aim is to provide an overview of donors' approaches without making any value judgment thereon. Every effort has been made to reflect the submissions accurately, although due to considerations of length, not every example was included. Responsibility for errors or weaknesses rests with the authors. The findings, interpretations and conclusions expressed in this study are entirely those of the authors and should not be attributed in any way to the World Bank, to its affiliated organizations or to the members of its Board of Executive Directors or the countries they represent.

It is hoped that the third edition can, like the previous editions, serve as a reference for practitioners and those interested in exploring the connections between human rights and development. It is also hoped that this work can be of use to those pursuing the ways in which development cooperation can advance the realization of human rights, as well as the ways in which human rights approaches can make development interventions more effective, equitable, and sustainable. This update has been undertaken with the aim of sustaining knowledge-sharing efforts among donors to improve both donor coordination

and to support the realization of human rights in development.

Acknowledgements

The third edition was commissioned by the NTF under the guidance of Anders Zeijlon (former NTF coordinator) and Siobhán McInerney-Lankford (Senior Counsel, World Bank Legal Department, former chair of the OECD DAC Human Rights Task Team, and cochair of the American Society International Law (ASIL) human rights interest group and GFLJD CoP on Human Rights and Development). The NTF operates under the authority of Deborah Wetzel, the Senior Director for the Governance Global Practice of the World Bank. The NTF acknowledges the work of Maryna Kavaleuskaya, an independent human rights law consultant who undertook the bulk of the research work of the third edition in 2015–

Acronyms and Abbreviations

AAA	Accra Agenda for Action
AAID	Australian Agency for International Development
ADA	Austrian Development Agency
ADC	Austrian Development Cooperation
AECID	Agency for International Development Cooperation
AfDB	African Development Bank
AIIB	Asian Infrastructure Investment Bank
AOPP	Action-oriented Policy Paper
AusAID	Australian Agency for International Development
BCAS	Bangladesh Centre for Advanced Studies
BMP	Bangladesh Mahila Parishad
BMZ	German Federal Ministry for Economic Cooperation and Development
CCA	Common Country Assessment (UN)
CDC	Community Development Council
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEB	Council of Europe Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CELEP	Coalition of European Lobbies for Eastern African Pastoralism
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social, and Cultural Rights
CFSP	Common Foreign and Security Policy
CFS-RAI	Principles for Responsible Investment in Agriculture and Food Systems
CHRAJ	Commission on Human Rights and Administrative Justice
CIDA	Canadian International Development Agency
CITATION	Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter
CoP	Community of Practice

CPLP	Community of Portuguese Language Countries
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CRPD	Convention on the Rights of Persons with Disabilities
CSPR	Civil Society Partnership Review
CSR	Corporate Social Responsibility
CTI	Convention against Torture Initiative
CTIP	USAID's Counter-Trafficking in Persons Policy
DAC	Development Assistance Committee (OECD)
DFATI / GEHRIA	Department of Foreign Affairs and Trade of Ireland / Gender Equality and Human Rights Irish Aid
DFID	Department for International Development (UK)
DIHR	Danish Institute for Human Rights
DIP	UNHCR's Division of International Protection
DRG	Democracy, Human Rights, and Governance (USAID)
EA2J	Equal Access to Justice
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights
ESC	Economic, Social and Cultural Rights
ESF	Environmental and Social Framework
ESOSOC	United Nations Economic and Social Council
EU	European Union
FAO	Food and Agricultural Organization of the United Nations
FCO	UK Foreign and Commonwealth Office
FDFA	Federal Department of Foreign Affairs, Switzerland
FEMA	Federal Ministry for European and International Affairs
FFC	Fonds pour les Femmes Congolaises

FONPROD	Fund for the Promotion of Development
FSN	Food Security and Nutrition
FUNAE	Mozambique National Energy Fund
GHRSP	Global Human Rights Strengthening Programme, 2008-2011 (UNDP)
GIZ	German Agency for International Development
GLAD	Gay and Lesbian Advocates and Defenders
GOVNET	Network on Governance (DAC)
GPDD	Global Partnership on Disability and Development
GTZ	Dt. Gesellschaft fur Technische Zusammendarbeit
HIV	*Human Immunodeficiency Virus*
HRBA	Human Rights–based approach
HRC	Human Rights Committee
HRIA	Human Rights Impact Assessment
HRLU	Human Rights Liaison Unit
HRTF	Human Rights Trust Fund
HRU	Human Rights Unit
HRuF	Human Rights up Front
HRWG	Human Rights Working Group
HURIST	Global Human Rights Strengthening Programme (OHCHR/UNDP)
IBLF	Internatioanl Business Leaders Forum
ICCPR	International Covenant on Civil and Political Rights
ICEFI	Central American Institute of Fiscal Studies
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICHRP	International Council on Human Rights Policy
ICIM	Independent Consultation and Inspection Mechanism
ICPD PoA	International Conference on Population and Development Program of Action
ICPD	International Conference on Population and Development
IDB	Inter-American Development Bank
IDBG	Islamic Development Bank Group

IDP	Internally Displaced Person
IFAD	International Fund for Agricultural Development
IFC	International Finance Corporation
ILO	International Labour Organization
ILS	International Labour Standards
IRL	International Refugee Law
IPO	UN Indigenous Peoples' Organizations
IRPF	Integrated Results and Performance Framework
ISID	Inclusive and Sustainable Industrial Development
ISS	Integrated Safeguards System
J4P	Justice for the People
JIU	Joint Inspection Unit
KfW	German Development Bank
LGBTI	Lesbian, Gay, Bisexual, Trans, and/or Intersex
MAAC	Mobilizing Action Against Corruption
MAF	MDG Acceleration Framework
MCC	Millennium Challenge Corporation
MDG	Millennium Development Goal
MFAF	Ministry for Foreign Affairs of Finland
MFAT	Ministry of Foreign Affairs and Trade of New Zealand
MTPF	Medium-Term Program Framework, 2016–2019
MWC	UN *Migrant Workers Convention*
NGO	Nongovernmental Organization
NHRI	National Human Rights Institution
NMFA	Netherlands Ministry of Foreign affairs
NORAD	Norwegian Agency for Development Cooperation
NTF	Nordic Trust Fund
NZAID	New Zealand Agency for International Development
NZAP	New Zealand Aid Programme

OAS	Organization of American States
ODA	Overseas Development Assistance
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the UN High Commissioner for Human Rights
OSCE	Organisation for Security and Co-operation
PAAS	Projects Accrual and Accountability System
PAG	Project Advisory Group
PCD	Policy Coherence for Development
PMNCH	Partnership for Maternal, Newborn and Child Health
PRSP	Poverty Reduction Strategy Paper
QDDR	Quadrennial Diplomacy and Development Review
QII	Quality Infrastructure Investments
RBA	Rights-Based Approach
RBM	Results-Based Management
RC	Resident Coordinators
RDMFA	Royal Danish Ministry of Foreign Affairs
REAP	Rights, Education and Protection project
RSF	Renewed Strategic Framework
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goals
SDSR	Strategic Defence and Security Review
SEK	Swedish Krona
SES	UNDP Social and Environmental Standards
Sida	Swedish International Development Cooperation Agency
SGBV	Sexual and Gender-Based Violence
SLA	Sustainable Livelihoods Approach
SOFEPADI	Solidarité Féminine pour la Paix et le Développement Intégral
SRPD	Special Rapporteur on the Rights of Persons with Disabilities

SRHR	Sexual and Reproductive Health and Rights
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UN Habitat	United Nations Human Settlement Programme
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNCT	United Nations country team
UNDAF	United Nations Development Assistance Framework
UNDG-HRM	United Nations Development Group Human Rights Mainstreaming Mechanism
UNDG-HRWH	United Nations Development Group Human Rights Working Group
UN-DOCO	United Nations Development Operations Coordination Office
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEG	United Nations Evaluation Group
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNFPA	United Nations Population Fund
UNGP	United Nations Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNIFEM	United Nations Development Fund for Women
UNOPS	United Nations Office for Project Services
UNPRPD	UN Partnership to Promote the Rights of Persons with Disabilities
UNSSC	United Nations System Staff College
UPR	Universal Periodic Review
US	United States

USAID	United States Agency for International Development
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WFP	World Food Program
WHA	World Health Assembly
WHO	World Health Organization

Executive Summary

Human rights have been an important aspect of development policy and programming since the end of the Cold War. This review of donor approaches to integrating human rights in development policies spans the last two decades and encompasses a broad range of actors, going beyond a narrow definition of donors to include development banks and international organizations.

The 1993 Vienna World Conference on Human Rights, the 2000 Millennium Summit, the 2005 and 2010 World Summits, the 2015 UN Sustainable Development Summit, and the "Vienna + 20" conference all either recognized or reiterated that development and human rights are interdependent and mutually reinforcing. The 2005 UN Secretary-General's *In Larger Freedom* encapsulates the interlinkages among development, security, and human rights: "We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed" (UN 2005b).

Many donor agencies, including bilaterals and multilaterals, have adopted policies on human rights over the past two decades. Some have developed "second-generation" drawing on their experiences and auguring the prospect for "third-generation" policies. The UN system has lead the way with a process of human rights mainstreaming since 1997 and, in 2003, agreement on an interagency Common Understanding of a Human Rights-Based Approach (HRBA) to Development Programming (UN Common Understanding), as well as more recent initiatives such as the UN Human Rights Mainstreaming Mechanism (UN-HRM) and the UN Human Rights Working Group (UN HRWG). The UN definition of a HRBA highlights:

- The relationship between development cooperation, the Universal Declaration on Human Rights, and international human rights instruments
- The relevance for development programming of human rights standards and principles derived from these instruments (e.g., equality and non-discrimination, participation and inclusion, accountability, and the rule of law)
- The contribution that development cooperation can make to building the capacities of "duty-bearers" and "rights-holders" to realize and claim rights

This study, originally published in 2006 and updated in 2011, is being updated in this third edition. The work was originally based on a study commissioned by the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) Network on Governance (GOVNET), which reviewed the approaches of different donor agencies and their rationales for working

on human rights. The third edition reviews the current practice in the field and draws together experiences that form the core of the current evidence around the contribution of human rights to development. It discusses both new opportunities and conceptual and practical challenges to human rights that concern the development partnerships between donors and partner countries, and the workings of the international aid system more broadly. This edition includes recent developments in the area of human rights, aid effectiveness, and sustainable development. Of continued relevance to this publication is the OECD DAC 2007 Action-Oriented Policy Paper, which affirmed unequivocally that human rights are an essential part of development cooperation, noting the increasing convergence of the two areas and the relevance of human rights considerations to aid effectiveness: the 2008 Accra Agenda for Action and 2011 Busan outcome document both acknowledged the importance of human rights standards and principles. In the context of the Millennium Development Goals (MDGs), the 2010 UN World Summit outcome document confirmed the centrality of human rights to sustainable development that paved the way for the 2015 Sustainable Development Goals (SDGs).

The SDGs reveal an even greater substantive convergence between human rights principles and the global development goals: like the 2000 Millennium Declaration, the 2015 SDG Declaration underscores the centrality of human rights in development, although the SDGs themselves are widely viewed to have captured human rights considerations and principles to a far greater extent than had the MDGs (McInerney-Lankford and Sano 2016). In 2013, the "Vienna + 20" conference marked the 20th anniversary of the Vienna Declaration and Programme of Action and reiterated the central connections between human rights and development, reaffirming the right to development and calling for the effective integration of human rights into the post-2015 agenda. In the environmental sphere, the outcome document from the 2012 UN Conference on Sustainable Development reaffirmed the importance of human rights for sustainable development and the need for green economy policies in the context of sustainable development and poverty eradication to respect all human rights and in the climate change context the 2015 "CoP 21" Paris Agreement under the UNFCCC also recognized the links to human rights. Finally, in the sphere of business and human rights, the 2013 adoption of the Guiding Principles on Business and Human Rights by the UN Human Rights Council, although of more indirect relevance to donor policies, signalled a rapprochement in terms between the worlds of finance and investment on the one hand and human rights on the other. The links among rights violations, poverty, exclusion, environmental degradation, vulnerability, and conflict in more applied terms have continued to be explored. There is growing recognition of the intrinsic importance of human rights in a range of contexts, as well as their potential instrumental relevance for improved development processes and outcomes and a sustained interest in tools and metrics, including human rights indicators.

Donor Policies and Rationales

Human rights work is seen both as an objective in its own right and as contributing to the quality and effectiveness of development assistance. The intrinsic reasons for integrating human rights in development include those related to the legal obligations that emanate from the international human rights framework. States parties to human rights instruments are under a duty to respect, protect, and fulfil human rights. Relatedly, normative justifications draw on the concept of human dignity underlying the international legal framework that drives ethical and political considerations about the integration of human rights into development. Human rights are seen as constitutive of development, drawing on conceptual frameworks such as human development, Amartya Sen or Martha Nussbaum's capabilities approach, or multidimensional definitions of poverty (Alkire and Foster 2009). Finally, human rights are also viewed as instrumentally relevant to objectives pursued by donors in the areas of governance, sustainability, poverty reduction, and aid effectiveness.

Agencies have adopted different rationales for working on human rights. Some do not approach human rights explicitly, in light of legal, political, or empirical issues. Research and multidisciplinary exchanges can inform the further development of policies and their operationalization, even for actors whose mandate does not include human rights. Other agencies have more explicit positions on human rights and adopt a more programmatic approach to integrating human rights in policies, programmes, or projects. Despite differences in agency policies and mandates, the various operational approaches are not mutually exclusive and may overlap in practice and evolve over time.

Thus, the integration of human rights into development takes place in various ways. The most common form of integration has traditionally occurred through projects targeted at the realization of specific rights or specific groups or in support of human rights organizations or defenders. A more strategic integration of human rights can be found in the design of country programmes and global initiatives.

Other well-established practices are mainstreaming human rights into all sectors of existing aid interventions and including human rights issues in the political dialogue between donors and developing countries. Many agencies are moving to human rights–based approaches (HRBAs), which require institutional change in the provision of aid. In agencies that do not explicitly use a human rights framework at a policy level, an implicit integration can be identified.

Donor Approaches to Programming Experiences

Human rights have tended to be considered as part of the donor governance agenda, and the majority of direct interventions have been civil and political rights projects, often funded through civil society organizations. The shift from rule of law to access to justice policy and programming points to a more strategic use of human rights, influencing how situations are analysed, how objectives are set, and how aid is provided. There are fewer examples of a shift in the rest of the governance agenda, although a different approach to tax reform—based on the recognition of both the rights and the duties of citizens—illustrates the impact of a human rights perspective beyond civil and political rights projects.

In many agencies, human rights are being mainstreamed in policy and programming areas. A number of agencies have made significant progress in the area of children's rights, often based on the Convention on the Rights of the Child. Human rights are also closely associated with gender equality and women's rights initiatives, drawing on the Convention on the Elimination of All Forms of Discrimination against Women and the 1994 Beijing Platform of Action. Significant advances have been made integrating disabilities in development programming, which has been supported, at least in part, by the rapid ratification of the Convention on the Rights of Persons with Disabilities. In addition, there appear to have been more successes linking human rights to indigenous peoples than to other minorities, arguably reflected in the adoption of, and growing support for, the United Nations Declaration on the Rights of Indigenous Peoples. Human rights mainstreaming in health and education programming is on the rise, as is affirming the rights of individuals with disabilities. These examples emphasize the relevance of specific human rights standards (e.g., the right to the highest attainable standard of health, grounded in Article 12 of the International Covenant on Economic, Social, and Cultural Rights) and an approach based on human rights principles (e.g., promoting inclusion, participation, and accountability), as well as the importance of preventing or mitigating human rights violations associated with aid interventions.

Although there is an emphasis at a policy level on the positive place of human rights in development, human rights conditionality remains a feature of several development programmes. In extreme cases, when other methods (including dialogue processes) fail, aid may be suspended or terminated. New ways of looking at aid allocations, policies, and modalities create opportunities to revisit this area.

Preliminary Lessons: Integrating Human Rights Dimensions, Principles, and Obligations

Based on experience, it is possible to draw up a set of preliminary lessons concerning the contribution, or added value, of human rights for development.

The intrinsic value of human rights offers development actors an explicit normative and analytical framework grounded in a consensual global legal regime of international human rights treaties. The framework can be adapted to different political and cultural environments. In some countries, it has been possible to overcome political constraints by taking a gradual and implicit approach. Operational human rights principles have made it easier to integrate human rights into actual programming. In fact, it has been possible to integrate human rights (using principles derived from the human rights framework) without an explicit approach, as seen in the work of some of the international financial institutions. The downside of this strategy is that it increases the risk of "rhetorical repackaging" that occurs when the distinction between the use of operational principles that might be tangentially related to human rights and interventions specifically grounded in the human rights framework is blurred.

Human rights can make a contribution to the governance agenda. Human rights are conceptualized in terms of "duty-bearers" and "rights-holders." This differentiation highlights the importance of state-citizen linkages that call for building the capacity of states to deliver on human rights commitments and the capacity of citizens to claim their entitlements. Human rights are a source of legitimacy for state action, emphasizing the need for effective channels of accountability and redress. Participatory approaches are becoming more widespread in the development field through initiatives that aim to empower poor and vulnerable populations. A strategic use of human rights strengthens these trends, highlighting the need for free, informed, and meaningful participation that can be institutionalized.

Human rights can enhance the design and impact of aid in terms of poverty reduction goals, building on the commitments of the 1995 Copenhagen and other UN summits, including the 2010 UN MDG Summit and the 2015 UN SDG Summit. Human rights provide a lens to examine the structural and root causes of poverty, for example, focusing on inequality and exclusion as major barriers to poverty reduction. They also call for a better understanding of the context and power relations within which aid operates. The principles of equality and non-discrimination focus attention squarely on excluded and marginalized individuals and groups (and underline the centrality of disaggregated data).

Finally, human rights can contribute to enhancing the effectiveness of aid, in particular through the explicit recognition of aid's political dimensions and its focus on institutions and accountability. Because human rights are grounded in the domestic responsibilities of states, aid agencies have found that a HRBA has helped them to move away from roles as direct providers of services toward a capacity development role. The interdependence and indivisibility of all human rights has encouraged holistic approaches, for example, greater collaboration across related sectors or institutions.

Donors have built new partnerships and found supportive ways of facilitating domestic change processes. Some of these contributions are not new to the development world; human rights offer a comprehensive and coherent normative framework that reinforces "good programming practices," such as participation, by making them non-negotiable, consistent, and legitimate.

Challenges and Opportunities

Donors are faced with a number of challenges in seeking to integrate human rights into development.

First, the increasing institutionalization of human rights considerations requires looking at donors' own systems, procedures, and staff incentives and allocating adequate resources to better translate their policies into practice. Several factors contribute to success in this area: a supportive international and domestic political context; senior-level commitment, accountability, and communication; a strengthening of staff capacities and incentives; provision of new tools and procedures; and adaptation to a decentralized context. Many agencies acknowledge that they need to invest more in knowledge management to inform their policy development and to improve the basis for harmonized policies and approaches. Agencies and institutions that use an implicit HRBA may think creatively about how to measure progress in programmes that are difficult to correspond to human rights-based indicators.

Second, aid agencies have sometimes found engagement with partner countries difficult because of countries' weak capacities in implementing human rights and because human rights remain a politically sensitive and divisive issue in a number of contexts. Thus, agencies sometimes face political barriers, in particular when their partners' commitment is weak or where there is even overt resistance to human rights. Practitioners working on fragile states and human rights share a common interest in the prioritization of key features of the state: the legitimacy and accountability of state structures and the state's ability to create an enabling environment. Human rights can also offer analytical and operational approaches for donor engagement in these more challenging environments. Member states have made successive commitments to integrate the promotion and protection of human rights into national policies and national development plans. The latter provide potential entry points to strengthen the national ownership of human rights in the context of development partnerships, in particular around poverty reduction strategies.

Third, the effective integration of human rights into development requires embedding human rights in practical ways into the thinking and practice around aid effectiveness processes, instruments, and modalities of aid delivery. It also requires concrete tools, frameworks, and indicators and that attention

be paid to empirical data and results. Important analytical work has been done on the ways human rights contribute to the MDGs, including work that links the goals to specific human rights standards (OHCHR 2006; Langford, Yamin, and Sumner 2010); drawing on the Millennium Declaration, which makes explicit reference to human rights as well as to developing HRBAs toward meeting the MDGs. The outcome document of the 2010 MDG Summit reaffirms that respect for human rights is critical for reaching the MDGs (UN 2010d). The SDGs reflect human rights principles and considerations to a much greater extent, and the SDG Declaration is explicit in linking human rights and development and confirming that the new development agenda is grounded in the Universal Declaration Human Rights and in international human rights treaties. In the area of aid effectiveness, the 2008 Accra Agenda for Action and the 2011 Busan outcome document both recognize the importance of human rights, in addition to their focus on alignment, harmonization, and mutual accountability. The OECD has long placed an emphasis on understanding the principles that contribute to aid effectiveness, including in the 2007 OECD DAC "Action-Oriented Policy Paper on Human Rights and Development," a 2007 update on human rights and aid effectiveness, an information sheet entitled "Human Rights and Aid Effectiveness: Key Actions to Improve Inter-Linkages" (OECD 2008b), and a report from GOVNET, *Linking Human Rights and Aid Effectiveness for Better Development Results: Practical Experience from the Health Sector* (OECD 2008a). These documents highlight the congruence between human rights and a number of aid effectiveness principles such as strengthening partner countries' capacities, greater transparency, managing for results, and policy coherence. Human rights analysis affects both aid allocations and the choice of aid modalities and has a role to play in mutual accountability frameworks, in particular in holding aid agencies to account.

Fourth, the foregoing reflections are connected with a broader observation on the challenge of international policy coherence (McInerney-Lankford; World Bank Legal Review 2013). The same states that agree upon development goals and aid effectiveness principles are also parties to the core international human rights treaties, and yet serious disconnects persist between the actions and commitments in these various spheres. The challenge of policy coherence relates to the lack of "joined up thinking" within and between governments. This challenge is compounded by the ongoing proliferation of international regulation and treaties and what some have termed the "fragmentation of international law." These related phenomena contribute to the overall challenge of integrating human rights into development policy and programming and help explain why integration can be demanding for policy and practical reasons.

Finally, and of particular note over the past decade, donors are often faced with shrinking budgets and pressure to demonstrate the value of their programmes. Bilateral and multilateral development agencies

find themselves trying to do more with less and struggle with difficult decisions about how to prioritize funding. On the positive side, these financial limitations may ultimately bring donor activities in line with the Paris Declaration by encouraging concentration in thematic and geographic areas and better coordination with other donors

Trends and Conclusions

The past decade has witnessed a steady trajectory of integration of human rights principles into development cooperation. There have been significant developments on the international stage, such as high-level political statements like the 2008 Accra Agenda for Action, the 2010 Millennium outcome document, discussions at the Fourth High-Level Forum on Aid Effectiveness in Busan, Korea (including a thematic session on a human rights-based approach to development), and events surrounding the 25th anniversary of the Declaration on the Right to Development in 2011. At the national level, some donors have followed through with more explicit commitments to incorporate human rights into their development work, but challenges persist in the implementation and operational understanding of a HRBA. There has been considerable activity at the level of projects, although it remains unclear if that trend reflects difficulty integrating human rights at a policy or programmatic level. Other actors, particularly multilateral development banks, have shown a greater interest in engaging on these issues by mitigating risk, promulgating safeguard policies, and adhering to a "do no harm" principle. Overall, these activities do not represent a seismic shift in donor approaches, but rather confirm that in substantive terms at the operational level, there are wide areas of convergence among donor approaches and common areas of emphasis in relation to implementation, monitoring, and evaluation, as well as on results and impact. To sustain progress, all development actors should leverage their expertise and comparative advantage to better understand the synergies between human rights and development in order to contribute in complementary ways to both.

CHAPTER 1

Donor Policies and Rationales

Donors have developed policies to implement their overall approaches and strategies to human rights in development and to guide their operations and interventions. Such policies vary in scope and content, and are underpinned by a diverse set of rationales. These rationales emerge in various ways and are sometimes used concurrently or in combination. The following chapter surveys donor policies and their rationales from a human rights perspective.

I.   A CHANGING GLOBAL CONTEXT

The international context within which development occurs is a fast-changing one, especially in regard to human rights. Since their first formal proclamation in the Universal Declaration of Human Rights in 1948, human rights have continued to evolve (Box 1.1), and recognition of different rights through subsequent treaties has defined the trajectory of this area of international law.

Box 1.1

Chronology of UN Milestones for Human Rights and Development

Human rights and development have been central and indivisible pillars of the international community of nations since its inception in 1945 with the adoption of the Charter of the United Nations. This historic event gave birth to a normative era in which the international community, inspired by the Universal Declaration of Human Rights, produced an outstanding corpus of international norms and standards for a life of dignity and well-being for all. Yet, human rights and development practice evolved on different tracks, mainly due to the political dynamics of the Cold War. The World Conference on Human Rights in 1993 was a turning point that opened the door to a renewed vision of the indivisibility of human rights—a vision that underscores the hand-in-hand partnership of human rights and development for achieving equitable human development and the

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effective realization of human rights in the lives of all persons, irrespective of their location, condition, identity, or status.

1945–1950s: Laying the Foundation

1945: The UN Charter sets forth the concepts of "inherent dignity" and the "equal and inalienable rights of all members of the human family." It affirms the UN's fundamental purpose as being "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."

1946: The UN Commission on Human Rights is established.

1948: The Universal Declaration of Human Rights (UDHR) is adopted, in which "Member States have pledged themselves to achieve, in co-operation with the United Nations . . . a common standard . . . for all peoples and all nations." It is the first time in history that human rights and fundamental freedoms are set forth in such detail; the UDHR serves as the foundation for international, regional, and national human rights law.

1960s–1980s: Developing UN Norms and Standards

1946–1986: Regional human rights regimes are established in the Americas, Africa, and Europe. These systems are complementary to the international human rights framework. In the case of the African Charter on Human and Peoples Rights, which came into effect in 1986, Article 22 sets out the right to development as both an individual and a collective right and notes that states have the duty to ensure the exercise of the right to development.

1979. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is adopted.

1965 onward: UN human rights treaties enter into force. The International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights were all adopted in the 1960s. There are now nine core human rights treaties in force. To monitor implementation of these treaties, treaty bodies composed of independent experts were set up, establishing the first form of dialogue on human rights between member states and the UN.

(Source: UN-HRWG 2016)

In the past two decades, international legal and policy milestones have transformed the landscape for

donors and partners alike. The UN World Conferences in 2005, 2010, and 2015 reflected a progressively stronger and more explicit commitment to human rights and a consistent message about the need to anchor development in the respect, protection, and fulfilment of human rights and states' international human rights obligations. In the realm of aid effectiveness, documents such as the Paris Declaration, the Accra Agenda for Action (AAA), and the Busan outcome document have brought human rights and human rights principles into prominence (Busan Partnership for Effective Development Cooperation 2011). The Sustainable Development Goals (SDGs) likewise marked a significant change to the ambition and scope of the global goals that the development community sets for itself and, many have argued, symbolize a more human rights–oriented agenda (OHCHR, 2014). In this context, the UNDG has recalled that "the UN development system is bound by the UN Charter to promote respect for human rights and fundamental freedoms for all, without discrimination", stating that in implementing the post-2015 development agenda, the UNDG would work for the fullest possible application of the following core principles: universality; indivisibility; equality and non-discrimination; active and meaningful participation; and accountability. (UNDG, 2016)

In the environmental sphere, the outcome document from the 2012 UN Conference on Sustainable Development (Rio + 20) reaffirmed the importance of all human rights for sustainable development and the need for green economy policies to respect all human rights in the context of sustainable development and poverty eradication and in the climate change context. In 2015, the Paris Agreement also recognized the links between development and human rights. In the sphere of business and human rights, the 2013 adoption of the UN Guiding Principles on Business and Human Rights (UNGPs) by the UN Human Rights Council, although of more indirect relevance to donor policies, has had an important impact on the international context, particularly for business and investment but also for governments participating in international organizations; the UNGPs also signalled a rapprochement between the worlds of finance and investment on the one hand and human rights on the other. The links among rights violations, poverty, exclusion, environmental degradation, vulnerability, and conflict continue to be explored.

The increasing recognition of human rights in these diverse areas of human rights policies and programming evidences an increased understanding of how interconnected human rights are to a range of different policy areas and how policies, rules, and practices in these areas can impact the realization of human rights.

II.   POLICIES AND RATIONALES

There is no single approach to integrating human rights into development policies and programming. Many donors have developed human rights policies that govern development assistance; others incorporate human rights concepts and principles in less explicit ways. Some human rights policies include binding requirements with which donors and partners are required to comply, while other policies may be more aspirational, embodying general principles that serve as guidance; a number of policies contain a combination of both. Such policy efforts may be grounded in legal and ethical obligations, but they can also be viewed in a more functional light, namely that a focus on human rights improves development aid. The implementation of human rights is remains challenging, even for donors and agencies with an explicit legal and political mandate to do so.

A trend is clear and sustained among "traditional donors": many bilateral and multilateral agencies have adopted or are in the process of adopting or refining human rights policies. According to the European Parliament: "Human rights and the related concepts of good governance, democracy and the rule of law have become an integral element of most donors' international development cooperation." (European Parliament (2016a). Among bilaterals, the first wave of foreign policy statements in the 1990s was later complemented by agency-specific documents on human rights and development. These documents often emphasize positive measures to promote human rights in partner countries that donors can support through financial or technical assistance and dialogue. Multilaterals, such as UN agencies, the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC), and the European Commission, have developed human rights policy frameworks to apply to their development interventions, but not all international financial institutions have done so.

While not exhaustive, Box 1.3 illustrates that the majority of agencies surveyed have either adopted human rights policies or are in the process of developing or updating them in light of experience gained over the past couple decades. By comparison, fewer agencies or institutions do not have human rights policies, although some may mention human rights in documents or may work on human rights in indirect ways.

The 2007 "OECD DAC Action-Oriented Policy Paper on Human Rights" elaborates 10 principles to serve as basic orientations in areas where harmonized donor action is of particular importance (OECD

2007; see also chapter 4). Given their place in many states' domestic legal and policy frameworks, human rights may play a part in setting national development priorities whose implementation donors can support, as well as positions these donors may seek to advance in multilateral settings. In addition, a strong congruence exists between, on the one hand, building partners' capacity and ensuring that aid does not undermine national capacities and, on the other, the principle that states are the primary duty-bearers and that aid can be used to assist them in meeting their human rights obligations.

Why have so many agencies adopted human rights policies? The principal reason cited by donors is the changing international context and the growing prominence of international human rights commitments, as evidenced in the brief overview above of international milestones and pronouncements of recent years. Human rights remained a highly politicized issue during the Cold War, which saw a division emerge between states that prioritized civil and political rights and those that promoted economic, social, and cultural rights.

At the 1993 Vienna World Conference on Human Rights, a consensus was reached that "All human rights are universal, indivisible and interdependent and interrelated" (UN 1993), implying that states and their aid agencies should not prioritize one set of rights over the other. The Vienna Declaration also affirmed that:

> Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world. (UN 1993)

The 20-year anniversary of the Vienna Declaration was in 2013. The outcome document of the Vienna World Conference underscored the progress made on a number of aspects of the Vienna Declaration, including in recognition of the links between human rights and development and the need for states to "ensure that any sustainable development framework [. . .] are aligned with economic, social, cultural, civil, political and environmental human rights as a non-negotiable base" (UN Vienna + 20 2013).

Box 1.2

The 25th Anniversary of the Right to Development

December 2011 marked the 25th anniversary of the UN Declaration on the Right to Development, which in 1986 reoriented development to be centred on people. In anticipation of this anniversary, 18 intergovernmental organizations and specialized agencies of the United Nations issued a joint statement that reaffirmed the commitments made in the 2010 Millennium Development Goals (MDG) outcome document and that the right to development is "an inalienable human right by virtue" (UN 2011b). It states that their work is guided by the human rights principles of non-discrimination, equality, participation, transparency, and accountability. It further emphasises that "this Declaration has provided normative underpinnings for a human-centred approach to development. Human development and human rights are embedded and reinforce each other conceptually and in practice, helping to secure the well-being and dignity of all people" (Source: UN 2011b)

The UN interagency statement was preceded by a July 2011 joint statement of nine chairpersons of UN treaty bodies that reflects on the interdependence and indivisibility of civil, political, economic, social, and cultural rights. The chairpersons resolved to:

> promote a development-informed and interdependence-based reading of all human rights treaties so as to highlight and emphasise the relevance and importance of the right to development in interpreting and applying human rights treaty provisions and in monitoring compliance with these provisions.

In, 2010 UN member states took stock of the progress made toward achievement of the MDGs. The 2010 World Summit outcome document on human rights acknowledges

> that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being. We recognise that development, peace and security and human rights are interlinked and mutually reinforcing. We reaffirm that our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential for achieving the

Millennium Development Goals. (UN 2010)

The outcome document of the 2015 World Summit, *Transforming our World: The 2030 Agenda for Sustainable Development*, proclaims the development Sustainable Development Goals (SDGs). The SDG Declaration makes repeated references to human rights and recalls the links between human rights and development. The preamble of the SDG framework proclaims:

> The 17 Sustainable Development Goals and 169 targets . . . seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental.

Elsewhere, the document states: "we envisage a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity."

Also significant is the SDG declaration's clear affirmation of the agenda's foundation in international human rights law:

> The new Agenda is guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. It is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit outcome document. It is informed by other instruments such as the Declaration on the Right to Development.

Box 1.3

Policy Statements on Human Rights and Development

Type	Examples
These organizations make occasional references to human rights limited to sector policies but they do not have overall human rights policies; human rights may be captured in more general, aspirational terms rather than as a strict policy requirement to be complied with	African Development Bank (AfDB) (2013) Asian Development Bank (ADB) (1998, 2003, 2005) Asian Infrastructure Investment Bank (AIIB) (2016) Black Sea Trade and Development Bank (BSTDB) Inter-American Development Bank (IADB) (2006a, 2006b, 2010) International Finance Corporation (IFC) (2006, 2012) Irish Aid (2009, 2013) Islamic Development Bank (IDB) World Bank (2016) Nordic Investment Bank (NIB): indigenous peoples and other vulnerable groups UN Environment Programme (UNEP) UN-HABITAT UN Industrial Development Organization (UNIDO) (2013) (2015) UNOPS World Food Programme (WFP) World Health Organization (WHO) Australian Agency for International Development (AusAID) US Agency for International Development (USAID) (2013) (2015)

Established human rights policies and policies based on human rights or on a human rights–based approach (HRBA), including second and third generation HRBA policies	Australia (2015)
	Austria Development Cooperation (ADC 2006, 2016)
	Canadian International Development Agency (Canada 2008; CIDA (1996, 2005); Canada (2015)
	European Commission (2001, 2014)
	German Federal Ministry for Economic Cooperation and Development (BMZ 2004, 2008, 2011)
	German Agency for International Development (GIZ) (2012)
	Government of Spain (2008)
	Ministry of Foreign Affairs of Denmark (2010, 2010)
	Ministry for Foreign Affairs of Finland (2000, 2004)
	Ministry for Foreign Affairs of Sweden (2010)
	Netherlands Ministry of Foreign Affairs (2001, 2007, 2011)
	New Zealand Agency for International Development Cooperation (NZAID 2002, 2011, 2012, 2015)
	Norway (2014)
	Office of the High Commissioner for Human Rights (OHCHR 2009)
	Swedish International Development Cooperation Agency (Sida 1997, 2010; Government of Sweden 2003, 2014)
	Swiss Agency for Development and Cooperation (SDC 1997, 2006, 2016)
	UK Department for International Development (DFID 2000, 2015)
	United Nations High Commissioner for Refugees (UNHCR 1997)
	United Nations Development Programme (UNDP 1998 and various practice notes, such as UNDP 2003, 2004, 2005,2015)
	UN Populations Fund (UNFPA) (2010, 2013)
	UNICEF (1998, 2001, 2010a,2010b 2013)
	UNESCO (2003)
	United Nations Population Fund (UNFPA 2004)
	United Nations Development Fund for Women (UNIFEM 2004)
	German Federal Ministry for Economic Cooperation and Development (2011)

Human rights as part of the overall agency or institutional mandate	Council of Europe Bank (CEB) (2010) European Bank for Reconstruction and Development (EBRD) (2014) EU (2011, 2012, 2015) European Investment Bank (EIB) (2009, 2013) FAO (2010, 2012, 2013) International Labour Organization (ILO) (1998, 2008, 2015) OHCHR UNHCR UN Department of Economic and Social Affairs (DESA) UNAIDS (2015) UN-HABITAT (2013) UNHCR UN Women (2013) World Food Programme (WFP) World Health Organization (WHO)
Interagency or multilateral agreements on or referencing human rights and development	UN Vienna Human Rights Declaration and Programme of Action (UN 1993) UN Millennium Declaration (2000) DAC Guidelines on Poverty Reduction (OECD 2001) UN Interagency Common Understanding of an HRBA (2003) UN World Summit outcome document (2005) OECD DAC Action-Oriented Paper on Human Rights and Development (OECD 2007a) Accra Agenda for Action (2008) UN MDG 2010 Summit Outcome Document (UN 2010) Busan outcome document (2011) The 25th Anniversary of the Declaration on the Right to Development, Joint Statement of Chairpersons of the UN Treaty Bodies (UN 2011a) Joint Statement on the occasion of the 25th Anniversary of the UN

	Declaration on the Right to Development (UN 2011b)
	UN Guiding Principles on Business and Human Rights (UN 2011)
	UN Conference on Sustainable Development (Rio + 20) outcome document (UN 2012)
	UN Conference on 20th Anniversary of the Vienna Declaration and Programme of Action (Vienna + 20) (UN 2013)
	Transforming Our World: The 2030 Agenda for Sustainable Development (UN 2015)
	UN Framework Convention on Climate Change (UNFCCC) Paris Agreement (UN 2015)

Note: The term "policy" is employed broadly here to include a range of types of policies, from those establishing binding requirements to those embodying general principles that serve as guidance, as well as policies containing both.

As illustrated by the 1997 DAC statement that "Respect for human rights is seen as an objective in its own right but also as a critical factor for the longer-term sustainability of development activities" (OECD 1997), there are two main rationales for agencies' work on human rights as part of development cooperation: intrinsic and instrumental. Although the rationales are discussed separately here, they are not mutually exclusive and can be linked in policy and practice, with various rationales often used in combination.

Intrinsic Rationales

Intrinsic rationales have their origin in moral or ethical norms, which are reflected in legal obligations that form part of the international human rights framework for the protection of the equal dignity of all human beings. The universal framework of common values was reaffirmed at the 2005, 2010, and 2015 UN World Summits and includes the values of freedom, equality, solidarity, and tolerance.

All states that are party to international human rights instruments have a duty to respect, protect, and fulfil human rights, including doing so through international cooperation. The UN, which is the guarantor of the international human rights system, has since 1997 worked to mainstream human rights in all its activities. Since 2005, there have been repeated calls for further mainstreaming of human rights throughout the UN system, for strengthening the Office of the High Commissioner for Human Rights (OHCHR), and for closer cooperation between OHCHR and all relevant UN bodies (UN 2005). The 2010 UN World Summit reaffirmed the concept that respect for all human rights is essential for achieving the MDGs (UN 2010). This message was further reaffirmed in the 2015 UN Summit on Sustainable Development, during which a new agenda for development was affirmed to be "grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development" (UN Sustainable Development Summit 2015, September 27, 2015, New York). The 2003 UN interagency definition of a human rights–based approach (HRBA) explicitly states that development cooperation should further the realization of human rights as laid out in international human rights instruments (Box 1.2).

Several bilateral agencies have embraced the view that development and human rights are interlinked and that aid should be used to foster human rights objectives. As the review of international conferences and pronouncements in Box 1.3 illustrates, there is growing recognition of the intrinsic importance of human rights in a range of contexts. Nevertheless, the fact that a normative agenda is increasingly pursued under a HRBA does not necessarily result in an emphasis on human rights as a legal obligation or as the subject of binding international treaty obligations in the context of development cooperation for either donors or partners (McInerney-Lankford 2009, 2013).

Not all aid agencies accept that they are under a legal obligation to respect, protect, promote, and fulfil human rights through their assistance, and intrinsic arguments are not limited to legal ones: the concept of humanity underlying the human rights framework is a strong ethical force behind most policies. Ethical arguments thus reinforce a positive association between human rights and aid, centred on human dignity and the need to combat poverty. Political factors can also drive agencies to integrate human rights, for example, when there is public outcry over substantial amounts of aid given to governments that use excessive force against their own citizens or that pursue discriminatory policies.

Intrinsic reasons also include arguments in which the realization of human rights is seen as constitutive of development:

- Drawing on Sen's capabilities framework (1999), the *Human Development Report 2000* highlights the common vision and common purpose of human development and human rights "to secure the freedom, well-being and dignity of all people everywhere" (UNDP 2000).
- The multidimensional definition of poverty in the DAC Guidelines on Poverty Reduction can be mapped to the various human rights codified under the international framework (OECD 2001). These guidelines and other DAC documents describe human rights, along with governance, democracy, and the rule of law, as part of the qualitative elements of development.
- The World Bank's *Voices of the Poor* reports confirmed that poor people care about civil and political rights, such as safety and security, as much as they care about food and water and that safety and security are legitimate poverty reduction goals (Narayan 2000; Narayan et al. 2000; Narayan and Petesch 2002).

As aid agencies have become more familiar with the human rights framework, human rights organizations have started to address poverty and development more directly. The Office of the United Nations High Commissioner for Human Rights has taken a particular interest in poverty reduction, and international human rights nongovernmental organizations (NGOs) such as Amnesty International and Human Rights Watch are increasingly addressing economic, social, and cultural rights.

Box 1.4
UN Interagency Common Understanding of a HRBA
1. All programmes of development cooperation, policies and technical assistance should further the realization of human rights as put forth 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.
a. The human rights principles identified in this agreement are universality and inalienability; indivisibility; interdependence and interrelatedness; equality and non-discrimination; participation and inclusion; accountability; and rule of law.
(Source: UN 2003).

Instrumental Rationales

The instrumental rationale recognizes the value of the international human rights framework but argues that a focus on human rights can improve processes and outcomes in relation to development assistance, security, risk management, aid effectiveness, and other international policy priorities. Human rights can therefore be seen as a means to an end, such as sustainable development or as part of upholding a principle of "do no harm." With a traditional focus on civil and political rights, the integration of human rights in development can contribute to good governance and integrity initiatives or efforts to combat corruption, for instance. Human rights frameworks help people hold duty-bearers accountable, inasmuch as the frameworks empower individuals and communities to demand that the state respect, protect, and fulfil human rights.

For some agencies, such as the Swiss Agency for Development and Cooperation (SDC), the Austrian Development Cooperation (ADC), and the Canadian International Development Agency (CIDA), human rights are defined as a subcategory of governance. Some agencies pursue human rights objectives in development cooperation through governance (Irish Aid 2009) The human rights principles of accountability, rule of law, and participation are seen as contributing to more effective, legitimate, and accountable governance (World Bank 2010). The Swedish International Development Cooperation Agency (Sida) closely links democracy and human rights objectives. Sida considers that poverty, understood in its broadest sense, is a state wherein almost all human rights are violated and that a lack of democracy leads to greater poverty in the long term. Under the umbrella of "democratic governance," Sida supports initiatives on human rights, democratization, rule of law, people's participation, and good governance, all of which are seen to contribute to poverty reduction and to highlight the political dimensions of development.

Arguments for integrating human rights into instrumental development cooperation hold that such integration can help to achieve more effective poverty reduction and better social outcomes. A commitment to human rights calls for urgent steps to tackle extreme poverty and social exclusion, which violate human dignity and the human rights of the poorest. The outcome documents of the 2010 UN Summit on the Millennium Development Goals (UN 2010), the 2015 World summit proclaiming the SDGs, and the 1995 Copenhagen World Summit on Social Development all set out international commitments in this area. A focus on vulnerable and excluded groups and the principles of universality, equality and non-discrimination, participation, and inclusion are particularly relevant here. The UK Department for International Development (DFID) has emphasized an empowerment approach aimed at participation, inclusion, and realizing the rights of the very poorest (DFID 2000). SDC's policy strengthens its commitment to empowerment and participation by explicit reference to human rights (SDC 2006).

Agency statements often argue that a focus on human rights can improve the coherence, quality, and effectiveness of aid. For example, Dutch policy highlights the links between human rights, foreign policy, and development, and the use of political instruments to achieve both human rights and development objectives.

III.   LEGAL AND POLICY CONSIDERATIONS

Donor agencies endorse different rationales for working on human rights and development to different degrees and in different ways. Some agencies point to legal constraints to explain limited or implicit approaches. For example, some agencies are concerned that there may be conflicts with their mandate due to political prohibitions in their constituent instruments if they work explicitly on human rights. In the World Bank, as in some other international financial institutions, human rights have traditionally been seen as political, and therefore outside of its mandate because of the political prohibitions contained in its Articles of Agreement.

Some agencies argue that existing human development initiatives already contribute to economic and social rights. Several of the World Bank World Development Reports (WDR) address human rights themes: the *WDR 2006*, on equity (World Bank 2005a) makes explicit reference to human rights, and both the *WDR 2012*, on gender, and the *WDR 2013*, on jobs, address the relevance of human rights to their themes. Other examples of development activities that map substantively to human rights but do not employ the explicit language of human rights are interventions focused on particular groups, such as indigenous peoples (World Bank 2005b), persons with disabilities (World Bank and WHO, 2011), and HIV/AIDS (World Bank 2011d; 2012a). An important World Bank initiative is the Nordic Trust Fund (NTF), created in 2008 to serve as an internal "knowledge and learning initiative" to help develop an informed view among Bank staff on how human rights relate to the Bank's core work (for further discussion of the NTF, see chapter 3).

