INTEGRATING HUMAN RIGHTS INTO DEVELOPMENT

LAW, POLICY AND PRACTICE

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Preface

The past three decades have witnessed a growing 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. The 2030 Agenda for Sustainable Development created a substantive convergence between human rights and the global development goals. 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 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") reiterated 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. 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 2016, the United Nations General Assembly unanimously adopted the New York Declaration for Refugees and Migrants. Since the beginning of his term in January 2017, UN Secretary-General António Guterres has made proposals to reform the United Nations, including "sweeping changes" in the sectors of development, management, and peace and security. This has implications

for processes, guidance, assessment, and programming tools used in development. The Secretary-General Guterres set out two new policy statements: the 2020 Call to Action on Human Rights and the 2021 New Common Agenda. In 2022, the European Commission adopted a proposal for a directive on corporate sustainability due diligence. In more applied terms, the links between rights violations, poverty, exclusion, environmental degradation, vulnerability, and conflict have continued to be explored, with new emphasis on systems, services, and infrastructure.

This edition consolidates the findings and research compiled in 2006, 2012, and 2016 with key developments and activities that have occurred in the subsequent years. 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. Like the previous editions, this study seeks to advance understanding of the nexus between development and human rights through a systematic consideration of donor approaches. Like the third edition, 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 cooperation considering agencies' roles and areas of comparative advantage.

The previous editions have noted 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. Since then, reportedly, there has been growing pushback on human rights, evident in recent years through the dismantling of state human rights and development institutions, weakened or stalled commitments, shrinking of civic space, international conflict, and inaction on global hunger and famine.

Despite this pushback and certain flagrant examples of backsliding, human rights remain vital to development processes and central to development discourse: the relevance of human rights globally has become more evident than ever in the post-COVID-19 context and against the backdrop of the climate crisis, food insecurity, Russia's invasion of Ukraine, and more recently the conflict in the Middle East. These crises have put further pressure on human rights

in general and triggered other human rights crises, including in developing countries, in relation to food, fuel, and inflation.

However, just as the 2008 financial crisis defined the context of aid, placing additional pressure on donors to demonstrate impact and results, so too have the COVID-19 pandemic of 2020 and Russia's invasion of Ukraine led to restructuring and reprioritizing of budgets globally. This recalls the need to argue for the instrumental relevance and "value added" of human rights.

According to the UN Secretary-General's Call to Action for Human Rights:

> *COVID-19 has underscored the urgency of human rights to sustainable development, and of the importance for the UN of putting human rights at the centre of all its work. The pandemic has proven more than ever the interconnectedness of human rights and that a holistic approach is necessary to address the structural inequalities that the pandemic has unveiled so starkly. The COVID-19 recovery is a historic opportunity for building a new social contract based on human rights, gender equality and equal opportunities for all. With solidarity and global cooperation, we can ensure that human rights provide better outcomes for everyone and bring us closer to achieving the Sustainable Development Goals (SDGs).*1

Like the previous editions, this edition is based on an examination of policy, guidance and operational documents, evaluations, and donors' practical experience with projects and programs. 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 and partner governments 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 earlier 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

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1 https://www.un.org/en/content/action-for-human-rights/assets/pdf/info%20sheet%20-%20sustainable%20development.pdf

and challenges (both 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 that continue to recognize 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 and partners 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 and, in some instances, undertaken in partnership.

A note on methodology: this edition was produced as a derivate work but builds on the evidence gathered in the previous editions. The earlier editions surveyed key agencies for updates. This edition gathered updates based on inputs provided on request by donor agencies, as well as open access resources published by donor agencies and multilateral agencies.

It is hoped that this edition, like the previous editions, can 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 a resource for those investigating how 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 and partners, as well as improving both donor coordination and to support the realization of human rights in development. In recognition of the nature of modern readership being mostly online this update also presents material in a more accessible format.

Acknowledgments

The original edition of this work, published in 2006, was a collaborative effort by members of the Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) Network on Governance (GOVNET). It was based on a commissioned study written by Laure-Hélène Piron and Tammie O'Neil from the UK Overseas Development Institute. We express our great appreciation to both authors for their excellent work. We acknowledge the contributions of the following to that edition: Rahel Boesch (former chair of the GOVNET Task Team on Human Rights and Development); Lisa Fredriksson (former co-chair), and Sebastian Bartsch (former OECD Directorate for Development Co-operation), who managed and provided guidance for the entire process; as well as to the members of the task team's core group in 2006, including Jane Alexander, Sarita Bhatla, Mac Darrow, Christiane Hieronymus, Siobhán McInerney-Lankford, Juliane Osterhaus, Garett Pratt, Maria-Luisa Silva, Birgitta Tazelaar, Patrick van Weerelt, Lee Waldorf, and Franziska Walter, for their exceptional commitment to this project. We also thank the many representatives of donor agencies, non-governmental organizations (NGOs), and DAC Secretariat staff who made themselves available for interviews, shared documentation, and submitted written or oral comments on the manuscript. A team of OECD staff prepared the original publication: Sebastian Bartsch acted as the main editor, while Carola Miras and Misha Pinkhasov provided advice and practical assistance on all stages of the publication process. Invaluable external editorial assistance was contributed by Laura Boutin.