Some agencies must adopt explicit human rights policies and approaches because of their legal framework, as with a number of European financial institutions. Financial institutions of the European Union, such as the European Investment Bank (EIB), are bound by the 2009 Charter of Fundamental Rights of the European Union to respect and promote the charter's rights and principles. For EU member states, integrating human rights into all external policies, including development cooperation, is a requirement of the Lisbon Treaty, and the EU is committed to promoting and protecting human rights outside its borders, in accordance with its founding principles (see Box 1.5). As a result, the EU seeks to mainstream human rights concerns into all its policies and programmes as recently reaffirmed in the EU Action Plan on Human Rights and Democracy adopted by the Council in 2015. The EIB's Statement of Environmental and Social Principles and Standards (EIB 2009) sets forth the Bank's human rights approach generally. The Statement of Environmental and Social Principles and Standards (EIB 2009) is

implemented in part by five Social Assessment Guidance Notes (attached to the EIB's *Environmental and Social Practices Handbook*) on issues that cover some human rights concerns: involuntary resettlement; rights and interests of vulnerable groups; labour standards; occupational and community health and safety; and public consultation and participation.

Box 1.5

EU Approach to Human Rights and Development

The European Union is committed to supporting democracy and human rights in its external relations, in accordance with its founding principles of liberty, democracy, and respect for human rights, fundamental freedoms, and the rule of law. The EU seeks to mainstream human rights concerns into all its policies and programmes, and it has different human rights policy instruments for specific actions—including financing specific projects through the EU financial instruments.

(Source: European Parliament 2015).

Preambular language in the foundational legal instrument of the European Bank for Reconstruction and Development (EBRD) notes that contracting parties are "[c]ommitted to the fundamental principles of multiparty democracy, the rule of law, respect for human rights and market economies" (EBRD 1990). The document further describes the EBRD's mission as to facilitate the transition toward market economies in member countries committed to democracy and pluralism. This mission enables the EBRD to emphasize human rights in the course of its work. Although the EBRD does not have an explicit human rights policy, its emphasis on political and civil rights is reflected in the EBRD's Procedures to Implement the Political Aspects of the Mandate of the European Bank for Reconstruction and Development (EBRD 1991) and Political Aspects of the [EBRD's] Mandate in Relation to Ethnic Minorities (EBRD 1993). Additional attention is paid to specific human rights in the EBRD's Environmental and Social Policy (EBRD 2008), as well as its Gender Action Plan (EBRD 2010).

Although the Council of Europe Bank (CEB) does not have a foundational document explicitly

establishing human rights responsibilities for the bank, the CEB is institutionally grounded in human rights through the European Convention on Human Rights (ECHR). The CEB is administered under the authority of the Council of Europe, the main purpose of which is to promote human rights, democracy, and rule of law. The secretary general of the Council of Europe is required to review every project application to assess whether it conforms to the political and social aims of the Council of Europe (CEB 2010a). The CEB's human rights framework includes loan regulations that require projects to conform to the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter (CEB 2010a). These contractual covenants are a unique feature: the CEB can suspend, cancel, or demand early reimbursement of a loan if a project's implementation leads to a human rights violation (see, e.g., CEB Loan Regulations, Article 3.3(g)(iii)). The CEB's Environmental Policy mandates that "the CEB will not knowingly finance projects which are identified as undermining human rights" (CEB 2010b).

Legal constraints are often related to political ones. Not all partner countries may be receptive to having development cooperation linked to human rights considerations. Moreover, domestic political environments in donor countries may be more or less conducive to grounding aid in an international human rights framework. For example, Sweden's global policy, which requires that a "rights perspective" (a type of HRBA) be integrated into all aspects of foreign policy (including aid) contrasts with that of the United States, where there is a more selective endorsement of the international human rights framework, as illustrated by the non-ratification of the International Covenant on Economic, Social, and Cultural Rights; the Convention on the Rights of the Child; and other international instruments. This means that the poverty reduction efforts of the US Agency for International Development (USAID) cannot be conceptualized from the perspective of economic and social rights and obligations.

Nonetheless, aid agencies are working on aspects of the human rights agenda (either narrowly on civil or political rights, or without using explicit human rights language) or are considering how to adapt their policy frameworks. The processes of stocktaking or mainstreaming of human rights work (without an overarching policy) are among the entry points (Box 1.6).

Some agencies have not adopted human rights policies for pragmatic reasons. For example, Australia

engages in international dialogue on human rights and provides grant funding to NGOs and human rights institutions based or operating in developing countries. In 2011–2012, Australia provided AUS $3.7 million through its Human Rights Grants Scheme to fund 41 projects in the Asia-Pacific, Middle East, and Africa. Although Australia does not have a stand-alone human rights policy, enhancing human rights is included within Effective Governance, one of five core strategic goals of the Australian aid programme (AusAID 2012). Human rights principles are also applied in AusAID's Gender Thematic Strategy (AusAID 2011a), as well as in AusAID's Development for All Strategy, which reflects the rights-based approach of the UN Convention on the Rights of Persons with Disabilities (AusAID 2008). Australia's Humanitarian Action Policy highlights protecting the safety, dignity, and rights of affected populations as core to its humanitarian action and includes, as a guiding principle, a commitment to working with governments and humanitarian partners to advocate for the rights and protection of affected populations (AusAID 2011b).

The further development or implementation of agencies' human rights policies presents empirical challenges. Some aid agency staff consider that aid or national policies based on human rights standards may constrain, rather than facilitate, poverty reduction, conflict resolution, or other objectives; others worry that the introduction of human rights principles and considerations may alienate partner countries or complicate aid partnerships. Particular outcomes in, for example, health or education may be hindered or jeopardized by scrutinizing the processes by which such outcomes are reached; some people argue that social spending on economic and social rights goals can slow economic growth and that labour standards can result in incentives with a negative impact on growth (e.g., if the minimum wage is set too high, or if implementing health and safety standards is prohibitively expensive for employers). Nevertheless, more recent thinking highlights the ways in which a lack of emphasis on processes and a lack of concern for discrimination, exclusion, and inequality can hinder the achievement of sustainable development outcomes.

Pragmatic and empirical challenges are more amenable to evidence-based discussions than legal and political ones are. Research and multidisciplinary exchanges can contribute to the development and application of policies so as to reach a wider set of agency staff and partners (Box 1.5).

The World Food Programme (WFP) does not have an explicit human rights policy but does have policy frameworks that relate directly or indirectly to human rights, such as the 2008–2013 WFP Strategic Plan, which states that food security shall be delivered "in ways that contribute to the safety and dignity of affected populations." The WFP's protection approach is consistent with human rights-based programming, including a right-to-food approach (WFP 2010). WFP implemented the Protection Project, funded through external sources, which engages in the training of WFP staff and partners on protection (including trainings of trainers), a study on gender-based violence in the context of food assistance in displacement settings, and continuous programme support, such as assessment, implementation, and monitoring tools, to country offices. Thus far, the project guidance and tools have been mainstreamed at the field level in country offices; the next step is to incorporate them at headquarters (particularly as part of the monitoring process; UNDG-HRM 2011; now UNDG-HRWG). Similarly, the UN Food and Agricultural Organization of the United Nations (FAO) does not have a human rights mainstreaming policy but has other strategic tools, such as Voluntary Guidelines on the Right to Food (FAO 2005), which represent a consensus on how to achieve the right to adequate food and how to promote it in the context of food security (UNDG-HRM 2011).

Although the World Health Organization (WHO) has not adopted an explicit and overarching human rights mainstreaming policy, it launched a mainstreaming process in the context of its reform process, which brings together gender, equity, and human rights. A team, responsible for institutional mainstreaming and located within the Office of the Assistant Director-General, Family, Women's and Children's Health Cluster, was established to play a central role in fostering greater cooperation across the organization. It stimulates action with headquarters departments, regional offices, and through the

regional offices, with WHO country offices and their national counterparts (WHO 2012).

Box 1.7

Building the Evidence Base for Human Rights Policies

The Asia-Pacific Regional Office of the High Commissioner for Human Rights developed the Lessons Learned Project (in collaboration with several other organizations) to help integrate human rights policy and practice in all UN activities. Project staff culled programmes and projects of the UN system and its many partners for experiences in using a HRBA to development. Project activities included writing up the lessons learned (both positive and negative) and provision of assistance to UN country teams (UNCTs) across the region (Source: Banerjee 2005; UNESCO 2008b).

The World Bank Development Research Group continues to focus on the role of judiciaries and legal institutions in promoting state accountability (World Bank 2011a), the impact of legal strategies to claim economic and social rights (World Bank 2011c), administrative law mechanisms for redressing complaints regarding the provision of basic services (World Bank 2011b), and the costs of compliance with human rights treaties (World Bank 2011c). Other research addresses the impacts of HRBAs (World Bank 2012b). The World Bank published a study on the relevance of human rights indicators for development that also provides an overview of methodological approaches on human rights measurement (World Bank 2010b). The World Bank Institute found that "there are consistent, statistically significant and empirically large effects of civil liberties on investment project rates of return," that state capture impairs socioeconomic development, and that "the extent of capture and crony bias is related to the degree of civil liberties in a country" (Kaufmann 2005). The European Parliament has observed that "some empirical evidence suggests that the conditions in free and pluralistic societies are more conducive to socio economic progress and to respecting economic and social rights" (European Parliament 2015).

The UNDG Human Rights Working Group's *Mainstreaming Human Rights in Development—Stories from the Field* illustrates the various ways in which UN actors can mainstream human rights in practice and the value such action brings to development results. This initiative captured field results and highlighted the critical role that UNCTs play in supporting efforts by national actors to integrate human

rights into national development programmes and policies, while drawing on the UN system's unique convening power, normative role, and impartiality. The publication is a direct response to UNCTs' request for evidence-based guidance on human rights mainstreaming. It is a step forward in documenting experiences, one that focuses on impact. Further to this, a UPR follow-up assistance strategy was developed to ensure that the recommendations inform national development policies and programmes, as well as the United Nations Development Assistance Plan (UNDAP 2011–2015)*. Mainstreaming Human Rights in Development—Stories from the Field* shows how UNCTs were able to assist national partners in following up on recommendations from the Universal Periodic Review (UPR) and other human rights mechanisms, including on complex issues such as discrimination and social inclusion (Moldova), prison reform (Uruguay), and access to education for ethnic minorities (Vietnam). In Tanzania, the UPR process provided an opportunity for the UNCT to support the government in conducting an inclusive and participatory consultation process and to draw on recommendations to inform development efforts. The case studies of Kenya and the Philippines illustrate efforts to link international human rights norms and principles with specific development programmes and policies at the sectoral level—on water and sanitation in the Philippines and at the level of the national development plan in Kenya. UNCTs in Ecuador, Kenya, and the Philippines are moving beyond applying a HRBA to only UN programming. At the request of the respective governments, these teams are supporting national partners in applying the approach to national development policies and processes as well.

Constitutional and Legislative Initiatives

The impetus to integrate human rights into development policy may come from partner country initiatives. Donors and partners often work together on domestic legal initiatives related to human rights that aim to support sustainable development. These initiatives draw from the international human rights framework or sometimes from international human rights initiatives. The right to water is an example of the potential for interplay between the domestic and international law spheres.

At the international level, the right to water is considered to be protected under the International Covenant on Economic, Social, and Cultural Rights (ICESCR) Articles 11 and 12, which provide for the "right to an adequate standard of living" and the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health," respectively. The right to water and sanitation was explicitly recognised in 2010 by UN General Assembly resolution 64/292, which acknowledges that clean drinking water and sanitation are critical to the fulfilment of all human rights (UN 2010f).

At the national level, constitutional provisions explicitly requiring the protection or provision of clean water are found in at least 17 nations, including Kenya. The German Federal Ministry for Economic Cooperation and Development-funded a project to promote good governance implemented by Deutsche German Agency for International Development (GIZ). The Kenyan-German water programme, also implemented by GIZ, continues to support efforts to further implement Kenya's human rights obligations related to the right to water into national law, policy, and regulation as aligned with the constitution. In South Africa, the right to water is explicitly enshrined in its 1996 constitution and is enforceable in the courts. Several countries have incorporated the right to water in their national laws and policy, making the right easier to enforce (Boyd 2011; see Box 1.8).

Box 1.8

Enforcing the Right to Water in Argentina

In many instances where there is no explicit constitutional right to water, courts have found that the right to water is implicitly included as a fundamental prerequisite to enjoying other explicitly protected rights. For example, the drinking water in a poor community in Argentina (Chacras de la Merced) was being contaminated by inadequate wastewater treatment. An NGO filed a lawsuit against the upstream municipality and the province alleging a violation of the local residents' constitutional right to a healthy environment. The court found that there was a violation of the right and ordered the government to upgrade the treatment plan and provide clean water to the local residents in the interim. The government met its obligation, and the municipality subsequently passed a law requiring all future sewage and sanitation tax revenue to be invested in improvements and maintenance of the sewage system (Source: Boyd 2011).

In some instances, development cooperation of a technical sort may result in human rights–relevant legal initiatives at the domestic level. For instance, Australia credits workshops sponsored by the All China Women's Federation and Australia-China Human Rights Technical Cooperation with the passage of laws on domestic violence by the local-level Peoples' Congress (AusAID 2006). Since 2004, CIDA has

supported the United Nations Development Fund for Women (UNIFEM) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) Southeast Asia Programme (CEDAW SEAP) to help governments, Civil Society Organizations (CSOs), and partners within the UN system and the international community facilitate better implementation of CEDAW to advance women's rights in Cambodia, Indonesia, Lao PDR, the Philippines, Thailand, Vietnam, and Timor-Leste.

Box 1.9

Justiciability of Economic, Social, and Cultural Rights (ESCR)

One obstacle to the full realization of economic, social, and cultural rights is their justiciability and legal enforceability. The 2008 Optional Protocol to the ICESCR created a mechanism for individuals to file individual communications (complaints) for violations of ESCR under the ICESCR with the Committee on Economic, Social, and Cultural Rights (UN 2008b). However, the protocol will not enter into force until 10 parties have ratified it; at the time of publication, only three states had.

At national levels, similar challenges have been raised about the justiciability of ESCR enshrined in a national constitution (see Box 1.9). The *Grootboom* decision (*Government of Republic of South Africa and Others v. Grootboom and Others* 2000 (11) BCLR 1169 (CC)) by the South African Constitutional Court in 2000 was the first to recognize that such rights are justiciable and that remedies can be found to compensate victims for violations of ESCR. The decision also confirmed the obligations of the state to provide for ESCR regardless of budgetary or other limitations (UNDP and OHCHR 2011). Basing its decision on Section 26 of the South African Constitution, the high court held that "Everyone has the right to have access to adequate housing; and the state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right." The court also held that "Section 26 imposed a negative duty on states not to prevent or impair the access to housing, as well as a positive obligation to create an enabling environment for the fulfilment of this right."

In November 2011, the Kenyan High Court issued an important decision on the justiciability of ESCR, highlighting that the need to recognize the "interdependence [of human rights] is out of the realization that people living without the basic necessities of life are deprived of human dignity, freedom and equality." The decision was grounded in the new constitution as well as in provisions of the ICESCR

and the African Charter on Human and Peoples' Rights. The Kenyan NGO Hakijamii had filed a petition on behalf of local community members in the Medina Location of Garissa, Kenya, who were violently evicted and had dwellings destroyed with little notice and no due process. Affirming that any treaty ratified by Kenya is part of Kenyan law, the court found violations of many ESCRs, inter alia, the rights to life, adequate housing, sanitation, clean and safe water, and education. The high court issued a permanent injunction, ordering the state to return petitioners to their land and reasonable residence and awarding damages to the petitioners (*Ibrahim Sangor Osman v. Minister of State for Provincial Administration and Internal Security and Others*, High Court of Kenya at Embu, 2011).

Efforts to engage judicial systems in the enforcement of ESCR can be expected to continue, with institutions offering training and capacity building in relevant areas. For example, the Global School on the Enforcement of Social and Cultural Rights, a consortium of institutions coordinated from the University of Oslo, offers international, regional, and national trainings on litigation of ESCR, including on litigating health-related rights.

IV.   FROM POLICY TO PRACTICE

Agencies have adopted different approaches to implementing policies, reflecting their mandates, policy frameworks, and principal modes of engagement. The most common modality has been human rights projects, which are usually linked to the promotion and protection of civil and political rights. Some agencies have committed to human rights mainstreaming, which can lead agencies to work on human rights issues in non-governance sectors. Many bilateral aid agencies also undertake some form of human rights dialogue, often linked to their foreign policies. Where political or legal barriers to these approaches exist, donors engage with areas, issues, or groups also covered by human rights treaty protection but without referring explicitly to human rights or without adopting a HRBA or objective. The next chapter offers a framework for further examination of these approaches.

Chapter 2.
Preliminary Lessons: Integrating Human Rights Dimensions, Principles, and Obligations

Building on the initial review of donor policies, this chapter explores in greater depth the justification upon which donors rely for integrating human rights into development, looking at intrinsic and instrumental rationales and conceptualizing the overlaps between human rights and development in terms of dimensions, principles and obligations.

I.   INTRINSIC VALUE

A Shared Coherent Normative and Analytical Framework

Human rights offer a coherent normative framework that can guide development assistance. This framework puts humans at the centre of the analysis, linked to state obligations as duty-bearers and to citizen entitlements as rights-holders. It is a universal framework into which states enter freely, with a jurisprudence to support decision-making. Its grounding in a consensual global legal regime creates a normative legitimacy and consistency that is not always found in development interventions.

Considerable convergence exists between the substance of human rights treaty provisions (such as the International Covenant on Economic, Social, and Cultural Rights) and areas of development activity, particularly as donors continue to expand cooperation into realms of social and human development. Several core principles that can be derived from international, regional, and domestic human rights instruments—participation and inclusion, accountability, equality and non-discrimination, attention to vulnerable groups, and empowerment—are already part of the development discourse. Indeed, a human rights–based approach (HRBA) to development analyses and addresses "the inequalities, discriminatory practices and unjust power relations which are often at the heart of development problems" (UNDG 2011b). This overlap of substance and principle is illustrated by the principle of equality, which is central to many international human rights instruments and embraced by development actors in pursuit of equity, inclusion, or empowerment (McInerney-Lankford 2009).

Although a normative agenda is increasingly pursued under HRBAs, this agenda does not necessarily emphasize human rights as a legal obligation or as the subject of binding treaty obligations under international law. This divergence results from legal constraints that put human rights beyond the reach of certain agencies' mandates, political sensitivities of connecting human rights to the development context, the diversity of government interpretations of human rights in international contexts, and institutional or organizational arrangements that keep human rights and development separate.

Development agencies are recognizing the analytical value of human rights: changes in project cycle management and innovative tools have enabled agencies to ask new questions and analyse situations differently. For example, a bridging analysis undertaken by the UN Development Fund for Women (UNIFEM) helps define the meaning of relevant human rights standards for particular contexts; as such, it builds development partners' understanding of how human rights guidance can enhance existing work (Box 2.1).

Box 2.1

Women's Rights as an Entry Point to Analyse Land Reform

UNIFEM's bridging analysis in Central Asia enabled project staff to use the international framework to identify priority areas in the land reform process. The analysis pointed to the need to examine women's right to land; women's rights in relation to family; women's access to credit; and the impact of stereotypes, discriminatory customs, and religious laws on women's access to property.

Legal Obligations

The international human rights framework comprises universal and regional treaties adopted under the aegis of the United Nations and regional bodies. Although there are differences in the levels of ratification of different human rights treaties, and although some countries have adopted reservations, derogations, or limitations to these instruments, the framework is shared and participated in by most countries. It is underpinned by the concept of legal obligation and the principle of *pacta sunt servanda*. Human rights law obligations, like other international treaty obligations, are voluntarily entered commitments of states, and as such, they offer the potential of clarity and legitimacy.

The 2005 World Summit reaffirmed member states' "solemn commitment to fulfil their obligations to promote universal respect for and the observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter, the Universal Declaration of Human Rights and other instruments relating to human rights and international law (UN 2005a).

The human rights framework offers a clear articulation of the responsibilities of duty-bearers and the entitlements of rights-holders, establishing a strong accountability paradigm. Depending on institutional and country context, human rights obligations may provide a relevant frame of reference for development in which human rights obligations relate substantively to development activities and objectives. Definitions of rights based on legal obligations benefit from the clarity of the definition in international treaties as well as from their elaboration in jurisprudence or in the interpretations of expert bodies.

Even where states' development policy frameworks incorporate an explicit commitment to human rights, only a few explicitly incorporate human rights obligations. Notable examples are Canada's 2008 Official Development Assistance Accountability Act, which provides that overseas development assistance can be provided only if it is consistent with international human rights standards (Canada 2008). Building on the reference to human rights in the European Bank for Reconstruction and Development (EBRD) Articles of Agreement, the EBRD's 2008 Environmental and Social Policy precludes the bank from knowingly financing projects "that would contravene obligations under international treaties and agreements related to environmental protection, human rights and sustainable development." Similarly, the Council of Europe Development Bank (CEB)'s human rights framework includes loan regulations that require projects to adhere to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter (CEB 2010a). The European Union's approach to integrating human rights into its policies and approaches to development cooperation is grounded in legal obligations under the Lisbon Treaty. Since the early 1990s, policies have become more systematic and refined. The 2006 European Consensus on Development recognises human rights as an intrinsic element of sustainable development, and the complementary 2011 Agenda for Change makes human rights, governance, and related concepts a major pillar of EU development cooperation. The 2012 Strategic Framework on Human Rights and Democracy and the Action Plan was followed by the EU Action Plan on Human Rights and Democracy adopted by the Council in 2015. It

reaffirms the EU's commitment to mainstreaming human rights across all policies and include a pledge to intensify efforts to promote social and economic rights.

As the EU's financing institution, the European Investment Bank (EIB) is committed to upholding the highest human-rights standards in its activities. In its capacity as an EU body, the EIB is directly bound by the EU Charter of Fundamental Rights, an instrument that enjoys the rank of an EU treaty, in accordance with Article 51(1) of EIB charter. In contrast to other international financial institutions and multilateral development banks, the EIB is thus embedded in the institutional framework of the EU. As such, its actions are subject to review by the European Ombudsman and to the jurisdiction of the Court of Justice of the EU.

Operational Human Rights Principles

Many bilateral agencies, such as the Swedish International Development Cooperation Agency (Sida) and the UK Department for International Development (DFID), have been successful in programming around operational human rights principles. With slight variations, these operational human rights principles are a combination of the principles found in the UN Interagency Common Understanding of an HRBA). At the sector level, principles derived from the comments of UN treaty-monitoring bodies about economic and social rights (e.g., accessibility, adaptability acceptability, affordability of services) offer promising concepts around which development programming can be effectively organized. German bilateral cooperation has demonstrated the use of these principles in a series of Promising Practices (GTZ 2009b).

For agencies that have not adopted explicit human rights policies, operational principles offer a strategy for working on human rights in an implicit manner. This is the case with the UN Guiding Principles on Business and Human Rights:

> A range of agencies linked formally or informally to the State may
>
> provide support and services to business activities. These include export
>
> credit agencies, official investment insurance or guarantee agencies,
>
> development agencies and development finance institutions. Where these
>
> agencies do not explicitly consider the actual and potential adverse impacts

> on human rights of beneficiary enterprises, they put themselves at risk—in
> reputational, financial, political and potentially legal terms—for supporting
> any such harm, and they may add to the human rights challenges faced by
> the recipient State. (2011 UNGP)

It is important to distinguish operational principles that might be tangentially related to human rights from interventions specifically grounded in the human rights framework. There is a risk of "rhetorical repackaging" when every single intervention aimed at enhancing accountability, by using a participatory approach or channelling aid through civil society organizations, is described as "rights based," or by arguing that a donor is contributing to social and economic rights simply because of investment in schools or jobs creation. Such interventions need to be related to specific state obligations in order to be categorized as contributing to the realization of human rights. There may also be a risk of understating the indirect, positive human rights impact of projects undertaken with an implicit human rights approach. For instance, an Australian Agency for International Development (AusAID) independent review concluded that its country programmes and thematic areas often included a HRBA, but that the agency had failed to communicate the approach (Government of Australia 2011).

The UN Interagency Common Understanding of a HRBA offers a useful framework for distinguishing between elements that are *unique* and clearly linked to the human rights framework and elements that are *essential* but shared with other perspectives and are more commonly found in development. Unique elements include using recommendations of international human rights bodies and mechanisms, assessing the capacity of rights-holders to claim their rights and those of duty-bearers to fulfil their obligations, and developing strategies to build these capacities. Essential elements include recognizing people as key actors in their own development (rather than as passive recipients of commodities and services) and valuing participation, empowerment, and bottom-up processes, generally considered good programming practices.

One example of an operational human rights principle is the principle of meaningful participation. HRBAs are often associated with the adoption of participatory techniques. DFID, for example, invested in "participatory rights assessment methodologies" that were piloted in Peru and Malawi. The United Nations Children's Fund (UNICEF) adopted a participatory community development strategy in parts of Africa and CIDA has emphasized child participation in its development interventions aimed at child

protection (Box 2.2) In addition to approaches that aim to contribute to the empowerment of poor and vulnerable populations, the integration of human rights calls for free, informed, and meaningful participation that can be institutionalized and can affect public policy choices (Box 2.3). More traditional human rights projects in support of civic education or election processes have also contributed to this process.

Box 2.2 CIDA's Work on Child Participation

Child rights programming by donors and nongovernmental organizations (NGOs) such as Save the Children has emphasized child participation. For example, the Canadian International Development Agency (CIDA) funded child participation pilot projects as part of the implementation of its 2001 Action Plan on Child Protection (CIDA 2001a). CIDA has also supported the participation of children in research, international conferences, and policy dialogue.

In some cases, such support has led to outcomes that were not anticipated. In CIDA's Egypt pilot, it was observed that child labour often benefited children and their families. (Save the Children had the same finding). Rather than calling for abolition, the project supports working children to improve their learning and working conditions. Children are taught to identify labour hazards and to design healthy responses. At the national level, the Egyptian government has asked the CIDA project for expertise on a methodology for a participatory, rights-oriented national strategy for children (see chapter 8).

II.   INSTRUMENTAL VALUE

Apart from the intrinsic value that human rights may bring to development practices, human rights may be instrumentally useful in promoting good governance, managing risk, reducing poverty, and improving aid effectiveness.

Governance

Governance issues and human rights are mutually reinforcing (Box 2.3). A transparent and accountable environment in which individuals can claim and exercise their rights defines good governance. Human rights principles and frameworks can support improved governance because they highlight the demarcations between institutions and their constituents; they can underscore lines of responsibility and promote transparency so that individuals are empowered to hold their governments accountable. The international community has made the interconnection between good governance, human rights, and sustainable development directly or indirectly in a number of declarations and global conference documents. For example, the Declaration on the Right to Development proclaims that every human person and all people "are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development" (Article 1). In the Millennium Declaration, world leaders affirmed their commitment to promoting democracy and strengthening the rule of law as well as to respecting internationally recognized human rights and fundamental freedoms, including the right to development; it proclaimed that "the MDGs [Millennium Development Goals] have to be situated within the broader norms and standards of the Millennium Declaration," including those on "human rights, democracy and good governance." Moreover, from a human rights perspective, the concept of good governance can be linked to principles and rights set out in the main international human rights instruments, including the Universal Declaration of Human Rights and the ICCPR and the ICESCR (OHCHR Governance and Human Rights 2016)

Box 2.3

How Are Good Governance and Human Rights Linked?

Good governance and human rights are mutually reinforcing. Human rights principles provide values to guide the work of governments and other political and social actors. They also provide performance standards against which these actors may be held accountable. Moreover, human rights principles inform the content of good governance efforts: human rights principles may inform the development of legislative frameworks, policies, programmes, budgetary allocations, and other measures. However, human rights cannot be respected and protected in a sustainable manner without good governance. The implementation of human rights relies on a conducive and enabling environment. Such an environment includes appropriate legal frameworks and institutions as well as political, managerial, and administrative processes responsible for responding to the rights and needs of the population. The links between good governance and human rights can be organized around four areas: democratic institutions; service delivery; rule of law; and anticorruption.

(Source: OHCHR, 2013)

Links between the State and Its Citizens

Donor interventions tend to work either on the supply side (e.g., reforming state institutions to make them more effective) or on the demand side (e.g., civil-society advocacy campaigns that promote responsive governance). A HRBA helps break this artificial distinction by linking demand and supply through the conceptual lens of rights-holders, duty-bearers, and citizenship (Box 2.4).

> **Box 2.4**
>
> **Combining Citizen Awareness with the State's Ability to Deliver**
>
> Citizens must be registered so that they can legitimately demand their entitlements and rights. In Bolivia, DFID and other donors funded a project designed to provide identification documents to undocumented Bolivians (in particular, the poor, women, and indigenous peoples) and to raise awareness about citizen rights among civil society, registration officials, and members of the electoral court. The project also developed the capacity of the court and registration service to handle the 2004-2005 referendum and municipal elections.

In Peru, DFID supported mechanisms of citizen participation and the formal institutions of representative democracy. It worked with a coalition of state and civil society organizations to facilitate electoral education and oversight during presidential, congressional, regional, and municipal elections. The project helped strengthen citizenship by involving the poor in the electoral process. At the same time, DFID helped transform the institutional and legal framework in which the political parties operated by bringing together state and civil-society actors to seek consensus on a new Law of Political Parties and a reform of the electoral code. It also worked directly with all involved parties.

A World Bank Nordic Trust Fund (NTF) grant explored how efforts to strengthen the capacity of the government of Vietnam to guarantee the rights of its citizens could be reinforced by activities supporting citizens with rights awareness (Nordic Trust Fund 2010–2011). The NTF grant enabled World Bank staff to work with the government of Vietnam to raise awareness of rights through the media; to work with People's Councils, which represent citizens in holding the administration accountable; to support public awareness and capacity-building activities that enabled citizens to use new legal instruments that improved the access of poor and vulnerable groups to the formal justice system; and to train local civil servants through the Institute of Human Rights of the Ho Chi Minh Political Academy.

German-funded participatory complaint surveys in Indonesia resulted in improved service delivery by the public sector. Citizens became more aware of their rights and civil society organizations acted as watchdogs and responsible partners at the local level. Local decision makers and service providers learned to be accountable to citizens but also experienced the benefits of regular feedback. This feedback

helped them seek improvement and prioritize action and gave local authorities leverage when requesting resources from the central government (GTZ 2009b)

Accountability, Redress, and Legitimacy

Strengthening state legitimacy is fundamental to a governance agenda; respect for human rights standards offers a source of legitimacy. Institutional channels for domestic accountability are an important development concern, not only in the context of improved aid effectiveness (e.g., in relation to general budget support and financial management), but also as a spur to pro-poor domestic reform (e.g., encouragement of parliamentary involvement in poverty reduction strategies). Human rights provide an accountability framework at the international, regional, and national (constitutional) levels, emphasizing the need to document and monitor practices and progress regularly and providing recommendations and opportunities for compensation or redress. This channel of accountability can be used to hold not just states but also aid agencies accountable for their performance (see chapter 4).

Various initiatives may foster accountability processes and institutions, for example, around the rule of law, democracy, and political participation. Denmark supports domestic accountability through several development cooperation programmes. Other examples are programmes aimed at strengthening democratic institutions and their accountability and facilitating the development of pluralist political systems based on accountable and legitimate political parties (e.g., Uganda, Nepal). Sometimes providing support to parliamentary development is a key domestic mechanism of democracy (e.g., Mozambique, Bangladesh, Mali); so might be promoting a democratic culture in which institutions, civil society, and political actors interact; supporting free and fair elections; supporting a free and diverse media as a watchdog and platform for democratic debate (e.g., Tanzania, Burkina Faso); promoting the equal participation and voice of women and men (e.g., Niger); strengthening justice institutions (e.g., Mozambique, Vietnam, Mali); promoting autonomous and independent national human rights institutions (e.g., Bangladesh); and supporting CSOs to assist people in formulating their demands, carrying out advocacy, and/or providing legal assistance to poor and disadvantaged groups (in partner countries).

As the Arab Spring powerfully reminded the world in 2011, democratic governance and human rights are critical components of sustainable development and lasting peace. Countries that have ineffective

government institutions, rampant corruption, and weak rule of law have a 30 to 45 per cent higher risk of civil war and higher risk of extreme criminal violence than other developing countries. In fact, no poor fragile or conflict-ridden state has achieved a single MDG.

Democracy programming is integrated throughout the United States Agency for International Development (USAID)'s core development work; USAID focuses on strengthening and promoting human rights, ensuring accountable and transparent governance, and fostering an independent and politically active civil society. At the same time, USAID remain committed to fundamental democratic empowerment activities, including supporting free and fair elections, up-to-date technology for new and traditional media, and the rule of law. By helping societies protect the basic rights of citizens, USAID prevents conflict, spurs economic growth, and advances human dignity. Countries with democratic freedoms are more just, peaceful, and stable than those without—and their citizens can fulfil their potential.

USAID is focused on:

- Supporting more legitimate, inclusive, and effective governments so that they are responsive to the needs of their people
- Helping countries transition to democracy and strengthen democratic institutions, capitalizing on critical moments to expand freedom and opportunity
- Promoting inclusive development so that women, minorities, and vulnerable populations benefit from growth, opportunity, and the expansion of rights

To advance these goals, USAID launched the Center of Excellence on Democracy, Human Rights, and Governance in 2012. Designed to be a global resource for evidence-based research, the centre closely measures and evaluates what works best in democracy, human rights, and governance and shares best practices with the international development community.

"Do No Harm" and Risk Mitigation

The "do no harm" principle is one of the 10 key principles identified in the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC)'s "Action-

Oriented Policy Paper on Human Rights and Development," which states that donors can "inadvertently reinforce societal divisions, worsen corruption, exacerbate violent conflict, and damage fragile political coalitions if issues of faith, ethnicity and gender are not taken fully into consideration" (OECD 2007a). In this connection, the human rights framework can provide a normative baseline mandating non-retrogression and a legal grounding for the principle of "do no harm." This action-oriented policy paper (AOPP) encourages donors to respect human rights principles in their policies and programming, to identify practices that are potentially harmful, and to develop strategies for mitigating potential harm. Some agencies have development policy frameworks that embody a principle of "do no harm" without explicitly relying on the international human rights framework, which is the case for a number of international financial institutions that have developed environmental and social policies and frameworks to prevent and mitigate undue harm to people and the environment in the development process. Many of these policies provide guidelines for the institutions and their clients in the identification, preparation, and implementation of projects and programmes (see chapter 4).

Poverty Reduction

Identifying the Root Causes of Poverty

The lessons put forward under governance issues also contribute to those related to poverty reduction, especially in the areas of participation, empowerment, and the transformation of state-society relations. Many studies have highlighted the analytical value of human rights for identifying the structural and root causes of poverty. Instead of a needs-based framework, programming based on a human rights analysis looks at states' ability to meet their obligations as well as at their capacity and political will constraints. The Canadian International Development Agency (CIDA) develops country development programme frameworks, in which country programmes must do a human rights analysis that takes into account human rights commitments. Such analysis also examines citizens' ability to claim their rights and the cultural and social barriers that may exist. For example, DFID recognized that inequality and exclusion represented major barriers for poverty reduction in Latin America and required tackling in new ways.

Exposing Power Relations and the Inertia of Social Norms

Identifying root causes of poverty requires understanding the structural factors that perpetuate it, such as the roles of elites, the abuse of state power, and gender discrimination. Donors are not always

comfortable examining such issues explicitly, or they may not have the social or political skills to do so; a human rights analysis can enable such an approach (Box 2.5).

Several studies point to the limitations of an approach that aims to respond only through legal or institutional change: social norms and values (or informal power networks) are among some of the most difficult challenges faced in achieving human rights (and pro-poor development outcomes more generally), as illustrated by difficulties in achieving gender equality objectives.

Box 2.5

Water Rights in Tanzania

In the Kileto District in Tanzania, WaterAid launched a project to improve water access for residents. By integrating human rights principles—in particular, participation, non-discrimination, equality, and empowerment—into the programming process (and including these as explicit programme goals), WaterAid was able to identify and eliminate underlying obstacles to equitable access to water. The participatory approach and analysis revealed that because of power imbalances, lack of land rights, and exclusion from national policy decisions, two ethnic groups were prevented access to water. Project members worked with the communities to overcome the intergroup conflict.

Paying Attention to the Excluded and Marginalised

Agencies have found human rights programming effective when directly tackling disparities. The human rights principles of universality, equality, and non-discrimination require that aid programmes pay attention to individuals and groups who are hard to reach through normal channels. These programmes must take into account the institutional, political, economic, and social factors that lead to exclusion and discrimination. Not least, this approach calls for greater use of disaggregated data (Box 2.6).

Box 2.6

The Use of Data

UNICEF's review of the implementation of a HRBA provides many examples of efforts to reduce disparities and reach the most excluded. The review highlights the use of disaggregated data to analyse the situation of women and children to reduce discrimination (Bangladesh); the use of school drop-out rates, rather than enrolment, to shift policies and budgets toward adolescents excluded from the education system (Chile); and a polio eradication campaign targeting poor Muslim children under the age of two to reach the 5–15 per cent who had not yet been vaccinated. This outreach required specially adapted inclusive strategies, including a new communication strategy to reach the most marginalized families (India).

The OECD reported that Nepal's Ministry of Health and Population piloted a system to collect disaggregated data from hospitals and other health facilities on the basis of sex, age, caste, ethnicity, and regional identity on which groups and regions were benefiting from the abolition of fees for basic health services and other health policies. In so doing, the ministry helped ensure that resources were addressing underlying inequalities and were being used effectively to improve overall health outcomes.

(Source: OECD 2008b).

Aid Effectiveness

Because human rights are important development goals themselves, they have instrumental value as "critical objectives of aid effectiveness" (Ferguson 2008). This understanding was reflected in the 2007 AOPP as well as in the five principles of the Paris Declaration: ownership, mutual accountability, alignment, harmonization, and managing for development results. The linkages between human rights and aid effectiveness have been explored in a number of settings. In the context of the health sector, Ferguson (2008) recommends that partner countries utilize the human rights framework to support legislation, regulations, and policies; to identify citizen entitlements; to open up dialogue on critical issues; and to institutionalize quasi-mechanisms for engaging civil society and monitoring the fulfilment of rights. She further argues that donors can improve aid effectiveness by developing coherent positions on human rights issues within agencies and between donors, acknowledging the importance of partner and donor countries' international human rights commitments, and ensure that programmes, at a

minimum, do no harm.

Paragraph 13(c) of the Accra Agenda for Action (AAA) lends further support to the link between human rights and aid effectiveness, committing donors and partner countries to "ensure that their respective development policies and programmes are designed and implemented in ways consistent with their agreed international commitments on gender equality, human rights, disability and environmental sustainability."

Alignment and Harmonization

Alignment refers to a donor's commitment to base support on partner countries' national development strategies, institutions, and procedures. The concept requires strengthening of partner countries' sustainable capacity, in particular in the areas of public financial management and procurement, as well as in the increased use of partner-country systems on the part of donors. *Harmonization* requires donor actions to adopt common arrangements, simplified procedures, a more effective division of labour, more collaborative behaviour, and greater transparency.

In recent years, a greater focus has been placed on alignment and harmonization in reference to integrating human rights into development. The Paris Declaration and the AAA encourage donors to harmonize their approaches to cross-cutting issues. The 2007 AOPP elaborates 10 principles to guide donors in areas where harmonization is critical (OECD 2007a; see also chapter 4). Human rights, given their role in states' domestic legal and policy frameworks, play a part in setting national development priorities, which donors can assist in implementing. In addition, there is a strong congruence between, on the one hand, building partners' capacity and ensuring that aid does not undermine national capacities and, on the other, the fundamental principle that states are the main duty-bearers and that aid can be used to assist them in meeting their human rights obligations.

The DAC conducts in-depth, periodic peer reviews of all 24 member states to examine the effectiveness of their development systems and strategies and to share good practices in light of their commitments under the Paris Declaration and the AAA. Every four years, each member country submits to a six-month review by two other member states. The DAC also publishes lessons learned about aid

management challenges from across collected peer reviews. The peer reviews focus on members' development programmes overall and do not necessarily address how human rights issues are being integrated. For instance, reviews of the US and Portuguese programmes included only three brief references to the term "human rights" (OECD 2010, 2011a).

Donor agencies continue to work on how to integrate human rights in various areas of development cooperation. Box 2.7 presents some examples to illustrate how capacity development can be undertaken from a HRBA and how policy coherence can guide interventions in this area (Box 2.8)

Box 2.7

Public Expenditures and Rights Programming

UNICEF and UNIFEM have supported a number of initiatives to develop capacity for budget preparation and monitoring from a rights perspective—for example, through gender (UNIFEM 2006) or children's budgets—bringing together ministries of finance and social movements.

DFID has supported the Uganda Debt Network in its monitoring of the Poverty Action Fund, through which a significant amount of donor resources is channelled to local levels. In Peru, DFID-supported taxation reform was linked to citizens' rights and duties.

Box 2.8

Positive Complementarity

Denmark's policy and strategic framework for support of democratization and human rights, developed in 2009–2010, increased emphasis on a coherent approach to its normative human rights agenda in the support it provides both in multilateral fora and in bilateral aid. For example, Denmark's promotion of "positive complementarity" strengthened domestic jurisdictions to conduct national investigations and trials of crimes included in the Rome Statute of the International Criminal Court through support for capacity development provided by bilateral donors, multilateral organizations, and civil society.

Results-Based Management

The Paris Declaration includes a commitment to manage aid in a way that focuses on desired results and uses information to improve decision-making. The AAA affirmed this commitment. The literature on results-based management rarely touches on the role of human rights in conceptualizing and achieving results. This omission may be due to a perception that human rights give attention to processes, qualitative measures, and normative standards rather than to measurable outcomes. For example,

agencies such as UNICEF have found that a lack of disaggregated data has constrained their ability to target and monitor progress in equality and non-discrimination.

However, a number of agencies have worked to integrate human rights within their results-based management frameworks (Box 2.9). There have been some attempts to use national and international reporting on human rights commitments as part of country performance assessment frameworks, as well as investments in disaggregated data or tracking qualitative impact and a focus on structures and processes as well as outcomes.

Box 2.9

Denmark and UNIFEM's Approaches to Results-Based Management

Although Denmark does not employ a HRBA in its development cooperation, the Ministry of Foreign Affairs actively supports the inclusion of human rights–related indicators in its poverty reduction strategy paper performance assessment frameworks when it deems relevant. For example, in Mozambique, one of several justice/law and order indicators reflected a gradual increase in the percentage of criminal cases processed within the limits established by law. In Niger, a support programme aimed at promoting gender equality and equity included result indicators that resulted in removing Niger's reservations to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and ratifying its additional protocol. In Zambia, an indicator of improved access to justice was expressed as a decreased ratio between prisoners on remand versus those convicted. In 2011, Denmark launched an international research programme with the purpose of improving the documentation of results with a focus on the five pillars of the overall strategy for Danish development cooperation: freedom; democracy and human rights; growth and employment; gender equality; stability and fragility; and environment and climate.

UNIFEM's Multi-Year Funding Framework set four rights-based goals: to reduce feminized poverty and exclusion, to end violence against women, to reverse the spread of HIV/AIDS among women and girls, and to achieve gender equality in democratic governance in times of peace and in recovery from war. UNIFEM issued a guide for measuring results from a human rights perspective that included recommendations on how to measure progress in building the capacity of duty-bearers and rights-

Mutual Accountability

Mutual accountability refers to the individual and joint accountability of donors and partner governments to their citizens and parliaments for development policies, strategies, and performance. The Paris Declaration requires that partner governments use participatory processes to develop and monitor national strategies and involve their parliaments; that donors provide transparent information on aid flows to promote public accountability; and that both parties jointly assess progress in meeting aid effectiveness commitments. These mutual accountability principles are fully compatible with the human rights principles of accountability and transparency—which are reiterated in the AAA—and require access to information as well as participation in decision-making.

Human rights norms and standards can explicitly be part of this mutual accountability framework (Box 2.10). To achieve that status requires not only that partner governments demonstrate progress in implementing their human rights commitments but also that donors be held accountable for their contribution to the realization of human rights in partner countries. There are several examples of governments and agencies specifying human rights as a shared value underpinning their aid partnerships (e.g., Finland, Netherlands, Sida, DFID, the UN system, and Germany, which in 2011 committed itself to assess the possibility of setting up a human rights complaint mechanism). However, there are also disagreements regarding the extent to which the international human rights framework requires donors to be legally accountable for their human rights impacts.

Box 2.10

Human Rights and Mutual Accountability

DFID's policy on conditionality (DFID 2005a) mentions that human rights commitments form the basis of the aid partnership and that significant human rights violations can be used as a justification to suspend aid. The latter aspect has caused the most discussion. The Memorandum of Understanding (MoU) with Rwanda is one example of a mutual accountability framework. Rwanda signed MoUs with the UK, the

Netherlands, Sweden, and Switzerland. The UK MoU includes references to human rights as a shared commitment of the UK and Rwanda, a wider set of commitments on the part of the UK than other donor governments (to meet aid effectiveness principles), and explicit references to the government of Rwanda's human rights commitments. Of note, DFID modified its analysis for making decisions about budget support by adding to the existing three commitments (poverty reduction and the MDGs; respecting human rights; and improving public financial management and promoting good governance) an additional prong: strengthening domestic accountability. Assessment of this additional criterion entailed an evaluation of the partner government's commitment to making government information transparent, to engaging citizens, and to answering calls to justify their actions (DFID 2011d).