The second edition of the publication was commissioned by the World Bank Nordic Trust Fund (NTF) Secretariat under the guidance of Anders Zeijlon (NTF coordinator) and Siobhán McInerney-Lankford (task team leader in the NTF Secretariat and former chair of the OECD DAC Human Rights Task

Team). The NTF at that time operated under the authority of the NTF Steering and Advisory Committees and under the direct reporting responsibility of Aniruddha Dasgupta, director of the Knowledge and Learning Department of the Operations Policy and Country Services Vice-Presidency of the World Bank. Royce Bernstein Murray, an independent human rights law consultant, undertook the bulk of the research work for the second edition in 2011–2012. That work benefited from presentation to an NTF training session co-hosted by the Finnish Ministry of Foreign Affairs and the NTF in Helsinki in October 2011. It was the product of extensive consultations and feedback received throughout the drafting process, and the collaboration and input of several colleagues is gratefully acknowledged. We thank the following people for their contributions to the second edition: Amy Baker, Canadian International Development Agency (CIDA); Lisa Williams, OECD Directorate for Development Co-operation; Dilani Edirisuriya, Australian Agency for International Development; Georg Huber-Grabenwarter, Austrian Development Agency; Anton Mair, Austria Federal Ministry for European and International Affairs, Department of Development Cooperation; Petra Schirnhofer, Austrian Development Agency; Robyn Chomyshyn, CIDA; Nina Berg and Anne Birgitte Hansen, Royal Danish Ministry of Foreign Affairs; Aurelia Willie, European Commission; Serena Pepino, Food and Agriculture Organization of the United Nations; Merja Lahtinen and Rauno Merisaari, Ministry of Foreign Affairs of Finland; Marita Steinke, German Federal Ministry for Economic Cooperation and Development; Juliane Osterhaus, German Agency for International Development; Dónal Cronin, Ireland Department of Foreign Affairs; Corina Van der Laan, Netherlands Ministry of Foreign Affairs; Michelle McGillivray, New Zealand Aid Programme; Sally Jackman, New Zealand Ministry of Foreign Affairs and Trade; Alfonso Barragues, Saranbaatar Bayarmagnai, and Mac Darrow, Office of the High Commissioner for Human Rights; Snjezana Bokulic, Organisation for Security and Co-operation in Europe; Sonia Franco Alonso and Miguel Soler Gomis, Spain Planning and Evaluation Development Policies Directorate General; Lisa Fredriksson and Helena Lagerlof, Swedish International Development Cooperation Agency; Corinne Huser, Swiss Agency for Development and Cooperation; Adriana Jacinto and Patrick van Weerelt, United Nations System Staff College; Daniel Seymour and Wendy Isaack, UN Women; Sarah Rattray, UNDG HuriTalk; Irina Zoubenko-Laplante, UNESCO; Simone Schwartz-Delgado, UN High Commission for Refugees; Cormac O'Reilly and Hedda Oehlberger-Femundsenden, UNIDO; Sylvia Bluck and Lu

Eccelstone, UK Department for International Development; Fina Pattugalan, World Food Programme; Helena Nygren-Krug and Yehenew Walilegne, World Health Organization; Charles Di Leva, Cyprian Fisiy, Varun Gauri, Bernard Harborne, Stephen Lintner, Alexandre Marc, Andre Medici, Dena Ringold, Ethan Yeh, World Bank; and Felicity Kolp, International Finance Corporation. Additional thanks are due to Emilie Filmer-Wilson for sharing data from the 2010 United Nations Development Group Human Rights Mainstreaming Mechanism mapping of UN Agency Human Rights Mainstreaming Policies and Tools and to Tom Gilliams, senior counsel at the European Investment Bank, for sharing the summary by Alfonso Querejeta of the 2011 survey of human rights and the activities of the international financial institutions.

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 co-chair of the American Society International Law (ASIL) human rights interest group and Global Forum on Law, Justice, and Development chief of party on Human Rights and Development). Maryna Kavaleuskaya, an independent human rights law consultant, undertook the bulk of the research work of the third edition in 2015–2016. In addition, Matteo Mazzoni and Zoubida Al-Tayib of the World Bank Legal Department undertook research and editorial responsibilities. We thank the following people for their contributions to the third edition: Melissa Baird, Sonja Grabner, and Kevin Playford, Australian Agency for International Development; Mark Allen, Robyn Chomyshyn, Kimberly Heuckroth, and Meghan Watkinson, Global Affairs Canada; Anton Mair, Federal Ministry for European and International Affairs; Cecille Fenger Michelsen and Vanessa Vega Saenz, Royal Danish Ministry of Foreign Affairs; Marie-Ann Birken, European Bank for Reconstruction and Development; Susanne Wend, European Commission; Tom Gilliams and Philipp Kiiver, European Investment Bank; Margret Vidar, Food and Agriculture Organization; Linda Ekholm and Asa Wallendahl, Ministry for Foreign Affairs of Finland; Silke Hattendorf and Juliane Osterhaus, German Technical Cooperation Agency; Katerine Landuyt and Maria Travieso, International Labour Organization; Ger Considine and Donal Cronin, Department of Foreign Affairs and Trade of Ireland/Gender Equality and Human Rights Irish Aid; Deb Collins and Sally Jackman, New Zealand Aid Program; Corina Van Der Laan, Netherlands Ministry of Foreign Affairs; Claire

Annet Hubert and Kristine Storholt, Norwegian Agency for Development Cooperation; Hetty Kovach, OECD; Camilla Ottosson, Per Norlund, and Birgitta Weibahr, Swedish International Development Cooperation Agency; Simone Troller, Swiss Agency for Development and Cooperation; Paulos Berglof, UN Women; Channe Lins Oguzhan, UN-Habitat; Alexandrina Iovita, Joint United Nations Programme on HIV/AIDS; Antje Kraft, United Nations Development Program; Ida Mikkelsen, United Nations Population Fund; Michele Simone, United Nations High Commissioner for Refugees; Olga Mamedovic, United Nations Industrial Development Organization; Lisa Petzal, UK Department for International Development; Dana Stinson, United States Agency for International Development; Michela Bonsignorio, Gina Pattugalan, and Rebecca Skovbuy, World Food Program; Rebekah Thomas Bosco, World Health Organisation; Nicola Brandt, United Nations Children's Fund; Anna Autio, Frank Fariello, Varun Garui, Eva Klove, Charlotte McClain-Nhlapo, and Anders Zeijlon, World Bank.

This edition was produced as a derivative work based on the earlier editions and was made possible by financial support from the French Ministry of Foreign Affairs and the World Bank's Human Rights, Inclusion and Empowerment Umbrella Trust Fund, which co-funded the research undertaken to prepare this study. It was task managed by Siobhán McInerney-Lankford, co-chair of the Global Forum on Law, Justice, and Development (GFLJD) Working Group on Human Rights and Sustainable Development, and later by Duygu Çiçek, counsel and current co-chair of the GFLJD Working Group on Human Rights and Sustainable Development.

We are grateful for the continued support of the GFLJD Secretariat, particularly Laurence Coste and Ibukunoluwa Adejola Iyiola Omisore. We acknowledge the work of Catalina Asiain, Claudia Concha, Paola Fajardo-Heyward, and Kirsteen Shields, and the contributions of the colleagues who reviewed and provided inputs for this edition: Bastian Delich, Sabina Espinoza, Bjarney Fridriksdottir, Margot Skarpeteig, Kimie Velhagen, World Bank; Grant Binder, Talya Lockman-Fine, and Felicity Kolp, International Finance Corporation; Marcella Favretto, UN Office of the High Commissioner for Human Rights; Sarah Ratray and Nicolaj Sønderby, UN Development Programme; Jordi Agusti Panareda and Katerina Tsotroudi, International Labour Organization; Brianna Harrison and Romina Sta. Clara, Human Rights Mainstreaming Trust Fund;

Susana Gomez and Rachel Hammonds, World Health Organization; Bindu Armstrong, Aotearoa, New Zealand Ministry of Foreign Afairs and Trade; Claire Hubert, Norway's Ministry of Foreign Affairs; Birgitta Weibahr, Swedish International Development Cooperation Agency; Katherine Kaufman, Global Affairs Canada; Flavia Eichmann, Swiss Agency for Development and Cooperation; Annamari Tornikoski, Ministry for Foreign Affairs of Finland; Christina Sheetz, US Agency for International Development; Axel Marx, Leuven Global Governance Center; Sarah Hayes and Farid Lamara, Agence Française de Développement; and Elena Flanigan, French Ministry of Foreign Affairs. Our thanks are also due to William B. Hurlbut for editorial assistance and Fiorella Gil and Miki Fernandez for the design.

Acronyms and Abbreviations

ADA	Austrian Development Agency
ADB	Asian Development Bank
ADC	Austrian Development Cooperation
AECID	Agency for International Development Cooperation
AFD	Agence Française de Développement (The French Development Agency)
AfDB	African Development Bank
AOPP	Action-oriented Policy Paper
AusAID	Australian Agency for International Development
BMZ	German Federal Ministry for Economic Cooperation and Development
CCA	Common Country Analyses
CEACR	Committee of Experts on the Application of ILO Conventions and Recommendations
CEB	Council of Europe Development Bank
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFS	Committee on World Food Security
COP	Conferences of Parties
CPLP	Community of Portuguese Language Countries
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organization
CTI	Convention against Torture Initiative
DAC	Development Assistance Committee

DFAT	Department of Foreign Affairs and Trade
DFC	Development Finance Corporation
DIHR	Danish Institute for Human Rights
EBRD	European Bank for Reconstruction and Development
EIB	European Investment Bank
ESCR	Economic, social, and cultural rights
ESF	Environmental and Social Framework
ESPF	Environmental and Social Policy Framework
ESPP	Environmental and Social Policy and Procedures
ESS	Environmental and Social Standard
ESSF	Environmental and Social Sustainability Framework
FAO	Food and Agricultural Organization
FCDO	Foreign, Commonwealth and Development Office
FCV	Fragility, Conflict, and Violence
FDFA	Federal Department of Foreign Affairs
FIAP	Feminist International Assistance Policy
GANHRI	Global Alliance of National Human Rights Institutions
GIZ	German Agency for International Development
GLAD	Global Action on Disability
GPSA	Global Partnership for Social Accountability
GRM	Grievance redress mechanism
HIV	Human Immunodeficiency Virus
HRBA	Human Rights–based approach
HRC	Human Rights Committee
HRDD	Human rights due diligence
HRIA	Human rights impact assessment
HRIETF	Human Rights, Inclusion and Empowerment Trust Fund
IACtHR	Inter-American Court of Human Rights
ICJ	International Court of Justice
IDB	Inter-American Development Bank
IDC	International Development Cooperation
IEO	Independent Evaluation Office