The OECD reported on two missions to Uganda performed by the UN Special Rapporteur on the Right to Health: one on the government of Uganda's action on neglected diseases and one on the health programme of SIDA's Ugandan office. The missions, which were facilitated by the Office of the UN High Commissioner for Human Rights (OHCHR), the World Health Organization, and the Uganda Human Rights Commission, strengthened public accountability and ownership of the national health strategy by enabling the engagement of Ugandan CSOs and the Ministry of Health in the strategy review process. As a result of these missions and the broad stakeholder engagement, the Ministry of Health included gender equality and human rights assessments in a midterm review of the sector strategy, helping to ensure that the strategy was addressing the underlying causes of ill health in Uganda (Source: OECD 2008b).

Accountability can be fostered through community participation. The United Nations Development Programme (UNDP) Sri Lanka launched the AIDWATCH initiative in 2005 to empower civil society in an effort to ensure that recovery and development occurs in environments of increased accountability, transparency, and participation. A representative sample of beneficiaries was given basic rights awareness training as well as advocacy and negotiation skills. They were also given access to local authorities and grievance-redress mechanisms (UNDP 2008a). In a UNDP housing project, for example, AIDWATCH participants were encouraged to discuss the project with field staff, ask questions, share grievances, and make recommendations (OECD 2008b).

III.   OTHER OPERATIONAL BENEFITS

From Direct Service Delivery to Capacity Development

Human rights considerations can highlight the importance of states' and citizens' capacity to deliver and claim their rights. All too often, aid agencies and international NGOs attempt to fill in capacity gaps and deliver services directly or to advocate for policy change in the place of domestic actors. Various case studies of HRBAs, in particular studies commissioned by UNICEF, have consistently shown that a HRBA helps donors and NGOs understand the need to move away from direct delivery and work at the level of the overall legal and policy framework, institutions, and programmes. This approach is more sustainable than others because it requires capacity to be developed beyond donor or NGO interventions and to build an enabling environment in partner countries (See Box 2.11).

Box 2.11

Irish Aid's Role in Aid Effectiveness

Although Irish Aid is a relatively small organization, Ireland is a leading player in implementing the aid effectiveness principle (Agulhas 2010). Irish Aid has been a strong advocate of local ownership, harmonization, and alignment at both policy and field levels (OECD 2009). Ireland's 2008 Civil Society Policy committed Irish Aid to create an enabling environment for NGOs to organize and engage with their own broader constituencies and to support the role of NGOs in promoting participation and good governance, pro-poor service delivery and growth, and building a constituency for development, human rights, and social justice (OECD 2009).

A critical part of Irish Aid's capacity building efforts is its Fellowship Training Programme (FTP), wherein approximately 60 fellowships are awarded annually to students from Ireland's programme countries (public services or nongovernmental sector) to come to Ireland for postgraduate studies. Irish Aid provided substantial inputs for a 2007 workshop on applying the Paris Declaration principles in gender equality, environmental sustainability, and human rights. Ireland's efforts in regard to aid effectiveness became increasingly important after the global financial crisis forced aid agencies to scrutinize, optimize, and reduce aid budgets (Source: Irish Aid 2009).

Holistic and Integrated Approaches

Linking the principles of the interdependence and the interrelatedness of all human rights with development programming, a number of studies have found that a HRBA produces operational benefits. It encourages more integrated programming (as opposed to a "silo" approach) by examining the range of factors that constrain the realization of particular rights. Integration may include, for example, linking the lack of security at school with girls' school attendance, rather than the availability or quality of education per se. A HRBA often calls for collaboration with other agencies within a sector, between different sectors, or across state and civil society actors (Box 2.12). In a UNICEF survey, 36 per cent of country offices said that they had engaged in multisector programming as a result of applying a HRBA (Raphael 2005).

Box 2.12

The "Justice Chain"

UNDP's access to justice policy focuses on the various stages and capacities needed for citizens to move from grievance to remedy, going through recognition of a grievance, awareness of rights, claiming, adjudication, and enforcement. This process allows the justice system to be analysed from the perspective not just of institutions but also of citizens and the barriers they need to overcome. Responses may require collaboration across justice institutions; in the Asia-Pacific region, this includes working with traditional justice.

Building New Partnerships

Uvin (2004) notes that "One of the major—and by now totally evident—consequences of a HRBA to development is that it encourages development actors to identify different partners." This trend encourages donor agencies to work with wide sets of actors, often in a facilitative way to support domestic change processes in partner countries (Box 2.13). CIDA's Aid Effectiveness Plan directs CIDA to delegate greater authorities to the field level as well as to use a partner country's public systems as much as possible (CIDA 2009b).

Box 2.13

New Partnerships

Sida's mainstreaming project in Kenya worked with a network of local partners (government, NGOs, and the UN), acting as resource persons for its sector programmes. The project also contributed to a national process around the Kenya National Human Rights Commission.

When UNICEF wanted to ensure accountability in Costa Rica, it joined forces with the Catholic Church, public universities, chambers of commerce, and political leaders to come up with new social, economic, and political proposals. In Jordan, when UNICEF found limited material available in Arabic on the Convention on the Rights of the Child (CRC) and on CEDAW, it opened discussions with the country's law school. There is now a mandatory course on human rights for all students, as well as courses on CRC and CEDAW.

In Peru, the DFID country team cultivated new alliances for change and nurtured existing networks. It brought together human rights organizations working on civil and political rights with more traditional development and poverty reduction organizations. It supported coalitions between the state and civil society at elections. It also supported networks of health professionals and umbrella bodies to work with the government on health policy.

Explicitly Recognizing the Political Dimensions of Aid

A HRBA to poverty reduction is inherently political because it attempts to change power relations within society. Recognizing that donors can be political actors raises difficult issues regarding the legitimacy of donor action, the practice of power, and lines of accountability. DFID realized these consequences in Peru, where there was the potential for conflict between DFID and the state (Box 2.14). Although few aid agencies are able to act in an explicitly political manner, a number of studies, including political economy analytic work such as Drivers of Change and Power Analyses (Dahl-Østergaard et al. 2005), recognize the political dimensions of poverty reduction and the political role of donors pushing for pro-poor change.

Box 2.14

Political Party Reform in Peru

To start tackling exclusion and inequality, DFID Peru supported reform of the legal and institutional framework and worked with political parties to help them think more about poverty and how to address it—clearly a sensitive area for a donor. The Agora project brought together militants from a wide range of parties to examine how to strengthen party governance. It emphasized inclusiveness by facilitating the participation of all parties; for example, meetings were held outside Lima to encourage the involvement of local party activists.

Reinforcing Good Programming Practices

Some of the contributions of human rights presented in this chapter can be described without using "rights language." The UN Interagency Common Understanding's distinction between unique and essential elements of a HRBA specifies what is found across good programming in general and the specific value of the human rights normative framework.

Why do agencies prefer to maintain references to human rights? These agencies argue that a foundation in a coherent, normative framework helps make good programming approaches non-negotiable, consistent, and legitimate; an emphasis is often placed on economic and social rights (see Box 2.15). Such references to human rights may create the potential to transform some of the more traditional, technical, and beneficiary-oriented or needs-based approaches to aid.

Box 2.15

Spain's Africa Plan, 2009–2012

Spain's Agency for International Development Cooperation (AECID) has an explicit focus on human rights, with a concentration on social and economic rights as well as women's rights (FRIDE 2010). Over time, it shifted its geographic focus from middle-income countries to fragile and least developed countries. Building on the country's Human Rights Plan (Government of Spain 2008), Spain's Ministry of Foreign Affairs and Cooperation and AECID published the Africa Plan, 2009–2012, which included three mainstreaming objectives: human rights, gender equality, and environmental sustainability and adaptation to climate change (Source: AECID 2010).

IV.   ADAPTABILITY TO DIFFERENT POLITICAL AND CULTURAL ENVIRONMENTS

Aid agencies and their partners are sometimes concerned that human rights programming is simply too difficult, for example, because of conflicts between human rights and local religion or culture or because of certain political contexts. Yet some agencies have been able to use human rights as a tool to influence harmful and discriminatory practices that might otherwise remain unchallenged. In the area of health and reproductive rights, the United Nations Population Fund identified culturally sensitive ways of promoting human rights drawing on Islamic sources in Muslim countries and distinguishing between culture at large and harmful practices that violate women's rights. Other agencies have adopted approaches tailored to individual country situations. UNICEF focuses on policy, legal, and institutional reforms in Latin America, community-level work in parts of Africa, and a progressive approach to human rights engagement in Vietnam that underlines the importance of the time factor and non-confrontational strategies (Box 2.16 and chapter 6).

Box 2.16

UNICEF's Work in Vietnam

The UNICEF country programme in Vietnam demonstrates the results of long-term engagement using non-confrontational language and high-level political dialogue in a centralized socialist political system. When UNICEF first introduced child rights principles in its analysis and planning, explicit rights language would have been too sensitive. By broadening the range of its state and party counterparts, UNICEF was able to raise awareness of children's rights in a number of areas. As a result, UNICEF made progress in legal reform, juvenile justice, and child protection in Vietnam.

V.   FINDINGS AND ISSUES FOR FURTHER CONSIDERATION

Conceptually, it is useful to try to disaggregate the ways in which development and human rights interact. Due to the extensive substantive or practical overlap between development activities and areas governed by human rights treaties, development activities can be seen to possess significant human rights dimensions. At a different level, due to the evolution of development polices and programming, a number of human rights principles can be identified in development policy frameworks and approaches. Finally, a number of international conferences and outcome documents, as well as some development agencies, explicitly ground development objectives in international human rights law. Thus the overlaps are significant and multitier, and they vary greatly across agencies and actors.

Development agencies view the overlaps in different ways and as a result integrate human rights in the international human rights framework to varying degrees. Some "embrace it," and agencies such as the German Federal Ministry for Economic Cooperation and Development, Sida, and the UN are explicit about the foundation of their work in international human rights agreements and obligations; others, such as CIDA and USAID, adopt a much more implicit use, usually at an operational level. Yet for many, the integration of human rights into development ought to be related to the international framework that is the main source of legitimacy of the approach. Just as development cooperation has evolved, this framework continues to evolve, and so it will be important for development agencies, partner countries, and civil-society groups to continue to interact with human rights actors such as UN bodies, human rights academics, and lawyers and NGOs. At the same time, human rights organizations should become more familiar with development concepts and approaches so they can participate effectively in the mainstream of development debates. Promoting greater international policy coherence depends at least in part on a more informed engagement and dialogue between human rights and development communities.

In practical terms, states should ensure that human rights standards and the general comments of the treaty-monitoring bodies are well known and used, and should try to enhance the usefulness and relevance of the recommendations of these bodies (Alston 2004; O'Neill 2004). More work is needed on developing tools and guidance and on establishing an empirical base for human rights recommendations. Conversely, development agencies should build their knowledge of human rights law and principles, step up their capacity to interact with human rights bodies, and consolidate their understanding of the scope and significance of international human rights law obligations for development.

Chapter 3.
Global Approaches to Human Rights in Development Programming

To incorporate human rights into their development work, agencies employ a variety of approaches. Some are driven by the donor's human rights policies; others are constrained by the parameters of agencies' mandates, capacity, or comparative advantage in the field. At times, agencies adopt different approaches in different areas or use multiple approaches simultaneously; these delineations can be blurred by overlapping nomenclatures. Nevertheless, five basic approaches to human rights in development programming can be identified: a human rights–based approach (HRBA); human rights mainstreaming; dialogues and conditionality; projects and global initiatives; and implicit human rights work (box 3.1)

Box 3.1

Donor Approaches to Integrating Human Rights and Indicative Activities

HRBA	Human rights mainstreaming	Human rights dialogue	Human rights projects	Implicit human rights work
Human rights are considered constitutive of the goal of development, leading to a new approach to aid and requiring institutional change.	Efforts to ensure that human rights are integrated into all sectors of existing aid interventions (e.g., water, education). This may include "do no harm" aspects. Mainstreaming may also involve advancing equality policies	Foreign policy and aid dialogues include human rights issues, sometimes linked to conditionality. Aid modalities and volumes may be affected in cases of significant human rights violations.	Projects or programmes directly targeted at the realization of specific rights (e.g., freedom of expression), specific groups (e.g., children), or in support of human rights organizations (e.g., in civil society).	Agencies may not explicitly work on human rights issues and may prefer to use other descriptors ("protection," "empowerment," or general "good governance"). The goal, content, and approach can be related to other

	(e.g., gender).			explicit forms of human rights integration rather than to "repackaging."

I. HUMAN RIGHTS–BASED APPROACHES (HRBA)

Although there is no one HRBA, there are a number of defining elements:

- The main objective of development policies and programmes should be to fulfil human rights.
- Rights-holders and their entitlements and corresponding duty-bearers and their obligations must be identified, and HRBAs work toward strengthening the capacities of rights-holders to make their claims and of duty-bearers to meet their obligations.
- Principles and standards derived from international human rights treaties should guide all development cooperation and programming in all sectors and in all phases of the programming process.
- A HRBA 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. It seeks to analyse inequalities that lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress (OHCHR 2006 FAQ).

HRBAs indicate a commitment to systematically taking human rights into account that typically requires a transformation of institutional practices. Projects, mainstreaming, and dialogue/conditionality are part of the implementation menu, but the overall rationale is distinct and explicit. Under the UN definition of HRBA, human rights are an explicit part of the goal of development assistance, leading to a different approach to the provision of aid. As one examination of human rights and development notes:

At the highest level of integration, agency mandates are redefined in human rights terms, seeking to create a more structural and holistic approach to development and social change. Here we face a fundamental rethinking of the entire development practice: its ideology, its partners, its aims, its processes, its systems and procedures. (Uvin 2004)

On the spectrum of approaches incorporating human rights in development, a HRBA is the strongest articulation of donor and partner commitment to human rights. As a conceptual framework, a HRBA explicitly posits human rights as a primary goal of development cooperation. Attention is placed on the political dimensions of poverty and power dynamics within a society that cause and reinforce exclusion and discrimination, with capacity building presented as a key feature of programming. HRBAs help articulate the role and obligations of the state as duty-bearer and the corresponding entitlements of the people as rights-holders. HRBAs can support governments as they become better equipped to identify and meet needs within and across communities. People, including marginalized and vulnerable groups, are given a voice and become empowered to participate in decision-making.

HRBAs can be employed at different stages of the development process: planning, implementing, or evaluating results. These stages typically draw on an agency's human rights policy or institutional mandate, which provides guidance throughout the process. Although many donors now have human rights policies, and the value of HRBAs is increasingly understood, the challenges of implementing and evaluating the results of HRBAs remain. Outcomes of HRBAs can be hard to quantify, because HRBAs are focused on long-term, sustainable changes to power dynamics and political participation. However, emerging work on human rights indicators has potential relevance for measuring the impacts of HRBAs, and development indicators that account for HRBAs are being used to demonstrate the effects of such approach as well (see chapter 5).

The United Nations

The UN has long promoted HRBA. The UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming (the Common Understanding) was adopted by the United Nations Development Group (UNDG) in 2003. The purpose behind developing a common understanding was to ensure that UN agencies, funds, and programmes apply a consistent HRBA to common programming processes at global and regional levels, especially at the country level in relation to the Common Country Assessment (CCA) and the United Nations Development Assistance Framework (UNDAF).

In the UN Programme for Reform, launched in 1997, the Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programmes within the

framework of their respective mandates. Since then, a number of UN agencies have adopted a HRBA to development cooperation and have gained experience in its operationalization. But each agency has tended to have its own interpretation of HRBA and how the HRBA should be operationalized. UN interagency collaboration at global and regional levels, and especially at the country level in relation to the CCA and UNDAF processes, requires a common understanding of a HRBA and its implications for development programming.

The Statement of Common Understanding specifically refers to a HRBA to the development cooperation and development programming by UN agencies:

- All programmes of development cooperation, policies, and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- 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. Among these human rights principles are universality and inalienability; indivisibility; interdependence and inter-relatedness; non-discrimination and equality; participation and inclusion; accountability; and the rule of law.
- 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.

The UN has made clear that HRBA requires good programming practices but that the application of "good programming practices" does not by itself constitute a HRBA (Box 3.2)

Box 3.2

Implications of a HRBA to Development in UN Agencies

The following elements that are necessary, specific, and unique to a HRBA:

- Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the nonrealization of rights.

- Programmes that assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations and then develop strategies to build these capacities.

- Programmes that monitor and evaluate both outcomes and processes guided by human rights standards and principles.

- Programming that is informed by the recommendations of international human rights bodies and mechanisms.

Other elements of good programming practices that are essential under a HRBA include:

- People are recognized as key actors in their own development, rather than as passive recipients of commodities and services.

- Participation is both a means and a goal.

- Strategies are empowering, not disempowering.

- Both outcomes and processes are monitored and evaluated.

- Analysis includes all stakeholders.

- Programmes focus on marginalized, disadvantaged, and excluded groups.

- The development process is locally owned.

- Programmes aim to reduce disparity.

- Both top-down and bottom-up approaches are used in synergy.

- Situation analysis is used to identify immediate, underlying, and basic causes of development problems.

- Measurable goals and targets are important in programming.

- Strategic partnerships are developed and sustained.

A number of UN agencies have experience implementing a HRBA. The United Nations Children's Fund (UNICEF)'s fundamental mission is to promote the rights of every child, everywhere, in everything the organization does—in programmes, in advocacy, and in operations. It does so through its application of

a HRBA and an enhanced focus on equity. Similarly, the United Nations Population Fund (UNFPA) focused on a HRBA to programming while strengthening national human rights accountability systems in its Strategic Plan 2014–2017. This plan is aimed at advancing the implementation of domestic laws and policies and the institutionalization of the protection of sexual and reproductive health and rights at different levels of state administration in order to enhance positive impacts for key population and groups living in marginalized or vulnerable situations.

UN-Habitat promotes a HRBA through its United Nations New Urban Agenda and by strengthening and systematizing its engagement vis-a-vis global policy developments, using the 2030 Sustainable Development Agenda and the Human Rights up Front (HRuF) initiative of the UN Secretary-General. In addition, UN-Habitat works to build staff and partners' capacity to apply human rights considerations in project implementation, to strengthen the effective integration of the HRBA into the UN-Habitat project cycle, and to spur the development of tools that guide a human rights-based implementation of UN-Habitat projects.

The EU

The EU has employed a HRBA for years. In May 2014, the Council of the European Union endorsed a HRBA "to promote human rights across all areas of its external action and in line with Policy Coherence for Development" and adopted conclusions on a rights-based approach to development cooperation encompassing all human rights. The council noted that:

> the promotion of human rights, democracy, the rule of law and good governance and of inclusive and sustainable growth are the two basic and mutually reinforcing pillars of the EU's development policy. The Council reaffirms the EU's commitment to promote all human rights, whether civil and political, or economic, social and cultural, in all areas of its external action without exception, in line with the EU Strategic Framework and Action Plan on Human Rights and Democracy and the Council Conclusions on Democracy. (Source: Council of the EU, 2014)

With respect to supporting the EU's external relations, the council stated that "[…] In the context of working towards a rights-based approach to development cooperation, encompassing all human rights, the Council welcomes the presentation of the Toolbox by the Commission in May 2014.4 As stated in the aforementioned Action Plan, this Toolbox "aims at integrating human rights principles into EU operational activities for development, covering arrangements both at headquarters and in the field for

the synchronization of human rights and development cooperation activities." (Council of the EU, 2014) The Council also notes that several Member States are already developing or applying similar approaches for the integration of human rights principles and standards in their development cooperation.

Bilateral Agencies

A number of bilateral agencies have adopted HRBAs, and some have done so without redefining their mandates in human rights terms; these agencies see a human rights policy as one among many contributing to the achievement of poverty reduction and empowerment. The boundary between human rights mainstreaming and HRBAs is not watertight, as genuine efforts to mainstream across sectors rapidly leads to taking human rights into account more systematically across the organization. The New Zealand Agency for International Development (NZAID) human rights mainstreaming action plan, for example, is very close to the UN's definition of a HRBA as is ADC's (Box 3.3). However, some agencies committed on paper to a HRBA have not invested much in institutional transformation.

Human rights have been a central element to Finnish development cooperation since the 1990s, and a HRBA has been referred to in Finnish development policy since 2004. The 2012 policy committed all Finnish development cooperation to a HRBA; the 2012 guidelines reflect the UN Common Understanding on Human Rights-Based Approach to Development. Finland's Human Rights Strategy, adopted in 2013, defines development policy and cooperation as tools for advancing human rights; the February 2016 Finnish government report on development policy confirms that Finnish development policy and development cooperation continue to be human-rights based.

Sweden has long embraced a HRBA to its development assistance through the application of "a rights perspective." The Swedish International Development Cooperation Agency (Sida)'s application of a HRBA focuses on achieving human rights through four principles: non-discrimination, participation, transparency, and accountability. The main purpose of the 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). In 2014, Sida's director general announced four thematic foci, one of which is human rights and democracy (including governance/public administration). Within that area, Sida decided to concentrate on the issues of

shrinking civic space for civil society; strategic support for governance/public administration, or the capacity development of duty-bearers (this support has since decreased for various reasons); a HRBA to development; and freedom of expression/ information and communication technology (ICT).

Box 3.3

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Box 3.3

HRBA in Austrian Development Cooperation (ADC)

Human rights are mentioned in paragraph 1 of the Austrian Act on Development Cooperation (2002) and form an integral part of the Three-Year Programme of Austrian Development Policy 2016–2018. The Three-Year Programme defines good governance and human security as one of its three main objectives, with the priority being "promotion of human rights and the rule of law," and prescribes a HRBA. According to the Three-Year Programme, HRBA is a fundamental principle for all interventions, projects, programmes, and political and policy dialogue. The promotion and respect of human rights are seen as inseparable, and these universal values form the basis of Austria's development policy.

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In Denmark, the promotion and protection of human rights is a central priority of foreign policy and development policy. The 2012 Danish development strategy The Right to a Better Life rests on a HRBA. Human rights permeate the strategic choices in the strategy, and the strategy emphasizes the significance of the promotion and protection of human rights as an important transformational force in societies and as a fundamental part of Danish development assistance. Human rights are a core value in partnerships, based on the principles of non-discrimination, transparency, accountability, and participation and define human rights as a core value as well as a driver of change. In addition to the HRBA in development, human rights and democracy constitute separate focus areas for Danish development assistance in the strategy. Human rights instruments thus serve as a compass that guides political dialogue and concrete development interventions, as well as partnerships.

Norway has supported an applied HRBA since its White Paper No. 21 (1999–2000), "Plan of Action for Human Rights." Norway's adherence to a HRBA has been confirmed in successive documents,

including White Paper No. 10 (2014–2015), "Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation," which outlines a comprehensive and integrated human rights policy supported by all parties in the Norwegian Parliament. The paper expresses political will to strengthen and systematize Norway's efforts to promote and protect human rights at the global, regional, and bilateral levels. The realization of human rights is recognized as an important stand-alone goal in Norway's foreign and development policy. In addition, the realization of human rights is recognized as a means of achieving other goals such as poverty reduction, sustainable development, and lasting peace.

II.   MAINSTREAMING HUMAN RIGHTS

Beyond the formal adoption of HRBA, many agencies undertake efforts to mainstream human rights that entail incorporating human rights into all projects and programmes and screening activities for human rights implications. Mainstreaming efforts may involve "do no harm" policies, where adverse human rights impacts are identified and mitigated. Mainstreaming also reflects the principle that responsibility for human rights does not lie with any one specialized office of a development agency, but rather should be incorporated into the work of all staff across sectors. This type of organizational approach fosters an institutional culture that understands and applies human rights principles to development practice comprehensively and systematically. It is not uncommon for human rights responsibilities to be housed within governance units, which may result in agencies' increased focus on civil and political rights interventions.

Multilaterals

The United Nations Development Group Human Rights Working Group (UNDG-HRWG) has a mandate to advance human rights mainstreaming efforts across the UN development system. In line with the overall UNDG strategic priorities, the HRWG focuses on:

- Serving as the primary policy forum to ensure policy coherence on human rights mainstreaming
- Supporting the UNDG in making system-wide human rights expertise available to national development actors, anchored in strong human rights leadership by resident coordinators and United Nations country teams (UNCTs) with relevant capacity and support structures
- Supporting the UN development system as they deliver on the responsibilities and demands of human rights

The UNDG-HRWG pursues these priorities using a holistic approach that targets various levels, including system, regional, and country levels, with an overarching component of knowledge management informing all levels. To maximize impact on the ground, the Office of the UN High Commissioner for Human Rights (OHCHR) and the 18 agency members collect evidence on what is happening on the ground and feed it back to country teams and HRWG practitioners.

With respect to the Sustainable Development Goals (SDGs), the UNDG-HRWG seeks to implement a human rights–based agenda across all agencies, including all development activities with a focus on human rights in the post-2015 agenda (see Box 3.4).

Box 3.4

UN Human Rights in the Post-2015 Agenda

The UN development system is bound by the UN Charter to promote respect for human rights and fundamental freedoms for all, without discrimination. Evidence that human rights unite the UN development system across diverse mandates is found in the strategic priorities of UN funds, programmes, and agencies; in their contributions to the preparation of the new development agenda; and in their commitments to the HRuF framework. As it contributes to implementation of the post–2015 development framework, the UN is unequivocal about what it stands for and what it upholds: freedom from fear and want for all without discrimination. The person as rights-holder is at the heart of UN development efforts. The UN believes that if the new development agenda is to be truly transformative, human rights should be firmly embedded in the goals, targets, and indicators of the post-2015 agenda and fully integrated across the UN's implementation of that agenda. In furtherance of this goal, the UN strives for the fullest possible application of the core principles of universality, indivisibility, equality and non-discrimination, active and meaningful participation, and accountability.

The mainstreaming of human rights was declared a priority issue for the UN-Habitat Governing Council in 2013 and was included in its 2014–2019 Strategic Plan. Human rights were further reaffirmed in Paragraph 38 of the April 2015 Omnibus resolution, which
requests the Executive Director to mainstream human rights within the context of advancing the goals and mandate of the United Nations Human Settlements Program, as set out in the Istanbul Declaration

on Human Settlements and the Habitat Agenda, in line with its strategic plan for 2014–19, which states that all cross-cutting issues will be mainstreamed throughout its seven focus areas.

This directive on mainstreaming empowers UN-Habitat to apply human rights considerations to all parts of its work programme. The objectives of human rights mainstreaming are to improve the capacity of UN-Habitat staff and partners to apply human rights considerations in project implementation, to strengthen the effective integration of the HRBA into the UN-Habitat project cycle, and to spur the development of tools that guide a human rights-based implementation of UN-Habitat projects. The overall goal of mainstreaming UN-Habitat's cross-cutting issues (climate change, gender, the HRBA, and youth) is to strengthen programmatic synergies while ensuring that project outcomes reach all intended beneficiaries, particularly persons in vulnerable situations (see http://unhabitat.org/cross-cutting-issue-progress-report-2015/). The effective integration of cross-cutting issues will increasingly enable the replication and up scaling of projects. Human rights mainstreaming at UN-Habitat builds on existing knowledge and a body of normative work commissioned by the agency.

Source: *Cross-Cutting Issue Progress Report 2015—UN-Habitat*.

In 2014, the World Health Organization (WHO) Secretariat adopted a Roadmap for Action, approved by the director general, that outlines the strategic vision for its integrated mainstreaming initiative of gender, equity, and human rights. As a member of the UN system, WHO is tasked with realizing the right to health at the international, regional, and country levels in Committee on Economic, Social, and Cultural Rights (CESCR) General Comment No. 14, which covers the right to the highest attainable standard of health under Article 12 of the International Covenant on Economic, Social, and Cultural Rights.

The International Labour Organization (ILO) supports interagency work on human rights mainstreaming, including through the UNDG-HRWG, to which the ILO has contributed in the funding of regional and national human rights advisers and projects on human rights mainstreaming at both national and regional levels. Close collaboration exists between the ILO and human rights treaty bodies (the Convention on the Elimination of All Forms of Racial Discrimination, CERD Committee ; the CEDAW Committee; the UN *Migrant Workers Committee*; the Human Rights Committee overseeing the ICCPR and the Committee on Economic and Social Rights) and charter-based bodies (special

rapporteurs on slavery, migrant workers, and indigenous and tribal peoples, as well as working groups (African descent, business and human rights, and transnational corporations).

Although supporting refugees lies beyond traditional development activities, the lines between development and humanitarian and refugee interventions are fluid, and the approaches adopted by refugee protection agencies can be instructive for development, particularly as development agencies are being asked to support interventions to address refugee crises and humanitarian emergencies. There has been a sustained effort to mainstream human rights throughout the UNHCR's work, for example, in integrating human rights standards into UNHCR's advocacy activities. The importance of strengthening the linkage between refugee and human rights protection is recognized in UNHCR's Agenda for Protection. Overall responsibility at the global level for coordination and advice on human rights lies with the Human Rights Liaison Unit (HRLU) in UNHCR's Division of International Protection. HRLU's role includes providing advice and training to UNHCR staff and partners on human rights standards, instruments, and mechanisms and seeking to ensure that attention is given to protection issues within the human rights processes.

Bilaterals

Switzerland advances human rights mainstreaming in its development cooperation through the work of the Swiss Agency for Development and Cooperation, which is part of Switzerland's Federal Department of Foreign Affairs. Human rights is integrated in Switzerland's foreign policy as a whole. The integration is significant in fostering synergies between different bilateral instruments, in particular in the area of human rights. For example, Switzerland's engagement on a given human rights issues (media freedom, civil society strengthening, justice reform) can be approached in a synergetic manner, using development instruments (programmes, projects) in a complementary manner alongside political instruments at the national level (policy dialogues, donor coordination, strategies), as well as at the multilateral level (human rights council, UN General Assembly).

In addition to adopting an explicit HRBA, Norway introduced human rights as a cross-cutting issue to be mainstreamed across all parts of Norway's Development Cooperation in 2016. In light of the values of participation, accountability, and non-discrimination in terms of ensuring human rights protection, special attention has been given to these norms in the operationalization of human rights as a cross-cutting issue. These norms also reflect each of the three thematic priorities of White Paper No. 10 (2014–2015). In light of reported difficulties in implementing the existing cross-cutting issues (gender,

anticorruption, and climate/the environment), a new standard formulation that focus on the principle of "do no harm" was agreed on that requires that all grants be assessed from the "do no harm" principle and that risk factors that might have a negative impact on human rights be mitigated.

Mainstreaming in Country Programmes

One strategic form of support integrates human rights in the design of a country strategy. UNFPA published a detailed manual on implementing a HRBA into country programming (UNFPA and Harvard School of Public Health 2010). The manual explains how to integrate human rights principles into each of the four stages of the country programme cycle: situation assessment and analysis; planning and design; implementation; and monitoring and evaluation. Aid practitioners are encouraged to integrate core human rights principles (universality and inalienability; indivisibility; interdependence and interrelatedness; participation and inclusion; equality and non-discrimination; and accountability and rule of law) into the agency's policy dialogue and support of programmatic work throughout these stages. Each programming stage should also systematically include a focus on cultural sensitivity and gender equality.

In the field of development, the EU's approaches can be classified into three main categories: mainstreaming, conditionality, and human rights projects. The EU's efforts to mainstream human rights as a cross-cutting element in all development actions have been reinforced by the EU's commitment to apply a rights-based approach to development. Based on the principles of universality, the indivisibility of human rights, inclusion and participation in decision-making processes, non-discrimination, equality and equity, accountability, and transparency, this approach means turning away from "service delivery" and toward a model that empowers active citizens who know their rights and are involved in development processes.

A longstanding example of mainstreaming human rights in a bilateral country program can be found in Sweden's Kenya programme, which has integrated HRBA in development cooperation with Kenya for many years (see box 3.5).

Box 3.5 Sweden's Kenya programme

In Kenya, the Swedish embassy has worked on human rights and democracy for several years and has been successful in integrating a HRBA into development co-operation with Kenya because successive Swedish co-operation strategies with Kenya (2004-2008; 2009-2103; 2016-2020) provided a clear mandate to tackle poverty reduction through work on democratic governance. The current Swedish Development Cooperation Strategy with Kenya 2016-2020 is expected to contribute to strengthened democracy and gender equality, and greater respect for human rights through strengthened democratic institutions at national and local levels; strengthened rule of law; Strengthened media and civil society capacity to promote; democratic development and accountability; and Strengthened capacity among public institutions and civil society organisations that promote gender equality and respect for human rights, with a focus on women and girls. The rights perspective means that human rights and democracy are regarded as fundamental to development. This approach means that individuals and groups that are discriminated against, excluded and marginalised are made visible prior to each contribution. (Sida Strategy for Sweden's development cooperation with Kenya 2016–2020)

Human rights are frequently mainstreamed across sectors, allowing for general human rights principles, such as participation, non-discrimination, and empowerment, to be considered alongside more specific human rights obligations that are tailored to a particular thematic area; sector examples are explored in more detail in chapter 7. Donors may employ different approaches to integrating human rights simultaneously or in an overlapping and interchangeable ways.

Mainstreaming Children's Rights

A significant number of agencies have invested in children's rights. In addition to UNICEF and the EU, as well as nongovernmental organizations (NGOs) such as the International Save the Children Alliance, a range of bilateral agencies have developed approaches to children based on the Convention on the Rights of the Child (CRC). For example, the Canadian International Development Agency (CIDA)'s efforts to integrate a HRBA are illustrated in its work on child protection (see chapter 8); Sida has made significant progress in mainstreaming a child rights perspective (box 3.6).

Box 3.5

Box 3.5
Sweden's Kenya Programme
In Kenya, the Swedish embassy has worked on human rights and democracy for many years and has been successful in integrating a HRBA into development cooperation with Kenya. Successive strategies (2004–2008; 2009–2013; 2016–2020) have provided a clear mandate to tackle poverty reduction through work on democratic governance. The Strategy with Kenya 2016–2020 is expected to contribute to strengthened democracy and gender equality and greater respect for human rights through strengthened democratic institutions at national and local levels; strengthened rule of law; strengthened media and civil society capacity to promote; democratic development and accountability; and strengthened capacity among public institutions and civil society organizations that promote gender equality and respect for human rights, with a focus on women and girls. The rights perspective means that human rights and democracy are regarded as fundamental to development. This approach in turn means that individuals and groups that are discriminated against, excluded, or marginalized are made visible prior to each contribution.
Source: Sida Strategy for Sweden's development cooperation with Kenya 2016–2020.

The reasons for success seem to be, first, that children's rights are often perceived as less controversial than other rights, though some areas such as child participation or rights within the family can be challenging. Second, the CRC has been nearly universally ratified, creating opportunities for

engagement in a wide range of countries, even where human rights language is usually not well accepted (e.g., Vietnam). Third, the CRC provides a useful series of entry points for programming because it covers social and economic rights as well as civil and political rights. Agencies have successfully operationalized the four CRC principles: best interests of the child; non-discrimination; the right to life, survival, and development; and the right to participation. Finally, children's rights open a way to engage in a wide range of sectors by providing a clear target group. Examples of development goals that integrate children as a target group can be found in the SDGs on health (SDG 3.2); nutrition (SDG 2.2); education (SDG 4.2, 4.5, 4a.); and protection, juvenile justice, and child labour (SDG 8.7).

Box 3.6

Sida's Mainstreaming of Children's Rights

Sida mainstreams child rights in all aid interventions as part of a long-term, sustainable development cooperation strategy, while also engaging in targeted interventions with a more immediate impact. Because human rights are children's rights, all HRBA information also applies to development cooperation that directly or indirectly affects children. Sida uses the acronym P.L.A.N.E.T. as a way of organizing and remembering what to consider when applying a HRBA to development cooperation (Box 3.7). Some human rights approaches that have been formulated and developed specifically in relation to children must be taken into account. Examples of issues to consider when applying a HRBA to development cooperation contributions that affects children include participation; links to human rights in legal instruments at the national, regional, and international levels, such as the CRC and the African Charter on the rights and welfare of the child; accountability; non-discrimination; empowerment; and transparency. The Swedish Aid Policy Framework emphasises that the big challenge for the majority of poor countries today is the large proportion of children and young people in the population—and the need to meet their needs, safeguard their rights, and make the most of the opportunities they represent (Government of Sweden 2016).

In 2011, Sida and the Norwegian Agency for Development Cooperation commissioned an evaluation of child rights work within the two agencies, including an analysis of field studies in Guatemala, Kenya, Mozambique, and Sudan (Nora and Sida 2011). The evaluation concluded that mainstreaming child rights is feasible and worthwhile but requires a greater commitment of resources, a more systematic approach to addressing child rights operationally, and improved reporting on results of mainstreaming work. The report found considerable achievements, albeit measured in terms of outputs rather than

outcomes. However, it also found that child participation in development efforts had been more tokenistic than substantial. It highlighted challenges and opportunities with a mainstreaming approach to child rights Sida is working to address these issues by dedicating more human resources; developing methods for monitoring, evaluating, and reporting on results; and having Sida management take ownership over implementation.

Box 3.7 P.L.A.N.E.T. is an acronym which stands for:

•Participation: Is there active and meaningful participation of those involved - including opportunities for them to influence the formulation of problems, planning, implementation and follow-up?

•Links to human rights: What links are there to human rights laws, treaties and systems (such as complaints mechanisms, courts and human rights bodies) at the national, regional and/or international levels? Are they sufficient, do they need to be revised or are they non-existent and need to be developed from scratch?

•Accountability: Who are the duty bearers? Do they have the knowledge, mandate, resources and willingness to achieve their human rights obligations? Do rights holders know who the duty-bearers are and can they hold them to account?

•Non-discrimination: Who are the rights holders? Have they been taken into account? Are people in vulnerable situations considered? Is discrimination actively counteracted?

•Empowerment: What capacity do duty bearers have to fulfil their obligations and rights holders' to claim their human rights? Can their capacity be strengthened?

•Transparency: Is information available in an accessible way to duty bearers and rights holders? Are they able to attend and observe meetings and processes where issues that affect them are discussed?

Mainstreaming Women's Rights and Gender Equality

There is a great deal of overlap between initiatives that promote gender equality and the integration of human rights. Most donor agencies have adopted gender equality policies that call for gender mainstreaming and interventions directly targeted at women. The approaches share much at a normative and a conceptual level: non-discrimination, including gender equality, is a fundamental human rights principle; CEDAW provides a clear framework and monitoring mechanism aimed at eliminating gender-based discrimination; and the 1994 Beijing Declaration is the foundation for a wide range of national initiatives. The Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) Guidelines for Gender Equality (OECD 1999) explicitly refer to these frameworks. At a programming level, interventions are often similar and, as illustrations in this volume

demonstrate, women's rights are central to the systematic integration of human rights in development assistance.

In 2014, the United Nations Economic and Social Council (ECOSOC) adopted a resolution on gender mainstreaming requesting the UN system, including its agencies, funds, and programmes, within their respective mandates, to accelerate the full and effective mainstreaming of a gender perspective, commensurate with gender equality goals, in accordance with previous ECOSOC resolutions, in particular resolution 2008/34 of July 25, 2008, and General Assembly resolutions 64/289 and 67/226, also requesting the UN to support the implementation of national policies to advance gender equality.

A prominent example of human rights mainstreaming with respect to gender is found in the approach of UN Women. UN Women is a composite entity that consolidates four UN entities: the Office of the Special Adviser on Gender Issues and Advancement of Women, the Division for the Advancement of Women, the United Nations Development Fund for Women (UNIFEM), and the International Research and Training Institute for the Advancement of Women. In 2013, the UN Women expert group meeting agreed that implementing gender mainstreaming in development programming at the country level should encompass all programmatic measures to integrate and achieve gender equality in national development policies and programmes, including measures taken by governments at the central and decentralized levels, civil society actors, and donors and in 2014 UN Women published *Gender Mainstreaming In Development Programming: Guidance Note* (UN Women 2014)Such approaches must be informed and constantly readjusted by ongoing analysis of policy priorities, changing contexts, and the impact of operations on gender disparities Gender mainstreaming is an important element of the UN Women's Strategic Plan 2014–2017, *Making This the Century for Women* and Gender Equality, which underscores the importance of securing expertise to enhance gender mainstreaming in programme planning and implementation and, in the post–2015 context, pledges UN Women support for gender equality to be mainstreamed in all other goals, targets, and indicators. UN Women issued a guidance note on gender mainstreaming in development cooperation.

UN Women embraces a vision for sustainable development grounded in international human rights standards set out in the 2030 Agenda, which recognizes gender equality as "a crucial contribution to progress across all the goals and targets." The SDG to achieve gender equality and empower all women

and girls (goal 5) has specific targets that address many important barriers to advancing women's rights. These targets are accompanied by gender-specific targets and indicators across other goals.

UN Women believes that gender equality and women's rights must be prioritized in a comprehensive manner across the entire agenda. The agenda must also be fully aligned and consistent with international human rights standards, including those on gender equality, as core values of the UN. Recommendations from human rights mechanisms, such as CEDAW, should guide implementation and follow-up. Implementation of the agenda should take into account the interrelated nature of the SDGs, and the achievement of all SDGs must contribute to people's enjoyment of their human rights and gender equality. It is critical that equality and non-discrimination underpin the implementation of all SDGs and that addressing gender inequalities is a priority, as gender-based discrimination remains the most prevalent form of discrimination.

In 2015, the United Nations Industrial Development Organization (UNIDO) instituted the Policy on Gender Equality and the Empowerment of Women, supported by a dedicated office, in order to successfully implement its 2009 strategy to mainstream gender equality and women's empowerment throughout the organization. Gender equality and women's empowerment is central to UNIDO's work because these are not only human rights, but are also a precondition for sustainable development and economic growth, which are drivers of poverty reduction and social integration.

Gender equality and women's empowerment are key to UNIDO's goal of achieving inclusive and sustainable industrial development, as mandated by member states in the Lima Declaration, adopted in December 2013 (GC.15/Res.1) and highlighted in SDG 9: "Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation." The multiplying effect of industrialization on other areas of development contributes to the 2030 Agenda and supports SDG 5: "Achieve gender equality and empower all women and girls." The goal of the strategy is to promote gender equality and women's empowerment in all UNIDO programmes, policies, and organizational practices, based on the vision of "strong, inclusive, sustainable and resilient economic and industrial growth and the effective integration of the economic, social and environmental dimensions of sustainable development" (GC.15/Res.1). The gender strategy thus aims to strengthen gender equality both in the services UNIDO delivers and within UNIDO itself by applying a HRBA in line with UN

system principles. UNIDO indicators concerning gender mainstreaming and empowerment of women are referenced in the UNIDO's Integrated Results and Performance Framework, which measures performance in terms of management and global development outcomes. In addition to the efforts of UN agencies to mainstream gender equality, other organizations, such as the OAS, have launched gender mainstreaming initiatives (see Box 3.8).

Box 3.8

OAS Handbook on Mainstreaming Gender Equality into the Project Cycle

The 2010 Organization of American States (OAS) *Handbook on Gender Mainstreaming* grew out of the efforts of the OAS Department of Planning and Evaluation to introduce a gender and rights approach into international mandates on gender equality and human rights as part of a process of modernizing the management of the institution and incorporating a results-based management system. The handbook is a training initiative that provides practical tools for addressing gender issues at each stage of the project cycle. It summarizes and organizes a number of tools that are often used in gender-sensitive planning and evaluation, with updated content referencing the specific areas in which the OAS operates. The handbook consists of ten thematic modules, organized according to the different phases of the planning and evaluation cycle, so that each guide can be used independently of the others: (1) conceptual framework; (2) international mandates and instruments of the inter-American system; (3) evaluability of gender-sensitive project profiles; (4) a gender equality approach to stakeholder analysis; (5) gender assessments; (6) identification of gender equality-based objectives and alternatives; (7) sources of information on gender matters; (8) gender indicators; (9) checking whether a logical framework is gender sensitive; (10) gender-sensitive monitoring and evaluation

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Gender equality activities are also a way of working on human rights in the absence of human rights policies. In 2011, the World Bank produced several reports on gender equality, including *Women, Business and the Law 2012: Removing Barriers to Economic Inclusion* (World Bank and IFC 2011) and the *World Development Report on Gender, Equality, and Development* (World Bank 2011g). At the same time, the Bank launched its "Think Equal" social media campaign, reiterating that "gender equality is a core development objective in its own right." The US Agency for International Development has undertaken a significant amount of work on women in development, including on anti-trafficking, women's legal rights, trade liberalization, and education. The approach focuses on overcoming obstacles

to opportunities rather than on explicit human rights programming.

The European Commission frames gender inequality as a denial of human rights. Its twofold approach includes gender mainstreaming and specific measures for women. To advance gender mainstreaming, the EC developed a toolkit on Mainstreaming Gender Equality in EC Development Cooperation (3rd edition 2009) that is part of a larger effort to build capacity for gender mainstreaming in development cooperation of colleagues in the External Relation Directorates and in EC delegations. The toolkit is complemented by guidelines on specific issues such as sexual-based violence, training for headquarters and delegations staff, and the five-year EU Plan of Action on Gender Equality and Women's Empowerment in Development (2010–2015), which included strengthening efforts at mainstreaming as an overarching objective (European Commission 2010a). The DAC Peer Review 2012 found that progress had been achieved in gender mainstreaming in the EU and set the EU Plan of Action as an example for mainstreaming cross-cutting issues (OECD-DAC 2012).