IFC	International Finance Corporation
IFI	International financial institutions
ILO	International Labour Organization
ILS	International labor standards
IOM	International Organization for Migration
IsDB	Islamic Development Bank
ISS	Integrated Safeguards System
ITLOS	International Tribunal for the Law of the Sea
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender/transsexual, Intersex, Queer, and persons of another gender and sexual orientation[2]
MAF	Management and Accountability Framework
MDB	Multilateral development bank
MDG	Millennium Development Goal
MSSRP	Municipal Services and Social Resilience Project
NDB	New Development Bank
NGO	Non-governmental organizations
NHRI	National human rights institutions
Norad	The Norwegian Agency for Development Cooperation
ODAAA	Official Development Assistance Accountability Act
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
PAG	Project Advisory Group
QCPR	Quadrennial Comprehensive Policy Review
RC	Resident Coordinators
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goals
SES	Social and Environmental Standards
SI	Surge Initiative

[2] Various organizations use different terminology including, e.g., LGBT (Lesbian, Gay, Bisexual, Trans), LGBTI (Lesbian, Gay, Bisexual, Trans, and Intersex), and LGBTQ2I (Lesbian, Gay, Bisexual, Transgender, Queer, Two-spirit, and Intersex). Unless otherwise specified, this publication uses the term LGBTIQ+.

Sida	Swedish International Development Cooperation Agency
SPS	Safeguard Policy Statement
UNCT	UN country teams
UNDAF	United Nations Development Assistance Framework
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNDRIP	UN Declaration on the Rights of Indigenous People
UNDS	United Nations development system
UNFCCC	United Nations Framework Convention for Climate Change
UNFPA	United Nations Population Fund
UNGA	UN General Assembly
UNGP	United Nations Guiding Principles on Business and Human Rights
UN Habitat	United Nations Human Settlement Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNSDCF	United Nations Sustainable Development Cooperation Framework
UNSDG	United Nations Sustainable Development Group
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
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
WASH	Water, sanitation, and hygiene
WHO	World Health Organization

Glossary

The following definitions are from the OECD Glossary of Development Effectiveness Terms.

(Mutual) Accountability
Accountability of governments to domestic constituents for achieving their development objectives is one of the core principles of the Paris Declaration on Aid Effectiveness. The Accra Agenda for Action broadens the concept to include engagement with parliament, political parties, local authorities, the media, academia, social partners, and civil society organisations.

Accra Agenda for Action
Endorsed by countries and organisations attending the Third High-Level Forum in Accra, Ghana, September 2008. The Accra Agenda for Action was intended to accelerate progress towards meeting the 2011 aid effectiveness targets from the Paris Declaration in 2005.

The Accra Agenda for Action hinges around three main themes: ownership, inclusive partnerships and delivering results. The pillar of inclusive partnerships opened up the Working Party on Aid Effectiveness to a wider group of stakeholders; for the first time Civil Society Organizations (CSOs), foundations and non-traditional donors were able to fully participate in discussions.

Aid
This term usually refers to official development assistance (ODA) or international development cooperation.

Aid effectiveness
In the 1960s development resources surged. However, it became clear that this increase in funds was not resulting in the expected tangible improvements

in people's lives. In the early-2000s, the formulation of the Millennium Development Goals (MDGs) gave increasing impetus to the need to make aid more effective more quickly; without effective aid, the MDGs would not be achieved.

In 2005, various initiatives to improve the impact of aid – such as encouraging donors to harmonise their funding and efforts and for both donors and recipients to use and strengthen country's own systems – were brought together under the Paris Declaration on Aid Effectiveness which sets out five principles for aid effectiveness. In 2008, the Accra Agenda for Action reiterated the Paris principles and set out three further pillars around which to concentrate efforts. The monitoring surveys in 2006, 2008 and 2010 monitor progress towards achieving the commitments laid out in the Paris Declaration.

Declarations on Aid Effectiveness

Since the aid effectiveness agenda began in Monterrey in 2003, a number of declarations have been agreed between stakeholders in order to advance progress towards making aid more effective. These declarations cover a range of topics under the overarching theme of aid effectiveness.

- 2002 Monterrey Consensus
- 2003 Rome
- 2005 Paris Declaration on Aid Effectiveness
- 2008 Arusha Statement on Procurement English Spanish French
- 2008 Accra Agenda for Action
- 2010 Bogotá Statement: Towards Inclusive and Effective Development Partnership English French Spanish
- 2011 Monrovia Roadmap on Peacebuilding and Statebuilding English French
- 2011 Istanbul Principles
- 2011 Manila Statement on Effective States
- 2011 Cuzco Declaration on Strong Procurement Systems for Effective States English French
- 2011 New Deal for International Engagement Fragile States English French Spanish Arabic
- 2011 The Busan Joint Action Plan on Gender Equality and Development
- 2011 The Busan Action Plan for Statistics English French Spanish Arabic
- 2011 A New Consensus on Effective Institutions and Policies

2011 A joint Statement on public private co-operation for broad based, inclusive and sustainable growth English French

2011 Busan Partnership for Effective Development Co-operation English French Spanish Arabic

Development Assistance Committee (DAC)

The committee of the OECD which deals with development co-operation matters. Currently there are 30 members of the DAC: Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, The Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, the United Kingdom, the United States, and the European Union.

Development co-operation

Major social, political, and financial changes over the last decade means that thinking on development co-operation has evolved. Aid is one type of assistance within a much broader palette of development co-operation approaches and instruments. These include non-concessional finance, South-South and triangular co-operation, climate finance, co-operation among governments on non-aid policies, and co-operation with – and among – non-governmental actors such as businesses and civil society.

Human rights-based approach

A human rights-based approach (HRBA) aims to support better and more sustainable development outcomes by analyzing and addressing the inequalities, discriminatory practices (*de jure* and *de* facto) and unjust power relations which are often at the heart of development problems. Under a human rights-based approach, development efforts are anchored in a system of rights and corresponding State obligations established by international law. Civil, cultural, economic, political, and social rights provide a guiding framework for development plans, policies, and processes. In addition to the application of a human rights legal framework, an HRBA employs the core human rights principles such as non-discrimination, participation, accountability and human dignity. A HRBA also stresses the importance of capacity development of 'duty-bearers' to meet their obligations and of 'rights-holders' to claim their rights.

Multilateral Agencies

In DAC statistics, those international institutions with governmental membership that conduct all or a significant part of their activities in favor of development and aid recipient countries. They include multilateral development banks (e.g., World Bank, regional development banks), United Nations agencies, and regional groupings (e.g., certain European Union and Arab agencies). A contribution by a DAC member to such an agency is deemed to be multilateral if it is pooled with other contributions and disbursed at the discretion of the agency. Unless otherwise indicated, capital subscriptions to multilateral development banks are presented on a deposit basis, e.g. in the amount and as at the date of lodgment of the relevant letter of credit or other negotiable instrument. Limited data are available on an encashment basis, i.e., at the date and in the amount of each drawing made by the agency on letters or other instruments. See the DAC list of multilateral donors.

Official development assistance (ODA)

ODA is defined as flows to countries and territories on the DAC List of ODA Recipients and to multilateral institutions which are provided by official agencies, including state and local governments, or by their executive agencies. In addition, each transaction must be administered with the promotion of the economic development and welfare of developing countries as its main objective; and be concessional in character and conveys a grant element of at least 25% (calculated at a rate of discount of 10%).

Paris Declaration

The Paris Declaration was endorsed in 2005 by donor and recipient governments during the Second High-Level Forum on Aid Effectiveness. It is centred around five core principles: ownership, alignment, harmonisation, managing for development results and mutual accountability. The Paris Declaration contains measurable commitments and targets to be achieved by 2011.

South-South Co-operation

The UN General Assembly describes South-South Co-operation as "... a manifestation of solidarity among peoples and countries of the South that contributes to their national well-being, their national and collective self-reliance and the attainment of internationally agreed development goals, including the MDGs." (UN General Assembly Resolution 64/222). Between 2009 and 2011,

the Task Team on South-South Co-operation of the Working Party on Aid Effectiveness carried out work on South-South Co-operation.

The following definitions are from Deval, the German Institute for Development Evaluation.

Development partners
The term denotes countries that provide financial resources to support other countries within the framework of development cooperation. It replaces the terms 'donor countries' or 'donors' that have been in common use until now. From a human rights perspective, these are not appropriate as they do not reflect cooperation between equals but rather, reproduce disparities in power relations between givers and receivers. The present evaluation therefore refrains from using these terms.

Extraterritorial rights/obligations
A state's 'extraterritorial obligations' require it not only to respect, protect and fulfil human rights in its own territory, but also in other countries where its actions or omissions affect human rights. Accordingly, states have human rights obligations not just to their own population but to rights-holders worldwide. This is the case for example when state activities or the activities of a domestic company abroad have negative impacts on human rights there. Hitherto, only a few states explicitly recognise extraterritorial obligations. They are derived from international law and defined and interpreted in the Maastricht Principles, a document drafted in 2011 by human rights experts. These principles do not amount to binding law, however.

Leave no one behind
The 2030 Agenda defines 'leave no one behind' (LNOB) as the leitmotif for sustainable development. The LNOB concept was endorsed in 2016 and is closely linked to HRBA and a people-centered approach. LNOB not only entails reaching the poorest of the poor, but requires combating discrimination and rising inequalities within and amongst countries, and their root causes.

Minimum core obligations
The UN Committee on Economic, Social and Cultural Rights defines minimum core obligations in 'General comment No. 3.' Accordingly, it is incumbent upon every State party to fulfil minimum essential requirements of each of the rights

in question. These minimum essential levels of the rights are exempted from progressive realisation.

National human rights institutions (NHRIs)
NHRIs exist in 124 countries. Their principal objective is to promote and protect human rights in their own countries. They advise governments on human rights issues and promote the ratification of human rights treaties. NHRIs are publicly funded institutions but are meant to be independent of governments. They are considered an important part of the national human rights system if they operate independently from state control. Internationally recognised standards (the Paris Principles) define the legal foundations for NHRIs and how they work. The Paris Principles are also the benchmark for measuring the integrity of NHRIs.

Progressive realisation of human rights
Article 2.1. of the International Covenant on Economic, Social, and Cultural Rights sets out the principle of progressive realisation. 'Progressive realisation' of human rights implies taking steps towards realising economic, social, and cultural rights over time. States have an obligation to adopt suitable measures towards full achievement of this end, using all the resources at their disposal. Nevertheless, because the realisation of ESC rights requires high levels of resources, many states, especially those in the global South, are not immediately able to realise all ESC rights in full. The idea of progressive realisation is to enable the fulfilment of rights in gradual steps. However, this does not mean that ESC rights need not be protected if a state has insufficient resources at its disposal to realise them completely. Rather, progressive realisation imposes an immediate obligation on states to take appropriate steps towards full realisation of ESC rights. A lack of resources does not justify the indefinite postponement of measures to realise these rights. Moreover, every state is bound to satisfy certain minimum core obligations, regardless of its economic resources.