The European Instrument for Democracy and Human Rights (EIDHR) enhances support for actions on human rights issues covered by EU guidelines, including violence against women and girls and combating all forms of discrimination against them. The EIDHR mainstreamed gender equality in its 2011–2013 response strategy and in projects under all its objectives. For example, its project to strengthen the judiciary in Cambodia aimed to address gender issues through the improvement of legal and judicial mechanisms and access to justice for Khmer Rouge victims. Likewise, the EIDHR mainstreamed gender concerns into its election observation missions by including gender experts on teams and watching for gender issues in the organization and implementation of elections (European Commission 2011a).

On October 26, 2015, the EU Council of Ministers adopted Conclusions on the EU Gender Action Plan 2016–2020 (GAP). The council also recognized the contribution of the Joint Staff Working Document on "Gender Equality and Women's Empowerment: Transforming the lives of Girls and Women through EU External Relations 2016–2020." as a follow-up to the conclusions of May 2015. Following its call for a robust and ambitious successor to the Gender Action Plan 2010-2015, the Council welcomed and endorsed the Gender Action Plan (GAP for the period 2016-2020 which stresses the need for the full realization of women's and girls' full and equal enjoyment of all human rights and fundamental freedoms

and the achievement of gender equality and the empowerment of women and girls. The council called for systematic reporting by all EU actors on the institutional culture shift against relevant indicators and systematic gender analysis for all new external actions.

III.   HUMAN RIGHTS DIALOGUE AND CONDITIONALITY

HRBAs and mainstreaming efforts offer comprehensive ways of connecting human rights and development. Yet, as noted by Uvin (2004),

> When people first consider the relation between development and human rights, [they] most spontaneously begin by thinking about conditionality. They argue that donors should threaten to cut off development assistance—and execute that threat—to recipients that consistently violate human rights.

The *Final Report of the Ad Hoc Working Group on Participatory Development and Good Governance* suggests that conditionality be used as a last resort:

> Development co-operation stresses positive measures for the promotion of participatory development and good governance. The withholding of assistance should be reserved for cases where persistent violations of men, women and children's basic rights are not being addressed by the government and no adequate basis of shared values and interests exists to permit a real partnership. (OECD 1997a)

Most bilateral agencies have explicit political conditionality policies that they apply more or less consistently (Piron and Court 2004; Piron and De Renzio 2005). Since the early 1990s, the European Union has included human rights clauses in its agreements, and it considers human rights, democracy, and the rule of law "essential elements" of development cooperation. For instance, Article 8 of the Cotonou Partnership Agreements outlines the specific modalities for a regular, comprehensive, balanced, and deep political dialogue that includes respect for human rights, democratic principles, the rule of law, and good governance. Article 8 further stipulates that representatives of civil society organizations shall be included in the political dialogue. In 2010, the EU reaffirmed its policy of including human rights clauses in agreements with third countries; by December 2011, such as clause had been included in agreements with more than 120 countries (European Commission 2011f). If these clauses are not respected, aid can be suspended.

According to a European Commission paper published in 2012, "essential elements clauses" are triggered only in extreme circumstances, meaning grave human rights violations such as a coup, flawed elections, or brutal violence (European Commission 'Using EU Trade Policy to promote fundamental human rights – Current policies and practices', Non-Paper, 2012, available online <http://trade.ec.europa.eu/doclib/docs/2012/february/tradoc_149064.pdf>.)

A range of dialogue approaches has been used to respond to systematic violations or weak commitment to human rights: at the technical (project) level, in the context of agreeing overarching country strategies, or as part of diplomatic negotiations. The ways in which EU dialogues are initiated and conducted are governed by EU guidelines promulgated in 2001 and updated in 2009 (EU 2009). There are four types of dialogue:

- Discussions of a general nature based on treaties or agreements dealing with human rights (e.g., the Cotonou Agreement)
- Regular, institutionalized dialogues focusing exclusively on human rights between the EU and a country or regional organization
- Ad hoc dialogues extending to common foreign and security policy-related topics, including human rights
- Dialogues in the context of special relations with certain countries on the basis of converging views with the possibility of cooperation with multilateral human rights bodies (EU 2009)

Sometimes donors engage in both bilateral and multilateral dialogues on human rights issues with the same countries simultaneously (e.g., bilateral dialogues with China and Iran as well as through the EU) (Box 3.10). Human rights conditionality remains a sensitive and controversial issue (see Box 3.9) and the suspension of aid has usually been treated as an exceptional measure of last resort. For instance, Spain has generally been opposed to using conditionality (FRIDE 2010), and AusAID considers conditionality appropriate only in extreme circumstances. Anecdotal evidence suggests conditionality for AusAID is usually linked to violations of democratic rights (e.g., coups, fraudulent elections) rather than to economic or social rights. Weaknesses in traditional approaches include ineffectiveness, lack of consistency in application, and ethical dilemmas.

Bilateral human rights dialogues are an important mechanism for conveying Australia's human rights concerns systematically and regularly. They enable the government to raise human rights issues, including sensitive individual cases, frankly and directly. Human rights dialogues have been held between Australia, China, Vietnam, and Laos (GoAus 2016).

Box 3.9

EU Conditionality

The EU developed a comprehensive and increasingly diversified system of human rights conditionality, with human rights clauses in international agreements, good governance incentives, and human rights progress requirements for budget support. Under the Generalised System of Preferences, special trade incentives for the poorest countries are designed to reward the implementation of core labour rights and environmental conventions; preferences can be withdrawn in case of serious violations of human rights. The EU's conditionality has traditionally been applied in a positive and dynamic manner. Yet the EU has also been criticized for a lack of coherence in its sanction decisions (European Parliament 2016c).

In light of new ways of delivering and managing aid, some donors are revisiting common assumptions about addressing human rights through conditionality. There is much to be learned from donor experiences, yet documenting and sharing them in public forums is considered politically sensitive. An evaluation of Sida's engagement in human rights and democratic governance concluded that the agency effectively promoted human rights dialogue among stakeholders in places such as Colombia and Nicaragua (Sida 2008). Sida's focus is more on dialogue than on conditionality, as evidenced by its human rights dialogue kit (Sida 2010e) and other dialogue briefs on freedom of expression (Sida 2010g), the rights of the child (Sida,2010h), the rights of persons with disabilities (Sida 2010a), and the rights of lesbian, gay, bisexual, and trans (LGBT) persons (Sida 2010k). The UK Department for International Development (DFID) reviewed the application of political conditionality to general budget support in Africa. Earlier studies about dialogue and sanctions had pointed to a number of lessons relevant for what a "post-conditionality" approach in the Poverty Reduction Strategy Paper context of "process conditionality" and selectivity (Harrison 2001; Piron and de Renzio 2005; Santiso 2003; Uvin 2004).

DFID's conditionality policy tries to strike a balance among accountability, partner country ownership, and predictability of aid flows. Although DFID does not use conditionality to micromanage government reforms or force partner countries to make changes that they do not want, it does use conditionality to support aid effectiveness and accountability purposes (DFID 2009a). The UK policy on conditionality is based on three shared commitments with partner governments: poverty reduction and meeting the Millennium Development Goals; respecting human rights and other international obligations; and strengthening financial management and accountability and reducing the risk of funds being misused thorough weak administration or corruption (DFID 2011a). There have been suspensions of aid because of the breach of one of these commitments, often financial management.

The Council of Europe Development Bank (CEB) appears to stand alone among international financial institutions (IFIs) in that its contracts are conditioned on respect for human rights and may be suspended by the CEB in the face of violations. In particular, the CEB human rights framework includes loan regulations that require projects to adhere to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter (CEB 2010a), which was adopted by the Administrative Council by Resolution 1562 on November 14, 2013 (box 3.9).

Box 3.10

CEB

CEB Financing Regulations Article 3.3

Early reimbursement of disbursed loans

The Bank may demand early reimbursement of disbursed loans in the following cases:

[…]

(g) (i) in the case of misprocurement, corruption, fraud, or money laundering, where the borrower has not taken timely and appropriate actions to prevent or remedy the situation arising from such misprocurement, corruption, fraud, or money laundering;

(ii) where the implementation of the project financed by the Bank leads to a violation of the Bank's Environmental Policy;

(iii) where the implementation of the project financed by the Bank leads to a violation of the European

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Convention on Human Rights and the European Social Charter.

Box 3.11

Examples of Human Rights Dialogue and Conditionality

The EU has a range of policies on and experiences with human dialogue and conditionality. For example, the Cotonou Agreement with Africa, Caribbean, and Pacific countries makes explicit reference to human rights and creates a mechanism for structured dialogue and aid suspension if issues are not resolved. The EU undertakes dialogues focusing exclusively on human rights (e.g., with China since 1996 and Iran since 2002), as well as dialogues within the framework of joint commission meetings as part of trade and cooperation agreements (e.g., Bangladesh, Laos, and Vietnam). By the end of 2011, the EU had initiated approximately 40 dedicated human rights dialogues and consultations (European Commission 2011f).

Finland's position on conditionality is consistent with that of most other bilaterals. It is committed to long-term cooperation, but serious human rights problems may lead to a reduction or termination of aid. Finland pays attention to a country's commitment to improving human rights, democracy, equality, and anti-corruption in its overall assessment of its commitment to development. In 2001, Kenya, Zambia, and Nicaragua failed to meet conditions relating to human rights, democracy, and good governance; since then, the situations have improved and cooperation has increased. In 2004, Finland decided that instability and the poor human rights situation in Nepal meant there were no possibilities for increasing cooperation. German development cooperation policies are similar: budget aid to Malawi was stalled in 2011 as a reaction to the criminalization of lesbian acts; similar action was envisioned with respect to a draft law in Uganda.

IV.   HUMAN RIGHTS PROJECTS

Traditionally, donors support human rights through projects that aim to build the capacity of human rights organizations, provide human rights training, or support the ratification of treaties and legal reform.

Human rights projects often focus on the promotion of specific rights, the empowerment of specific groups (e.g., children, women, ethnic or minority groups, persons with disabilities), or support to human rights organizations. Support to civil society organizations is one of the most common forms of direct intervention, working through them to build the capacity of rights-holders to claim and enforce their rights and to mobilize for social change. Recipients are usually local or international NGOs that receive resources through bilateral or multilateral human rights funds managed by embassies or donor agencies. Less often, sector programmes may have civil-society components that address the "demand side" of reform. In addition to targeted human rights funds, donor guidelines can create incentives for civil society organizations to work on human rights issues or adopt HRBAs (e.g., DFID Programme Partnership Agreements with UK-based international NGOs).

Human rights projects may stand alone or may be complemented by or related to other HRBAs. Some human rights projects are strongly human rights based, providing analytical inputs and perspectives on a particular human rights issue. One such example is a World Bank Nordic Trust Fund (NTF) grant that funded research as part of the 2012 *World Development Report on Gender*. That research analysed how state parties' commitments under CEDAW and other international conventions reduced constraints to women's autonomy and decision-making capacities for income generation and economic development.

The United States Agency for International Development (USAID) has a strong mandate to protect and promote human rights. In terms of practice, USAID's traditional operational approach might best be described as emphasizing "human rights projects" and/or the "implicit human rights work" of USAID's democracy assistance and governance programmes. However, USAID has become much more explicit about the human rights focus of its work, making the case for both the intrinsic and the instrumental value of this work to its overall mission. Furthermore, the practice today is increasingly evolving to emphasize mainstreaming human rights throughout the Democracy, Human Rights, and Governance (DRG) sector, in particular. For example, DRG activities managed by operational units that do not have an explicit human rights mandate are increasingly comfortable describing their work as promoting or protecting human rights. Some examples include USAID's support for civil society actors in authoritarian spaces (e.g., related to the President's Stand with Civil Society Agenda), activities related to election assistance (e.g., programmes that protect citizens' rights to participate in free elections and

be elected), and even traditional governance activities that emphasize the right to remedy or freedom from discrimination.

In addition to the two principal approaches adopted by the EU (see above), EU development assistance is also used to directly support projects and programmes promoting human rights, democracy, and good governance. EU institutions invested US$1.504 billion in governance and civil society in 2013, representing 9 per cent of official sector-allocable aid. If the EU adheres to its Agenda for Change, this proportion will grow during the 2014–2020 programming period. The 2014–2020 Development Cooperation Instrument even includes a benchmark: 15 per cent of all geographic funding is to be spent on human rights, democracy and good governance (European Parliament 2016).

V.   GLOBAL HUMAN RIGHTS INITIATIVES

Donors have promoted the integration of human rights and development well beyond country programmes and direct interventions by funding international events, research, and networking at regional and global levels.

Bilateral agencies can count many successes in their funding of multilateral organizations. Examples in the UN system include the HRWG (box 3.11), and funding for the Princeton (2001) and Stamford (2003) consultations, which elaborated the UN Interagency Common Understanding of a HRBA to development cooperation. Bilaterals have also worked with development banks, which tend not to have explicit human rights policies. For example, the World Bank's operational document on social development (World Bank 2005a) mentions support from Finland, Norway, and the Netherlands in building donor and client country capacity for social development, including greater cooperation within the Bank and with the UN; the Japan Social Development Fund, which has supported social accountability initiatives; and cooperation with Dt. Gesellschaft fur Technische Zusammendarbeit and DFID on poverty and social impact analysis. Canada launched an initiative to strengthen human rights education globally. In partnership with Equitas, this US$13.9 million multi-country initiative aims to build safer, more equitable communities with greater respect for human rights and democracy by empowering key actors, including children and youth, to become agents of change in their communities. In both the UN and the World Bank, human rights initiatives have been successfully launched and implemented to advance the mainstreaming of human rights into development, (see box 3.11) and help

staff develop a more informed view of human rights (see box 3.12).

Box 3.12

UNDG-HRWG

Created in 2009 at the request of the UN Secretary General, the UNDG-HRWG advances human rights mainstreaming efforts within the UN development system. With OHCHR as the chair, the UNDG-HRWG aims to strengthen coordinated UN responses to requests from member states for support in fulfilling their human rights commitments. A key priority of this interagency mechanism is supporting the UN development system to deliver rights based development results at the national level. Recognizing the increased emphasis on human rights as a cornerstone of the post–2015 development agenda, as well as renewed commitment by the UN system to uphold its human rights responsibilities, the UNDG transformed the Human Rights Mainstreaming mechanism into the HRWG in January 2015.

Box 3.13

World Bank Nordic Trust Fund

Established in 2008 with a US$34.8 million trust from agreed contributions by the governments of Denmark, Iceland, Norway, Finland, Sweden, and Germany, the Nordic Trust Fund (NTF)'s objective is to help the World Bank develop an informed view on human rights. This internal knowledge and learning programme supports activities that generate knowledge about how human rights relate to the Bank's analytical activities and operations by identifying and tapping the Bank's comparative advantages and developing ways to systematize and improve existing involvement in the overall context of the Bank's core mission of promoting economic grown and poverty reduction.

NTF Grant Programme

NTF activities primarily follow three tracks: grants to Bank teams to incorporate human rights considerations into analytical and operational work; analytical work and training on human rights; and fostering and building partnerships. The NTF grant programme provides support to task teams across

the World Bank to integrate human rights perspectives into their projects, strategies, tools, or research. These grants are US$250,000 each for a two-year implementation period, and they cover all thematic areas and regions of the Bank, including economic, social, and cultural rights; civil and political rights; capacity and institutions; and discrimination and vulnerable groups. Projects include pilot activities in analytic and operational work to generate and disseminate knowledge about how human rights relate to a Bank unit's/team's work (Nordic Trust Fund 2010). One project aims to better incorporate the right to health for Roma into health projects and health sector work in the Europe and Central Asia region (Nordic Trust Fund 2011). Another activity explores how the right to health can be implemented in Colombia by analysing the fiscal and financial sustainability of eliminating disparities in services and insurance coverage, surveying the capacities of health facilities, designing a social communication and advocacy strategy, and monitoring the implementation of health rights, including through constitutional litigation.

CEB Human Rights Trust Fund

The CEB Human Rights Trust Fund (HRTF) was set up in 2008 by Norway, the initiator and a founding contributor; the Council of Europe; and the CEB. Since its creation, HRTF has grown to include Germany, the Netherlands, Finland, Switzerland, and the United Kingdom. The HRTF finances activities that support member states' efforts in implementing the European Convention on Human Rights and other Council of Europe human rights instruments and contributes to strengthening the sustainability of the European Court of Human Rights, by reserving and promoting common fundamental values concerning human rights, democracy and the rule of law; ensuring effective mechanisms for verifying the compatibility of legislation and administrative practice with the Convention, including ensuring effective domestic remedies; facilitating the implementation of national measures to prevent or redress violations of human rights. In particular, the Human Rights Trust Fund projects contribute to ensuring: that effective remedies exist for anyone with an arguable complaint of violation of the Convention; that there are domestic procedures that comply with procedural obligations under the Convention to conduct effective investigations and handle cases of serious violation of the Convention; that there are effective mechanisms for verifying the compatibility of draft legislation and administrative practice with the Convention; and that adequate organization, operation and infrastructure of administrative and judicial public services exist.

VI.   HUMAN RIGHTS RESEARCH

Discrete human rights projects may include research into a wide range of thematic issues linking human rights and development; surveys of needs and capacity gaps within countries, institutions, and sectors; analyses of indicators for measuring development outcomes using a HRBA; and training materials on applying HRBAs. For example, the World Bank and International Finance Corporation report *Women, Business and the Law 2012: Removing Barriers to Economic Exclusion* with NTF support examines how regulations and institutions in 141 economies distinguish between men and women in ways that affect one's capacity to work, start, or run a business (World Bank and IFC 2011). In collaboration with the Danish government, the NTF supported publication of a 2010 World Bank study, *Human Rights Indicators in Development: An Introduction,* which considers the significance of human rights indicators for development processes and outcomes as they connect standards and obligations with empirical data (World Bank 2010b). In 2011, the NTF supported the publication of the World Bank's international law study, *Human Rights and Climate Change: A Review of the International Legal Dimensions*, comprising a literature review of human rights and environmental issues and a presentation of points of convergence and disconnect along with areas for future research (World Bank 2011a). In 2013, the NTF commissioned the report *Human Rights Impact Assessments: A Review of the Literature, Differences with other forms of Assessments and Relevance for Development* (World Bank 2013). The purpose of the report was to review the various existing approaches to human rights impact assessments (HRIAs) in order to assess their form, content, methodology, and use, as well as their potential relevance to development policy and practice. The report considers the essential elements of HRIAs and compares them with other forms of assessments used in development, such as environmental impact assessments and social impact assessments. By comparing the sets of tools, the study draws out the similarities between them as well as the value added of HRIAs.

The World Bank Development Economics Vice-Presidency undertook research on how public transparency increases executive branch compliance with court orders on human rights led by Varun Gauri. It found that a core element of the rule of law is that courts should be capable of remedying violations of legal obligations, especially core obligations such as human rights orders. Important factors that promote powerful courts rest largely beyond judicial control. Most obviously, judges are unlikely to have an immediate and strong influence on the degree to which political power is fragmented or on the drafting of formal rules that insulate themselves from external pressure. But some factors may be subject to judicial influence. Compliance, and judicial power more generally, depends on public support, which in turn is related to the transparency of the conflicts courts resolve, because without at least the

possibility of informing people about noncompliance, public support does not matter.

This research project looked at efforts on the part of two courts, the Constitutional Chamber of the Supreme Court of Costa Rica and the Constitutional Court of Colombia, to use transparency to increase compliance rates with their own human rights orders. The researchers used an experimental design to examine the effects of transparency on compliance. The Constitutional Chamber of the Supreme Court of Costa Rica, in the summer of 2009, began monitoring compliance with its direct orders in *amparo* and *habeas corpus* cases. The court announced the early results from its analysis at a well-attended March 2010 press conference. The president of the court promised to continue monitoring and publicizing the results for the foreseeable future. The research used a unique data set on compliance derived from this monitoring system to evaluate theoretical claims about the relationship between the transparency of judicial orders and compliance. It found that vague orders and orders issued without definite time frames for compliance were associated with delayed implementation. It also found that orders issued after the press conference were implemented roughly two months earlier than orders issued just prior to the press conference.

As part of its knowledge and learning mandate, the NTF engages in partnership building and takes the lead on research and training projects. To foster partnerships with academia, NGOs, the UN, the EU, and the Organisation for Economic Co-operation and Development, it facilitates and participates in numerous learning events annually, such as peer-to-peer exchanges with the Development Assistance Committee (DAC) Human Rights Task Team (HRTT) and UN and training courses on human rights and development for NTF grantees (Nordic Trust Fund 2010). Other more recent World Bank knowledge initiatives, such as the Global Forum on Law Justice and Development, have supported human rights exchanges and seminars, such as those of the Community of Practice (CoP) on Human Rights and Development, which was established in October 2014. The CoP has the overall aim of fostering dialogue and innovative thinking among development and human rights professionals and increasing understanding about the relationship of human rights and development by creating a network of professionals who can share knowledge and new initiatives through facilitating exchanges and sponsoring seminars on human rights and development and providing a forum for sharing research and relevant new initiatives. One NTF-funded research grant focuses on the concept of the "minimum core" of economic, social, and cultural rights under the International Covenant on Economic, Social, and Cultural Rights (ICESCR), focusing on the rights to health and education. This research seeks to

demystify key concepts underpinning the ICESCR, including minimum core, progressive realization, and maximum available resources and aims to explain their significance for development practitioners and development policy and programming in partner countries where resources are especially scarce. Outputs of that research include a framework analytic paper that explains the contours of the legal concepts and two substantive research papers that explain minimum core for the right to health and the right to education (NTF 2016).

Institutionally, the UN System Staff College (UNSSC) is the primary provider of interagency training and learning within the UN system. It conducts a variety of training and learning activities in Turin, as well as at regional and country levels. Its work is organized around five areas, including human rights and development. The UNSSC, in close collaboration with OHCHR and other UN agencies, offers its services to the leadership of UN country teams and programme staff alike with a view to build capacity to integrate human rights into all policy and programming processes. The UNDG-HRWG updated the HRBA Common Learning Package in 2011 under the leadership of UNFPA and with the support of UNSSC, which resulted in the inclusion of results-based management elements and programmatically relevant information on the Universal Periodic Review process (see chapter 5).

The UNDG-HRWG supports UN system-wide knowledge management in the area of human rights and development by bolstering knowledge exchange among field practitioners and expanding access to HRBA resources through the UN HRBA Practitioners' portal (http://hrbaportal.org/). The UNSSC has conducted train-the-trainer workshops on the Common Learning Package and is developing a number of e-learning tools; upcoming research and training on human rights and HRBAs will focus on leadership development and evidence-based learning.

One of the unique features of UN engagement in mainstreaming human rights, and actively supported by OHCHR as cochair of the UNDG-HRWG, is the process of ensuring the collective ownership of policy guidance and implementation support, particularly within the spirit of "One UN." HRBA learning tools for UNCTs are developed by the system for the system, while training teams are put together to reflect a variety of UN agencies. This internally owned process and approach has proven invaluable in deepening the system's collective engagement on the subject. Moreover, leadership at the country level is critical for efforts to successfully mainstream human rights. The UNDG-HRWG actively supports

resident coordinators and UNCT leadership to engage politically and tactically on human rights by scaling up deployment of in-country and regional human rights advisers and by developing and rolling out a Human Rights Leadership Development Strategy.

Several multilateral donors and development banks have engaged in surveys of their members and peer institutions to research and better understand how human rights issues are being addressed. For instance, the UNDG-HRWG engaged in a mapping of UN agency human rights mainstreaming policies and tools (UNDG-HRWG 2011). In addition, the European Investment Bank conducted a survey on human rights and the activities of IFIs (EIB 2011). The DAC HRTT carried out a survey of how human rights task team members implement principles from the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action (OECD-DAC 2011a).

VII.   IMPLICIT HUMAN RIGHTS WORK

Governance Interventions

In terms of substantive content and objectives, governance is widely viewed as the sector most closely associated with human rights, and many aid agencies manage human rights interventions under the umbrella of governance. Although a wide range of civil and political rights projects exists, little work exists on integrating human rights into other governance areas, such as public sector reform or financial management.

Most direct human rights interventions have addressed civil and political rights issues, often under a governance heading, linked to democracy and the rule of law. Uvin (2004) estimated that this type of aid accounts for about 10 per cent of aid budgets. Topics may include specific rights, such as freedom of expression (e.g., media projects) or due process (e.g., rule of law programmes). Options include investing in organizations (e.g., national human rights institutions), processes and procedures (e.g., democratization, including elections, parties, civic education), and structures (e.g., capacity building of state or civil society). Some examples include the European Instrument for Democracy and Human Rights and the EU Governance Initiative. CIDA has supported the creation of more than 22,000 community development councils in Afghanistan to strengthen community-level governance and the unprecedented involvement of women in rural community decision-making (CIDA 2011a). However, as Carothers (1999, 2006) notes, there is little systematic knowledge in the area of democracy support

and rule of law initiatives.

National human rights institutions (NHRIs) have a distinct role in supporting states fulfil their legal international obligations. NHRIs can advocate for the removal of treaty reservations, encourage the government to pass legislation to implement international law where necessary, and argue that where case law is ambiguous, laws should be interpreted consistently with the state's international legal obligations. The prevalence of NHRIs is growing: by the end of 2010, there were 66 Paris Principle-compliant institutions in the world (UNDP and OHCHR 2010).

Access to Justice

The trend across a number of agencies to embrace an access to justice approach can be associated with the more strategic use of human rights. Traditional rule of law interventions focused on building institutions by working with courts, prisons, ministries, and lawyers. These interventions can contribute to the achievement of specific rights and standards. Well-known examples include the provision of legal representation to defendants or reducing court delays and time on remand. Another example is USAID's provision of police training and organizational development to police forces (USAID 2011b). Such interventions also institutionalize the human rights principles of accountability and the rule of law. By including equal access to justice (EA2J) in their policy documents and programmes, donors have started to transform the way in which they analyse situations, set objectives, and provide assistance. This approach uses participatory research to identify poor people's priorities and tests new ways to overcome barriers. Instead of limiting interventions to enhancing the effectiveness of institutions, a people-centred perspective starts from the experiences of people themselves (e.g., through perception surveys).

Access to justice links demand and supply activities. In particular, it focuses on the ability of poor and marginalized people to claim rights through the courts and of the courts to deliver appropriate services to meet users' needs. Access to justice involves efforts to demystify the law through rights awareness. It helps meet the needs of women, juveniles, isolated populations, minorities, and indigenous peoples by looking at location, language used, simplification of procedures, cultural compatibility, and the best interests of the person. Explicit human rights or constitutional standards are used to set goals and benchmarks, such as diversion measures for juvenile offenders under the Convention on the Rights of the Child, or civil liberties contained in the International Covenant on Civil and Political Rights.

A shift does not necessarily require explicit reference to human rights mainstreaming or a HRBA. Although UNDP and Sida describe their policies in terms of implementing a HRBA, for example, DFID does not. For USAID and the World Bank, access to justice is one possible area of intervention. In any case, it is a resource-intensive approach. Lessons from UNDP Asia-Pacific point to substantial commitments of staff time and the need to identify new partners.

USAID rule of law projects aim to improve the independence and performance of the judiciary, increase effective criminal prosecution, and reduce delays, thereby contributing to civil rights objectives. The agency has supported a number of access to justice programmes, including awarding grants to law schools and civil society organizations in Iraq to provide legal aid to underserved and disadvantaged populations, such as women, widows, divorcees, orphans, internally displaced and undocumented populations, persons with disabilities, minorities, and others lacking state protections and services (USAID 2011c). In 2009, USAID launched a one-month Women's Access to Justice Campaign in two provinces of Afghanistan to provide women in rural and urban areas a better understanding of gender equality, women's rights, and the legal system (USAID 2009). Likewise, the EU has supported access to justice for vulnerable and marginalized groups, such as women and juveniles in prison in Albania and those living in the townships and rural areas of South Africa (European Commission 2009b, 2010c).

Sida engaged in a mapping of international experiences promoting the rule of law and equal access to justice that recounts the evolution from "law and development" to equal access to justice, describes obstacles people face in seeking justice, and outlines an equal access to justice approach (Sida 2011c). Based on this mapping, Sida produced the *Guide on Equal Access to Justice* (Sida 2011d) that instructs Sida staff and others on identifying potential EA2J interventions while applying a HRBA.

The World Bank's Justice for the Poor (J4P) programme supports the emergence of equitable justice systems. It focuses on identifying and supporting substantive justice outcomes rather than on pursuing predetermined institutional structures. The programme operates in countries where legal pluralism presents a particular development challenge. J4P is marked by three essential characteristics: it engages the justice sector as a whole, working with the range of justice institutions present in each country, including state, non-state, and hybrid systems. it designs and implements innovative justice initiatives

across development sectors, recognizing that rights and accountability are instrumental to achieving broader development outcomes; and it is grounded in evidence-based approaches because improving justice outcomes and processes of reform requires better understanding of existing structures and dynamics. J4P is supported by a World Bank-administered trust fund that is financed by the Australian Agency for International Development (AusAID) and the governments of the Netherlands, Japan, Ireland, Denmark, Iceland, Norway, Finland, and Sweden. J4P is active in East Asia and the Pacific (Indonesia, Papua New Guinea, Solomon Islands, Timor-Leste and Vanuatu) and in Africa (Nigeria and Sierra Leone).

Other Governance Dimensions

In recent years, attention has been paid to the issue of corruption and corporate governance in the context of development. The impacts of corruption on human rights and development have been the subject of extensive research (see, e.g., Centre for Democratic Institutions 2001; Sunga and Bottigliero 2007); international agreements have been signed (including an implementation monitoring mechanism agreed to in 2009 for the 2003 UN Convention Against Corruption); and corporate structures have been modified and policies developed to address corruption. The World Bank's focus on the governance and anticorruption (GAC) agenda stems from its mandate to reduce poverty. GAC undertakings ensure that the Bank's financing will be used for the purposes intended and to achieve the expected development outcomes. The World Bank adopted a Governance and Anticorruption (GAC) Strategy in March 2007 (World Bank 2007b) and an Implementation Plan in October 2007 (World Bank 2007c), with progress reports presented to the Board in 2008 and 2009. The GAC strategy calls for the strengthening of the World Bank Group's engagement in governance and anticorruption at three levels: (i) at the project level, (ii) at the country level, and (iii) at the global level. The GAC Strategy, which was updated in March 2012 , puts renewed emphasis on the Bank's "multistakeholder engagement". There are a number of anticorruption tools with direct application to the Bank's operations including the General Conditions, the Anticorruption Guidelines, and the Procurement and Consultant Guidelines. For the Bank's new financing instrument, called Program for Results (PforR), a different set of Anticorruption Guidelines which are tailored to the specificities of this product line has been developed. In particular, the PforR Anticorruption Guidelines take account of the fact that the Bank will not be funding specific transactions.

Despite such efforts, much work remains to be done to combat corruption successfully. Human rights principles such as participation, transparency and access to information, and accountability could

support anticorruption programmes. It has been said that "corruption is essentially an activity carried out by groups with power" (International Council on Human Rights Policy 2009), and a HRBA addressing economic, political, and social factors that foster corruption could legitimize the claims of marginalized populations and empower people to challenge the abuse of power (International Council on Human Rights Policy 2010).

There are several examples of agencies addressing governance and human rights issues. The USAID Mobilizing Action Against Corruption (MAAC) Activity partnered with the International Council on Human Rights Policy (ICHRP) to publish the Armenian-language versions of ICHRP reports on anticorruption and human rights (USAID 2011d). With Global Human Rights Strengthening Programme support, UNDP prepared a wealth of new policies and practice notes on such areas as access to justice, parliaments, police, decentralized governance, national human rights institutions, and the right to information. OHCHR and UNDP organized an international seminar on human rights and governance in Seoul in 2004.

Sometimes human rights principles have helped agencies move beyond civil or political rights projects in their governance portfolios. Although not always couched in human rights language, interventions may pay attention to institutionalizing participation (Gaventa 2010), providing accountability and redress, and fostering a healthy relationship between the state and citizens based on the recognition of rights and duties.

 An NTF grant team is undertaking research to explore the links between the World Bank's Citizen Engagement Framework and human rights. This research is being carried out through the development of case studies in three different contexts: Afghanistan, Paraguay, and Serbia. The research looks at grassroots initiatives in these countries to analyse how citizen-led movements and campaigns led to improved services and accountability and better collaboration between governments and citizens. The research will lead to the development of an analytical paper, the findings of which will be disseminated through knowledge and learning events at the country level and at headquarters. The World Bank team leading this research co-leads the Community of Practice for Social Accountability and Demand for Good Governance, and the team members participate in the World Bank's working group to mainstream citizen engagement in Bank operations. As such, the grant represents a strong opportunity to mainstream

human rights knowledge into the implementation of the Citizen Engagement Framework.

VIII.   FINDINGS AND ISSUES FOR FURTHER CONSIDERATION

Donors have been integrating human rights for some time and in a variety of ways, whether through direct projects, in their country programmes, or at a global level, for example, through the work of international organizations. Most traditional interventions have been delivered through civil and political rights projects, often supported by civil society funds and closely associated with democracy and the rule of law. Some governance programming areas, such as access to justice, have started to change as a result of the introduction of HRBAs, yet it is difficult to assess wider trends, in particular in governance areas where political dimensions have only more recently been taken into account. The absence of an explicit application of a human rights perspective to the wider governance agenda is possibly one of the clearest shortcomings in donor experiences. This absence could be examined, for instance, with regard to the relationship between human rights and corruption (UNDP 2008a).

Although at a policy level governments are committed to the indivisibility of all human rights, within development, the cooperation human rights work has tended to be narrowly construed around civil and political rights (OECD 2001). This narrow focus in part explains why there is limited evidence and advice on how governance interventions can strengthen the realization of all rights, including economic and social rights.

Nonetheless, there have been significant efforts at human rights mainstreaming across a number of non-governance sectors. Possibly because they are perceived as politically less sensitive and because of the success of UNICEF in implementing its HRBA, child rights have been incorporated into a wide range of policies and programmes. There has been a growing mainstreaming of human rights into health, education, and programming on gender and women in development. By comparison, donors seem to have less frequently linked human rights to areas such as minorities, infrastructure, and livelihoods.

There has been little research on the use of political conditionality, despite its use by bilateral agencies and the EU. As new aid approaches emerge, it will be important to have open discussions about this issue and how to find effective ways of handling political conditionality in the context of medium to

long-term aid relationships as well as in fragile and conflict-affected states.

Finally, aid agencies could invest more in knowledge management across the board. Although nearly all the UNDG-HRM agencies have developed knowledge products (KPs) on operationalizing human rights, case studies and documents on lessons learned are lacking. Few KPs are region specific, and the vast majority are available only in English. Most KPs are not specifically addressed to national counterparts, thereby missing an opportunity to strengthen the capacity of national partners (UNDG-HRM 2011). The UNDG-HRM has acknowledged these facts, and one priority for its work plan is to strengthen case studies, lessons learned, and knowledge sharing across the UN on human rights mainstreaming). The UN System Staff College is developing a Learning and Evidence Centre, capturing stories and experiences (from within and outside the UN system) and translating those into training and learning case studies for use in future skills development and leadership courses on human rights and development (see Chapter 5).

Additional specific issues for research and analysis that could be undertaken jointly include:

- Governance subareas where there has been a demonstrable policy and programming shift (e.g., rule of law and access to justice or decentralization)
- Achievements of non-governance interventions that have the explicit objective of human rights mainstreaming or are based on a HRBA to allow comparison between a small set of sectors (e.g., health and education)
- Human rights dialogue and the impact of conditionality by bilateral donors and the EU, including the collaboration between development cooperation agencies and foreign ministries

Chapter 4
Policies to Integrate Human Rights into Development

To implement the various types of approaches outlined in chapter 3, agencies have adopted different strategies, policies, and frameworks, some of which are summarized in this chapter.

I.   UN BODIES AND SPECIALIZED AGENCIES

Following the 2012 global evaluation of the United Nations Children's Fund (UNICEF)'s implementation of its human rights–based approach (HRBA) to programming, the development and approval in 2013 of the UNICEF Strategic Plan (2014–2017) was an opportunity to clearly articulate how HRBA programming, as a foundational principle, guides the equity focus of UNICEF's programmes and advocacy. The plan recalls UNICEF's commitment to human rights principles and the equity approach as the translation of this commitment into action by placing gender equality and human rights as outputs under each outcome area:

- Universality: reaffirming UNICEF's mandate to promote the rights of every child everywhere
- Equality and non-discrimination: enhancing the focus on the most marginalized and excluded children
- Accountability: highlighting formal and informal accountability mechanisms to strengthen the capacity of rights-holders, including children, families, and communities, to demand the fulfilment of their rights
- Participation: emphasizing children's right to information and to participate in decisions that affect their lives

The United Nations Development Programme (UNDP) is the United Nations' global development network. Its work in nearly 170 countries and territories is aimed at the eradication of poverty and the reduction of inequality and exclusion. UNDP assists countries in three major areas: sustainable development; democratic governance and peace building; and climate and disaster resilience. UNDP

works holistically across sectors and around the world, operating as manager of the Resident Coordinator System and chair of the United Nations Development Group (UNDG).

Following the adoption of the 2030 Agenda for Sustainable Development, UNDP's primary focus is on strengthening new frameworks for development, disaster risk reduction, and climate change. UNDP's strategic plan, Changing with the World 2014–2017, was published in September 2013; its overarching vision is to help countries achieve the simultaneous eradication of poverty and the significant reduction of inequalities and exclusion. UNDP's work on human rights cuts across all three development pathways of the strategic plan—sustainable development, democratic governance, and resilience building. Under this plan, HRBA is an overarching engagement principle: as such, citizens' expectations for voice, development, the rule of law, and accountability should be met by strong systems of democratic governance, highlighting the priority of strengthening the capacities of human rights institutions.

Box 4.1

Human Rights up Front

The Human Rights-up Front (HRuF) initiative of the Secretary-General (launched in 2013) aims at improving UN action to safeguard human rights around the world. The need for early action, and the crucial role of responding early to and preventing human rights violations, is at the heart of HRuF. The UN Secretariat, funds, and programmes must all ensure that the UN system, both on the ground and at headquarters, is appropriately prepared—early on—to deal with evolving crisis situations. UNDP is playing a leading role in operationalizing the initiative at the country level, especially through its role as convener of the resident coordinator system.

UNDP plays an active role in other UN interagency human rights mechanisms, notably the UN Development Group Human Rights Working Group, or UNDG-HRWG (see chapter 3) through its RC Guidance Note on Human Rights, the Interagency Support Group on Indigenous Peoples (which in 2015 finalized the system-wide action plan on implementation of the United Nations Declaration on the Rights of Indigenous Peoples, or UNDRIP), and the Interagency Support Group on Persons with Disabilities.

UNDP's Social and Environmental Standards (SES) have been mandatory for all UNDP projects above $500 000 USD since January 1, 2015. The SES includes a human rights principle that requires UNDP to refrain from providing support for activities that may contribute to violations of a state's human rights obligations and the core international human rights treaties, and also requires UNDP to seek to support the protection and fulfilment of human rights. These social and environmental safeguards and related grievance mechanisms provide tools to ensure that integrated development solutions are identified early on so that programming does not result in inadvertent harm or conflict. The SES comprises an overarching policy and principles, project-level standards, and the policy delivery process. The project-level standards further support implementation of UNDP's commitment to promote respect for human rights, gender equality, and environmental sustainability and relate to areas such as sustainable natural resource management, displacement and resettlement, cultural heritage, and indigenous peoples. The specific objectives are to strengthen the social and environmental outcomes of UNDP's programmes and projects; to avoid adverse impacts to people and the environment; to minimize, mitigate, and manage adverse impacts where avoidance is not possible; to strengthen capacities for managing social and environmental risks; and to ensure full and effective stakeholder engagement, including through a mechanism to respond to complaints from project-affected people.

The Rule of Law, Justice, Security and Human Rights team within the Governance and Peacebuilding Cluster of the UN Bureau for Policy and Programme Support leads UNDP work on human rights. It does so through programme delivery in countries, policy development, implementation, advocacy, and partnerships; this work includes strengthening the work of national human rights institutions, engagement with international human rights mechanisms, and implementation of Universal Periodic Review (UPR) recommendations, as well as the promotion of the application of the HRBA to development programming and national planning processes.

The United Nations Industrial Development Organization (UNIDO) is the specialized agency of the United Nations that promotes industrial development for poverty reduction, inclusive globalization, and environmental sustainability. Its mission is to promote and accelerate inclusive and sustainable industrial development (ISID) in developing countries and economies in transition. Reflecting systemic developments within the UN system and in the wider world, UNIDO's position on human rights is constantly evolving. In December 2013, UNIDO member states endorsed the *Lima Declaration: Towards Inclusive and Sustainable Industrial Development*, which provided UNIDO with a renewed

mandate to promote ISID. In addition to the work of UNIDO in advancing economic competitiveness, the renewed mandate recognized safeguarding the environment and creating shared prosperity as programmatic fields of activity, contributing to a broad range of human rights objectives through industrial development.

Human security concerns are prominent in the 2015 UNIDO's *Medium-Term Programme Framework 2016–2019 (MTPF)*, especially regarding post crisis rehabilitation services, which acknowledges that industrial development has a critical role to play in building capacities for resilience and the restoration of livelihoods following natural and human-made disasters. The MTPF implicitly recognizes the pursuit of human rights objectives through several programmatic fields such as pro-poor enterprise and employment initiatives oriented explicitly toward women and young people. The 2030 Agenda for Sustainable Development underlines the linkages between human development and human security and promotes the role that security plays in successful economic productivity. The agenda is an opportunity to expand on this nexus and raise the profile of UNIDO by aiming to close the gap between security and economic productivity.

UNIDO is working to advance the conceptual understanding of how inclusive and sustainable industrial development can aid the achievement of human rights. For example, UNIDO developed a working paper on the development of human rights, including the right to development, within industrial development. UNIDO collaborated with the Regional Academy of the United Nations (RAUN) on a concept paper outlining a HRBA to industrialization in the post–2015 era. UNIDO has deepened its engagement with UN systemic initiatives on human rights, and it has participated in the United Nations Development Group Human Rights Working Group (UNDG-HRWH) for several years, aiding in the elaboration of a HRBA to development. UNIDO is thus implementing several UN systemic initiatives with regard to human rights, *HRuF inter alia*, the UNDG Guidance Note for Resident Coordinators, and the 2006 UN *System Wide Action Plan on Gender Equality and Women's Empowerment.*

UN-Habitat is mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. This twin mandate encompasses the right to an adequate standard of living, of which the right to adequate housing is part. The right to adequate housing is an internationally recognized right as provided for under Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). As part of the UN

family, UN-Habitat is mandated to respect, promote, and protect human rights in all its activities. UN-Habitat is a key agency in the implementation of the right to safe drinking water and sanitation.

In early 2013, mainstreaming of human rights became a priority issue for the UN-Habitat Governing Council, and it was included in the *2014–2019 UN Habitat Strategic Plan*. Paragraph 38 of the April 2015 "Omnibus" resolution,

> requests the Executive Director to mainstream human rights within the context of advancing the goals and mandate of the United Nations Human Settlements Program, as set out in the Istanbul Declaration on Human Settlements and the Habitat Agenda, in line with its strategic plan for 2014–19, which states that all cross-cutting issues will be mainstreamed throughout its seven focus areas.

Such directives on mainstreaming empower UN-Habitat to apply human rights considerations to all parts of its work programme.

The UN New Urban Agenda promotes human rights through strengthening and systematizing UN Habitat's engagement vis-a-vis global policy developments such as the 2030 Sustainable Development Agenda and the HRuF initiative. UN Habitat's human rights mainstreaming objectives are designed to improve the capacity of UN-Habitat staff and partners to apply human rights considerations in project implementation, to strengthen the effective integration of the HRBA into the UN-Habitat project cycle, and to spur the development of tools that guide a human rights-based implementation of UN-Habitat projects.

The UN General Assembly creased the UN Entity for Gender Equality and the Empowerment of Women (UN Women) in 2010 to accelerate the UN's goals on gender equality and the empowerment of women as part of the UN reform agenda, bringing together resources and mandates for greater impact. The *UN Women's Strategic Plan 2014–2017* (approved in 2013), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and other international instruments on gender equality provide a framework for the work of UN Women. UN Women adheres to the United Nations system-wide common understanding of a HRBA, including that all development cooperation programmes, policies, and technical assistance should further the realization of human rights as enshrined in the Universal Declaration of Human Rights and other international human rights instruments. The Strategic Plan commits UN Women to leverage its mandate to strengthen implementation of normative

commitments and standards, including CEDAW, by enhancing the capacity of governments and stakeholders to assess progress and share experiences and lessons learned, along with overall implementation trends. An indicator is included on countries supported by UN Women that report under CEDAW or the UPR process.

The United States Agency for International Development (USAID) has issued a number of policies to advance gender equality throughout all aspects of development assistance. It issued the *Gender Equality and Female Empowerment Policy* in 2012, as well as the *Counter-Trafficking in Persons (CTIP) Policy*. Also, although it is not a formal policy, in 2014, USAID's *LGBT (lesbian, gay, bisexual, trans) Vision for Action* provided guidance on advancing LGBT rights throughout field programming.

The UN Population Fund (UNFPA) was established by the UN Economic and Social Council in 1973; its mandate is to build the knowledge and capacity to respond to needs in population and family planning. UNFPA is a human rights organization, and its work is guided by the Vienna Conference on Human Rights (1993) and the International Conference on Population and Development (ICPD) in Cairo (1994), which confirmed that women's rights and reproductive rights are human rights. The *ICPD Programme of Action* (PoA), adopted in 1994 by 179 member states, lays out the mandate for UNFPA's work, which places the human rights of individuals at the centre of development rather than as numerical population targets in order to achieve sustainable progress and confirms that increasing social, economic, and political equality is the basis for individual well-being, lower population growth, sustained economic growth, and sustainable development.