Rights-holders and duty-bearers
From a human rights perspective, the term 'rights-holders' refers to all persons with a right to protection. 'Rights-holders' are entitled to have this protection fulfilled by 'duty-bearers'. The latter are understood to be actors who have a particular obligation to respect, protect and fulfil human rights, and it is usually used for state actors, although non-state actors can also be duty-bearers

and can be held accountable for actions or omissions that affect human rights. Rights-holders can bring legal claims against duty-bearers on the grounds of their right to protection. The relationship between the two parties is thus defined as follows: Rights-holders are always regarded as such in relation to duty-bearers, and vice versa.

For the purposes of the present study, both the governments of the partner countries and donor countries understood to be duty-bearers. All people living in the partner countries and in donor countries are rights-holders.

Executive Summary

Human rights have been an important feature of development policy and programming since the end of the Cold War. This review of donor and partner 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 as well as non-governmental organizations.

Many donor agencies, including bilaterals and multilaterals, have adopted policies on human rights over the past two decades. The UN system has led the way with a process of human rights mainstreaming since 1997, issuing an interagency Common Understanding of a Human Rights–Based Approach (HRBA) to Development Programming (UN Common Understanding) in 2003, as well as more recent initiatives such as the UN Human Rights Mainstreaming Multi-Donor Trust Fund, various interagency human rights coordination mechanisms within the UN system, including the Call to Action for Human Rights, and integration of human rights into the Terms of Reference of UN Resident Coordinators, among other initiatives. While the emphasis on HRBA had waned between 2010 and 2016, the 2018–2022 period has seen a re-emergence of HRBAs on the part of bilateral and multilateral donors. The HRBA continues to be one of the guiding principles of UN development work, including under the 2019 *United Nations Sustainable Development Cooperation Framework Guidance*. The UN definition of 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 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 and 2016, is updated in this 2024 edition. The work was originally based on a study commissioned by the Organization 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.

This edition reviews current practice in the field and draws together experiences that form the core of current evidence regarding 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. Not least among the global challenges affecting both human rights and development in dramatic and unprecedented ways are the COVID-19 pandemic, Russia's invasion of Ukraine, and the deepening climate crisis.

There is growing alignment of human rights within the sustainable development agenda. The Sustainable Development Goals (SDGs) reveal an extensive substantive convergence between human rights principles and 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 Millennium Development Goals (McInerney-Lankford and Sano 2016). This alignment and the extensive subject matter overlap between human rights treaties and the SDGs is evident in the Human Rights Guide to the Sustainable Development Goals produced by the Danish Institute for Human Rights (DIHR). Additionally, the pledge to leave no one behind and reach the furthest behind first—the central, transformative promise of the 2030 Agenda—represents the unequivocal commitment of all UN Member States to eradicate poverty in all its forms, end discrimination and exclusion, and reduce the inequalities and vulnerabilities that leave

people behind and undermine the potential of individuals and of humanity as a whole.

Donor and Partner Approaches to Programming Experiences

Human rights have tended to be considered as part of the donor governance agenda, and most direct interventions have been civil and political rights projects, often implemented 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 analyzed, 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. Numerous agencies have made considerable progress in children's rights, with approaches often based on the Convention on the Rights of the Child. This has been the case for gender equality and women's rights as well, drawing on the Convention on the Elimination of All Forms of Discrimination against Women. Significant advances have been made on integrating and addressing the rights of persons with 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 success 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 the positive role of human rights in development is emphasized at a policy level, several development programs still find it necessary to resort to conditionality over persuasion. In extreme cases, when other methods (including dialogue) fail, aid may be suspended or terminated. New ways of looking at aid allocations, policies, and modalities create opportunities to revisit the role of human rights in development.

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

Based on experience, it is possible to extract 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 adopting a gradual and implicit approach. Operational human rights principles have made it easier to integrate human rights into 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 contribute to the governance agenda. Human rights are conceptualized in terms of "duty-bearers" and "right-holders." This differentiation highlights the importance of state-citizen links 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 development through initiatives that aim to empower marginalized and excluded populations and people living in poverty. Strategic use of human rights strengthens these trends, highlighting the need for free, informed, and

meaningful participation that can be institutionalized. In this way, human rights holders can be empowered to claim their rights and hold duty-bearers to account.

Human rights can enhance the design and impact of aid on the achievement of poverty reduction goals. Human rights provide a lens through which 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).

Human rights can contribute to enhancing the effectiveness, impact, and sustainability of development aid, in particular through explicit recognition of aid's political dimensions and its focus on institutions and accountability. Human rights build on states' existing obligations under international and regional human rights law as well as states' policy commitments at national, regional, and international levels that will be there when the donors have departed. Because human rights are grounded in states' domestic responsibilities, aid agencies have found that the 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 supported in-country development processes. Some of these contributions are not new to development; human rights offer a comprehensive and coherent normative framework that reinforces "good programming practices," such as participation and transparency, by making them non-negotiable, consistent, and legitimate.

Studies show the HRBA has enabled a broader focus on the relationships between duty-bearers and right-holders (such as citizens and refugees), more attention to marginalized groups and issues requiring assistance, reinforced commitment to women's rights and gender equality, service delivery and government financial accountability, and attention to international human rights

norms and systems such as the Universal Periodic Review (see, for example, Piron and Sano 2016).

Human right-holders report changes in awareness; capacities and skills, access to and direct participation in decision-making processes; and ability to organize and work collectively, including to contest unequal power relations from a human rights perspective. Duty-bearers report changes in mindsets and attitudes, capacities, skills, and behaviors. Also, there are reports of changes in practices and institutional reform at the institutional level as well as policy and legal changes that contributed to furthering human rights standards and commitments (see, for example, Alffram et al. 2020).

Challenges and Opportunities

Donors are faced with several challenges in seeking to integrate human rights into development. First, the increasing integration of human rights policies into development institutions requires looking at donors' own systems, procedures, and staff incentives and allocating adequate resources to better translate their policies into practice. There is often a gap between the goal of integrating human rights, and the knowledge and expertise required to do it. A similar gap might exist between donor agencies and aid recipients' capacity. Several factors contribute to success in overcoming such gaps: a supportive international and domestic political context; commitment at the senior level, 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 programs that are difficult to connect 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 various contexts. Thus, agencies sometimes face political barriers, 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.

Several 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, especially related to poverty reduction strategies. There have been new developments in terms of partner countries taking on HRBA themselves and a renewed emphasis on HRBAs on the part of donors, some which have traditionally maintained HRBAs in their development cooperation policies and others of which are adopting HRBA for the first time.

Third, the effective integration of human rights into development requires embedding human rights in practical ways into the thinking and practice involved in aid effectiveness processes, instruments, and modalities of aid delivery across development sectors. The Danish Institute of Human Rights document *Human Rights Guide to the Sustainable Development Goals* is one such example. Human rights analysis affects both aid allocations and the choice of aid modalities and has a role to play in mutual accountability frameworks, primarily in holding aid agencies to account.

Fourth, the foregoing reflections are associated with a broader observation on the challenge of international policy coherence (McInerney-Lankford 2013). The same states that agree upon development goals and aid effectiveness principles are also parties to the core international human rights treaties, 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.

Trends and Themes

Since the previous edition, the importance of human rights has become heightened in the assessment of and response to global crises, in particular the COVID-19 pandemic, Russia's invasion of Ukraine, deepening climate crisis, and more recently the conflict in the Middle East. As documented widely, restrictions on human rights such as the right of peaceful assembly, freedom of expression, and freedom of the press have increased worldwide. In the same vein, the rights of marginalized communities such as women, LGBTIQ+, and Indigenous peoples have been subject to systematic threats. Meanwhile, donors are working within increasingly tight budgetary environments and time constraints. Bilateral and multilateral development agencies find themselves trying to do more with less and struggle with difficult decisions about how to prioritize funding. Placing human rights at the core of all dimensions of development and finding creative ways to enhance transparency and inclusion would be crucial in addressing the human rights challenges.

1
Key Developments

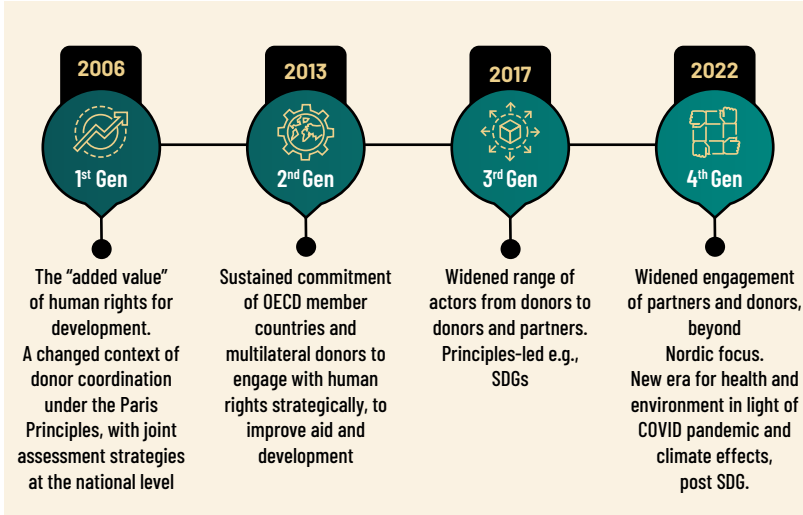
Donors have differing understandings of human rights and, depending on how they assess their relevance and applicability, they integrate human rights in their policies and activities to varying extents and using various means.[3] Many donors have developed policies to implement their approaches and strategies to human rights in development and to guide their operations and interventions. The scope and content of these policies vary and are underpinned by different rationales. This chapter surveys donor human rights policies and their rationales and surveys key developments. Since the third edition, the Coronavirus (COVID-19) pandemic has created a new context for many development policies and strategies. Another influential development is the growth of sustainability policies attached to development projects, some of which integrate human rights. Furthermore, a wider, more complex set of actors is shaping the development agenda.

[3] For this study, donors include governments, intergovernmental organisations, and public and private bodies that provide funding, including international financial institutions and governmental aid agencies.

A Changing Global Context

The world has changed radically since the third edition of this handbook. New challenges are affecting the donor landscape: the Coronavirus pandemic, climate crisis, and Russia's invasion of Ukraine (Figure 1.1).

FIGURE 1.1
The Evolving Context



Historical Milestones for Human Rights and Development

Human rights and development have been central and indivisible pillars of the community of nations since adoption of the Charter of the United Nations in 1945 (Figure 1.2). This historic event ushered in an era in which the international community, inspired by the Universal Declaration of Human Rights, produced a 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, opening 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 effective realization of human rights in the lives of all persons, irrespective of their location, condition, identity, or status.