Approved in 2013, UNFPA's *Strategic Plan 2014–2017* embodies a HRBA to programming while strengthening national human rights accountability systems. At the heart of the strategic plan is the realization of the right of all couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so; the right to attain the highest attainable standard of sexual and reproductive health; and that decisions concerning reproduction should be made free from coercion, discrimination, or violence. Human rights and gender are mainstreamed throughout the PoA and are at the core of the outcomes. The 2004 International Conference on Population and Development Framework of Actions emphasizes that respect, protection, promotion, and fulfilment of human rights are necessary preconditions for realizing all the unfulfilled objectives of the PoA; the elaboration and fulfilment of rights are a critical metric for determining

whether, for whom, and to what extent development has been achieved. The comprehensive *ICPD Beyond 2014 Review* overwhelmingly supported the consensus that investing in individual human rights, capabilities and dignity – across multiple sectors and through the life course – is the foundation of sustainable development. In September 2014, a Special Session of the General Assembly endorsed the findings of the 20-year review, and governments committed to intensified efforts to address gaps and emerging challenges.

The constitution of the Food and Agricultural Organization of the United Nations (FAO) was amended in 1965 to add the following words to its preamble: "and thus ensuring humanity's freedom from hunger." This wording was echoed in the provisions of Article 11, Paragraph 2 of the ICESCR, which was adopted in 1966. Human rights, including gender equality, the right to adequate food, the right to decent work, the right to social protection, and indigenous peoples' rights, are mentioned in various normative, strategy, and programme documents of the FAO. These specific rights and the HRBA more generally are embedded in the strategic objectives and cross-cutting issues of the FAO *Renewed Strategic Framework* that was adopted in June 2013. Human rights feature as basic principles or substantive norms in a range of FAO policy instruments such as the *Policy on Indigenous and Tribal Peoples* (2010), the *Policy on Gender Equality* (2012), and a number of FAO guidance instruments and toolkits (described in chapter 5).

FAO's *Renewed Strategic Framework (RSF)* integrates the rights in different ways. For example, under Strategic Objective 1, "contribute to the eradication of hunger, food insecurity and malnutrition," the organization works on strengthening political commitments and accountability mechanisms to realize the right to adequate food and to promote secure and equitable access to resources and assets. Strategic Objective 3, "reduce rural poverty," dedicates an organizational outcome to promote greater opportunities to access decent farm and nonfarm employment. An important component of this objective is FAO's commitment to support the implementation of internationally accepted labour standards. Gender is one of the two cross-cutting themes of the RSF, under which FAO promotes gender equality and the empowerment of rural women, based on its Policy on Gender Equality and international instruments such as CEDAW. Other specific human rights and the HRBA form an integral part of all strategic objectives and the other cross-cutting theme, "governance."

Human rights have featured in several normative instruments adopted under FAO auspices. The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT),* **e**ndorsed by the Committee on World Food Security (CFS) in May 2012, have a goal of food security and the progressive realization of the right to adequate food and spell out human rights as part of their guiding/implementation principles. The VGGT are being implemented in many countries to promote and protect tenure rights to land, fisheries, and forests, with emphasis on vulnerable and marginalized groups. The various technical guides issued by FAO to support the implementation of the VGGT highlight the strong linkages between human rights and tenure rights (see chapter 5). The *Committee on World Food Security (*CFS) *Responsible Investment in Agriculture and Food Systems – known as CFS-RAI* were approved by the CFS in October 2014 with the objective of promoting responsible investment in agriculture and food systems that contribute to food security and nutrition, thus supporting the progressive realization of the right to adequate food. FAO is in the process of developing an umbrella programme to support the implementation of the principles by all stakeholders.

The World Health Organization (WHO) was established in 1948 with a mandate to promote universal health coverage. The Constitution of WHO states: "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition." WHO works with policymakers, global health partners, members of civil society, academics, and the private sector to support countries to develop, implement, and monitor national health plans. WHO supports countries to assure the availability of equitable integrated people-centred health services at an affordable price; facilitates access to affordable, safe, and effective health technologies; and aims to strengthen health information systems and evidence-based policymaking. In 2014, the WHO Secretariat adopted a *Roadmap for Action* that outlines the strategic vision for its integrated mainstreaming initiative of gender, equity, and human rights.

As a member of the UN system, WHO is responsible for realizing the right to health at the international, regional and country levels (see General Comment No. 14, on the right to the highest attainable standard of health, under Article 12 of the ICESCR). Under WHO's 12th General Programme of Work,

> In a context of growing inequity, competition for scarce natural resources, and a financial crisis that threatens basic entitlements to healthcare, it would be hard to find a better expression of health as a fundamental right, as a prerequisite for peace and security, and the key role of equity, social justice, popular participation and global solidarity in the Organization's work.

A number of World Health Assembly (WHA) resolutions confirm the centrality of human rights and the right to health, such as WHA Resolution 23.41 ("reaffirms that the right to health is a fundamental human right"); WHA Resolution 30.43 ("Considering that health is a basic human right and a worldwide social goal, and that it is essential to the satisfaction of basic human needs and the quality of life"); and WHA Resolution 51.7, adopting the World Health Declaration, whose Article 1 reaffirms the commitment to the principle enunciated in the WHO Constitution that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being.

At the policy level, WHO's flagship health priority of universal health coverage is built on the notion of "health for all," and human rights standards and principles are reflected and referenced within WHO global strategic action plans and thematic resolutions, such as the *Mental Health Action Plan 2013–2020*; *the End TB Strategy; the Global Action Plan on Non-communicable disease*; the Global Strategy on Women, Children's' and Adolescents' Health; and the HIV Strategy, as well as draft strategies on ageing and health, the health workforce 2030, and a framework for people-centred and integrated care. WHO's human rights commitment was reaffirmed by its constituent members in Executive Board discussions on the issue of health and migration, during which a number of member states underscored WHO's mandate to protect and uphold the right to health without discrimination.

Established in 1996, the Joint United Nations Programme on HIV/AIDS (UNAIDS) is the leading advocate for global action against HIV/AIDS. Its mission is to guide, strengthen, and support worldwide efforts to turn the tide against the epidemic. Such efforts are aimed at preventing the spread of HIV; providing care and support for those infected and affected by the disease; reducing the vulnerability of individuals and communities to HIV/AIDS; and easing the socioeconomic and human impact of the epidemic. The work and mission of UNAIDS are grounded in human rights, and UNAIDS' vision and strategy include a focus on eliminating discrimination and advancing human rights as a precondition for ending AIDS. Adopted in 2015 the *UNAIDS 2016–2021 Strategy* calls for frontloading investments, closing the testing gap, and protecting the health of the 22 million people living with HIV who are not accessing treatment. The strategy focuses on the unfinished agenda of UNAIDS: to drastically reduce new infections to bend the trajectory of the epidemic. Ending the AIDS epidemic will involve progress across the entire spectrum of rights: civil, cultural, economic, political, social, sexual, and reproductive.

The International Labour Organization (ILO) was established in 1919 as a tripartite organization bringing together governments, employers, and workers representatives of 187 member states to set labour standards, develop policies, and devise programmes promoting decent work for all women and

men. ILO standards and development are deeply interlinked. Decent work and the four pillars of the Decent Work Agenda—employment creation, social protection, rights at work, and social dialogue—became part of the 2030 Agenda for Sustainable Development, which is anchored in human rights. The ILO has actively participated in shaping and defining the Sustainable Development Goals (SDG), which are all related to its mandate. In particular, SDG 8 (in particular, 8.5, related to equal pay for work of equal value, and 8.7, related to the eradication of forced labour) calls for the promotion of sustained, inclusive, and sustainable economic growth, full and productive employment, and decent work, and is a key area of engagement for the ILO and its constituents.

The 2008 *ILO Declaration on Social Justice for a Fair Globalization* provides the overarching framework for the *ILO programme and budget for 2016–2017*. Its proposals are anchored in the continued commitment to the goal of decent work. These proposals will equip the ILO with the capacity to work in giving effect to the SDGs. The *ILO Strategic Plan for 2016–2017* (adopted in 2015) contains 10 outcomes. Outcome 2 refers to the ratification and implementation of International Labour Standards; Outcome 8 aims at protecting workers from unacceptable forms of work. These are closely related to the protection of human rights. Other outcomes are also connected to human rights: creating and extending social protection floors and promoting fair and effective labour migration policies, for example. Two of the three cross-cutting policy drivers also have an important human rights component. These drivers require the ILO to reflect the principles and guidance provided by the International Labour Standards and to promote the principles and practice of gender equality and non-discrimination.

There are important synergies between the standards adopted by the ILO's International Labour Conference and the UN human rights system. Indeed, ILO conventions, such as the eight conventions underpinning the four core labour standards, are widely considered to be human rights instruments. The *ILO Declaration on Fundamental Principles and Rights at Work*, adopted in 1998, commits member states to respect and promote principles and rights in four categories, whether or not they have ratified the relevant conventions: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour, and the elimination of discrimination in respect of employment and occupation. The declaration establishes that these rights are universal and that they apply to all people in all states, regardless of the level of economic development. It mentions groups with special needs, including the unemployed and migrant workers. It

recognizes that economic growth alone is not enough to ensure equity and social progress or to eradicate poverty.

The norm-setting work of the ILO is ongoing: the ILO adopted the Domestic Workers Convention in 2011 (No. 189) to address difficult working conditions, labour exploitation, and human rights abuses faced by domestic workers worldwide, among whom the majority are women. In June 2014, the ILO's International Labour Conference adopted a legally binding protocol, supplemented by a recommendation, to strengthen global efforts to eliminate forced labour and trafficking in persons. This protocol complements the Forced Labour Convention, 1930 (No. 29), addressing practices such as trafficking in persons and creating new obligations on protection, prevention, and remedies, including compensation. The accompanying recommendation provides technical guidance on its implementation. The protocol reaffirms the obligation to punish perpetrators of forced labour and to end the impunity that is pervasive in so many countries.

Although work to support refugees lies beyond the traditional parameters of development, the lines between development and humanitarian and refugee interventions are fluid, and the approaches adopted by refugee protection agencies can be instructive for development, particularly as development agencies are being asked to support interventions to address refugee crises and humanitarian emergencies. Moreover, the overlaps between human rights law and international refugee law (IRL) are increasingly recognized, as is the potential applicability of human rights law to areas where IRL may leave gaps (internally displaced persons, or IDPs; internal conflicts; etc.). The United Nations High Commissioner for Refugees (UNHCR) is the global body with a mandate to provide international protection and to work for solutions for refugees and asylum seekers. It is granted the authority to supervise the application of international instruments for the protection of refugees and asylum seekers, in particular, the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, collectively known as the 1951 Convention. State parties to these instruments are required to cooperate with UNHCR in the exercise of its functions. Over the years, the General Assembly has expanded UNHCR's mandate to various groups of people who are not covered by the 1951 Convention. Some of these people are qualified as "mandate" refugees; others are returnees, statelessness persons, and, in some situations, IDPs.

Complementing and reinforcing the protection environment for persons within UNHCR's specific mandate, human rights instruments are part and parcel of the legal protection framework underpinning UNHCR's strategic planning, objective setting, and work. There has been a sustained effort to

mainstream human rights throughout UNHCR's work, for example, in integrating human rights standards into UNHCR's advocacy activities. The importance of strengthening the linkage between refugee and human rights protection is recognized in UNHCR's Agenda for Protection. Overall responsibility at the global level for coordination and advice on human rights lies with the Human Rights Liaison Unit (HRLU) in UNHCR's Division of International Protection. HRLU's role includes providing advice and training to UNHCR staff and partners on human rights standards, instruments, and mechanisms and seeking to ensure that attention is given to protection issues within the human rights processes. HRLU represents UNHCR in headquarters-level interagency discussions and activities concerning human rights within the UN Treaty Body Strengthening process and in liaising with the OHCHR, including UNHCR country offices for the various UN human rights mechanisms.

The UNHCRs' Executive Committee has recognized "the multifaceted linkages between refugee issues and human rights" (ExCom Conclusion No. 95 (LIV), General, 2003, at para. (k); para.(l) of this Conclusion goes on to note the "the complementary nature of international refugee and human rights law as well as the possible role of the United Nations human rights mechanisms in this area". (UNHCR, 2003)

II.   EUROPEAN UNION

As the largest development donor in the world, the European Union is committed to ensuring that "human rights is at the forefront of EU Development Cooperation," with similar commitments to humanitarian aid and common foreign and security policy. The policies flow from the legal obligations of EU member states, as well as from the Lisbon Treaty provisions that recognize human rights as common values underpinning EU partnership and dialogue with third countries. In 2012, the EU appointed its first Special Representative for Human Rights to increase the effectiveness and awareness of EU policy on human rights in non-EU countries (the EU is engaged in human rights dialogues with a number of countries). A Strategic Framework on Human Rights and Democracy was adopted in 2012 that was designed to make EU human rights policy more effective and consistent. The framework sets out principles, objectives, and priorities, all designed to improve the effectiveness and consistency of EU policy as a whole. It provides a basis for a collective effort involving EU member states as well as EU institutions. The framework also anchors a commitment to partnership with civil society. The first *EU Action Plan* covered the period 2012–2014 and brought together 97 actions under 36 headings; it was prepared on the basis of consultations with EU member states, which, together with the EU, are responsible for implementation.

In July 2015, the EU issued a Joint Communication, "Keeping Human Rights at the Heart of the EU Agenda," as presented by the High Representative of the European Union for Foreign Affairs and Security Policy and the European Commission, under which the Council adopted an *Action Plan on Human Rights and Democracy for 2015–2019*. With this action plan, the council reaffirmed the European Union's commitment to promote and protect human rights and to support democracy worldwide. The action plan was prepared by the European External Action Service, involving the European Commission and EU member states, all of which are responsible for implementation. It builds on the *2012–2014 Action Plan on Human Rights and Democracy* and reaffirms the EU's commitment to the Strategic Framework on Human Rights and Democracy, which will continue to guide the EU's actions in the field.

The action plan is being implemented with the close involvement of the European Parliament and regular consultation with relevant stakeholders, in particular, civil society organizations. A midterm review will be undertaken in 2017.

The European Investment Bank (EIB) is the financing institution of the EU. Among the most relevant aspects of the EIB's commitment to human rights is the upholding of EIB's environmental and social standards by managing and duly remedying adverse impacts arising at the investment level. Respect for these standards is safeguarded not only at the due diligence stage, but also through the inclusion of contractual obligations and project monitoring. With the adoption of its revised environmental and social standards in 2013, the EIB opted in favour of a robust and human rights–responsive social due diligence framework, backed by relevant standards, management systems, and toolboxes, thereby rejecting the alternative of stand-alone human rights impact assessments. This step signals the importance the EIB attributes to the materiality of risk to affected persons, who should be acknowledged as right-holders, and the introduction of a human rights mitigation hierarchy in the undertaking of social due diligence. This hierarchy considers severity, likelihood, and frequency of human rights violations in an operation, thereby reordering the prioritization of mitigation measures; the expansion of the scope of its due diligence, therein assuming a broader view of the supply chain and considering legacy issues; and the use of the analysis of the specific country and project context, political economy, and institutional and legal parameters to inform social due diligence.

The *EIB Statement of Environmental and Social Principles and Standards* (2009) is the bank's publicly consulted statement, confirming that the Bank is to follow a rights-based approach when considering the social aspects of a project, as well as containing explicit references that the bank will not finance projects that result in a violation of human rights or projects located in countries declared "off-limits" by the European Council, particularly due to violations of human rights. A revision of the bank's environmental and social standards was undertaken in 2012 and 2013, resulting in the adoption of its updated *Environmental and Social Handbook*, effective January 1, 2014. The revision was informed by the bank's human-rights commitments under the EU Charter of Fundamental Rights, as well as by the United Nations Guiding Principles on Business and Human Rights (UNGPs) and other international best practices.

III.   THE ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

The mandate of the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC)'s Governance Network references human rights:

> The DAC Network on Governance aims to improve the effectiveness of donor assistance in support of democratic governance in developing countries. It provides members with a forum to exchange experiences and lessons, identify and disseminate good practice, and develop policy and analytical tools relating to the reform of institutions, the dynamics of change and the interplay of checks and balances, and issues surrounding domestic accountability and respect for human rights. Consistent with the Paris Declaration on Aid Effectiveness (2005), the GOVNET promotes partner country ownership, aligned and coordinated donor approaches, results and mutual accountability.

The network helps deliver evidence-based research and policy recommendations to support donor policies and programmes that promote respect for human rights. In 2014, the OECD published a report on accountability and democratic governance that includes orientations and principles for development for the promotion of accountability. The report is an exploration of innovative ways to improve support of accountability in developing countries while "doing no harm" and avoiding undermining political processes. The report highlights the need for a more holistic, comprehensive approach to accountability support and more deference to partners as they evolve their systems, while external actors play the part of facilitators. It proposes a systems approach in which all accountability actors take part in a country's own development script. (OECD, 2014)

The leading instrument issued by the DAC on human rights is the 2007 "Action Oriented Policy Paper on Human Rights and Development." In this action-oriented policy paper (AOPP), the DAC committed to fostering international consensus on how to promote and protect human rights and integrate them more systematically into development. The AOPP identifies 10 principles that constitute basic orientations for key areas and activities where harmonized donor action is of particular importance (box 4.2). It invites donor agencies to use the principles to inform the design of human rights policies and programming. The principles could form a basis for dialogue with other stakeholders, national governments, and non-state partners.

Box 4.2

OECD AOPP 10 principles

1. Build a shared understanding of the links between human rights obligations and development priorities through dialogue.

2. Identify areas of support to partner governments on human rights.

3. Safeguard human rights in processes of state building.

4. Support the demand side of human rights.

5. Promote non-discrimination as a basis for more inclusive and stable societies.

6. Consider human rights in decisions on alignment and aid instruments.

7. Consider mutual reinforcement between human rights and aid effectiveness principles.

8. Do no harm.

9. Take a harmonised and graduated approach to deteriorating human rights situations.

10. Ensure that the scaling-up of aid is conducive to human rights.

The OECD has for some time placed an emphasis on responsible business conduct. The OECD *Guidelines for Multinational Enterprises* (the Guidelines) were first adopted in 1976 as part of the Declaration on International Investment and Multinational Enterprises. Since then, the OECD has

promoted co-operation in this field through a balanced framework of nonbinding principles and standards addressed to governments and enterprises. Through these Guidelines, forty-two countries have committed to new, tougher standards of corporate behaviour in the Guidelines for Multinational Enterprises: the 34 OECD countries plus Argentina, Brazil, Egypt, Latvia, Lithuania, Morocco, Peru, and Romania. The guidelines draw explicitly on the UN Guiding Principles on Business and Human Rights and include recommendations on human rights abuse and company responsibility for supply chains, making these guidelines the first intergovernmental agreement in this area. These Guidelines were updated in 2011 in light of the UN Guiding Principles on Business and Human Rights. The guidelines establish that firms should respect human rights in every country in which they operate. Companies should also respect environmental and labour standards, for example, and have appropriate due diligence processes in place to ensure that this respect happens. These standards include paying decent wages, combating bribe solicitation and extortion, and the promotion of sustainable consumption. The guidelines are a comprehensive, nonbinding code of conduct that OECD member countries and others have agreed to promote among the business sector and include a process for complaints and mediation.

IV.   BILATERAL AGENCIES

The *Aid Policy Framework* governs Swedish development cooperation. "Strengthened democracy and gender equality, greater respect for human rights and freedom from oppression" is one out of five sub-objectives in the 2014 *Aid Policy Framework*, and there is a clear indication that human rights, democracy, and the rule of law will be core focus areas in a revised policy framework. The 2014 *Aid Policy Framework* emphasizes the rights perspective and poor and oppressed people's own perspective on development as the fundamental values of Swedish aid and development cooperation. The new policy framework will likely include a strong emphasis on the rights perspective. All strategies—geographic, at regional and country levels, and global—that govern the Swedish International Development Cooperation Agency (Sida)'s work include human rights. The Swedish government's instruction to Sida were revised in 2015 to include five thematic perspectives that permeate the direction of Swedish development cooperation: a human rights perspective, poor people's perspectives on development, an integrated environmental and climate perspective, an integrated gender perspective that includes the analysis of the situation of women and girls and men and boys, and an integrated conflict perspective in development cooperation.

In the UK, the Department for International Development (DFID) has a strong commitment to enabling poor people to enjoy the rights and freedoms defined in the Universal Declaration of Human Rights and core treaties of international human rights law. DFID recognizes that the realization of human rights underpins sustainable development. DFID pursues its overall human rights objectives while supporting the Foreign and Commonwealth Office's lead role on oversight and negotiations related to the international human rights framework. For the UK government, the SDGs represent a commitment to achieve substantive, measurable improvements on economic, social, and political human rights. The SDGs reflect human rights in substance, not just in form, and include the overarching commitment to "leave no one behind," an expression of the human rights agenda that commits the UK to a set of actions to ensure that "people who are furthest behind, who have least opportunity and who are the most excluded will be prioritized." A commitment to human rights also underpins the four strategic objectives of the *UK Aid Strategy* published in November 2015: to strengthen global peace, security, and governance; to strengthen resilience and response to crises; to promote global prosperity; and to tackle extreme poverty and help the world's most vulnerable.

The 2015 *Strategic Defence and Security Review (SDSR)* makes clear that promoting universal human rights is a UK priority and an integral part of building prosperity and stability around the world. It states:

> We will work with our partners to strengthen the promotion and protection of human rights, and hold to account those responsible for the worst violations and abuses. This is part of our work to promote the golden thread of democracy, rule of law, free media and open, accountable institutions.

In March 2015, the UK passed the *International Development (Official Development Assistance Target) Act*, which enshrined in law the UK's commitment to spend 0.7 per cent of its gross national income on aid every year. DFID's three overarching commitments—ending the need for aid by creating jobs, unlocking the potential of girls and women, and helping to save lives when humanitarian emergencies hit—are all underpinned by DFID's commitment to the realization of universal political, social, and economic rights.

The German Agency for International Development (GIZ) assists the German government in achieving its objectives in the field of international cooperation. GIZ considers human rights an integral part of its commitment to sustainable development. In October 2012, the Management Board adopted the Orientation on Human Rights, GIZ's primary policy statement on human rights as the reference framework for its work. It also established a human rights complaints procedure. Concerns that any of GIZ's actions may have a negative impact on human rights can be addressed to GIZ via e-mail. The

complaints procedure is being revised to comply with the standards for human rights complaint mechanisms as stipulated in the United Nations Guiding Principles on Business and Human Rights. The Independent Compliance and Integrity Unit will play a central role in handling complaints. GIZ's primary concern is to ensure that no negative effects of its actions on human rights materialize in the first place. Therefore, setting up internal assessment mechanisms and capacity development measures has been crucial, in particular regarding the implementation of BMZ requirements. GIZ also developed a human rights sector programme, commissioned by the German Federal Ministry for Economic Cooperation and Development (BMZ), under implementation between 2014 and 2017.

The human rights concept note published by BMZ in 2011 underscores the centrality of human rights as a guiding principle and cross-cutting task of German development policy. In line with its own human rights commitments, the BMZ adopted *Development Policy Action Plans on Human Rights* in 2004 and 2008. These were replaced by a binding *Human Rights Strategy* in 2011, which reaffirmed human rights as one of the guiding principles for German development policy, under which the realization of human rights is recognized as an objective in itself. At the same time, BMZ regards the fulfilment of human rights as a prerequisite for sustainable development, poverty reduction, and peace. BMZ's *Human Rights Strategy* is complemented by *Operational Guidelines* (BMZ 2013) specifying how to assess human rights–related risks and impacts in the appraisal phase of all development programmes commissioned by the ministry. Both the 2011 *Human Rights Strategy* and the 2013 *Operational Guidelines* are relevant for all sectors and areas of German development cooperation. The 2011 strategy document is the overarching human rights policy, but human rights were mainstreamed in earlier German strategies, for example, the strategies on good governance (2009), water (2006), and health (2009).

The promotion and regard of human rights as inseparable and universal values form the basis of Austria's development policy. Human rights are mentioned in Paragraph 1 of the *Federal Act on Development Cooperation* (2002) and form an integral part of the strategy of the Austrian Development Cooperation (ADC)'s *Three-Year Programme of Austrian Development Policy 2016–2018*. The three-year programme defines good governance and human security as one of its three main objectives, with the priority area as "promotion of human rights and the rule of law," and it prescribes a HRBA. The HRBA, according to the programme, is a fundamental principle for all interventions, projects, programmes, and political and policy dialogue. The HRBA has constituted the framework of ADC for many years and has evolved even stronger in the Three-Year Programme.

Australia has long supported the international human rights movement, and the Australian government's aid programme aims to promote prosperity, reduce poverty, and enhance stability within the region. Human rights are mentioned as a priority in the 2015–2019 DFAT Strategic Framework, which states that the Department of Foreign Affairs and Trade (DFAT) works to strengthen international frameworks and norms that promote human rights, gender equality, democratic principles and the rule of law, international security, and open and transparent global markets. Some human rights issues, such as gender equality, are included in various policies across the department.

Global Affairs Canada's *Strategic Paper on Governance as a Cross-Cutting Theme* (2015) outlines a number of governance considerations for analysis and integration into policy and programming that are aligned with a HRBA to development, including participation, inclusion, accountability, and non-discrimination. Gender equality, another cross-cutting theme, is guided by Global Affairs Canada's Policy on Gender Equality (1999) and is grounded in a rights-based approach. On May 18, 2016, the Minister of International Development and La Francophonie launched a public review and consultations to renew Canada's international assistance policy and funding framework. The aim is to rethink Canada's policies and programmes in order to better respond to the challenges and opportunities of the new global context. Canada's 2016 "International Assistance Review Discussion Paper" encourages the exploration of opportunities to intensify Canadian efforts to support inclusive and accountable governance and consideration of new ways of promoting respect for human rights, including considering adoption of a rights-based approach to development.

Human rights is an established priority in the Netherlands Ministry of Foreign Affairs policy framework. The Dutch government adopted a self-standing human rights strategy discussed in parliament. Human rights progress reports are submitted annually and are available to the public. Since 2011, the priorities have become more focused on protecting groups such as human rights defenders and LGBT people.

USAID updated its Mission Statement in 2014 to read, "We partner to end extreme poverty and promote resilient, democratic societies while advancing our security and prosperity." (USAID, 2014) Although human rights are not explicitly stated in the mission statement, the vision makes USAID's commitment clear, describing "resilient, democratic societies" as those that "embrace not only elections, but also legitimate, inclusive, and accountable institutions that effectively deliver services to all of their people, respect and promote human rights, and strive to advance freedom, human dignity and development."

Moreover, although USAID's traditional approach might best be characterized as "implicit" or grounded in human rights projects, since 2010, a number of key policy frameworks have been issued that guide its work in this area and strengthen its mandate for protecting human rights. In 2013, the USAID *Strategy on Democracy, Human Rights and Governance* further defined a commitment to elevating human rights to include the "protection and promotion of universally recognized human rights" as one of the four development objectives of that strategy.

The 2015 US *National Security Strategy* states that "defending democracy and human rights is related to every enduring national interest." This language builds on a similar commitment in the 2010 National Security Strategy, which highlights the intrinsic and instrumental arguments for supporting human rights:

> The United States supports the expansion of democracy and human rights abroad because Governments that respect these values are more just, peaceful, and legitimate. We also do so because their success abroad fosters an environment that supports America's national interests. Political systems that protect universal rights are ultimately more stable, successful, and secure. (United States, 2015)

Switzerland's human rights engagement as whole, including the human rights engagement of the Swiss Agency for Development and Cooperation (SDC), is based on a strong legal and policy framework. Under Article 54 of the Swiss Constitution, Switzerland's foreign policy (which includes its development cooperation) mandate is to promote human rights, democratization, peaceful coexistence, and the reduction of poverty. SDC is part of the Swiss Federal Department of Foreign Affairs.

Since 2006, SDC has had its own human rights policy that makes an explicit link between poverty and human rights and institutionalizes the HRBA for its development cooperation programmes. Since Switzerland signed on to the New Deal Agreement in 2011, SDC has undergone a strategic shift and increased its focus and work on fragile and conflict-affected countries and contexts. In line with this strategic shift, human rights have been given increased attention and have become an integral part of SDC's engagement in such countries. In 2015, SDC adopted the *Peacebuilding and State Building Strategy* to guide its work in fragile and conflict-affected countries. The strategy includes human rights and humanitarian law as key strategic principles on which SDC's work in these contexts is based. The increased respect for human rights, alongside conflict reduction and resilience to withstand crises, is considered a key criterion for SDC's work in fragile and conflict-affected contexts.

In 2016, Switzerland introduced a new *Human Rights Strategy (2016–2019*) for foreign policy engagement covering foreign policy as a whole, including development cooperation engagement. The key pillars of the previous Swiss policy were not reversed, and HRBA remains an institutionalized programmatic approach. However, the adoption of the 2030 Agenda for Sustainable Development and the increased focus on fragile and conflict-affected contexts justified an adjustment of the policy.

In 2012, New Zealand introduced its *Environment and Social Impacts Operational Policy and Guideline*, which requires all staff to identify and consider social risks including those that relate closely to human rights issues. This policy states that the New Zealand Aid Programme will ensure that the activities it designs and implements, where relevant, will seek to conserve and strengthen the environment and communities through "ensuring equality and non-discrimination in participation and access, through special consideration of the particular rights of women, children, ethnic minorities, people with disabilities, and other vulnerable groups, as relevant."

The New Zealand government recognizes that a number of cross-cutting and thematic issues have significant impact on development outcomes, and it endorsed three cross-cutting issues in the *International Development Policy Statement* of the New Zealand Aid Programme (2011), which recognizes the importance of human rights in development. New Zealand's Aid *Programme Strategic Plan 2015–2019* states: "We will integrate environment and climate change, gender equality and women's empowerment and human rights issues in our policies and investments." These issues must be taken into account in a mandatory framework for the design, implementation, and evaluation of aid initiatives in order to ensure good development outcomes and to manage risks, including the risks of negative unintended impacts.

The *Investment Priorities 2015–2019* is a companion to the New Zealand *Aid Programme Strategic Plan 2015–2019* and details the framework for investments. It provides guidance on how New Zealand will focus its aid, capability, and policy engagement to deliver sustainable development and poverty reduction in partner countries. *Investment Priorities 2015–2019* makes numerous references to human rights in the context of particular investment priorities and cross-cutting issues:

> We will ensure that human rights are considered and protected in our activities to increase their impact. We will look especially for opportunities for women, children, youth and people with disabilities to benefit from our aid. . . . We will also work with partner Governments and implementing partners to build understanding of the contribution of gender equality, human

rights and environmental sustainability to economic growth and sustainable development, and will engage with regional and multilateral organisations that advance these important issues.

Norway's human rights policy is outlined in White Paper No. 10 (2014–2015), *Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation,* which has the support of all parties in the Norwegian Parliament. The white paper expresses political will to strengthen and systematize Norway's efforts to promote and protect human rights at the global, regional, and bilateral levels. The realization of human rights is recognized as an important stand-alone goal in Norway's foreign and development policy. In addition, the realization of human rights is recognized as a means of achieving other goals such as poverty reduction, sustainable development, and lasting peace. Policy coherence for human rights is the fundamental principle underpinning the priorities outlined in the white paper. In the national budget for 2015–2016, the realization of human rights was reflected as stand-alone objectives, or as part of other development objectives, for the most relevant budget lines. It was also reflected as stand-alone goals or part of other development objectives for most of the countries Norway has development cooperation with.

In 2013, the Irish government adopted *One World, One Future: Ireland's Policy for International Development*, which guides the government's engagement on international development and sets out goals and priorities, including reducing hunger and improving resilience; inclusive and sustainable economic growth; and better governance, human rights, and accountability. Among the key changes that the government planned was the reorientation of its efforts toward developing countries experiencing hunger, fragility, and instability because of conflict, disaster, or the harmful effects of climate change.

V.   INTERNATIONAL FINANCIAL INSTITUTIONS

Several international financial institutions (IFIs) address human rights considerations in their environmental and social policies. With respect to human rights, some IFIs are constrained by provisions in their constitutive legal instruments, while others have mandates that explicitly include human rights.

The European Bank for Reconstruction and Development (EBRD) was established to support the transition of countries in Central and Eastern Europe toward market-oriented economies, provided such countries are committed to, and apply, principles of multiparty democracy and pluralism (the region of operation now includes Mongolia and countries of the Southern and Eastern Mediterranean). The

EBRD assesses these commitments on an ongoing basis, with an emphasis on civil and political rights. Although the purpose and functions of the EBRD do not include a specific reference to human rights, the Preamble to the Agreement Establishing the EBRD records the commitment of the contracting parties to "the fundamental principles of multiparty democracy, the rule of law, respect for human rights and market economics."

Although the EBRD's political mandate has not changed substantially since the bank was established, the focus on human rights has evolved in its *Environmental and Social Policy* (2014). The EBRD established procedures for the implementation of the political aspects of its mandate that recognize the critical link between the political and economic aspects of the EBRD's mandate. The main rights that EBRD considers essential elements of multiparty democracy and pluralism can be divided into four groups: free elections and representative and accountable government; civil society, media, and participation; rule of law and access to justice; and civil and political rights. EBRD's Environmental and Social Policy recognizes the responsibility of clients and their business activities to respect human rights and that it may be appropriate for a client to complement its environmental and social assessment with further studies focusing on specific risks and impacts. Such impacts may include impacts on individuals, community, and workers resulting from the business activity to be supported and the way in which their working conditions, socioeconomic status, cultural identity, human rights, and/or health may be affected. The EBRD does not knowingly finance projects that would contravene country obligations under relevant international treaties and agreements related to human rights. It does not have a long-term strategic plan in this area, but it continues to develop its interpretation of the human rights elements in the Environmental and Social Policy, including synergies with the UN Guiding Principles on Business and Human Rights and the scope of project due diligence to be conducted in relation to this aspect of EBRD's policy.

The Council of Europe Development Bank (CEB) appears to stand alone among IFIs to the extent that its contracts are conditioned on respect for human rights and may be suspended by the CEB in the face of violation. In particular, the CEB human rights framework includes loan regulations that require projects to adhere to the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter. The CEB may demand early reimbursement of disbursed loans where the implementation of the project financed by the bank leads to a violation of the convention.

The CEB *Environmental Policy* (2010) provides that "The CEB will not knowingly finance projects which: Are identified as harmful to human beings or undermining human rights protected in the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter."

On December 17, 2013, the boards of the African Development Bank (AfDB) unanimously adopted the *Integrated Safeguards System (ISS)*, a cornerstone of the bank's strategy to promote growth that is socially inclusive and environmentally sustainable. Safeguards are a powerful tool for identifying risks, reducing development costs, and improving project sustainability, thus benefiting affected communities and helping to preserve the environment. With the ISS, the bank addresses emerging environmental and social development challenges. The ISS not only promotes best practices in these areas but also encourages greater transparency and accountability. It upholds the voices of people who are affected by bank-funded operations, especially the most vulnerable communities, by providing, for example, project-level grievance and redress mechanisms—a structured, systematic, and managed way of allowing the voices and concerns of affected people to be heard and addressed during project planning and implementation.

The AfDB, in accordance with its mandate, views economic and social rights as an integral part of human rights, and accordingly affirms, in the preamble to the ISS, that it respects the principles and values of human rights as set out in the UN Charter and the African Charter of Human and Peoples' Rights. These are among the principles that guided the development of the ISS. The AfDB encourages member countries to observe international human rights norms, standards, and best practices on the basis of their commitments made under the International Human Rights Covenants and the African Charter of Human and Peoples' Rights.

The Asian Development Bank (ADB) has adopted policies that implicitly address human rights and has also adopted policies and procedures pertaining to indigenous peoples (Asian Development Bank, 1998) gender equality (Asian Development Bank, 2003; involuntary resettlement (Asian Development Bank, 1995) that are supportive of human rights.

The International Finance Corporation (IFC) is the private-sector arm of the World Bank Group. IFC's Sustainability Framework includes a Sustainability Policy and Access to Information Policy, which are applicable to the IFC, and eight Environmental and Social Performance Standards, which define IFC clients' responsibilities. The *Sustainability Framework* took effect in January 2012, following a review of three years of implementation of the 2006 *Sustainability Framework* as well as extensive public consultations, including with human rights nongovernmental organizations (NGOs) and the team working on the UN Guiding Principles on Business and Human Rights. The Access to Information Policy increases access to information throughout the IFC project cycle, resulting in further disclosure of project-level information on environmental, social, and development outcomes. The Sustainability Policy and Performance Standards recognize the private sector's responsibility to respect human rights and the need to undertake additional due diligence in some high-risk circumstances. The current standards address gaps identified in an earlier version (which define clients' roles and responsibilities for managing their projects and the requirements for receiving IFC support), particularly in regard to human trafficking, forced evictions, and community access to cultural heritage. The policy requires that free, prior, and informed consent be obtained in certain circumstances affecting indigenous peoples.

IFC's Sustainability Framework incorporates key overarching human rights principles, and the performance standards explicitly affirm the responsibility of the private sector to respect human rights. Each performance standard has elements related to human rights dimensions that a project may face in the course of its operations. For example, Performance Standard 1, Assessment and Management of Environmental and Social Risks and Impacts, states that

> Business should respect human rights, which means to avoid infringing on the human rights of others and address adverse human rights impacts business may cause or contribute to . . . Due diligence against these Performance Standards will enable the client to address many relevant human rights issues in its project.

The ESF responds to development demands and challenges that have arisen over time. The experience and capacity of many borrowers has improved, and requirements have been updated to reflect the realities of today. This framework will boost protections for people and the environment and drive sustainable development through capacity- and institution-building and country ownership. It will also enhance efficiency for both the borrower and the Bank. The framework brings the World Bank's environmental and social protections into closer harmony with those of other development institutions and makes important advances in areas such as transparency, non-discrimination, social inclusion, public participation, and accountability—including expanded roles for grievance redress mechanisms. The framework helps to ensure social inclusion and explicitly references human rights in the overarching vision statement.

To support the new framework—and to meet additional oversight demands—the World Bank is on a trajectory to substantially increase in funding for the safeguards. The World Bank and most of its shareholders recognize strengthening national systems in borrowing countries as a central development goal. In line with this goal, the framework places emphasis on the use of borrower frameworks and capacity building, with the aim of constructing sustainable borrower institutions and increasing efficiency.

The expanded protections in the framework, which is precedent setting for the World Bank, include comprehensive labour and working condition protections and community health and safety measures that address road safety, emergency response, and disaster mitigation. It includes a responsibility to include stakeholder engagement throughout the project cycle and a non-discrimination principle augmented by a new mandatory World Bank Directive that lists examples of vulnerable and

disadvantaged groups and explicitly requires staff to assist borrowers consider, mitigate, and manage related issues.

With respect to human rights, the Vision Statement states that,

> the World Bank's activities support the realization of human rights expressed in the Universal Declaration of Human Rights. Through the projects it finances, and in a manner consistent with its Articles of Agreement3, the World Bank seeks to avoid adverse impacts and will continue to support its member countries as they strive to progressively achieve their human rights commitments.

The Inter-American Development Bank (IADB)'s *Sustainability Framework* stems from the IDB's charter and funding mandate to reduce poverty and inequality and to achieve sustainable growth among its borrowing member countries in Latin America and the Caribbean. To meet these mandates, the IDB put in place strategies and priorities to guide support and lending, along with a robust safeguards system including, *inter alia,* the 2006 *Environment and Safeguards Compliance Policy,* its 2006 *Operational Policy on Indigenous Peoples and Strategy for Indigenous and its* 2010 *Operational Policy on Gender Equality in Development*. In addition, the IDB tracks measurable results, adherence to lending targets, and the effectiveness of its safeguards and emphasizes knowledge and capacity building—essential components for ensuring sustainability. Its strategies, policies, and frameworks address human rights considerations implicitly rather than explicitly. IDB has adopted sector strategies (including climate change and sustainable infrastructure); sector frameworks (in areas such as agriculture and nature resource management, tourism, gender and diversity, urban development, and housing); and policies and guidelines (on the environment, disaster risk management, resettlement, indigenous peoples, gender, and access to information). In addition, the IDB has adopted multi-sectoral policies and guidelines governing areas such as the environment and safeguards, compliance and guidelines, natural disaster risk management, public utilities, involuntary resettlement, indigenous peoples and gender equality, the latter of which was the first policy of its sort among multilateral development bank (MDBs).

VI.   EMERGING DONORS

In general, the trend among emerging donors is not to adopt an explicit position on human rights, although in some cases their policies make mention of human rights.

The Asian Infrastructure Investment Bank (AIIB) is a MDB established in Beijing in 2015. It is based on the lessons learned from existing MDBs and the private sector. Its Articles of Agreement contain similar political prohibitions to those found in MDBs such as the AfDB, the Inter-American Development Bank, and the World Bank. Article 31(2) states that

> The Bank, its President, officers and staff shall not interfere in the political affairs of any member, nor shall they be influenced in their decisions by the political character of the member concerned. Only economic considerations shall be relevant to their decisions. Such considerations shall be weighed impartially in order to achieve and carry out the purpose and functions of the Bank.

The AIIB *Environmental and Social Framework*, published in February 2016, reflects the institutional aims to address environmental and social risks and impacts in projects. It provides, inter alia, a robust structure for managing operational and reputational risks of the bank and its shareholders in relation to projects' environmental and social risks and impacts, and it helps ensure the environmental and social soundness and sustainability of projects. It also supports the integration of environmental and social aspects of projects into the decision-making process by all parties and provides a mechanism for addressing environmental and social risks and impacts in project identification, preparation, and implementation. The framework enables clients to identify and manage environmental and social risks and impacts of projects, including those of climate change, and provides a framework for public consultation and disclosure of environmental and social information in relation to projects. The Vision Statement of the AIIB Framework provides for human rights in the following way:

> The Bank believes that social development and inclusion are critical for sound development. For the Bank, inclusion means empowering people to participate in, and benefit from, the development process in a manner consistent with local conditions. . . . In this regard, the Bank seeks, through the Projects it finances, to be supportive of these human rights and to encourage respect for them, in a manner consistent with its Articles of Agreement.

With respect to indigenous peoples, the objective of Environmental and Social Standard 3 is to "design and implement Projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, economies and cultures, as defined by the Indigenous Peoples themselves."

Established in 2015, the New Development Bank (sometimes referred to as the BRICS Bank) is headquartered in Johannesburg. Its articles contain similar provisions on political prohibitions to those of the World Bank. Article 13 (e) of the BRICS Bank Charter states,

The Bank, its officers and employees shall not interfere in the political affairs of any member, nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purpose and functions stated in Articles 2 and 3.

At the time of going to press, the environmental and social policies of the BRICS Bank were under development.

Chapter 5

Processes, Guidance, Assessment, and Programming Tools

Many agencies have development tools, processes, and guidance for staff to secure the effective and consistent implementation of policies and approaches. This chapter focuses on the issue of "how" donors implement their distinct approaches to human rights and how they implement policies.

I.   UNIVERSAL PERIODIC REVIEW

The Universal Periodic Review (UPR) is a unique process within the Human Rights Council which that involves a periodic review of the human rights records of all 193 UN member states. It was established at the same time as the Human Rights Council was created on March 15, 2006, by the UN General Assembly via Resolution 60/25. The UPR is a mechanism under which all member states of the UN undergo the review on the status of all human rights in their country every four years. Forty-eight states are reviewed per year, divided into three sessions of two weeks. The UPR provides an opportunity for all states to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes sharing best human rights practices around the globe. It is designed to prompt, support, and expand the promotion and protection of human rights on the ground. To achieve this goal, the UPR involves assessing states' human rights records and addressing human rights violations wherever they occur. The UPR aims to provide technical assistance to states and to enhance their capacity to deal effectively with human rights challenges and to share best practices in the field of human rights among states and other stakeholders.

The main objective of the UPR is to improve the human rights situation at the country level through:

- An assessment of positive developments and challenges faced by the state
- Enhancement of the state's capacity and of technical assistance needed, in consultation with, and with the consent of, the state
- Sharing best practices among states and other stakeholders
- Support for cooperation among national stakeholders in the promotion and protection of human rights

- Encouragement of cooperation with the Human Rights Committee (HRC), human rights bodies (treaty bodies and special procedures), and the Office of the UN High Commissioner for Human Rights (OHCHR)

The review is carried out through an interactive dialogue between the state under review and the Human Rights Council, in a working group composed of the 47 members of the HRC and facilitated by three of them (acting as rapporteurs, and known as the "troika"). The working group is an intergovernmental meeting that UN entities and stakeholders (national human rights institutions, or NHRIs; nongovernmental organizations, or NGOs; members of civil society, etc.) can attend but during which they cannot intervene. The UPR is both assisted by and relevant to the work of development actors, particularly those within the UN system (See also Vietnam example in Chapter 7). The UPR mechanism benefits from the active involvement of the whole UN system, and in particular of UN country presences. The resident coordinators (RCs), UN country teams (UNCTs), and other UN agencies play an important role in ensuring that the state has the information and capacity to produce a solid and representative report; that there is wide national ownership and engagement in the UPR process; and that the recommendations are followed up by the state. This is illustrated in the UNCT experience in Ecuador (box 5.1): that UNCT is developing its new Common Country Assessment (CCA) and United Nations Development Assistance Framework (UNDAF), to which it is applying a HRBA.

Box 5.1

UNCT Ecuador

The UN RC viewed the UPR process in Ecuador strategically, believing that the UN should support Ecuador, is producing a strong and representative state report that could provide a solid basis upon which the UNCT could draw. The RC understood the need for strong national ownership of the state report. Specifically, the UN supported the reporting process in three ways: informing and promoting wide engagement in the process; supporting national consultations for the state report; and sending information to Geneva. (Source: UNDG, 2010)

Within the UN, agencies link UPR and development programming and policy. UN Women supports the UPR, including supporting the preparation of member state reports, contributing to UNCT reports, and supporting the implementation of recommendations. UN Women also collaborates with other mechanisms of the Human Rights Council, including the Working Group on Discrimination Against Women in Law and in Practice; the Special Rapporteur on Indigenous Issues; and the Special Rapporteur on Violence Against Women, Its Causes and Consequences.

The United Nations Development Programme (UNDP) supports the UPR. The specific and targeted human rights work includes strengthening the work of NHRIs (with more than 90 NHRIs, and through a partnership with the ICC-NHRIs and the OHCHR, as well as with regional networks of NHRIs), supporting engagement with the international human rights machinery and implementation of UPR recommendations in particular; and promoting the application of the HRBA to development programming and national planning processes.

Documenting good practices and lessons learned on mainstreaming human rights is one of the priorities of the UNDG-HRM. It responds to United Nations country teams' request for evidence-based guidance on human rights mainstreaming. In 2013 the UNDG published selected experiences of UN country teams in integrating human rights into their development work. The case studies highlight different ways in which United Nations country teams can support both government and civil society to engage with international human rights mechanisms, including the Universal Periodic Review and Special Procedures of the Human Rights Council. (see Box 5.2) (UNDG 2013a).

Box 5.2 Tanzania: The Universal Periodic Review: An Opportunity to Enhance Rights-Based Development Results

In 2011, Tanzania underwent its first Universal Periodic Review conducted by the United Nations Human Rights Council. This provided a valuable opportunity to address long-standing human rights issues in the country. However, challenges in engaging with the Universal Periodic Review process and leveraging these opportunities for the benefit of the population were multifold, in particular the lack of knowledge and experience and limited ability to ensure a transparent, inclusive and participatory process among national stakeholders. The United Nations system, under the leadership of

the Resident Coordinator and supported by an inter-agency framework, was able to step in at the request of government to provide the required technical support to both State and civil society actors. It also mobilized a wide range of actors, including state officials from different rural areas, civil society, the media and the donor community, to engage in the Universal Periodic Review preparatory and review process, as well as to support implementation of its recommendations. As a result, the Universal Periodic Review process became viewed as a credible process, representing the genuine views of Tanzanians. The recommendations provide a powerful framework to take forward human rights reform in Tanzania and for policy makers and development partners to draw upon in advocacy, policy and programming initiatives (Source: UNDG, 2013a).

Among bilateral donors, the Swiss Agency for Development and Cooperation (SDC) has sought to engage its country offices in the UPR process. For example, it encourages country offices to create strategic synergies between recommendations issued by Switzerland and programmes implemented by the SDC at the national level. The SDC also encourages country offices to consider recommendations accepted by countries as part of the UPR as possible entry points for a programmatic engagement.

II. HUMAN RIGHTS GUIDANCE, TOOLKITS, AND IMPLEMENTATION

The United Nations

In addition to its role as convener of the RC system, the UNDP also plays an active role in various other UN interagency human rights mechanisms, notably the UN Development Group Human Rights Working Group by providing relevant guidance on human rights, (such as the RC Guidance Note on Human Rights), the Interagency Support Group on Indigenous Peoples (which in 2015 finalized the System Wide Action Plan on Implementation of the United Nations Declaration on the Rights of Indigenous Peoples), and the Interagency Support Group on Persons with Disabilities. The Rule of Law, Justice, Security and Human Rights team within the Governance and Peacebuilding Cluster of the UN Bureau for Policy and Programme Support leads the overall human rights work through programme delivery in countries, policy development, implementation, advocacy, and partnerships. A recent source of guidance in the UN context is the 2015 UNDG, *Guidance Note on Human Rights for Resident Coordinators and UN Country Teams* which includes a summary of guiding principles and key messages

and outlines the human rights responsibilities of resident coordinators and UNCTs. The Guidance Note is broken down by sections which address (i) why the UN's human rights role is so important, in that mainstreaming human rights achieves better development results, doing no harm and exercising human rights due diligence and preventing human rights crises. The Guidance Note also outlines the human rights responsibilities of the resident coordinator and the UNCT as well as the boarder UN team. It then describes how to meet these human rights responsibilities through understanding the human rights situation on the ground and how to build strategies for immediate and longer term priorities. This section includes how to act to advance human rights and ensuring that the UN is exercising due diligence (UNDG, 2015).

A European Union - United Nations Children's Fund (UNICEF) toolkit, *Child Rights Toolkit: Integrating Child Rights in Development Cooperation*, was developed in 2014 primarily for development professionals working in bilateral and multilateral donor agencies (such as EU delegations, UNICEF, other UN agencies, regional development banks, and the World Bank). The toolkit is useful for government and civil society professionals in countries addressing development challenges as well as for experts engaged in providing technical assistance in the design and implementation of development programmes. The audience includes policymakers and practitioners who are not child rights experts but need practical guidance on:

- How to operationalize international commitments on children's rights within different phases and sectors of development cooperation programming and external action
- How to support partner governments in implementing their commitments under international treaties and standards to protect, respect, and fulfil children's rights

The toolkit consists of eight modules, each of which contains associated tools for application.

The 2016 *UN-Habitat Tool* enables increasingly uniform and effective mainstreaming through a three-pronged integrated approach: a help desk/advisory services function that includes project reviews and housing rights and human rights briefs; training and capacity-building components for staff and external stakeholders; and mainstreaming human rights at the country level by reinforcing the human rights component as an operational activity across UN-Habitat's different focal areas of work.

FAO Toolkits and Guidelines

A number of UN specialized agencies have taken note of human rights in their policies and guidance, including rights-related guidelines and toolkits. Since 2012, the Committee on World Food Security (CFS), a body comprising the Food and Agricultural Organization of the United Nations (FAO) and UN members and co-hosted by FAO, the World Food Programme, and the International Fund for Agricultural Development, have endorsed a number of soft-law instruments based on human rights generally, the right to adequate food in particular, including the FAO *Environmental and Social Management Guidelines* (2015), and FAO *Guide to the Project Cycle* (2015). Other such instruments include:

- *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) (2012),
- *Principles for Responsible Investment in Agriculture and Food Systems (CFS-RAI)* (2014),
- *Framework for Action for Food Security and Nutrition in Protracted Crisis* (2015),
- *Global Strategic Framework for Food Security and Nutrition* (4th version of 2015).

The European Union

In 2012, the Council of the EU called for the EU Commission to

> develop a tool-box for working towards a rights-based approach to development cooperation, with the aim of integrating human rights principles into EU operational activities for development, covering arrangements both at HQ and in the field for the synchronisation of human rights and development cooperation activities (Council Conclusions on an *EU Action Plan on Human Rights and Democracy* 2012)

In April 2014, the European Commission published *Toolbox: A Rights-Based Approach, Encompassing All Human Rights for EU Development Cooperation*. The toolbox describes what a rights-based approach (RBA) to development is by highlighting the core concepts and their rationales, clarifying common misunderstandings, and introducing relevant legal references and other donors' commitments. It then describes how to systematically apply a RBA in EU development cooperation, which objectives to pursue, which working principles to apply, and how to integrate a RBA in the implementation of

programming and in each phase of the EU project cycle management. Finally, the toolbox provides a checklist and offers support measures for EU staff in headquarters and delegations to support the implementation of this new approach. The toolbox contains references to examples of good practice provided by stakeholders that have officially adopted a RBA in their development cooperation. It is intended to provide pragmatic support and guidance to EU staff and partners involved in the implementation of day-to-day EU development cooperation. It deals exclusively with EU development cooperation and does not apply, for instance, to EU humanitarian assistance. The toolbox and all supporting documents can be found at www.eidhr.eu.

The CEB was evaluated positively by the Joint Inspection Unit for its mainstreaming of the 2012 Council of Europe Development Bank (CEB) *Toolkit on Mainstreaming of Employment and Decent Work*, which establishes systemic standards for mainstreaming decent work for UN entities. This toolkit is designed to be a "lens" that agencies can look through to see how their policies, strategies, programmes, and activities are interlinked with employment and decent work outcomes and how they might enhance these outcomes by taking full account of the implications of their policies, strategies, programmes, and activities for employment and decent work during the design stage and while advising and assisting countries and constituents with regard to the adoption and implementation of the policies.

The approach of the toolkit is similar to that adopted during the gender mainstreaming process: it provides the user with a checklist of questions used to raise awareness of the interlinkages between decent work and the different themes and policy domains of the respective agencies. It contains a list of key questions organized according to the four pillars of the Decent Work Agenda to guide agencies in:

- Determining whether policies, strategies, programmes, and activities may affect employment
- Determining if decent work outcomes exist in their different dimensions at the global, regional, country, sectoral, and local levels
- Exploring how the effects of these policies, strategies, programmes, and activities are or could be taken into account or assessed in a more systematic way
- Promoting concrete ways to optimize employment and decent work outcomes in policies and operations, ideally at the design stage

Bilateral Agencies

SDC was among the first development agencies to adopt guidelines on human rights and development cooperation back in 1997. Following the UN *Statement of Common Understanding on a Human Rights–Based Approach* in 2003, SDC issued its own policy in 2006 and adopted that approach. Since 2006, SDC has actively supported the application of the HRBA throughout the institution.

The Swedish International Development Cooperation Agency (Sida) developed methodological material on a HRBA to development that includes information, tools, and inspiration on how to integrate and apply a HRBA in Swedish development cooperation. The HRBA (equivalent to the concept of rights perspective in Swedish policy) provides legal grounds and principles that guide Sweden's work for people living in poverty. The material was developed for Sida staff, but it is also relevant for Sida partners and other stakeholders. It includes a number of HRBA-related information briefs on a range of issues. The methodology is used to achieve sustainable results through targeting root causes of problems and active and meaningful participation among those concerned and ensuring a focus on discriminated people and people in vulnerable situations.

Since Germany's publication of the Federal Ministry for Economic Cooperation and *Development Guidelines on Incorporating Human Rights into Programme Proposals* in 2013, the German Agency for International Development (GIZ) has further developed its internal guiding documents. Staff in charge of project planning and implementation have attended training sessions on human rights standards and principles and methodologies for the appraisal of human rights impacts and potential risks. The implementation of these guidelines is part of the internal quality control of project proposals within GIZ. Other formats that intend to further promote a HRBA to project design include sector-specific training and exchange formats, the collection and publication of promising practices of human rights-based projects in various sectors, and guiding documents and tutored online courses on human rights issues in development. Introductory courses for new staff include a course on integrating human rights, gender equality, and poverty reduction into programme design and implementation. In January 2016, this course became part of mandatory in-house training for new staff.

In 2015, the Austrian Development Agency (ADA) developed an operational-level questionnaire/self-assessment for international partners when applying for funds. This instrument helps integrate the HRBA and social aspects into projects and programmes. ADA had held a series of workshops for Austrian

Development Cooperation (ADC) staff (ADA, Ministry of Foreign, other relevant ministries among others. Experts from Denmark's Danida were invited to support this endeavour because their entire development strategy is based on the HRBA. Concrete recommendations from these events include the incorporation of the HRBA in guidelines on the development of cooperation strategies and the inclusion of relevant HRBA goals and indicators in new cooperation strategies with partner countries.

In Finland, the Ministry of Foreign Affairs aims to ensure compliance with the HRBA mandated by the *National Action Plan on Fundamental and Human Rights 2012–2013* by reviewing adherence to the HRBA as part of the overall quality assessment of all interventions considered for funding (HRBA is part of the quality assessment procedures). The first review of a project's quality, including its adherence to the HRBA, is performed by the geographically or thematically responsible unit within the ministry. The intervention is then reviewed by the Quality Assurance Group of the ministry; the assessment encompasses an evaluation of the intervention's level of compliance with the HRBA. If a project is deemed to have negative impacts on human rights, it will not receive funding from the Ministry for Foreign Affairs.

New Zealand has systematically developed tools to encourage and assist staff to consider cross-cutting issues, including human rights, at all stages of activity design. Generic guidance on human rights in development activities has been published and training is available to staff four times a year to support their understanding and use of this guidance. Sessions on the rights of persons with disabilities and children's rights have been delivered to staff by specialist agencies (e.g., UNICEF) that also provide information relevant to development activities, including manuals and checklists on various human rights issues. Strategic evaluations consider how all cross-cutting issues have been addressed at this level. Processes are in place to advance implementation of New Zealand's commitment to integrate cross-cutting issues in programming and policy engagement (box 5.3).

Box 5.3

New Zealand Agency for International Development

The New Zealand Agency for International Development (NZAID) has developed a useful set of screening questions for evaluating the implementation of its human rights mainstreaming policy. These questions can be considered at all stages of the programme cycle and evaluation process; they include:

- Which rights are affected by this strategy or programme?

- Is there a risk of acting in any way that is inconsistent with human rights commitments? Or of reducing the ability of the partner government to fulfil its human rights obligations? Or reducing participants' ability to exercise their rights?

- Has the strategy or programme been developed and implemented using participatory methodologies?

- Does the strategy or programme contain clear accountability mechanisms and measures that reinforce legal accountabilities both within the partner country and in New Zealand?

- Is the strategy or programme inclusive? Does the it discriminate (directly or indirectly) against any group of people or bar them from benefiting from the programme's benefits, or does it support discriminatory laws and regulations?

- Does the monitoring and evaluation framework include the collection of disaggregated data?

(Source: NZAID, 2009).

Norway has developed the following strategies and guidance relevant to human rights and development for its foreign service:

- Support of human rights defenders
- A new strategy for freedom of expression and independent media in foreign and development policy
- A national action plan on business and human rights was launched 12 October 2015
- Guide for the foreign service: Protection and Promotion of the Rights and Freedoms of Persons belonging to Religious Minorities

- Guidelines for the Norwegian Foreign Service: Promoting abolition of the death penalty. Guidelines for the Norwegian Foreign Service: Human Rights, Sexual Orientation and Gender Identity
- Guidelines for the Norwegian Foreign Service: Promoting the rights of indigenous peoples

III. HUMAN RIGHTS IMPACT ASSESSMENTS

A human rights impact assessment (HRIA) is an instrument for examining policies, legislation, programmes, and projects to identify and measure their effects on human rights. HRIAs provide a reasoned, supported, and comprehensive answer to the question "How does the project, policy, or intervention affect human rights?" The fundamental purpose is to help prevent negative effects and to maximize positive effects. As such, HRIAs are an indispensable part of making human rights considerations operational in a range of legal and policy contexts.

There has been increasing demand for various actors to undertake HRIAs before adopting and implementing policies, projects, agreements, or programmes. The development of this tool is part of a growing effort by the human rights community to operationalize the relevance of human rights in various fields, including development, and thus to advance an understanding of the ways in which public policies and development projects affect the enjoyment of people's rights (World Bank, 2013).

In 2015, *Policy Coherence for Development (PCD)* was improved through a revision of the EU Commission Impact Assessment Guidelines, which "now include specific guidance and a tool box for analysing the potential impact of important EU policy initiatives on developing countries." The commission released a report monitoring progress on PCD in August 2015 that stated, "In response to Council and European Parliament demands for an independent ex-post assessment of how the Commission implements its legal and political commitments, an independent and comprehensive evaluation on PCD is to be launched in February 2016" (2015 EU European Commission).

The UNDP Oslo Governance Centre conducts democratic governance assessments and UNDP projects at the country level, including those of the UNDP Democratic Governance Thematic Trust Fund. It also manages the Governance Assessment Portal, an online resource centre for governance indicators, assessment frameworks, and country studies.

In 2010, the International Finance Corporation and the International Business Leaders Forum (IBLF), in collaboration with the UN Global Compact, developed the *Guide to Human Rights Impact Assessment and Management*. The guide was developed for companies committed to assessing and managing the human rights risks and impacts of their business activities. It covers how to identify potential and/or existing human rights risks; assess potential and/or existing human rights impacts; and integrate findings from the assessment into the company's management system. The guide presents a seven-stage framework, a comprehensive and systematic methodology for companies to follow and adapt to their needs when developing their own HRIA or integrating human rights into other kinds of risk and/or impact assessments. By following and adapting the guide's seven-stage process and completing a HRIA, a company will be in a better position to address potential and/or existing human rights risks and impacts.

IV. HUMAN RIGHTS INDICATORS

Human rights indicators are central to the application of human rights standards in context and relate essentially to measuring human rights realization, both qualitatively and quantitatively. They offer an empirical or evidence-based dimension to the normative content of human rights legal obligations and provide a means of connecting those obligations with empirical data and evidence; in this way, they relate to human rights accountability and the enforcement of human rights obligations. Human rights indicators are important for both assessment and diagnostic purposes: the assessment function of human rights indicators relates to their use in monitoring accountability, effectiveness, and impact; the diagnostic purpose relates to measuring the current state of human rights implementation and enjoyment in a given context, whether regional, country specific, or local (World Bank, 2013). As such, human rights indicators are an indispensable element of any approach adopted for the integration of human rights into development.

At UN-Habitat, the "markers" are social safeguard mainstreaming tools that serve two main purposes quality assurance and capacity building. The markers assure the quality of projects at the level of the Project Advisory Group (PAG), and thus increase accountability and transparency through the group's monitoring function. The markers also build the capacity of UN-Habitat to integrate cross-cutting issues in the project cycle by providing guidance and sharing knowledge, including through staff self-assessment.

At the project planning and design stage, a self-assessment rating is recorded in the Projects Accrual and Accountability System (PAAS) by the project manager prior to submitting the project document to the PAG for review and approval. A UN-Habitat project for consideration of the PAG must receive a final

rating of 1 or higher by the cross-cutting teams in order to be approved. This final rating is recorded in PAAS. Projects rated 0 (i.e., a blind or negative rating by the cross-cutting teams) will not be allowed to proceed to access funding. The markers became effective on September 1, 2015 (UN Habitat, 2015) Two indicators measure UN-Habitat's human rights objectives:

- Number (and percentage) of UN-Habitat project documents submitted to the PAG reflecting the HRBA; by the end of the 2014–2019 Strategic Plan, 70 per cent of new project documents submitted to the PAG must reflect the HRBA.
- Number of UN-Habitat project documents, policies, strategies, concept papers, and guidelines reviewed and implemented based on the HRBA; for each biennial cycle, 100 substantive advisory services must be delivered as measured by the number of UN-Habitat project documents, policies, strategies, concept papers, and guidelines reviewed.

Human rights mainstreaming at UN-Habitat builds on existing knowledge and will enable an increasingly uniform approach toward effective mainstreaming through a three-pronged integrated approach: a help desk/advisory services function that includes project reviews and housing rights and human rights briefs; training and capacity-building components for staff and external stakeholders; and mainstreaming human rights at the country level by reinforcing the human rights component as an operational activity across UN-Habitat's different focal areas of work.

In recent years, UN-Habitat has been moving toward greater operationalization of human rights with the development of explicit technical guidance to apply rights-based approaches to health, for example, on the integration of rights-based approaches into national health sector strategies and programmes; on preventable maternal, neonatal, and under age five mortality and morbidity; and on ensuring human rights in the provision of contraception. This operational focus has led to enhanced efforts to identify "underlying determinants of health" through the identification of social determinants of health and access barriers and the disaggregation of data and "health inequality monitoring" to trace those who are not being reached by health services or who are more vulnerable to ill health. These efforts have relied on the development and use of human rights indicators.

V.   NEW TOOLS AND PROCEDURES

Several agencies have made changes to project cycle management procedures to help integrate human rights at all levels of design, implementation, monitoring, and evaluation of regional and country strategies, programmes, and projects. In some cases, these have been compulsory; within the UN system, reviews of UNICEF's work, CCAs, and the United Nations Development Assistance Framework (UNDAF) show the impact of this mandatory approach on country strategies and activities (box 5.4).

Box 5.4

UN Country Assessment and Programming

In 2007, the UN issued new guidelines for preparing CCAs and UNDAFs that employ a HRBA. The guidelines are supported by a guidance note that gives technical advice on applying indicators for HRBA programming. These documents explicitly state that human rights form the basis of UN analysis and programmes. The documents contain a thorough analysis of the root causes of poverty and take a sophisticated approach to advocacy. They point out data inadequacies in identifying discrimination and inequities and provide clarity in capacity analyses of both duty-bearers and rights-holders.

Two assessments of UNDAFs (see box 5.3) were conducted in 2011. In one study, the United Nations Development Operations Coordination Office (UN-DOCO) developed a matrix of variables to evaluate UNDAFs and their success applying a HRBA. In the other study, the UNDG-UNDAF Programming Network (UPN) assessed how a HRBA, among other programming principles, had been applied to UNDAFs. This study concluded that a HRBA is one of the best, most uniformly integrated principles across the UNDAF

Agencies continue to make changes at the level of strategy and programme appraisal and design:

- Human rights situation analyses contribute to country strategies by identifying national human rights constraints and opportunities to strengthen capacities of both state and non-state actors
- Bridging analysis looks at a country's existing international, regional, and constitutional human

rights obligations and identifies gaps in legislative frameworks, policies, and programmes. The analysis then describes measures recommended by the human rights system to fill these gaps, thereby identifying programming priorities (e.g., United Nations Development Fund for Women in Tajikistan;

- Participatory approaches used at all stages (e.g., the UK Department for International Development's Participatory Rights Assessment Methodologies or the joint UNDP-OHCHR rights-based municipal assessment and planning project in Bosnia-Herzegovina).

In general, however, there is a lack of instruments to hold donors accountable for implementing their human rights policies. A Global Human Rights Strengthening Programme's lesson-learning workshop in March 2005 recommended the establishment of mechanisms at the country level to support the UNDP to implement its HRBA—an approach piloted in Kenya with indigenous peoples. By supporting the development of partner capacities, donor agencies can help to create momentum to improve collective performance of partner country governments and civil society actors. In 2011, UNICEF introduced the Equity Tracker, a tool for monitoring progress made by country offices and UNICEF on its refocus on equity (UNICEF 2011a). Based on annual reporting, however, it seems that although most staff members appreciate the value of human rights, there is no grounded accountability system and much depends on individual interest in mainstreaming (UNDG-HRM 2011).

Human rights monitoring and evaluation continues to be a weakness across most agencies and at all stages in the programming cycle. This fact applies to human rights projects, mainstreaming efforts and dialogue initiatives, as well as to country programme impacts and the overall institutionalization of human rights policies within agencies. For example, at the level of projects and country programmes, the Norwegian Agency for Development Cooperation developed a human rights impact assessment tool (Norad 2001), but the tool does not appear to be systematically used. Human rights indicators have been developed to assess overall country performance and influence aid allocations, but these are controversial. Metagora—an international project implemented under the auspices of the consortium Paris 21, hosted by the Organisation for Economic Co-operation and Development in 2008—aimed at enhancing evidence-based assessment and monitoring in the areas of human rights, democracy, and governance. Its main objective was to develop tools based on well-established statistical methods to obtain data and create indicators upon which policies can be formulated and evaluated (). It is not yet clear whether the complaint procedures made available through the 2008 Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights will prove helpful in monitoring

human rights commitments and projects (UN 2008b).

VI. TRAINING AND LEARNING PROGRAMMES

The UN System Staff College (UNSSC) is the primary provider of interagency training and learning within the UN system. UNSSC conducts a variety of training and learning activities in Turin, as well as at regional and country levels. Its work is organized around five areas, including human rights and development. The UNSSC, in close collaboration with OHCHR and other UN agencies, offers its services to the leadership of UN country teams (UNCTs) and programme staff alike, with a view to building capacity to integrate human rights into all policy and programming processes. In 2011, it led the update of the HRBA Common Learning Package that resulted in the inclusion of results-based management elements and programmatically relevant information on the UPR process. UNSSC has conducted train-the trainer workshops on the Common Learning Package and has developed a number of e-learning tools; upcoming research and training on human rights and HRBAs will focus on leadership development and evidence-based learning.

One of the unique features of UN engagement in mainstreaming human rights has been the process of ensuring the collective ownership of policy guidance and implementation support, particularly within the spirit of One UN, the programme in which multiple UN agencies function as a single team within a country to maximize efficiencies and promote interagency coordination. HRBA learning tools for UNCTs are developed by the system for the system, while training teams are put together to reflect a variety of UN agencies. This internally owned process and approach has proven invaluable in deepening the system's collective engagement on the subject matter.

With the decentralization process that FAO embarked on after the adoption of its *Renewed Strategic Framework (RSF)*, more capacity development work and the development of tailored tools and assistance have become more important. In addition to many theme-specific learning materials, an integrated learning programme was developed in 2014–2015 on the UN Common Country Programming principles, with lessons on gender equality, the right to food, decent work, and indigenous peoples' right to free, prior, and informed consent. The decentralization process has allowed for increasing knowledge sharing and understanding of regional and national dynamics in order to provide results-based and evidence-based support and assistance, at the core of the principles of the RSF.

Despite the benefit of the decentralization process, its implementation has posed constraints to ensure adequate resources in support of regular programme activities in some areas such as the right to food. For example, although regular programme funds supplemented the work on the right to food that mainly depended on trust funds (Germany, Norway, and Spain) until 2013, activities have since been carried out exclusively with trust funds. Considering that many human rights require progressive and long-term commitments are aimed at increasing technical capacity, awareness raising and advocacy, and making use of concrete opportunities created by political and economic processes, decreasing financial resources hampers effectiveness and efficiency in the pertinent work of FAO. Resource constraints have led to the lack of representation of FAO in UN-led human rights-related processes, such as the UNDG Human Rights Working Group.

To ensure adherence to and understanding of the HRBA, Finland's Ministry of Foreign Affairs (MFA) organized in-depth training on the HBBA to development. The basics of HRBA are mainstreamed into the overall development policy and development cooperation–related trainings, such as those on programming and evaluation, offered by the MFA. In addition, sector-specific HRBA trainings and workshops have been organized; these are open to civil society and consultants working in the development field. The aim of these trainings is to strengthen knowledge on human rights–related quality criteria (availability, accessibility, affordability, acceptability, and quality) and their use in the design of development interventions, as well as to strengthen understanding on the adherence to the human rights principles in programme design, implementation, and evaluation.

Chapter 6
Case Studies: Country Projects and Programmes

Although the most common form of human rights assistance is human rights projects, a strategic approach aims to integrate human rights in the design of a bilateral or multilateral country strategy. This chapter provides case studies of some country programmes. Country-level approaches create opportunities such as promoting human rights through coordinated, parallel interventions in different sectors, allowing a programme focus on a particular group or issue or encouraging a focus on human rights principles (e.g., participation and accountability) in technical areas, or supporting the realization of economic and social rights. High-level political dialogue, processes of political opening, and partner government ownership are also important enabling factors in country programmes.

I.   BANGLADESH: NORAD'S WOMEN AND GENDER EQUALITY PROGRAMMES

As the fourth largest recipient country of Norwegian bilateral aid, Bangladesh has received more than NKr 12 billion in Norwegian aid (adjusted for inflation). Bilateral cooperation was revised in 2008, and the emphasis is on business cooperation and political dialogue, whereas aid is limited to projects concerning:

- Climate change, environment, and sustainable development
- Women and gender equality
- Good governance and human rights
- Climate change, environment, and sustainable development

In 2011, the Norwegian Embassy in Dhaka entered into an agreement with UN Women: for up to NKr 18 million over three years, the project would strive to reduce women's vulnerability resulting from climate change and to influence government policymaking. The project was implemented in cooperation with two local partners, BRAC (an international development organisation based in Bangladesh) and the Bangladesh Centre for Advanced Studies (BCAS) in ten selected districts in Bangladesh. Specific goals included:

- To promote women as change actors and resources in the work of climate change adaptation and reduced vulnerability of local communities
- To contribute to the government and others taking women into consideration in climate change adaptation interventions in local communities

- To contribute to the documentation and development of good models and practices internationally
- To increase economic opportunities for vulnerable women
- To enhance women's rights

The project's results included:

- Women in the selected areas obtained better knowledge and ability to implement measures against climate change.
- Approximately 1,600 women earned better incomes as a result of training and productivity improvements in their businesses.
- UN Women persuaded the Bangladesh Bureau of Statistics to include aspects of gender equality in their nationwide studies of climate change.
- The project provided technical assistance to the government's seventh Five-Year Plan for 2015–2020, in which aspects of gender equality were included in the description of disaster prevention and climate change.
- The project helped BCAS increase its capacity to include aspects of gender equality in its research. BCAS is a pioneer in the field of climate change research and exerts major influence on Bangladeshi authorities and other actors. For example, new knowledge in this field was communicated at the climate summit in Lima in 2014, where a representative of BCAS participated.

Since 1994, Norway has supported the grassroots organization Bangladesh Mahila Parishad (BMP), which was established in 1972—immediately after liberation—and is the oldest and largest women's organization in the country. BMP can be described as a social movement, encompassing a network of resource persons from various professions across the country. Its activities are based on a strong element of volunteerism. BMP has more than 100,000 volunteers (women age 16 years and older). With their wide range of backgrounds (law, medicine, academic professions, education), these women help spread information on women's rights, and they are also regular activists. BMP is visible at the grassroots level as a women's and human rights organization that combats violence against women. BMP promotes women's rights through measures such as legal assistance, family arbitration, human rights work, women's shelters, and influence on political processes through lobbying. The project's implementation period is from 2010–2015 with a planned budget of NKr 35 million, of which NKr 7.5 million was disbursed in 2014. The activities focus on raising awareness of human rights issues, offering legal

assistance related to violence against women, promoting the political influence of women, and combating Islamic fundamentalism.

<table>
<tr><td>**Box 6.1**</td></tr>
<tr><td>**Dutch Support of DRC Elections**</td></tr>
<tr><td>In Kinshasa, human rights policy helped the Dutch embassy in the run up to elections in Democratic Republic of Congo (DRC). The funds support local organizations that protect human rights defenders associated with the opposition and are threatened or intimidated by security services.</td></tr>
</table>

II.   BOLIVIA: SIDA SUPPORT FOR EDUCATION

Swedish support of research in Bolivia has led to knowledge on composting, water purification, health, and sustainable energy. Bolivia is rich in natural resources, such as minerals, natural gas, and forests. Yet the country is one of the poorest on the continent. It lacks the technical knowledge needed for adding value in its domestic industry. Instead, it exports raw materials and has long been dependent on the technology of other countries. As a result of Swedish support, locally adapted knowledge and innovations are being produced at a higher pace.

Swedish cooperation helps Bolivia carry out independent research in order to decrease poverty. The support has allowed for investigations into the spread of heavy metals in water and foods, small-scale methods of turning waste into biogas and fertilizer, gathering health data that had long been missing, searching for treatments to tropical diseases such as leishmaniasis and Chagas among others.

Universities act as drivers for economic development and decreased inequality. The Bolivian government has made science a priority, increasing budget allocations to universities by several hundred per cent. For technology to be useful, it needs to be adapted. For example, machinery may be too large or expensive for local manufacturing methods. By adapting technology to local circumstances and developing cheaper alternatives within the country, universities can help the country's small-scale producers grow and compete on the international market. This is often accomplished through innovation

clusters, which consist of collaborations between universities, the government, and the private sector. Thanks to Swedish support, Universidad Mayor de San Simon (UMSS) in Cochabamba established a unit for technology transfer that, among other things, puts local business owners in contact with policymakers and researchers. Sweden has worked to strengthen research capacity through education, funding research projects, and supporting university administration. During the period 2000–2012, Swedish support led to the graduation of 34 new PhDs at Universidad Mayor de San Andrés (UMSA). Swedish research support to Bolivia amounted to 216 million SEK for the period 2013–2017.

Box 6.2

New Zealand Support for Timor Leste

New Zealand support to OHCHR for Timor Leste New Zealand has provided funding for the OHCHR itself, the Office of the Provedor for Human Rights and Justice, which is the National Human Rights Institution of the Democratic Republic of Timor-Leste, as well as bulk funding for schools in Samoa that enable schools to remove attendance fees that act as barriers for children to enjoy their right to education. New Zealand funding has also supported and community-based rehabilitation and provided support to persons with disabilities associated with visual impairment and leprosy.

III.   UKRAINE: THE SDC DEVELOPMENT PROGRAMME

In addition to being one of the largest countries in Europe, Ukraine is among its poorest. Independent since 1991, this former Soviet republic has been in deep crisis since the outbreak of armed conflict in 2014—with thousands dead, 1.5 million displaced, massive destruction to infrastructure in the industrialised east of the country, a critical humanitarian situation, and an economic depression with serious social repercussions.

Switzerland grabbed this opportunity as a neutral protagonist. As formulated in the cooperation strategy, the Swiss Agency for Development and Cooperation (SDC) is working toward strengthening internal cohesion in Ukraine, including democratic governance and sustainable social and economic development. Switzerland's commitment applies to the entire country, placing particular focus, whenever possible and appropriate, on areas affected by the conflict and taking special account of minorities and poor, vulnerable sections of the population. The efforts are concentrated in several areas.

An administration that operates efficiently is one that offers its services to all citizens and allows them a say in political matters. Committed to this objective, Switzerland has long been active in Ukraine in relation to the issues of decentralization and local governance. Ukraine's ongoing decentralization results in pressing concerns such as the division of powers, the dismantling of centralized structures, and improvements in efficiency, and the fight against corruption. Switzerland supports this reform at all levels.

During its Organisation for Security and Co-operation in Europe (OSCE) Chairmanship in 2014, Switzerland launched various initiatives to resolve conflict in Ukraine. Switzerland maintains its support of such initiatives, which include the Trilateral Contact Group and the OSCE Special Monitoring Mission. Switzerland is also addressing antagonisms that led to the Ukraine conflict and is working toward a gradual process of de-escalation in order to find a lasting solution.

After a long and successful involvement in the area of perinatal healthcare in Ukraine, Switzerland shifted its focus to improving basic medical care. Switzerland is assisting Ukrainian authorities in drawing up and implementing healthcare reforms.

The prevention of non-communicable diseases is another focal point. Promoting healthier lifestyles, along with preventive measures, will help to curb diseases such as cancer and diabetes, as well as cardiovascular diseases and respiratory disorders.

Since 2014, SDC Humanitarian Aid has been working on both sides of the contact line in government and nongovernment-controlled areas of Ukraine. Initially, its focus had been on providing multilateral organizations with financial and personnel support. In 2015, SDC Humanitarian Aid provided funding for four humanitarian lines of action that will benefit people in need. Via partner organisation People in Need, SDC Humanitarian Aid provides emergency assistance, for example, the repair of damaged homes, to those in greatest need. In addition to products for purifying drinking water, Switzerland delivers medicines and medical consumables to the nongovernment-controlled area and medical instruments to the government-controlled area.

Switzerland's commitment relies on the work of the SDC, the State Secretariat for Economic Affairs (SECO), the Federal Department of Foreign Aid's Human Security Division (HSD), and SDC Humanitarian Aid. Switzerland uses its foreign affairs apparatus and its role in international bodies as leverage. The country's OCSE Chairmanship in 2014 and its participation in the Troika alongside Chairmanship holders Serbia (2015) and Germany (2016) are of particular note.

Switzerland works closely with local authorities, other donor countries, and international organizations such as the International Monetary Fund (IMF). All programmes are based on the principles of good governance and gender, social, and ethnic equality.

Swiss cooperation has been present in Ukraine for more than 15 years. Its projects produce concrete results that can be applied in other parts of the country. Switzerland's Cooperation Strategy 2015–2018 further strengthens its commitment. Support for the regions affected by the armed conflict is also planned.

Switzerland coordinates its support with the work of the international community. It nevertheless maintains impartiality between the two conflicting parties. Its activities aim to support the transformation of the conflict in Ukraine and to build a democratic state attuned to the needs of its people. In this way Switzerland seeks to promote reconciliation, peace and development.

Switzerland is strengthening its support in areas that have produced tangible results: decentralization, healthcare, energy efficiency, and support for the private sector. Swiss initiatives support government reforms and integrate the conflict dimension in all these areas of intervention.

Switzerland is supporting regions and individuals affected by the armed conflict as much as possible, both on the side controlled by the Ukrainian government and the side controlled by armed groups. The support focuses on the most vulnerable people, in particular those displaced by the conflict.

> **Box 6.3**
>
> **UNIDO-Hungary Social Inclusion**
>
> In cooperation with the United Nations Industrial Development Organization (UNIDO), the government of Hungary funds a project that aims to foster social and economic inclusion of disadvantaged and marginalized population groups, including ethnic minorities, in Central, South, South East, and Eastern Europe. Social exclusion has risen up the policy agenda in many countries in response to growing inequalities, unemployment, poverty, exclusion, and environmental degradation, arising as negative externalities from the ongoing processes of globalization and interdependences, EU enlargement, and economic crisis. The project plans to establish a regional knowledge-sourcing platform drawing on the expertise and experiences of a diverse group of stakeholders working to address social exclusion, including representatives from government, the private sector, academia, civil society, social enterprises, and international organizations.

IV. FIJI: NEW ZEALAND AID PROGRAMME

The New Zealand Aid Programme (NZAP) in Fiji invests in developing agriculture, achieving a more highly skilled and educated workforce, building links among institutions, and supporting democracy. New Zealand boosted the development programme during the lead up to the successful democratic elections in late 2014.

Aid to Fiji is made up of funding for activities specific to Fiji, as well as funding that includes scholarships, regional initiatives, activities supported through the Partnerships Fund, and humanitarian response (Box 6.4).

Box 6.4

New Zealand Cooperation with the Fiji Government

Priority	Activities and outcomes
Agriculture: increase economic and food security benefits from agriculture	Lift dairy milk production in the Fijian milk dairy industry through training; introduce new farming techniques, stock, and feed; improve milk processing and farmer support services; and invest in infrastructure.
Education: improve knowledge, skills and basic education	Support the Fiji Higher Education Commission's efforts to set qualification standards, regulate the performance of education/training providers, and improve the quality of training courses. Support Fijian students to undertake tertiary training in New Zealand so they can contribute to their country's development. In 2015–2016 New Zealand invested $NZ 1.2 million in Fijian scholars.
Economic governance: strengthen economic governance	Support professional ties between New Zealand and Fiji organizations to build capability and capacity. This includes building on the NZ Electoral Commission relationship with Fiji elections bodies and continuing assistance to the Fiji Parliament Support Project, which includes exchanges between the New Zealand and Fiji parliaments.

Achievements	
Priority	Achievement
Governance: strengthen democratic governance	Supported a successful election by assisting with preparations and observing the election. The election was a major milestone that paved the way for Fiji's return to parliamentary democracy. Supported the re-establishment and strengthening of the Fiji Parliament. New Zealand is a major funder of the Fiji

	Parliament Support Project, led by the United Nations Development Programme. This initiative involved refurbishing the debating chamber, providing technical assistance, and training MPs and staff.
Human development: improve living conditions	Built 134 houses in the Koroipita subdivision as part of the Rotahomes Informal Housing Project. This project also helped complete the building of the community hall and established roads, drains, a sewer system, and water and electricity services.

V.   BANGLADESH: GIZ JUDICIAL REFORM

The German Agency for International Development (GIZ) has been supporting the reform of the justice sector in Bangladesh for years. Since 2008, a project commissioned by the German Federal Ministry for Economic Cooperation and Development and implemented by GIZ has supported the establishment of paralegal services in prisons. Because many prisoners in Bangladesh are detained unlawfully, paralegals are trained to establish the status of prisoners and to provide free legal assistance to prisoners and their families. Between 2008 and 2015, this training led to 153,000 legal interventions comprising legal advice and assistance in courts, police stations, and prisons.

Around 9,500 prisoners were released from the project's pilot sites as a result. Paralegal access to prisons has been rolled out to 34 out of 68 prisons across the country. Overcoming its initial hesitation to discuss human rights issues, the government of Bangladesh now prides itself on being a beacon for improving the human rights situation in prisons in South Asia.

VI.   VIETNAM: UNICEF

The United Nations Children's Fund (UNICEF) country programme in Vietnam demonstrates the results of long-term engagement built on high-level political dialogue in centralized socialist political systems using non-confrontational language. When UNICEF first introduced child rights principles in its analysis and planning, explicit rights language would have been too sensitive to employ in Vietnam. By broadening the range of its state and party counterparts, UNICEF was able to raise awareness of

children's rights. As a result, UNICEF made progress in legal reform, juvenile justice, and child protection. Patience, persistence, and appropriate strategies for the use of language were instrumental in this process.

To make children the subjects of rights in Vietnam's legal system, UNICEF began working with a variety of partners in 1996. Training on children's rights with the Ho Chi Minh Political Academy led to the foundation of a network on children's rights that meets twice a year to explore how to promote child rights in academic training. Conducted in partnership with the ministries of Justice and of Public Security, the sessions have trained judges, lawyers, prosecutors, police, prison staff, and border guards. Work on juvenile justice started in 1996, with a focus on disseminating international standards and integrating them in the reform of the Criminal Court and the Criminal Procedure Code. UNICEF trains a wide range of staff and is the only agency allowed to work in prisons. In 2002, the Polit Bureau called upon the government to create a special court for families and juveniles, and UNICEF supported discussion of the proposal and an intersectoral Plan of Action for Juvenile Justice. Constraints in making more progress have included the scale of UNICEF support, which is based on a small scale rights promotion project; the sensitive nature of reforms aimed at strengthening the status of citizens vis-à-vis the state; and the priority given by the government to legal reform in relation to the economic sector (e.g., for accession to the World Trade Organization).

Work in the area of child protection has been challenging. The Convention on the Rights of the Child (CRC) recommends national systems of social work and counselling and non-institutional forms of childcare. However, there are few trained professionals in Vietnam, including social workers. There seems to be ideological resistance to the CRC approach, and there are few independent nongovernmental organizations (NGOs), which would typically provide a central role in such systems. In the 1990s, UNICEF and others were able to advocate for alternative care. Following a conference in Stockholm in 2002, the government reviewed its policy of institutional care and replaced it with alternative models of community-based care. This change called for a wide range of consultations with officials, though less participation by non-state actors such as parents or children themselves. (The policy change was prompted by rising numbers of children in need of care and an insufficient state budget to meet this need.)

Other areas of progress include a more integrated approach to policy development in child policy, with UNICEF supporting the development of Vietnam's first national family strategy (which does not mention the need for establishing a national profession of social workers), and efforts to encourage more participation within UNICEF programmes. In 2001, UNICEF supported the review of the National Action Plan for Children and the preparation of a revised one. This was the first time that children from all parts of the country discussed child policies and programmes with the political leadership. There has been less progress in developing monitoring and accountability structures, in particular outside the state.

In documenting its experiences with a HRBA to programming, UNICEF commissioned a Vietnam case study (Salazar-Volkmann 2004). The study produced some interesting findings.

HRBAs can be applied in challenging and complex environments. A careful analysis of the functioning of political, economic, and social systems can help identify national windows of opportunity. UNICEF requires government approval for all its activities. Although tight control characterized UNICEF's work until the *doi moi* reform process, staff were able to travel and interact with subnational counterparts and engage in policy advice. As Vietnam opened to the international economy, it also worked on nationalizing international concepts that created a favourable context for introducing child rights. The report notes, "Human rights-based programming can become acceptable within a political environment such as Vietnam only when it has evolved from a successful political dialogue at the very highest levels." UNICEF made inroads in the more traditional social and economic rights areas while using political momentum to include civil, political, and cultural rights to a greater extent.

A progressive approach can yield results over time. Without using the sensitive language of rights, situation analyses, and master plans of operations, UNICEF promoted the principles and underlying ideas of a HRBA. Government partners became progressively more comfortable with the approach. Trust was built thanks to UNICEF's continuous presence since 1975, even during the Western-led embargo. Senior UNICEF management staff were among the most important agents of change in a process that encompassed a broadening of counterparts, including the Committee for the Protection of Care of Children and the Women's Union. The committee increased understanding of child rights across the state and society so that eventually child rights language was found in official documents. Thus "patience, persistence and appropriate strategies for the use of language were instrumental in the

process."

Child rights, based on the CRC, provided an entry point for a HRBA. Because the CRC was developed with the support of socialist countries during the 1980s, the Vietnamese Communist Party found the CRC politically acceptable. The government ratified the convention, starting a process of implementation measures such as legal reforms and action plans to harmonize laws, policies, and practices.

The rights of indigenous peoples, by contrast, are difficult to address. In Vietnam, and East Asia more generally, the rights of indigenous peoples have been seen as a matter of national security and a taboo subject. There has been even less progress on women's rights. Although the Convention on the Elimination of All Forms of Discrimination against Women was ratified before the CRC, it took longer to disseminate across government and society. Its integration in the national legal system was weaker than that of the CRC, reflecting stronger cultural and political resistance.

Economic liberalization can constrain the realization of economic and social rights. Vietnam's process of privatization and economic reform is seen as having contributed to poverty reduction, but this perception was associated with processes of marginalization as subsidies were cut back and service delivery was reformed. Vietnam continues to struggle with issues of inequity and disparity, particularly regarding children of ethnic minorities and in rural areas. UNICEF has encouraged use of a HRBA to recognize the distinct cultures of ethnic minorities and to prevent ethnic minorities from being subject to discrimination or marginalization (UNICEF 2009).

In 2006, Vietnam became the first pilot country for the One UN programme, in which multiple UN agencies function as a single team within a country to maximize efficiencies and promote interagency coordination. In the Final Common Country Programme Document for Vietnam, 2012–2016, UNICEF, the United Nations Development Programme (UNDP), and the United Nations Population Fund collectively highlight the need to strengthen the rule of law in Vietnam. These organizations identify how greater institutional accountability, equal enforcement of the law, improved access to justice, and increased government engagement in implementing human rights treaties can facilitate the strengthening of the rule of law. Over the next few years, the UN will be implementing a HRBA to development in

Vietnam and plans to help coordinate stakeholders in Vietnam as they engage on cross-cutting issues, including a HRBA (UNICEF 2011c).

Box 6.5

UNICEF/UNESCO Burundi

In Burundi, a multisector approach to promoting the right to education for children living and working on the street was adopted, enabling more than 2,000 such children to attend primary schools as of 2007. The programme, led by UNICEF and the United Nations Educational, Scientific, and Cultural Organization (UNESCO) involved a collaborative effort among government ministries, UN agencies, NGOs, and private companies to provide long-term pedagogical support and assistance for families (UNICEF and UNESCO, 2007).

VII.   KENYA: SWEDISH PROGRAMMES

Swedish International Development Cooperation Agency (Sida)'s work in Kenya illustrates how to integrate a democratic focus with a HRBA at different country programming levels.

In order to promote dialogue, the Swedish embassy launched a project to put "equality for growth" on the public agenda by working with civil society organizations, research bodies, media, other donors, and decision makers in the executive and parliament. A Memorandum of Understanding was established between the Ministry for Planning and National Development, the Society for International Development (an implementing NGO), and Sida, with agreement to focus on gender, regional, and income inequalities. Project activities included collecting data on inequality in Kenya and helping the ministry disseminate its poverty map to line ministries. Inequality became a national issue, and the project grew to include other partners such as UNDP and ActionAid.

Since 2003, the Mainstreaming in Action Project (MAINIAC) has worked to better integrate human rights and democracy principles (non-discrimination, participation, accountability and transparency) into sector programmes funded by Sida. It aims to develop the capacity of the government of Kenya and other key actors to identify and use mainstreaming indicators, undertake implementation in a manner

that promotes mainstreaming, participate in dialogue, and develop an adequate monitoring and evaluation system. Target sectors are roads; water; health; integrated land and urban sector; governance, justice, law, and order; and agriculture.

An extensive evaluation of how a HRBA was integrated into Swedish-Kenyan development cooperation was conducted by the Swedish Agency for Development Evaluation (SADEV) in 2008 (SADEV 2008). The evaluation found that there

> has been a strong and committed leadership emphasising the embassy's priority of working with the principles of the rights perspective which has created conditions and practices conducive to capacity development on the rights perspective and its principles, through initiatives such as training, structures for follow-up and internal feedback.

It concluded that embassy knowledge and awareness of a HRBA in programming had increased and that the project developed the capacity of Sida programme staff to work out indicators and participate in dialogue with the government on mainstreaming issues in the assessment and implementation of programmes. Some ambiguity about the relationship between a HRBA and cross-cutting issues promoted under MAINIAC remained, however, generating confusion among staff. Additional and follow-up training was recommended.

The programme succeeded in developing a network of local resource persons working on HRBA that meets quarterly at the Kenya National Commission on Human Rights. This network supports the design and implementation process by commenting on programme documents, participating in seminars, and developing the capacity of staff in ministries. These resource persons are drawn from local organizations, such as the International Federation of Women's Lawyers, the Institute for Law and Environmental Governance, and the Child Rights Advisory Documentation and Legal Centre, as well as UN agencies such as the United Nations Development Fund for Women and UNICEF. The evaluation found that the network would benefit from ongoing and long-term maintenance of these relationships.

In the agricultural sector, the SADEV evaluation found that "the integration of HRBA has been intensified in all programming phases." Decision-making has become more participatory and accountable following policy changes, the development of mechanisms to engage groups at the local level, and increased information sharing among stakeholders. A roads project was generally a success

thanks to a high degree of local participation (with attention paid to how women and children could benefit), local accountability structures, and public information about the initiative at local markets. The decentralization of responsibilities to district committees and engineers improved accountability and participation, but there was a corresponding lack of documentation about how the HRBA was decentralized. In the water sector, participation of marginalized groups and transparency increased through the establishment of planning tools and the use of complaint mechanisms.

There has been government ownership of the process: the president of Kenya announced that he wanted Kenya to be "a rights-based state" and a new constitution was promulgated in 2010. The Kenya National Commission on Human Rights (KNCHR) has played "an instrumental role in providing training on HRBA." Overall, government prioritization of human rights has created an enabling environment for dialogue and for integrating a HRBA into sectors and programmes (SADEV 2008).

VIII.   SERBIA: EIB RIGHT TO HOUSING

The European Investment Bank (EIB) honours the right to adequate housing as a component of the right to an adequate standard of living and the right to non-discrimination in this context. A good example in this regard is the Sava Bridge Access Roads project in Belgrade, Serbia. The project impacted an informal settlement of mainly Roma families. The EIB's condition for the start of work was the implementation of the Resettlement Action Plan (RAP), providing permanent housing to families displaced by the roads project. Despite a difficult process of negotiations over the RAP with the city between 2011 and 2014 but following continuous engagement with the affected families and CSOs, four apartment blocks in two locations were built to accommodate 48 affected families. Resettlement was completed in 2015 with the following outcomes: overall, improved living conditions for the families— families now reside in modern apartments with standard amenities and access to utility services; the families pay rent and utility bills of about €10 per month (subsidized for low-income families); new personal documents were provided for all resettled persons as a precondition for accessing social services; and all children of school age in the affected households attend school regularly.

The EIB declares zero tolerance for forced evictions, thereby asking its clients to avoid and/or prevent forced evictions and provide effective remedy to minimize negative impacts should prevention fail. The

EIB affirms and promotes the importance of security of tenure, providing occupants with legal protection against forced evictions, harassment, and other threats. In one instance, forced evictions undertaken unbeknownst to the EIB in a transaction prior to the signing of a financing contract resulted in the bank putting contract negotiations on hold and requiring, inter alia, an incident audit report and a corrective action plan. The EIB further required that the RAP involve very close consultation with affected people and civil society and that the transaction secure an entitlement matrix that exceeded the compensation standards set by local legislation.

Chapter 7
Case Studies: Sector-Specific Projects and Programmes

In addition to country-based partnerships and programs, donors have supported a wide range of sector and thematic programs across developing countries to advance key human rights principles and implement priorities. These programs cover gender equality, the right to health, the right to education, the rights of persons with disabilities, CSO engagement, labor and the right to work, torture and the death penalty, the right to food and the rights of indigenous peoples.

I.   GENDER EQUALITY

Finland actively promotes women's and girls' rights and gender equality in all its foreign and security policy activities, placing special emphasis on women's political and economic participation, the elimination of discrimination against women, and sexual and reproductive health and rights.

Finland also actively contributes to the implementation of UN Security Council Resolution 1325, whose goals are to protect women and girls in armed conflicts, to promote women's equal participation in peace negotiations and reconstruction, and to prevent gender-based violence. The empowerment and equal status of women are not possible without political and economic inclusion and empowerment, which is why Finland's Ministry for Foreign Affairs underlines women's participation and leadership in political and economic decision-making. These goals are pursued through development cooperation by supporting women's and girls' education, for instance. Furthermore, Finland works locally with organizations that promote women's and girls' rights and cooperates with women's human rights defenders. Finland strives to eliminate all violence against women and girls.

In the UK, the Gender Equality Act, which amended the International Development Act of 2002, makes considering gender equality in any funding decisions a legal requirement. The act does not require a prioritization of gender interventions, but places a duty on the UK Department for International Development (DFID) to consider ways in which development and humanitarian funding will build gender equality in the countries receiving aid.

In relation to gender, the Food and Agricultural Organization of the United Nations (FAO) has developed tools such as the Gender and Land Rights Database, the Legal Assessment Tool for gender-equitable land tenure, the Tool for Gender-Sensitive Agricultural Policies, and the gender-sensitive Rural Advisory Services Tool that have been put to use in many countries. FAO joined forces with the International Fund for Agricultural Development, the World Food Programme, and UN Women in the Joint Programme on Accelerating Progress toward the Economic Empowerment of Rural Women with support from the governments of Norway and Sweden (2012–2017); the programme aims at generating lasting improvements in rural women's well-being and is being implemented in Ethiopia, Guatemala, Kyrgyzstan, Liberia, Nepal, Niger, and Rwanda. FAO further provides policy and legal support for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the gender aspects of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, the Principles for Responsible Investment in Agriculture and Food Systems, and other instruments. It contributed to the elaboration of the General Comment on Rural Women, adopted in March 2016 by CEDAW. In the Sustainable Development Goals (SDG) process, FAO is the custodian of indicator 5.a.2, "Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control." For example, in support of the rights of girls and women, DFID provides £36 million to accelerate action to end child marriage in 12 countries.

Women in the Democratic Republic of Congo (DRC) are poorly represented in political parties, parliament, and government. Women also have weak representation in public administration, especially at the management level. Although the constitution provides for gender equality, the implementing legal framework lags far behind. Sexual violence against women is a serious and pervasive problem throughout the country. In the eastern provinces, it is linked to the conflict, with the army, police, and armed groups as the main offenders. In the past two years Norway has spent NKr 110 million on combatting sexual violence in DRC. This investment is a response to the UN Security Council resolution on sexual violence in conflict zones. Both Norwegian and international organizations have received funding from the UN for this purpose. Norway has supported the UN humanitarian country-based pooled funds, which have put in place a national strategy to combat sexual violence. The establishment of Kyeshero Hospital is a significant result of the Norwegian investment. The Heal Africa Hospital has also acquired a new ward thanks to support from Norway. Both offer health services and support to rape victims.

Norway also cooperates with Solidarité Féminine pour la Paix et le Développement Intégral (SOFEPADI), a Congolese women's organization. The cooperation operates through the Norwegian Embassy in Luanda, the capital city. The support to SOFEPADI encompasses a broad programme of interventions against sexual violence in the eastern Ituri province. The project supports the work of Karibuni Wamam, a medical centre in Bunia. The centre promotes the health of women and families and supports victims of sexual violence. The centre has played a unique role in the region by offering a full range of services, including medical support, psychosocial follow-up, and legal assistance. The centre has worked actively to promote women's rights and women's health, as well as to increase awareness with regard to sexual violence.

The Norwegian Embassy in Luanda supports women's political participation through the women's organization Fonds pour les Femmes Congolaises (FFC). FFC mobilizes women to participate in national, regional, and local elections. In 2014, the organization worked with 25 local women's organizations throughout the country to increase competence with regard to women and gender equality issues, governance, and political participation. FFC has also worked to enhance women's knowledge about electoral processes and to strengthen the communication and leadership qualities of women candidates. It helped establish a women's network for the exchange of knowledge and experience across the country. FCC and SOFEPADI together received NKr 2.5 million in 2014.

Am important contributor in the struggle against sexual violence is the American Bar Association (ABA). The ABA has supported the establishment of a legal database of abuse cases and carries out awareness-raising work to prevent abuse. As a result, survivors of sexual violence in a variety of countries have gained access to the legal system in the areas in which they live through the use of mobile gender courts. Judges, legal personnel, and law students have received training in cases involving sexual violence.

Canada has supported improving women's rights in Southeast Asia. In partnership with UN Women, Canada is financing a $10 million, multi-country initiative that aims to help achieve greater equality between women and men before the law in seven countries in Southeast Asia. The programme focuses

on strengthening the capacity of government and civil society to develop and implement legislation that is respectful of CEDAW, as well as improving equitable access to justice systems for women.

A World Bank Nordic Trust Fund (NTF) grant under implementation aims to generate more evidence about effective approaches to respond to and prevent sexual and gender-based violence (SGBV), especially in fragile and conflict-affected states. Activities include impact evaluations of selected project activities in the three countries covered by the Bank-funded Great Lakes Emergency SGBV and Women's Health Project in Burundi, Rwanda, and DRC. The lessons learned from the evaluations will contribute to ensuring that services provided through the Great Lakes Emergency SGBV Project are adequately targeted and delivered and inform future World Bank Group programming of interventions addressing SGBV and women's rights. In the DRC, work focuses on the impact evaluation of the project's mental health interventions. In Rwanda, tentative plans are to collaborate with academic partners to evaluate the impact of working with men and boys at the community level to promote behavioural change, possibly including adding data collection to the study at a later date to measure the longer-term impact of these activities.

II.   HEALTH

In 2008, Clare Ferguson undertook research for the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) Human Rights Task Team on the links between human rights, aid effectiveness, and experiences in the health sector (OECD DAC Human Rights Task Team 2008a). The study concluded that applying human rights principles to the health sector supports the aid effectiveness principles contained in the Paris Declaration. For example, democratic ownership of the health sector was fostered by encouraging women and excluded groups to participate in discussions about healthcare policy and service provision. The resulting report explains how the human rights framework promotes the importance of accountability between a government and its citizens as well as between a donor and country partners through the use of administrative, judicial, and quasi-judicial processes at many levels. Through the use of human rights indicators and benchmarks, as well as disaggregated data, stakeholders can manage results and better track how health policies impact different groups. Moreover, the human rights framework supports alignment and harmonization efforts

by providing shared standards and norms upon which projects can be organized.

New partnerships are emerging. The Office of the UN High Commissioner for Human Rights (OHCHR) has collaborated with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and other partners on human rights–based (HRB) advocacy on HIV and is pursuing partnerships with the United Nations Development Programme (UNDP)'s Global Commission on HIV and the Law as well as with the Global Fund to Fight AIDS, Tuberculosis and Malaria (the Global Fund) to maximize the impact of efforts. Likewise, OHCHR has supported activities to strengthen the capacity of 35 national human rights institutions to integrate discrimination against people living with HIV in their work (OHCHR 2011).

Human rights budgeting is a useful tool for analysing health budgets. In 2005, the Central American Institute of Fiscal Studies (ICEFI) analysed the budgets of every Central American country to determine if the countries protect citizens' economic, social, cultural, political, and legal rights, particularly in light of a country's national and international commitments (such as the Millennium Development Goals, or MDGs). In Mexico, the nongovernmental organization (NGO) Fundar used a human rights framework to identify inequalities in the government's health budget, including lower per capita amounts of health spending in the poorer states of south and southeast Mexico. The results of this analysis enabled Fundar to successfully advocate for the inclusion of basic obstetric care in the government's poverty-focused popular insurance (OECD 2008b).

Human rights principles have relevance for health interventions targeting HIV/AIDS. A significant number of health or HIV/AIDS policies make reference to human rights (e.g., discrimination against persons living with HIV/AIDS), although they do not always provide operational guidance to address those issues (e.g., how to reconcile public health and human rights objectives in practice). Some agencies are developing innovative programmes and tools that illustrate how a human rights–based approach (HRBA) to health can be implemented. For example, successful approaches to reproductive health and maternal mortality require that interventions examine the barriers faced by women to accessing services, in particular those related to gender discrimination, as well as sensitivity to cultural and religious factors. Germany has developed comprehensive guidance on how to implement human rights in the different areas of health programming and how to make health sector interventions inclusive for persons with disabilities. Likewise, the human rights focus of German support for health led to more attention to

lesbian, gay, bisexual, trans, and/or intersex (LGBTI) persons' access to health services. UNAIDS developed a "people with stigma and discrimination index" to measure the situation of rights for people living with HIV (UNDG-HRM 2011).

Norway has supported the Global Fund a since its inception, and in 2014–2016, Norway provided funding of NKr 1.7 billion. Total funding amounts to US$295 million (71 per cent for AIDS, 12 per cent for tuberculosis, and 17 per cent for malaria). Norway also supports the work of the Cuban Medical Brigade in Haiti. Cuba has provided medical assistance to Haiti since 1998, and Cuban doctors have provided effective help to Haiti, particularly in combating cholera.

Ireland has been a key donor in fighting the AIDS epidemic. Ireland has also supported the fight against HIV and AIDS and other global communicable diseases at international, regional, and country levels. Its political commitment is matched by a financial commitment. Annual spending on health, HIV and AIDS, and communicable diseases is around 22 per cent of the bilateral aid budget (Analysis of Bilateral Overseas Development Assistance by Sector – Annex 7 of the 2013 Annual Report). Eight million people are receiving treatment for AIDS in developing countries, an increase of almost three million in just two years. A significant development in recent years has been that developing countries are investing more in addressing HIV and AIDS in their own countries than international donors have been. Nevertheless, tackling the pandemic requires better coordinated local and global efforts to reduce the impact and preventing the spread of the virus. The international community, with UNAIDS taking the lead, has responded positively. A number of global health partnerships have brought together the major development players in concerted efforts to tackle the world's priority health problems including HIV and AIDS. Irish Aid promotes a broad development response to HIV and AIDS, which focuses on reducing poverty, providing basic services and addressing the poor status of women. It also focuses support on strengthening national responses to HIV and AIDS on a country-by-country level. Across all of the programmes, Irish Aid takes account of the pandemic and ensure that actions Ireland takes in other areas do not further its spread. It focuses on strengthening national responses to HIV and AIDS at the country level.

III.   EDUCATION

Donor policies often refer to the right to education, and there is an increasing range of experiences in adopting a HRBA to education. In addition to putting into practice human rights principles such as participation, non-discrimination, and accountability, a HRBA can encompass not only the right *to* education (access), but also rights *in* and *through* education (quality and relevance; SDC 2006b). Such a HRBA directs attention to the overall educational framework (curricula, governance structure, distribution of resources in the education system), as well as to the social outcomes of education. Specifically, a HRBA to education that emphasizes quality can promote social cohesion because it includes a focus on respect for families and the value of local communities and cultural diversity. It also builds respect for peace, supports the empowerment of children and stakeholders to claim their rights, and develops the capacities of governments to fulfil their obligations (UNICEF and UNESCO 2007).

To better ensure children's right to education, increased attention has been placed on the creation of "child-friendly" schools that are accessible, welcoming, high quality, gender sensitive, and safe. Approaches that promote child-friendly schools require consideration of such factors as the location of a school, travel to and from school, and ensuring that appropriate facilities for girls exist. The United Nations Children's Fund (UNICEF)-supported Building Child Friendly Schools and Communities Initiative in Bosnia and Herzegovina 2008–2009 generated widespread professional assistance and promoted social unity and cultural diversity among 20,000 children. As another example, a child-to-child census was taken in Kenya as part of a child-friendly school approach to identify children who were not in school, to determine why they failed to attend, and to discuss and develop solutions at the community level. In one of three pilot districts, approximately 7,000 of the 9,000 out-of-school children were brought back, half of them girls. A third example is in Mozambique, where a UNICEF-supported Child Friendly Schools programme worked to improve the quality of education by providing professional support and teacher resources to classroom educators (UNICEF and UNESCO 2007).

In Vietnam, UNICEF worked with the Ministry of Education on a programme to improve access to quality education for poor, ethnic communities that did not speak Vietnamese. Children attended preschool and primary schools where they could learn in their local language while teachers were trained on bilingual education techniques (UNICEF 2011a).

In Burundi, a multisector approach to promoting the right to education for children living and working

on the street was adopted, enabling more than 2,000 such children to attend primary schools as of 2007. The programme involved a collaborative effort between government ministries, UN agencies, NGOs, and private companies to provide long-term pedagogical support and assistance for families (UNICEF and UNESCO 2007).

A World Bank NTF grant to empower children (ages 6–11) and families from ethnic minority communities (mainly Roma, Ashkali, and Egyptian) in Kosovo to make strategic decisions and realize the children's rights in the context of education. The project will promote the rights of the child (as per the UN Convention on the Rights of the Child, or CRC) by providing them with tools to "speak" about their perception and experience of education using verbal and nonverbal means. The objectives are twofold: to institutionalize a methodology for listening to the voice of the child in education and ensuring children's meaningful participation in the quality of education services provided in Kosovo; and to capture learning from the project and disseminate it in an innovative and meaningful way. The project is founded on the approach of the UN Convention on the Rights of the Child (CRC). In line with the CRC the Project is in the best interests of the child and will support the Kosovan State to ensure appropriate access to rights and education provisions to all children, including those from the of Roma, Ashkali and Egyptian communities.

IV.   DISABILITIES

Disabilities are relevant to development because of their "bidirectional link to poverty": they can increase the likelihood of poverty just as poverty can increase the likelihood of disability (World Bank and WHO 2011). More than 1 billion people in the world live with a disability (World Bank and WHO 2011), 80 per cent of whom live in developing countries. The United Nations Educational, Scientific, and Cultural Organization (UNESCO) estimates that 98 per cent of persons with disabilities in developing countries do not attend school and that access to healthcare services and public health information for those with disabilities is scarce (UNESCO 2008a). The Convention on the Rights of Persons with Disabilities (CRPD), adopted in December 2006, emphasizes non-discrimination (e.g., Articles 3, 4(1), and 5) as well as equal access (e.g., Articles 3 and 9) to opportunities for fulfilling one's potential, including through development programmes (UN 2006). Persons with disabilities represent a key target group under MDG 1 (eradicating hunger and poverty), and are a critical target group for the realization of other development goals as well (UNESCO 2008a;). Several donors have developed disability inclusion policies or frameworks based on the CRPD such as DFID, Ireland's Department of Foreign Affairs and Trade, the German Federal Ministry for Economic Cooperation and Development, the International Labour Organization (ILO), UNICEF, and the Japan International Cooperation Agency. Other notable organizations with disability policies include the International Committee of the Red Cross. A recent example of heightened donor and government attention in this area is the Charter on Inclusion of Persons with Disabilities in Humanitarian Action (http://humanitariandisabilitycharter.org/).

At the global level, the Gay and Lesbian Advocates and Defenders (GLAD) is a coordination mechanism for international cooperation: it is a network of bilateral and multilateral donors and organizations, foundations, philanthropic organizations, and private sector entities actively contributing resources internationally to disability-inclusive development and humanitarian action. GLAD was launched in London in December 2015 by a group of like-minded partners who recognize that to realize the promise of the Sustainable Development Goals (SDGs) to leave no one behind, and to further the principles reflected in the CRPD, the international community needs to work together to share expertise, coordinate actions, and raise the profile of disability across a broad range of organizations contributing to international development efforts. Consistent with Article 32 of the CRPD, GLAD promotes international cooperation on disability-inclusive development. As a collaborative network, GLAD

supports its members to coordinate their contribution of resources internationally to disability-inclusive development and humanitarian action. It also facilitates the expansion and diversification of the community of partners making such contributions, and through collaborative advocacy amplifies their voice for maximum global influence. GLAD provides a mechanism for sharing knowledge and resources on disability-inclusive development and humanitarian action.

World Bank New Environmental and Social Framework

The World Bank Environmental and Social Framework (ESF) makes reference to disability, as does the accompanying directive, and the World Bank is developing a Disability Inclusion and Accountability Framework to promote and guide the mainstreaming of disability across the Bank's operations and analytical work, applying principles derived from the CRPD. The framework is aimed at ensuring that persons with disabilities can participate in and benefit from the Bank's activities.

The EU has made some strides in regard to disabilities. The 10-year EU Disability Strategy (2010–2020) identifies areas of action to empower people with disabilities, including accessibility, participation, equality, employment, education and training, social protection, health, and external action (European Commission 2010d). At an operational level, a 2004 Guidance Note on Disability and Development (European Commission 2004) provides a set of principles to guide EU delegations on how to address disability issues in development cooperation activities, but implementation can vary by location and programme. The EU has supported partner countries' shifting from welfare to rights-based policies in places like Morocco, where the first disability survey was conducted, and Chile, where a disability census was performed to inform legislation and policy analysis. As budget support is increasingly used as the modality of EU development cooperation, incorporating or mainstreaming the rights of persons with disabilities becomes an integral part of policy dialogue with partner countries (Coleridge et. al. 2010).

The Austrian Development Cooperation (ADC) supports a framework programme, Light for the World, that provides support for inclusive development at the community level in Ethiopia, Burkina Faso, and Mozambique. Instead of simply providing medical treatment and welfare aid, the programme aims to ensure that persons with disabilities are integrated as actors at all levels of social activity. In community-based rehabilitation programmes, helpers come into the house, plan individual assistance programmes, and show relatives how to help disabled family members learn critical skills. The primary aim is to enable people with special needs to take equal and self-determined part in development (ADC, 2011).

Box 7.2

Disability Rights and the SGDs

An example of heightened donor and government attention in the area of disability rights is the Charter on Inclusion of Persons with Disabilities in Humanitarian Action (http://humanitariandisabilitycharter.org/). Work on inclusive urban development around Habitat III seeks to further articulate the CRPD and the SDGs (https://www.un.org/development/desa/disabilities/resources/disability-accessibility-and-sustainable-urban-development.html). Several proposed initiatives on disability inclusion at the World Bank are linked to the CRPD and the SDGs, for example, the Quality Infrastructure Investments Partnership, which refers to SDGs 9 and 11, and is reflective of the need to make infrastructure accessible to persons with disabilities.

Implementation of the rights of persons with disabilities is a cross-cutting objective in Finnish human rights and development policies. Finland strives to enhance the involvement of disabled persons in political decision-making both in Finland and internationally. The CRPD obliges governments to build an accessible society without barriers where everyone can benefit from services in the fields of education and healthcare, for instance. To ensure effective implementation of the CRPD, Finland supports the work of the UN Special Rapporteur on the Rights of Persons with Disabilities. Moreover, Finland funds projects that promote the rights of disabled persons across the world, being one the main funders of the UN Partnership to Promote the Rights of Persons with Disabilities.

Human rights considerations influence Australian development policy and strategy. In May 2015, Development for All 2015–2020: Strategy for Strengthening Disability-Inclusive Development in Australia's Aid Programme was launched. It builds on the successes of the previous 2009–2014 development strategy. The Australian Department of Foreign Affairs and Trade (DFAT)'s approach was guided by the CRPD. In July 2015, DFAT developed a Displacement and Resettlement of People in Development Activities policy, which considers the possible negative impacts of displacement and resettlement on people adversely affected by aid programme activities. In particular, the focus is vulnerable groups, which may include women; children; the elderly; people with disabilities; minority ethnic, religious, and linguistic groups; and indigenous peoples. Attention to resettlement is important to help affected people, especially vulnerable groups, improve or at least restore their livelihoods and, in the case of vulnerable people, improve their living standards after displacement.

Australia partnered with UNICEF to support the second phase of the Rights, Education and Protection project (REAP 2). This partnership builds on the success of the first phase of the REAP project, which piloted education and child protection activities in Vietnam and Bhutan; REAP 2 includes additional focus countries in the Indo-Pacific. Australia also has partnered with the United Nations Washington Group on Disability Statistics to complete a survey that countries can insert into their existing national data collection processes (such as a census) to provide internationally comparable data on children with disabilities. Funding will support the development of a second survey to understand the barriers and facilitators to children with disabilities in accessing quality education. The survey is intended to be used with both children with disabilities who are in school and those who are out of school. Once completed, the survey questions will be used to improve data collection on children with disabilities in UNICEF's Multiple Indicator Cluster Survey, one of the largest global sources of internationally comparable, statistically rigorous data on the situation of children and women. Australia supports the Washington Group in disseminating tools to collect disability data, provide technical assistance to support their uptake and consistent use, and engage in new work on measures of participation and functional limitations related to mental health.

The 2014 New Zealand Aid Programme introduced a policy that requires staff to consider access for people with disabilities to all built structures. Activity design documents must explain how accessibility for disabled people has been considered and addressed through the design of public buildings and structures. If design proposals do not show evidence of consideration of access for people with disabilities, appraisers are required to seek an explanation prior to decision-making. Accessibility is not mandatory, but it is expected unless a clear and acceptable justification is provided.

V.   SUPPORT TO CIVIL SOCIETY

The United States Agency for International Development (USAID) has become more explicit about the human rights focus of its work, making the case for both the intrinsic and the instrumental value of this work to its overall mission. The practice is increasingly evolving to emphasize mainstreaming human rights throughout the Democracy, Human Rights, and Governance (DRG) sector, in particular. For example, DRG activities managed by operational units that do not have an explicit human rights mandate are increasingly comfortable describing their work as promoting or protecting human rights. Some examples include USAID's support for civil society actors in authoritarian spaces (e.g., related to the

President's Stand with Civil Society Agenda), activities related to election assistance (e.g., programmes that protect citizens' rights to participate in free elections and be elected), and even traditional governance activities that emphasize the right to remedy or freedom from discrimination.

In the past few years, USAID has:

- Promoted government accountability and transparency by assisting more than 130 civil society organizations that engage in advocacy and watchdog functions, and supporting more than 60 civil society advocacy campaigns in nine countries.
- Supported free and fair elections in Tunisia and Egypt.
- Expanded political participation by training more than 9,800 domestic election observers and officials, and providing voter and civic education reaching more than 6.5 million people.
- Enabled the first-ever meeting of Tunisian civil society leaders and legislators to work toward a new NGO law for activists. USAID programmes are helping Tunisian civil society actors share their experience with new voices in Libya, working toward the same goal.

Norwegian voluntary organizations supported the Democratic Republic of Congo (DRC) to the tune of NKr 53 million in 2015, a reduction from NKr 88 million in 2014. The main actors, which were funded by the Norwegian Agency for Development Cooperation, were Rainforest Foundation Norway, JOIN good forces, Caritas, CARE Norway, DIGNI, the Norwegian Refugee Council, and IIASA. Norwegian Church Aid, the Pentecostal Foreign Mission of Norway, the Red Cross, and Doctors without Borders also received support. The main emphasis of the support was interventions aimed at reinforcing women's rights and combatting sexual violence, mother and child health, and education. In addition, there was a significant commitment targeting climate change and forest.

VI.   LABOUR AND THE RIGHT TO WORK

In relation to the right to work, FAO provides support to the formulation and implementation of policies, strategies, and programmes that generate decent rural employment, especially for rural youth and women, and that extend the application of International Labour Standards (ILS), such as child labour prevention and occupational safety and health, to rural areas. FAO has provided support for increased awareness and strengthened institutional capacities to prevent child labour in agriculture in Cambodia,

Niger, Malawi, and Tanzania, and it has supported the development of youth employment policies in countries such as Nigeria and Senegal. FAO developed youth-friendly methodologies for technical and vocational education and training (e.g., Junior Farmer Field and Life Schools) that have been implemented in a number of countries with HRBA. FAO promotes access to social protection in rural areas by producing solid evidence to inform policymaking and by providing policy and technical support with HRBA.

FAO has increased the visibility of decent work in global dialogue on effective fisheries management and responsible aquaculture. In addition to promoting the implementation of ILS in seafood value chain in various international fora, in collaboration with the ILO, the organization has supported policy and legislative processes on the protection of human and labour rights in fisheries in countries such as Indonesia. It undertook legal assessment on labour law in agriculture, forestry, and fisheries and aquaculture in Guatemala, Senegal, and Uganda with a view to providing future legal support. Work on the implementation of the VGSSF with a HRBA has been initiated in Costa Rica, Cambodia, Cote d'Ivoire, and South Africa.

VII. TORTURE, INHUMANE TREATMENT OR PUNISHMENT, AND THE DEATH PENALTY

A number of donors link their development priorities and programs to issues more closely associated with civil and political rights, such as the abolition of the death penalty or human rights defenders. Australia supports the universal abolition of the death penalty, which is considered to be an inhumane form of punishment. The government urges all countries that maintain capital punishment as part of their laws to cease executions and establish a moratorium on the use of the death penalty, including through bilateral representations, the Universal Periodic Review process, and the UN General Assembly (UNGA).

In 2010, the Australian Crimes Legislation Amendment (Torture Prohibition and Death Penalty Abolition) Act was introduced to safeguard ongoing compliance with the Second Protocol to the

International Covenant on Civil and Political Rights by ensuring that the death penalty cannot be reintroduced in any Australian state or territory.

In 2014, the governments of Chile, Denmark, Ghana, Indonesia, and Morocco launched the 10-year cross-regional initiative, the Convention against Torture Initiative (CTI), with the aim to achieve universal ratification and better implementation of the CTI. The CTI is an initiative by and for governments that mobilizes positive, mutual support to overcome the obstacles for ratification and implementation that countries face. The CTI has a "constructive, twinning and inspirational" approach to achieving its objectives. It enhances the exchange of experiences and knowledge in order to learn from others with similar challenges—typically in regional settings. The Group of Friends of the CTI includes governments, experts, and NGOs (www.cti2024.org).

USAID has provided medical treatment, psychological and social support, legal assistance, and economic strengthening support to 43,000 survivors of torture and victims of gender-based violence in the DRC. USAID's efforts have resulted in more 1,450 separated or abandoned children—many of whom are survivors of sexual abuse—being reunited with their families.

VIII.   THE RIGHT TO FOOD AND NUTRITION

With the support of the governments of Germany (until 2013), Norway, and Spain (until 2016), FAO has been working on the right to adequate food by supporting the development of global governance capacity; enhancing dialogue and participation in multi-stakeholder platforms; fostering knowledge, capacity, awareness, and commitment toward the implementation of the Right to Food Guidelines; and strengthening the accountability and commitment of national governments for the promotion of better legal and policy tools for the realization of the right to food. These activities have led to the development of food security and nutrition (FSN) policies, strategies and plans of action, school feeding laws, food security legislation, and relevant institutional structures that clearly articulate the right to adequate food in countries such as Bolivia, Cabo Verde, El Salvador, and Nepal. Similar processes are underway in countries such as Kirgizstan and Togo. FAO furthered the participation of parliamentarians in Latin America and Caribbean region and the Community of Portuguese Language (CPLP) countries in

dialogues on FSN with right to food perspectives. National parliamentary fronts have been instrumental in the adoption of national FSN policies and laws.

Since the publication of the Irish government-commissioned *Hunger Task Force Report* in 2008, the fight against hunger has been a cornerstone of Ireland's international development policy and aid programme. This centrality was reinforced in the goals set out in the One World, One Future policy issued in May 2013. Within Irish Aid, 20 per cent of the budget is dedicated to actions in the fight against hunger. In addition to Ireland's financial support, Irish Aid is using its experience to influence others to take their commitment to tackling hunger seriously. Through the membership of a number of international committees such as the Committee on World Food Security, and through bilateral policy engagement with its partner agencies in the UN development system and elsewhere, Ireland advocates for more, and better, aid to improve global food and nutrition security. Ireland works at the European Union level to ensure that combating food and nutrition insecurity is prioritized in EU external aid and in EU positions at international meetings. In 2013, under Ireland's EU Presidency a new EU Nutrition Policy to enhance maternal and infant nutrition in EU external assistance was endorsed by the Council of the EU. Moreover, through the adoption of a new EU Food and Nutrition Security Implementation Plan, Ireland sought to strengthen action by the EU and its member states in tackling global hunger, food insecurity, and undernutrition.

The Government of Ireland and the Mary Robinson Foundation—Climate Justice hosted a major international conference, Hunger-Nutrition-Climate Justice, in 2013. Ireland was a founding supporter of the Scaling Up Nutrition (SUN) movement in 2010. SUN brings together stakeholders—donor and developing partner countries, UN and other international organizations and agencies, international financial institutions, civil society and business organizations—to tackle hunger and undernutrition. It focuses on maternal, infant and child undernutrition and on increasing political will and investment to address undernutrition in early childhood.

In 2012, Ireland c-hosted a side-event at the UN Commission on the Status of Women, Gender and Nutrition: Supporting Rural Women to Improve Nutrition. In its partner countries in Africa, Ireland works to improve coordination of action to improve nutrition. In Ethiopia, for example, Ireland is a member of the Nutrition Donor group. In Malawi, Ireland is a Donor Convener for the SUN Movement.

Ireland is a member of the Agriculture Sector Working Group and participates in four Technical Working Groups (Food Security and Risk Management; Agricultural Land and Water Management; Commercial marketing and agro-processing; Monitoring and Evaluation). Ireland is also a member of the National Conservation Agriculture Task Force and the National Farm Inputs Subsidy Programme Task Force and participates in the Donor Committee on Agriculture and Food Security.

IX.   INDIGENOUS PEOPLES

Australia plays an active international role in focussing on indigenous issues, which continue to be a priority area both domestically and internationally. The government cosponsors resolutions on the rights of indigenous peoples and makes statements supporting the advancement of these rights in both the Human Rights Council and the UNGA Third Committee. In August 2015, the Department of Foreign Affairs and Trade (DFAT) launched the world's first comprehensive foreign affairs department, Indigenous Peoples Strategy. The Government continues to engage in international discussions on best practice approaches consistent with the UN Declaration on the Rights of Indigenous People (UNDRIP) and the Outcome Document from the World Conference on Indigenous Peoples.

In August 2015, DFAT launched its Indigenous Peoples Strategy prioritizes indigenous issues and participation across diplomatic, trade, development, and corporate areas to harmonize international and domestic policy approaches on indigenous rights. The five-year strategy is based on the following pillars:

- (i) working to influence international policy to advance the interests of indigenous peoples in the international community
- (ii) striving to deliver international programmes that improve outcomes for indigenous peoples
- (iii) encouraging indigenous Australians to apply for DFAT-funded opportunities to engage in and develop people-to-people links with the international community; and
- (iv) ensuring an inclusive workplace culture across DFAT

The government continues to engage in international discussions on best practice approaches consistent with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the outcome document from the World Conference on Indigenous Peoples.

The rights of indigenous peoples are a cross-cutting theme in Finnish development policy, and achieving these rights is accomplished by taking account of such rights at the planning stage of development policy principles and projects. Finland aims to reinforce the status of indigenous peoples by working toward the realization of the goals enshrined in UNDRIP. Finland also continues to support the activities of UN indigenous peoples' organizations. In 2014, UN member states and the representatives of indigenous peoples and civil society, who had gathered at the first-ever high-level UN World Conference on Indigenous Peoples, adopted an outcome document on the promotion and protection of the rights of indigenous peoples. This document gives impetus to the earlier commitment of states to uphold the position of indigenous peoples and respect their rights, and it serves as a roadmap for the implementation of indigenous peoples' rights. Finland considers it particularly important to encourage the involvement of indigenous peoples in the UN system.

FAO has been working toward systematically mainstreaming indigenous rights in its various areas of work. It has developed a capacity-building strategy and a manual on free, prior, and informed consent to ensure that the rights of indigenous peoples are duly considered in its activities. Since 2014, FAO has worked with the International Indigenous Women's Forum to organize the Leadership School for indigenous women on human rights, food security and nutrition, and advocacy skills, with the objective, inter alia, of strengthening the capacity of indigenous women in the use of national and international instruments on human rights.

X.   CONFLICT AND FRAGILITY

Poverty and conflict are inextricably linked to authoritarianism and poor governance, with consequences for citizens worsening during times of crisis. Conflict in South Sudan, Iraq, Yemen, and Ukraine has left tens of millions of people in need of assistance; Syria's brutal civil war has destroyed entire communities and affected far too many lives. USAID is committed to responding to crises around the world to help the people and places most in need. With a focus on disaster prevention, response, recovery, and transition, USAID works to:

- Strengthen resilience by helping states and communities prepare for and mitigate the impacts of disasters to help people withstand crises rather than have to seek emergency assistance.

- Provide life-saving humanitarian assistance to save lives and alleviate suffering.
- Provide emergency food assistance while also sowing the seeds for recovery and resilience.
- Accelerate a rapid and durable recovery by supporting livelihoods, markets, and the sustainable provision of basic services.
- Address underlying grievances that cause instability and conflict to wind down tensions before they ignite.
- Promote peaceful political transitions by strengthening civil society and respect for human rights, facilitating reconciliation, supporting effective democratic governance, and fostering the resumption of basic economic activity.
- Invest in the protection and empowerment of women and girls in countries affected by crisis and conflict to improve prospects for peace and security.

For example, USAID has:

- Provided emergency assistance to tens of millions of people in 45 countries in response to 49 disasters.
- Provided food assistance in the form of food, value transfers, and vouchers to more than 53 million people in 47 countries.
- Helped prevent conflict and mitigate the impact of unanticipated complex crises with targeted programmes in five countries.

A World Bank NTF addressed human rights in the Columbia post conflict setting. In 2011, Colombia passed the Victims and Land Restitution Law to support access to justice for victims experiencing crimes due to armed conflict such as displacement, threats, and violence. In response to the law, in 2012, the Ministry of Justice and the Defensoria del Pueblo (the ombuds agency) created the Mobile Victims Unit (MVU) to ensure access to justice for all affected Colombians. Together, these entities support a mobile van that travels throughout Colombia, reaching even the most remote areas, allowing victims to declare and register for reparations. The MVU has served 51,821 people since its creation. Five years after the institution of the Victims and Land Restitution Law and four years after the creation of the MVU, the World Bank partnered with the three entities to conduct an impact evaluation of the unit and its services. Although the general feedback from communities has been positive, an evaluation will take a deeper look at the effectiveness and impact of the mobile van. The NTF grant is being used to fund data collection to increase the understanding of how displaced persons and other victims try to enforce their rights, the impact of enforcement of their rights, and the effectiveness of different service delivery

models in helping displaced persons and other victims exercise their rights. The evaluation will look at impact and cost effectiveness and will emphasize the realization of human rights, not just the number of victims served.

Another World Bank NTF grant addresses human rights and post-conflict in the Colombian context. The general objectives of the grant are to capture and make available knowledge about how a HRBA can add value to post-conflict sustainable development strategies directed at coca growers in former FARC-EP controlled areas in accordance with Colombia's peace-building and post-conflict stabilization priorities. It also aims to strengthen the participatory mechanisms and advocacy capacity of coca growers in three departments (Nariño, Cauca, and Caquetá) to engage in dialogue with local and national authorities and inform drug policymaking.

XI.   LGBTI RIGHTS

Finland promotes the full and equal enjoyment of human rights by lesbian, bisexual, and transgender persons, as well as intersex persons. Sexual and reproductive health and rights are an essential component of human rights, and the agenda for gender equality and development and their implementation is very important for everyone's body, sexuality, and reproductive health.

Sexual and gender minorities commonly experience discrimination all over the world. Homosexuality is still criminalized in more than 80 countries. Finland advocates the elimination of all forms of criminalization as well as other discriminatory legislation and official measures based on sexual orientation, gender identity, or gender expression. Finland supports every person's right to define his or her gender and sexuality on his or her own terms. Young people, in particular, must have the right to be informed without any discrimination on the basis of sexual orientation, gender identity, gender expression, or family structure. Finland supports the rights of lesbian, gay, bisexual, transgender/transsexual, and intersex (LGBTI) persons through economic and political means.

Finland seeks to ensure that the Yogyakarta Principles, approved at an expert level, are adopted as a foundation for international human rights policy and as international recommendations for guiding

action in the field. The Yogyakarta Principles complement UN-defined human rights by covering the rights of sexual and gender minorities. Finland fosters rights related to sexual orientation and gender identity by supporting initiatives to promote this theme in such fora as the UNGA and the Human Rights Council. Finland actively implements the LGBTI guidelines of the European Union. These guidelines establish a framework for EU action in issues concerning sexual and gender minorities. Furthermore, Finland supports the work of the EU Agency for Fundamental Rights and is engaged in cooperation with such entities as the Council of Europe Commissioner for Human Rights. The Ministry for Foreign Affairs participates, frequently together with other EU countries, in Pride events all over the world.

Chapter 8
Challenges and Opportunities

Beyond the legal or policy commitments of donors to human rights, there are a range of practical issues which may affect the degree to which they are able to integrate human rights effectively into their development programming. These include institutional and budgetary considerations, as well as staff and organizational factors such as decentralization. There are important factors related to partner country capacity and in some cases political resistance to human rights. Questions related to aid modalities and policy coherence present both challenges and opportunities for the integration of human rights into development.

I.   INSTITUTIONALIZATION

Institutionalization of human rights considerations is an important internal challenge facing aid agencies. Agencies that are committed to applying a human rights–based approach (HRBA) internally must take a systematic look at their procedures and operations in order to identify required changes and strengthen staff capacities and incentive structures. Organizational culture plays a role in this process, potentially impeding an institution's ability to adopt or adapt to new ideas. For agencies committed to working on human rights in a more selective way (such as at the level of projects or in dialogues), it is important to provide guidance to staff on why to undertake this work and how to do so effectively.

A synthesis of documented experiences, along with a large number of interviews conducted, suggests that the following elements are important for effective institutionalization: external environment, senior leadership, staff capacity and incentives, new tools and guidance on changes to project cycle management, and adapting to working in a decentralized context. In addition, broader challenges such as state fragility, partner country capacity and engagement, and the challenge of international policy coherence play a role in the effective integration of human rights into development policies.

In Germany, despite the significant progress made within the German Agency for International Development (GIZ), some challenges remain in order to systematically integrate human rights in the entire project cycle. Although progress has been made in the planning phase of new programmes and projects, GIZ is placing more emphasis on the entire project cycle. For this reason, GIZ is in the process of establishing a comprehensive environmental and social risk management system that includes human rights standards and principles.

For Austria, challenges remain with regard to mainstreaming human rights into all strategic documents such as country strategies and thematic strategies, but also when implementing these strategies in fragile situations or in the context of protecting women and children in armed conflicts or with regard to the rights of persons with disabilities. This is a crucial development in regard to HRBA application in Austrian Development Cooperation (ADC), since HRBA is prescribed at the highest level and is clearly defined.

In Finland, central challenges to institutionalization of the HRBA have been the frequent turnover of staff working with development cooperation, as well as the need for concrete guidance and tools, such as checklists, for effective implementation. Reporting on human rights–related results needs be strengthened. The HRBA has been mainstreamed into all trainings, although separate in-depth trainings and sector specific workshops are also part of the Ministry of Foreign Affairs (MFA)'s course curriculum. The MFA has developed internal guidance and checklists in its efforts to pursue a stronger institutional integration of the HRBA. Finland has made HRBA screening part of the quality screening of all interventions.

Although there is a clear legal and policy mandate to integrate human rights into all development cooperation, the Finnish government has faced a number of challenges in achieving this goal. The operationalization of the HRBA is an institutional learning process. Challenges relate to delays in implementing more detailed policy guidance (the levels of HRBA consideration) because of the different timeframes for programmes and projects (e.g., some have been going on for years; integration into new initiatives is easier). There are challenges related to resources: human rights experts are not always involved in all teams implementing development cooperation. As human rights experts participate in the implementation or planning of development interventions upon invitation by regional departments and embassies, there has occasionally been a lack of practical guidance for the HRBA. To meet the challenges, an internal action plan for the operationalization of the HRBA was developed in 2014. The

work plan includes programming processes, development of guidance and instructions, HRBA training, and strengthened internal coordination.

II.   SENIOR-LEVEL COMMITMENT, ACCOUNTABILITY, AND COMMUNICATION

Resistance to policy change is common among agencies. However, reviews indicate that senior-level managers and other policy champions (in agencies such as the United Nations Children's Fund (UNICEF); the German Federal Ministry for Economic Cooperation and Development (BMZ); and the Swedish International Development Cooperation Agency (Sida)) have taken steps to ensure that new policies are effectively developed, communicated, and implemented in their organizations. Making staff accountable to senior management has been a useful approach. The UN Systems Staff College has recognized the need to develop strong leadership on human rights issues and is developing new trainings aimed at strengthening senior-level commitment. One of the priorities for the United Nations Development Group Human Rights Mainstreaming Group (UNDG-HRM) is to strengthen the capacity of resident coordinator and UN country team leadership to drive mainstreaming efforts by providing them with enhanced learning support and guidance.

Box 8.1
Senior-Level Directives
In 1998, UNICEF issued an Executive Directive introducing its HRBA to programming (UNICEF 1998). It assigned responsibilities for dissemination and implementation to heads of offices, regional directors, and division directors. The new approach was not made a separate thematic area; instead, every staff member and country office was given responsibility for implementation. Both the Vietnam case study and the evaluation of UNICEF's HRBA emphasize the important role played by senior staff in this transformation (see chapter 7).

The New Zealand Agency for International Development (NZAID) translated ministers' commitments to human rights mainstreaming into an implementation plan (NZAID, 2004). An implementation team,

including senior managers, met monthly to review progress, and reported to ministers after a few years. The implementation plan targets not only strategy, planning, and programming, but as well as also organizational capacity and cultural transformation within NZAID. It called for data capture on human rights programming, staff recruitment and training, a process for responding to staff concerns about human rights abuses (within the agency or in partner countries), a review of contracting procedures, and the agency's communication strategy. The resulting programme is now called the New Zealand Aid Programme; human rights continues to be a cross-cutting issue that is mandatory in all New Zealand Aid Programme policies, processes, and activities for which management is clearly accountable. Human rights considerations are appraised in all project designs, included in implementation, tracked through monitoring, and reported in results for all aid initiatives.

III.   BUDGETARY CONSIDERATIONS

Donor agencies faced challenges in the aftermath of the global financial crisis. Some foreign aid budgets were reduced, and a strong focus was placed on demonstrating the value of aid. Austria's overseas development budget fell to 0.3 per cent of GNP instead of continuously rising toward the expected 0.51 per cent in 2010 and 0.7 per cent in 2015, the target year for reaching the Millennium Development Goals (MDGs; Global Responsibility 2011). As a result, the Ministry of Foreign Affairs, which develops Austrian Development Cooperation (ADC) strategies and programmes that are in turn implemented by the Austrian Development Agency (ADA), had to move out of several partner countries and programmes. Similarly, the Canadian International Development Agency (CIDA) announced in its Aid Effectiveness Action Plan that it would be focusing 80 per cent of its resources in 20 countries, down from approximately 34 countries, and on five priority themes in an effort to make its assistance more focused, effective, and accountable (CIDA 2009b). Concentrating activities in more limited areas and sectors may help ADA and CIDA harmonize their programming with other donors in line with the Paris Declaration principles. In its Strategic Plan 2014–2017, the United Nations Development Programme (UNDP) identified the following challenges worldwide: gaps in skills, diminished speed of action, rising costs, and declining core funding.

In some instances, the global financial crisis coincided with a continued increase in aid and emphasis on demonstrating its effective use. For example, in 2011, Spain unveiled the Fund for the Promotion of

Development and kept its aid budget on a steadily rising trajectory. To ensure that funds were well spent, a working group was created to focus on the quality and efficacy of Spanish aid distribution as a horizontal priority (FRIDE 2010). Australia's aid budget grew to 0.5 per cent of GNI in 2015–2016. The Office of Development Effectiveness, established in 2006, conducted an in-depth independent review of aid effectiveness making recommendations on how Australia's aid programme could be less fragmented and improve its performance management system. The review was introduced by explaining that "Australians want their contribution to be effective. They want to know that there is value for money; that it is having a real impact on the lives of people" (Government of Australia 2011). In 2011, Canada's prime minister of international cooperation remarked that "Canadians want to know that their tax dollars are spent wisely and effectively" (CIDA 2011). When such value is demonstrated, it can have positive effects. When an independent aid review was conducted in 2008 and found that AusAID's HRBA to stopping violence against women in Melanesia and East Timor was particularly effective, AusAID's related programme funding was doubled.

As a number of human rights initiatives merge into existing development initiatives (e.g., gender mainstreaming) agencies are being asked to do more with less. Success with information sharing and joint reporting is being reported, such as the United Nations High Commissioner for Refugees (UNHCR)'s collaboration with United Nations Children's Fund (UNICEF) on presenting input to expert committees on refugee children.

Considering that many human rights require a progressive and long-term commitment aimed at increasing technical capacity, raising awareness and advocacy, and making use of concrete opportunities created by political and economic processes, decreasing financial resources hampers effectiveness and efficiency in the pertinent work of the Food and Agricultural Organization of the United Nations (FAO). Resource constraints have led to the lack of representation of FAO in UN-led human rights–related processes, such as the UNDG Human Rights Working Group.

IV. STAFF CAPACITIES AND INCENTIVES

Many agencies lacked staff expertise when they first adopted their human rights policies. To put the policies into action, most have created focal point positions and recruited external experts. The Europe Aid-DEVCO (formed by a merger of the EuropeAid Cooperation Office with the Directorate General

for Development and Relations with ACP States, which manages European development policy, has a unit dedicated to governance, democracy, gender, and human rights. The EU created the Directorate on Human Rights and Democracy within the European External Action Service and assigned a human rights focal point in all EU delegations around the world (European Commission 2011f). The World Bank Nordic Trust Fund (NTF), housed within the World Bank's Governance Global Practice, is an example of an internal capacity building initiative designed to build staff knowledge of human rights and help the institution develop a more informed view of human rights.

More often, however, staff numbers have remained small, with often only one or two persons responsible for human rights (e.g., the ADA Department on Human Rights within ADC,) and related issues at headquarters (usually located within governance units). Some agencies gave responsibility to a professional cadre with country programming responsibility (e.g., the UK's Department for International Development [DFID]'s social development advisers). Various agencies launched training programmes in headquarters and the field (targeted to audience and level of expertise) to mainstream expertise across the agency (e.g., UNICEF, BMZ, Sida, ADA, and Dutch development cooperation). A number of agencies promoted outside networking opportunities and exchanges of information within the agency (e.g., DFID's social development retreats and Sida's democratic governance events). Implementation guides such as the Swiss Agency for Development and Cooperation (SDC)'s *Implementation of Governance as a Transversal Theme with a Human Rights-Based Approach*, make it easier for an agency's development practitioners to apply HRBA to programmes and projects (SDC 2008b).

Box 8.2

Capacity Development Initiatives

NZAID issued its Human Rights Policy Statement (NZAID 2002) shortly after the department was established, thereby launching its human rights policy. Similarly, UNICEF staff members undergo human rights training as part of their induction training. These examples contrast with agencies where staff are already familiar with existing approaches and frameworks and are not offered training. Despite a major organizational restructuring and the development of new business processes, human rights continues to be one of three cross-cutting thematic issues for the New Zealand Aid Programme (New Zealand Ministry of Foreign Affairs and Trade 2011).

DFID's significant policy and programming developments can be credited to its professional network of social development advisers (about 70 out of 2,500) who ensure that a social perspective (including human rights considerations) is applied to all DFID activities. Individual advisers have championed the approach in specific projects and programmes, as well as in the development of country strategies and new policy initiatives. This policy contrasts with bilateral agencies where human rights are seen primarily as a governance concern or there are fewer professional advisers working on these issues.

Organizations now realize that it is not enough to develop, launch, and share methodological material on a HRBA to development. Sida reviews how a rights perspective/HRBA is applied in Sida's system for the management of appraisal, follow up, and completion of financial support. Sida also developed a training module on a HRBA (www.sida.se/hrbs).

With regard to integrating human rights as a cross-cutting theme in projects in various sectors, internal quality control standards comprise human rights impacts and risks and respective capacity development measures have been increased in recent years. In January 2016, an introductory course on human rights, gender equality, and poverty reduction became part of the mandatory in-house training for new GIZ staff.

In 2010, the Danish Institute for Human Rights held a three-day training course for World Bank teams receiving grants from the NTF to familiarize staff with human rights law, HRBA, and human rights in development programming and practice (Nordic Trust Fund 2010). In 2011, the Finnish Ministry of Foreign Affairs held a three-day workshop for the NTF, providing teams receiving grants an opportunity to present their work and have it critiqued by experts.

There are many examples of agencies learning from one another. The Danish Ministry of Foreign Affairs invited Sida, GIZ, and UN staff colleagues to share experiences with HRBAs in January 2012. In September 2011, Minority Rights Group Europe, which published a guide on the integration of HRBA, held a two-day seminar in Budapest and invited EU member states development agencies to share their experiences working with a HRBA. ADC looked to AusAID's leadership to develop its "Focus Paper on Persons with Disabilities" (ADC 2011).

Multilateral donors can play a role in this kind of information sharing. Since its establishment in 2008, the NTF has supported exchanges across an informal network of interested World Bank staff and sponsored learning events with international, regional, and national partners as part of its knowledge and partnership programme (Nordic Trust Fund 2011a). In February 2010, the NTF hosted a two-day peer-to-peer exchange among 50 Bank staff and members of the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) Human Rights Task Team. A similar exchange on human rights and development took place in June 2011 between Bank staff and the UNDG-HRM. The UN HRBA Portal is an excellent online resource where agencies can share and seek information about HRBA programming.

One challenge relates to the lack of experience on how to apply the HRBA, in particular in the sectoral areas of the work of FAO. In addition to the requirements of building staff capacity, the fact that the national partners of FAO are institutions with technical sectoral specialties, poses challenges to mainstreaming human rights. Much work must be done to create and strengthen inter-sectoral and inter-institutional collaborations at the international and national levels so as to bring human rights within FAO sectoral policy, legal, programme, and institutional support.

The work on the human rights that fall within the purview of FAO is supported by dedicated units that enjoy differing levels of organizational support in terms of human and financial resources. The units work toward the implementation of rights through activities at the corporate, national, and global levels.

V.   ADAPTING TO DECENTRALIZATION

The increasing decentralization of most aid agencies has fostered closer interaction with national partners and country-based aid coordination and poses a challenge to the institutionalization of human rights and other policies. Policies tend to be developed at headquarters, yet need to be applied in specific country contexts, presenting a challenge to agencies such as the World Health Organization (WHO), whose decentralized structure has complicated its ability to offer consistent interpretations and approaches on human rights-based policies (UNDG-HRM 2011). Other agencies have used their

decentralized structure more opportunistically. As illustrated in SDC and DFID reviews, decentralization has enabled some country offices to experiment with a HRBA, even when central policies and procedural changes lagged behind.

Reviews have identified a range of techniques to improve linkages between policy and implementation. Some agencies ensure field representation in the development of human rights policies and guidance (e.g., the SDC consultation process), decentralize expertise to country offices (e.g., Sida's regional democracy and human rights advisers, DFID's social development advisers), or include human rights in the terms of reference for a wider range of field positions (e.g., the United Nations Development Fund for Women). Other techniques include providing headquarters advice to targeted country programmes (e.g., GIZ country programmes draw on headquarters human rights expertise, the Global Human Rights Strengthening Programme (HURIST) reviews UNDP country programmes), or adding questions about progress on human rights programming in annual planning instructions and country office reports (e.g., UNICEF annual reviews).

Organizations have documented their experience with country-level piloting of new approaches to feed into institutional learning (e.g., DFID's Participatory Rights Assessment Methodology initiatives in Peru and Malawi), or with the application of a HRBA across a full country programme (e.g., UNICEF case studies; Sida's Kenya programme; and DFID programmes in Peru, Bolivia, and Brazil). In addition, organizations have established regionally based, multiagency communities of practice to share lessons about human rights in a region/country relevant way (e.g., OHCHR Lessons Learned Project on HRBA in the Asia-Pacific region and UNDP's lesson learning work on rights and justice in the same region).

One of SDC's advantages as well as challenges is its high level of decentralization. SDC's programmes are highly context-relevant and adapted to local circumstances. Yet, the considerable independence means that the impact of institutional policies on programmes is limited at times. The decentralized approach means that learning among country offices is challenging. To counter that challenge, SDC set up a number of thematic networks that foster learning and knowledge management and provide support for quality assurance. One of the thematic networks focuses on conflict and human rights.

With the decentralization process embarked on by FAO after the adoption of its Renewed Strategic Framework (RSF), capacity development work and the development of tailored tools and assistance became more important. In addition to many theme-specific learning materials, an integrated learning programme was developed in 2014–2015 on the UN Common Country Programming principles, with lessons on gender equality, the right to food and decent work, and indigenous peoples' right to free, prior, and informed consent. The decentralization process allowed for increasing knowledge sharing and understanding of regional and national dynamics in order to provide results-based and evidence-based support and assistance, at the core of the RSF principles. Despite the benefits of decentralization, it has presented challenges for ensuring adequate resources in support of regular programme activities. For example, although regular programme funds supplemented the work on the right to food that had mainly depended on trust funds (Germany, Norway, and Spain) until 2013, those activities have since been carried out exclusively with trust funds.

VI.   STATE FRAGILITY AND CAPACITY LIMITATIONS

Factors and context beyond those related to a donor's policies and institutional arrangements impact the integration of human rights, and many are challenging. Integrating human rights into development assistance is not simply a technical matter resolved by adequate training or better tools and procedures. In some contexts, aid agencies have found engagement with partner governments around human rights issues particularly difficult because a human rights frame can highlight the political dimensions of poverty reduction or because of weak capacity. Donors need to understand and address the links between fragile states and human rights. Donors realize that they need to find better ways of engaging in difficult environments or fragile states, defined by the DAC as "countries where there is a lack of political commitment and/or weak capacity to develop and implement pro-poor policies, suffering from violent conflict and/or weak governance" (OECD 2005c). Acute human rights violations and the fear of being seen as complicit with human rights–abusing governments are among the most important factors impeding a stronger role for donors in fragile states (World Bank 2011b).

In 2007, the DAC brought attention to the challenges of working with and within fragile states by identifying a new focus area in the Action-Oriented Principles on Human Rights and Development (OECD 2007a; box 4.2) and soon thereafter, the DAC issued the Principles for Good International

Engagement in Fragile States and Situations (OECD 2007c; box 8.3). The Principles for Good International Engagement are 10 principles to guide donor engagement in fragile states, including several references to human rights. For example, when donors consider suspending or continuing aid in the context of human rights violations in a recipient country, the DAC's "do no harm" principle reminds donors to consider what impact such decisions may have on circumstances in-country. It also encourages a focus on state building so that state institutions can safeguard human rights.

Yet, the theoretical and practical links between the human rights and fragile states agendas are underdeveloped and tend to be implicit. Few agencies have developed policy statements or strategies in these areas; when they have, human rights are not given much prominence. One notable exception is Denmark's 2010 policy on fragile states (Ministry of Foreign Affairs of Denmark 2010a), which lists the promotion of democratic development, good governance, and human rights among its five priority areas for working in fragile situations.

Weak capacity to realize human rights can result from a range of factors, such as limited resources to meet minimum standards or ignorance of human rights duties and claims. The approaches examined in chapter 3 and the key role given to capacity development of rights-holders and duty-bearers in the UN Interagency Common Understanding of a HRBA are the strategies most commonly adopted to overcome weak capacity. Danish support of human rights is centred on the strengthening of the capacity of relevant national institutions to promote the rule of law and human rights, such as support to ministries of human rights (e.g., Burkina Faso), national human rights commissions (e.g., Uganda and Bangladesh), and ministries of justice (e.g., Mozambique). The International Finance Corporation (IFC) is the private sector arm of the World Bank Group. IFC focuses on the role of private sector actors in developing countries, including fragile and conflict-affected states. With support from the NTF the International Committee of the Red Cross, extractive industry trade associations, and others, the IFC launched an Implementation Guidance Tool for IFC's Voluntary Principles of Security and Human Rights in September 2011.

In weak or fragile states, state capacity may be so limited that the realization of some human rights obligations may not be realistic, for example, holding states accountable for meeting even the most basic obligations, such as maintaining security or providing access to services. Focusing on human rights may

help identify what is required for effective nation or state-building; a HRBA can highlight how to move progressively to a situation where states meet their basic obligations, reconstructing the social contract between rulers and those ruled. The DAC's approach to fragile states prioritizes state core functions such as basic security, justice, economic and service delivery functions, legitimacy and accountability, and an enabling environment (OECD 2005b, 2007c). Likewise, the World Bank's 2011 *World Development Report* emphasized that institutional legitimacy is key to breaking the cycle of violence, conflict, and poverty (World Bank 2011).

Box 8.3

DAC Principles for Good International Engagement in Fragile States and Situations

At the DAC's High Level Forum in April 2007, ministers and heads of agencies endorsed the DAC Principles for Good International Engagement in Fragile States and Situations to maximize engagement in fragile states and minimize potential harm. Although there are concerns about whether these principles are applied in practice and what mechanisms exist to monitor their implementation, they do provide useful basic guidance for donors operating in fragile states:

1. Take context as the starting point.
2. Do no harm.
3. Focus on state-building as the central objective.
4. Prioritise prevention [of conflict and other crises].
5. Recognise the links between political, security, and development objectives.
6. Promote non-discrimination as a basis for inclusive and stable societies.
7. Align with local priorities in different ways in different contexts.
8. Agree on practical coordination mechanisms between international actors.
9. Act fast . . . but stay engaged long enough to give success a chance.
10. Avoid pockets of exclusions.

Human rights approaches present opportunities and challenges when promoting peace building and development in fragile and conflict-affected states. Conflict impacts human rights and vice versa. A

specific human rights issue may fuel a conflict, such as discrimination and inequality between ethnic groups; or a conflict may result in a humanitarian situation that demands intervention. It is often difficult to provide basic services in fragile states and to find entry points to protect human rights. The UK Aid Strategy committed 50 per cent of all of UK aid to fragile and conflict-affected states. However, there is not necessarily a greater emphasis on human rights in fragile states compared to other DFID priority countries. Human rights are one among a wide range of approaches to address conflict and fragility and are relevant to the UK response in fragile and conflict-affected states in different ways: local context is crucial.

There is increasing concern about the apparent trend of restrictions on civil society activism, media freedom, social movements, and human rights in many countries. This issue has strong links to the UK government's commitment "to continue to promote the golden thread of democracy, the rule of law, property rights, a free media and open, accountable institutions," and has been an important issue considered in the Civil Society Partnership Review, which is being finalized at the time of writing. DFID country offices and the UK Foreign and Commonwealth Office (FCO) respond to these issues in each country on a case-by-case basis.

In Switzerland, SDC will continue and deepen its strategic shift toward fragile and conflict-affected contexts. SDC, together with the State Secretariat of Economic Affairs and the Human Security Division, prepared the Swiss Confederation's Strategy on International Cooperation, a strategic framework and budget for 2017–2020. The framework envisages that SDC spend 50 per cent of its budget in fragile contexts. Additionally, the strategic framework emphasizes that human rights are a key part of SDC's engagement in these contexts, as well as its theory of change for addressing fragility.

In Syria, the United Nations Industrial Development Organization (UNIDO) recognizes that the conflict is not only inciting an unparalleled humanitarian situation, but is also compromising human and economic prospects for current and future generations in all impacted countries, including for the realization of human rights. The crisis is putting a strain on already vulnerable resources in the region's middle-income countries. Neighbouring countries have spent billions of dollars to help protect and house refugees. These countries can no longer cope with the massive number of refugees, and displaced persons are fleeing to countries outside the region. UNIDO has a responsibility to help people and communities deal with the crisis, even as it advances. The United Nations has embraced life-saving humanitarian assistance by providing food, water, and shelter, but people need more than that—they also need to maintain livelihoods and access to education and healthcare. UNIDO is ready to provide

post-crisis recovery, to work toward regaining social cohesion, and to resume progress as soon as the situation allows.

VII. PARTNER-COUNTRY OWNERSHIP, POLITICAL RESISTANCE TO HUMAN RIGHTS, AND MUTUAL ACCOUNTABILITY

Some donors struggle to reconcile human rights with national ownership and leadership of strategies. Aid agencies may be reluctant to engage in human rights programming because they fear that the human rights agenda will be rejected by official partners, for example, on the grounds of political interference in domestic sovereignty or arguments grounded in cultural relativism. The 2005 UN World Summit outcome document reaffirms the universality of human rights and commits member states "to integrate the promotion and protection of human rights into national policies" (UN 2005a). Successive international outcome documents, including the 2013 Vienna +20 outcome document, have affirmed the same principles.

Box 8.4

Challenges for UNICEF Staff

UNICEF identified contextual challenges faced by staff implementing a HRBA. Constraints include the operations of government structures in partner countries, in particular when a government operates in a highly centralized manner with limited public accountability. Some country contexts present greater challenges than others, for example. war-torn societies, those with widespread poverty or extremely weak capacity, or countries where basic survival or institution building is a priority. A country may have open political resistance to human rights, for example, in the context of sharp ethnic divisions where collecting disaggregated data or providing education in native languages is not politically acceptable. Resistance to human rights goes beyond governments and can include social norms and values, such as opposition to child and adolescent participation and a perception of aid as charity.

Strategies to overcome political resistance have included progressive engagement (e.g., UNICEF in

Vietnam), bypassing state actors (the European Instrument for Democracy and Human Rights), the use of dialogue, and the possibility of applying conditionality, such as sanctions and aid suspension. Lessons learned from DFID in Peru and Sida in Kenya suggest that opportunities for engagement are greater at certain times, for example, during political transition, although resistance may be found at other levels in government and society (such as resistance to equal gender relations).

Box 8.5

Promoting HRBA and Cultural Sensitivity

The 2011 UNDG-HRM mapping of UN agency human rights mainstreaming policies and tools highlights the challenge of advocating a HRBA in politically sensitive contexts (UNDG-HRM 2011). The report points to a programming manual for United Nations Population Fund (UNFPA) country staff and national partners with modules on how to apply a HRBA to its work (UNFPA and Harvard 2010). The manual distinguishes between promoting human rights with cultural sensitivity and using "culture" as an excuse to disregard or violate human rights. It refers to a 2004 policy note by then-UNFPA Executive Director Thoraya Ahmed Obaid:

> By adopting culturally sensitive approaches to promote human rights standards and principles, UNFPA is not making value judgments on any cultural values held by communities or groups; rather it is addressing harmful practices that represent violations of international standards of human rights. For example, campaigning to end female genital cutting is a judgment that the practice denies the right to freedom from discrimination on the basis of gender and the right to health. A human rights perspective affirms that the rights of women and girls to freedom from discrimination and to the highest standard of health are universal. Cultural claims cannot be invoked to justify their violation. (UNFPA 2004a)

When state fragility is more clearly linked to a lack of will than to capacity, human rights play an important role in donor engagement. Human rights can provide a tool to analyse power relations and state capacity issues behind the lack of will. They offer an entry point for dialogue based on an international, rather than bilateral, approach. Special human rights procedures can be used as part of fact-finding and to guide an international response (e.g., human rights missions could have been listened to prior to the 1994 genocide in Rwanda). When the political environment permits, a HRBA to aid can support social change processes to demand more effective and accountable states or a focus on the core rights required for change (e.g., freedom of expression and association, or a move to more equitable services).

Partner governments often claim that human rights are an externally imposed agenda. This assertion seems to conflict with the principle of national ownership, where partner countries exercise effective leadership over their development policies and strategies and coordinate development actions. In response to this, and consistent with the 2005 Paris Declaration on Aid Effectiveness, which prioritizes ownership, agencies refer to nationally entrenched fundamental rights in constitutions and domestic legal standards, as well as to the (freely entered into) international human rights obligations; aid can help partner countries meet these commitments, primarily through capacity development support.

Donors may support partner-country actors' participation in poverty reduction strategy processes, thereby allowing wider constituencies to engage and supporting domestic accountability. In Uganda, for example, DFID has funded participatory processes, including a focus on pastoralist communities. UNDP has supported the Uganda Human Rights Commission in policy debates, and a coalition of civil society organizations has advocated for a HRBA to the Poverty Eradication Action Plan revisions, leading to greater emphasis on equity considerations. More lessons about the integration of human rights in poverty reduction strategies may emerge from research on poverty and human rights by the Geneva-based International Council on Human Rights Policy. Lessons may also be drawn from Office of the UN High Commissioner for Human Rights (OHCHR) efforts such as the application of the Draft Guidelines on a Human Rights Approach to Poverty Reduction Strategies (OHCHR 2003) and the piloting of the approach by HURIST in a limited set of countries.

In the UK, DFID addresses human rights challenges by:

- Working with the FCO to raise concerns with governments at the appropriate level. In many cases, this collaboration must be done out of the public eye in order to avoid "backlash" against the very groups the government is seeking to assist. The government considers violations in the context of a country's overall context, trends and "direction", and makes an informed judgment about which violations require an immediate response and which require private diplomacy and sustained engagement.

- Providing aid to governments only when DFID is satisfied that the government shares Britain's commitments to reducing poverty and to respecting human rights. Before providing aid to a partner government, DFID assesses the government's commitment to four Partnership Principles: a commitment to poverty reduction; respecting human rights and other international obligations; improving public financial management, promoting good governance and transparency, and fighting corruption; and strengthening domestic accountability.

Despite such strategies to overcome resistance and encourage partner country ownership, challenges remain. In some countries, gaps persist between the improved frameworks and their actual implementation, leading to impunity gaps and lack of access to justice for all. In other countries, certain groups remain the subject of systemic discrimination (e.g., homosexuals in some African countries). Standstills or setbacks can occur despite continued donor support (including training and study tours) and sustained diplomatic pressure at country and multilateral levels.

Mutual accountability is a central tenet of the aid effectiveness agenda and a key principle of the 2005 Paris Declaration, along with ownership, harmonization, alignment, and results. Mutual accountability refers to the individual and joint accountability of donor and partner governments to their citizens and parliaments for their development policies, strategies, and performance. The Paris Declaration requires that partner governments use participatory processes to develop and monitor national strategies and involve their parliaments, that donors provide transparent information on aid flows to promote public accountability, and that both parties jointly assess progress in meeting aid effectiveness commitments. These mutual accountability principles are fully compatible with the human rights principles of accountability and transparency, which require access to information as well as participation in decision-making. Human rights norms and standards can be a part of the mutual accountability framework,

requiring not only that partner governments demonstrate progress in implementing their human rights commitments but also that donors be held accountable for their contribution to the realization of human rights in partner countries. There are several examples of governments and agencies specifying human rights as shared values underpinning their aid partnerships (e.g., Finland, Netherlands, Sida, DFID, the UN system). However, there are also disagreements about the extent to which the international human rights framework requires donors to be legally accountable for their human rights impacts.

VIII.   AID ALLOCATION AND AID MODALITIES

Assessments of whether human rights are being met and the kinds of resources needed to allow partner governments to better respect, protect, and fulfil human rights contribute to aid allocation decisions. This sensitive area is closely related to the use of political conditionality and the withholding or suspension of aid in certain circumstances. Some agencies use public sets of human rights and governance indicators to identify and reward good performance. For example, the assessment of good governance, including "a minimum respect for human rights, a free press, pluralistic democracy and rule of law, including independence of the judiciary" is an established step in the assessment of whether to provide Danish budget support to partner countries.

Box 8.6

The US Millennium Challenge Corporation

The US Millennium Challenge Corporation (MCC), created in 2004, aims not to use US political or foreign policy objectives in order to select beneficiary countries. Instead, it identifies a set of countries based on per capita income. It uses 17 third-party indicators in three categories to measure candidate countries:

- Ruling justly (civil rights, political rights, control of corruption, government effectiveness, rule of law, voice, and accountability)
- Investing in people (immunization rates, public expenditure on health, girls' primary education completion rate, public expenditure on primary education, and natural resource management)
- Encouraging economic freedom (business start-up, land rights and access, trade policy, regulatory

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quality, inflation, and fiscal policy) (MCC 2011)

The MCC explicitly uses governance indicators and draws on the six dimensions of the World Bank Institute's database, which uses a range of human rights indicators. Countries become eligible to submit proposals for MCC funding. The MCC Board can exercise discretion in the selection process, considering data weaknesses, additional qualitative information, or country performance on an indicator. Care must be taken that use of discretion does not open up space for a repoliticization of the selection process. The United States Agency for International Development (USAID) commissioned an independent evaluation of MCC and concluded that the agency is largely aligned with the Paris Declaration principles (Source: USAID 2011a).

Chapter 3 illustrates how human rights, traditionally addressed through stand-alone projects, have been mainstreamed in sector programmes. A number of donor agencies are concerned that, in the current shift to programme aid modalities (such as general budget support and sector-wide approaches), a focus on human rights is being lost. For example, some agencies are, cutting down on non-programme aid interventions, such as support to civil society organizations and grassroots activities, because these are perceived as difficult to design and manage. Yet, they are a central element of integrating human rights into development cooperation in that they support the ability of rights-holders to become aware of, claim, and enforce their rights.

Agencies are responding to this dilemma. For example, the German Development Bank commissioned a study and portfolio analysis of the relevance of HRBAs for financial cooperation (Heinz 2006). Some agencies have developed tools to ground their choice of aid modalities based on country analysis encompassing human rights and governance (chapter 4). Research suggests that a mix of aid instruments is desirable (Booth and Curran 2005). Programme aid must be viewed in the context of a range of options: appropriate policy dialogue, technical advice, and capacity development support to enable governments to identify and implement their national priorities. Finally, donors and governments need to build effective accountability mechanisms that can help integrate human rights into aid initiatives.

IX.   ADOPTING A HOLISTIC APPROACH TO ECONOMIC, SOCIAL, AND CULTURAL
         RIGHTS AND CIVIL AND POLITICAL RIGHTS

Many donors focus interventions on particular rights or emphasize certain groups of rights. An emerging challenge in development policy is how to promote a holistic and integrated approach to economic, social, and cultural rights, on the one hand, and civil and political rights, on the other. Such an integrated and comprehensive approach is important for legal and conceptual reasons, including the interdependence, indivisibility, and interrelatedness of all rights, but also to secure the sustainability and effectiveness of development interventions.

At USAID, human rights pose a couple challenges. One is avoiding the tendency to focus human rights work primarily on issue groups or vulnerable groups within the Democracy, Human Rights, and Governance sector, leading to a propensity to not think broadly enough about human rights as an underpinning of the overall work, instead thinking in terms of specific groups or issues that may or may not be relevant to a country context. The other is related to the challenge of addressing economic, social, and cultural rights at the same time as working on civil and political rights. On the first challenge, USAID has seen that too much emphasis on single human rights issues or vulnerable groups can have positive and negative effects. On one hand, USAID's increased attention to issues such as lesbian, gay, bisexual, trans, and/or intersex rights, trafficking in persons, mass atrocities prevention, and the rights of indigenous peoples has led to a number of important policies, projects, and tangible results that show important USG leadership on key human rights issues. On the other hand, a heavy focus on those priorities can give the false impression that those issues are USAID's sole human rights priorities or concerns. That focus can draw energy and attention away from efforts to mainstream human rights, to advance a rights-based approach, or even implicit human rights work.

The second challenge is the tension of balancing economic, cultural, and social rights with civil and political rights. USAID may provide technical assistance and other forms of support to help states protect and respect their human rights obligations and to help non-state actors promote human rights across the spectrum of economic, social, civil, and political rights. In the development context, USAID focuses on the development priorities for the countries in which USAID works and designates governance and capacity-building work critical to meeting international obligations and country-level development objectives as the basis for programme design and implementation. In that context, USAID typically defers to its field missions to identify the human rights issues most relevant in a country, taking into account the specific obligations of the host government and the technical assistance needs related to the rights' protection, respect, and fulfilment.

UNFPA's work is guided by the International Conference on Population and Development's prerogative to advance sexual and reproductive health and rights in a holistic manner by going beyond a narrow focus on economic, social, and cultural rights in the access to services or civil and political rights, in particular to non-discrimination, the right to privacy and confidentiality, and the right to freedom of association.

X.   POLICY COHERENCE

Policy coherence in the development context can be understood as "strengthening synergies and weeding out inconsistencies between non-aid policies and development objectives" (European Commission 2011e). Policy coherence can promote effectiveness and efficiencies in aid allocations because it minimizes duplication and ensures that policy efforts are not contradictory; it can also uphold a principle of "do no harm" in development. The pursuit of policy coherence is consistent with the core aims and principles of the Paris Declaration and the Accra Agenda for Action (AAA). The pursuit of coherence is a useful exercise in assessing the impacts that a policy may have on other policies or individuals. It can also add value: coherence across related and diverse policy arenas maximizes the potential for synergies at a practical level (McInerney-Lankford 2009).

International treaties may provide a relevant reference point for policy coherence. The DAC notes that:

> The fact that both donor and partner countries have ratified the international human rights treaties provides a uniquely valuable reference point for harmonisation efforts. A mutually agreed, universal normative framework already exists, supported not only by political commitment, but also by the force of legal obligation. As well, at the operational level, there is growing convergence on the integration of human rights in development. (OECD 2007b)

The integration of human rights within development assistance is consistent with the need for donors to improve the coherence of their aid with their other policies, an issue firmly on the DAC agenda. Indeed,

human rights have traditionally been part of foreign policy; in a number of countries, ministries of foreign affairs take the lead on human rights. Human rights often lack leverage on other ministries that may implement policies of immediate relevance for overseas countries (e.g., defence or external trade). Initiatives to use aid to pursue human rights objectives and to ensure that aid does not contribute to human rights violations overseas may promote policy coherence.

The coherence challenge has been easier to overcome for agencies already working closely with (or integrated into) ministries of foreign affairs. Other agencies have developed closer relationships or worked more strategically with ministries of defence, trade, or the interior. The Austrian Development Agency, for example, organized a training workshop on the protection of children's rights in emergency situations with the Austrian ministries of Defence and Foreign Affairs.

Policy coherence has a role to play at the national level as well as at the international level. For example, DFID distinguishes between two types of policy coherence: "coherence across UK government policies and coherence within multilateral institutions such as the European Commission (EU)" (McInerney-Lankford 2009). Likewise, Sweden reported that its policy for development co-operation "was not only aiming to empower partner countries with increased budget support but was also promoting overall coherence among policies within its own boundaries as well as in the recipient countries with a view to contribute to the promotion and protection of human rights both domestically and internationally" (Salomon, 2007).

WHO, OHCHR, and Sida developed a tool for supporting countries ensure policy coherence between the design and implementation of national health sector strategies and their legal obligations and commitments. The tool employs three assessment levels:

- Assessment Level 1: State obligations and commitments made on human rights and gender equality
- Assessment Level 2: Translating human rights and gender equality obligations and commitments in the national legal, policy, and institutional frameworks
- Assessment Level 3: Identifying human rights and gender equality obligations and commitments in national health sector strategies (WHO 2011a)

A Council of Europe initiative can be considered in policy coherence terms, albeit domestically focused on member states' internal social and poverty reduction policies. In 2011, the Parliamentary Assembly of the Council of Europe issued a recommendation that its 47 member states should be guided by OHCHR's 2006 Principles and Guidelines on a Human Rights Approach to Poverty Reduction in their policymaking and budget decisions; the assembly assessed member states' progress in 2013 (Council of Europe 2011).

Box 8.7

Policy Coherence for Development in the EU

Policy coherence is a long-established priority for EU development cooperation. This priority was reiterated in the 2006 European Consensus on Development and affirmed in Article 208 of the Lisbon Treaty, which requires the European Union to "take account of the objectives of development co-operation in the policies that it implements which are likely to affect developing countries." (Source: European Union, 2009)

To advance EU policy coherence, the European Commission Impact Assessment Guidelines require an assessment of proposed new policies' coherence with the objectives of EU development policy as well as an assessment of their potential impact on developing countries. In May 2010, the European Parliament created the Standing Rapporteur on Policy Coherence for Development, responsible for facilitating interaction between the parliamentary committee on development and other committees. Policy coherence for development focal points have also been appointed within the European Commission (Directorates General) DGs and the External Action Service. In 2010, the European Parliament (EP) adopted a resolution that encourages greater cooperation at multinational level between the World Trade Organization (WTO) and the main UN institutions in the human rights field. The EP resolution considers that closer links with the OHCHR and with the special procedures would be particularly useful to provide a multilateral trade framework which would enhance respect for human rights; and considers, similarly, that the OHCHR's expertise could be taken into account within WTO panels and the appeals body when cases of serious breaches of human rights are observed. In addition, the resolution mentions that the Human Rights Council's Universal Periodic Review is a useful tool to monitor compliance with human rights provisions in international trade agreements and supports the practice of including legally binding human rights clauses in the EU's international agreements.

For the Netherlands, a key challenge is the integration of human rights across development cooperation and trade and economic policy frameworks. Human rights constitute a separate pillar of foreign policy and can be hard to incorporate in trade missions to countries where human rights are violated and in development policy where the scope of work is broad and where the approach is to build on the local context or endogenous developments rather than on principles. The Netherlands Ministry of Foreign Affairs has a well-established routine of funding human rights projects at the country level and reporting on human rights initiatives worldwide. The Dutch government has brought human rights considerations down to the country level and established a feedback loop to both headquarters and to the UN human rights mechanisms in Geneva.

In Switzerland, policy coherence with regard to human rights remains a priority for development cooperation; challenges tend to arise when potential conflicts arise between human rights and other spheres, such as economic affairs (trade agreements, arms exports) or engagement with multilateral development banks. The Swiss Federal Department of Foreign Affairs (FDFA)'s human rights strategy addresses and acknowledges the challenges of policy coherence with regard to human rights. Although the current strategy is limited to the FDFA only, a future strategy will need to include other departments to ensure policy coherence.

Despite the convergence between development cooperation objectives and human rights principles, policy coherence is a challenge because of structural issues and divergences endemic to public international law. Development policy frameworks and human rights obligations have generally evolved on parallel tracks. Where integration has occurred, it more frequently entails the loose application of human rights principles and language rather than legal obligations under internationally agreed upon instruments (McInerney-Lankford 2009).

This divergence is further complicated by the diverse array of international regulatory regimes that exists, many with potential relevance for development—the international human rights framework being just one of them. Trade and regional economic integration and cooperation represent a set of regimes with distinct objectives and regulatory instruments. Another category of international regime pertains to development issues, such as economic growth, poverty reduction, and sustainable development through lending and technical assistance. International oversight of the environment and the protection of natural resources occupy a separate realm. A fifth regime applies to security, cooperation, and humanitarian affairs (Nordic Trust Fund 2011b). Although there are thematic overlaps among these regimes, each possesses its own normative frameworks, procedures, institutions, and approaches. Understanding and reconciling these multiple frameworks and their relevance to may present considerable challenges.

Even where convergence appears to be more intuitive, disconnects are evident. For instance, although the Millennium Declaration references human rights, the MDGs and their correlating targets omit any reference to human rights. Similarly, poverty reduction strategy papers, descriptions of policies, and programmes that a country will pursue to promote growth and reduce poverty rarely incorporate rights language or references to international human rights treaties (Stewart and Wang 2005).

XI.   FINDINGS AND ISSUES FOR FURTHER CONSIDERATION

Donors face several challenges in further integrating human rights: institutionalizing the approach internally within agencies; working on human rights issues positively with partner governments, in particular in fragile states; and making sure that a HRBA influences the manner in which key issues on aid effectiveness and new aid modalities are framed and understood. Moreover, questions remain about what lessons can be learned from the MDG process and applied to the post–2015 development agenda.

With regard to the institutionalization of human rights policies, donors could more regularly share tools and guidance documents and undertake joint training, rather than investing in them separately. Efforts might include the following:

- A knowledge management (and possibly advisory) centre for interested agencies could provide a helpful mechanism to enable agencies to learn more systematically from one another. Although the UN HRBA Portal serves as a useful online repository for documents and HuriTalk provides a platform for discussion about HRBA, neither performs analysis of case studies or a common template to facilitate comparative learning, potentially limiting their use for practitioners.
- Identification and documentation of examples of "do no harm" policies, possibly including past negative impacts and how they can be overcome, would demonstrate the value of the HRBA.
- To enhance donor accountability, codes of conduct for staff and project implementers could be developed. Complaint and redress mechanisms would allow beneficiaries to hold agencies to account. The area of human rights–related monitoring and evaluation requires more in-depth review. It would be helpful to see work providing more evidence of the impact of human rights on the achievement of development objectives (UNDG-HRM 2011) such as poverty reduction. This process might include the application of human rights indicators linked to the MDGs developed by organizations such as OHCHR (2008), UNDP (2006b), and UNFPA (UNFPA and Harvard 2010) to help document experiences, to measure the impact of human rights projects and mainstreaming initiatives, and to inform aid allocation and aid modality decisions (UNDG-HRM 2011).

To further promote human rights as part of nationally owned strategies, wider consultative processes are needed. Parliamentarians (e.g., parliamentary human rights committees), national human rights institution, national civil society organizations, and international nongovernmental organizations (NGOs) should be included to build wide ownership and draw on considerable country-based experiences.

With regard to ways of delivering and managing aid, donors could document existing approaches to using human rights to inform decisions on aid allocations and modalities. This documentation should not be reduced to the use of selectivity and conditionality and should go beyond project-based aid. There is much potential cross-fertilization with the fragile states agenda here.

Responding to Paragraph 42 of the Paris Declaration and Paragraph 13(c) of the AAA, donors should continue to harmonize their approaches to human rights. DAC members could think about examining the implementation of human rights policies in peer reviews so as to encourage the application of

existing commitments and share good experiences.

The application and impact of conditionality have not been well researched; new approaches to aid effectiveness and aid modalities create opportunities to revisit this area. Agreement on a set of principles for the design and application of conditionality, along with improved understanding of partner countries' political trajectories and how internal forces may respond to external pressures, would enhance donor rationality when dealing with governance crises. Clear aims and objectives make it easier to be consistent with predictability and partnership commitments. Conditions found in existing partner governments' commitments should be used as much as possible, including constitutions, poverty reduction strategies, and other national frameworks, as well as relevant international and regional human rights instruments. Maintenance of minimum bottom lines, based on public commitments set in overall aid agreements, is a prerequisite for principled actions by donors if all else fails. Experience suggests that, for consistency of message and likelihood of impact, coordinated donor action and the use of multilateral channels are essential.

It is increasingly recognized that donors can make better efforts to explore ways in which human rights can be more explicitly linked to the important fragile states agenda. Various entry points, linked to the Principles for Good International Engagement in Fragile States (OECD 2007c), demonstrate where and how human rights could be made explicit and relevant. One promising approach is to use human rights analysis as part of "understanding the context" and to adopt a "prevention mode" by focusing on the root causes of state fragility. Use of the "do no harm" principle could be extended to both state capacity and the fundamental rights of the population.

"Civilian protection" offers a way of responding to humanitarian crises or violent conflict. A new entry point is the "responsibility to protect" as agreed to by UN member states at the 2005 World Summit (UN 2005a). Another fruitful option could be to consider the concept of human security (Commission on Human Security 2003) in relation to fragile states and security agendas because it integrates a focus on human dimensions and therefore human rights.

To promote more harmonized approaches, donors might wish to pilot human rights programming, including policy dialogue, in a selected number of countries, for example, where UN and bilateral

agencies have made most progress. This programming could range from collaborating more closely on ongoing initiatives and documenting joint work to a more ambitious approach, where new work is undertaken in the context of the enhanced harmonization of work toward human rights at the country level.

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The past two decades have witnessed a convergence between human rights and development, most notable at the level of international political statements and policy commitments, such as the OECD Development Assistance Committee's 2007 Action Oriented Policy Paper ("AOPP"), the 2008 Accra Agenda for Action and 2011 Busan Outcome Document. In 2013 the "Vienna + 20" conference reiterated the connections between human rights and development, reaffirming the right to development and calling for the effective integration of human rights into the Post-2015 Agenda. Along with the 2010 UN World Summit Outcome Document, these statements paved the way for the 2030 Agenda for Sustainable Development and the 17 new SDGs. In the sphere of business and human rights, the 2013 adoption of the Guiding Principles on Business and Human Rights by the UN Human Rights Council, while of more indirect relevance to donor policies, signalled a rapprochement between the worlds of finance and investment on the one hand and human rights on the other. This third edition of *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges* consolidates the findings and research compiled in 2006 and 2012 with the key developments and experiences of the intervening four years. It seeks to advance understanding of the nexus between development and human rights through a systematic consideration of donor and IGO approaches to provide a comprehensive view of current trends and thinking around human rights and development.

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