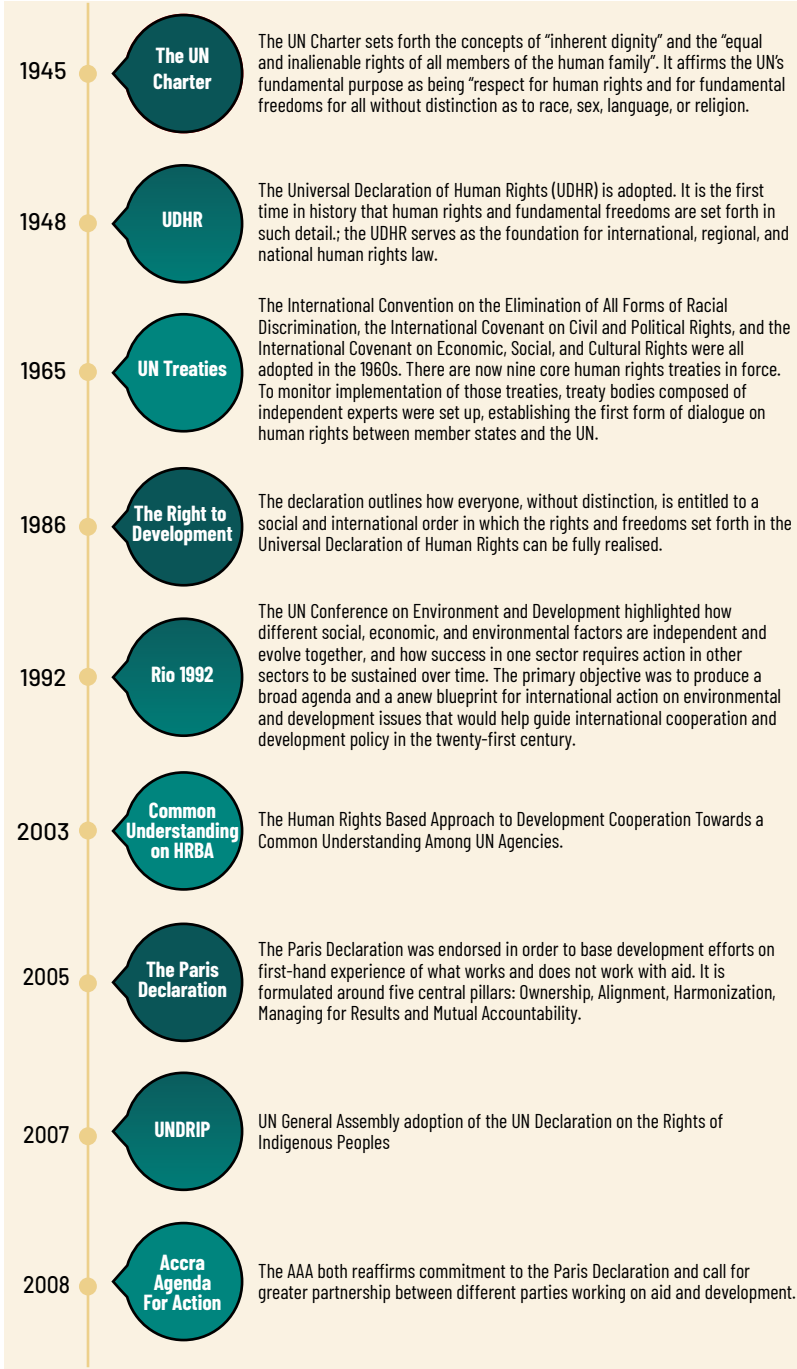
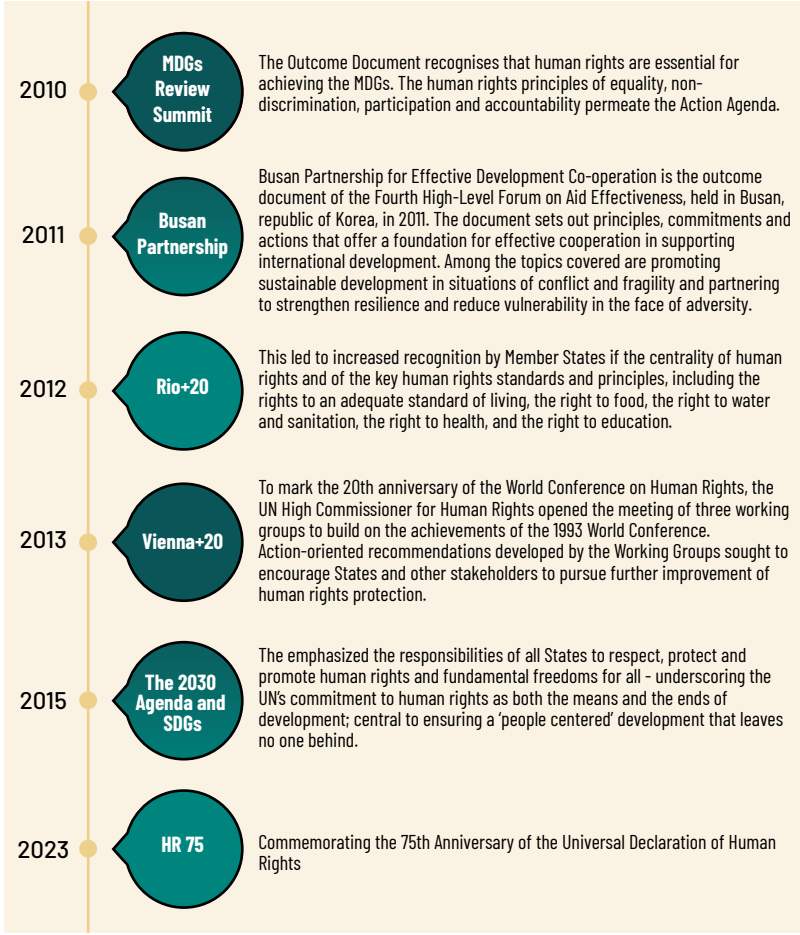


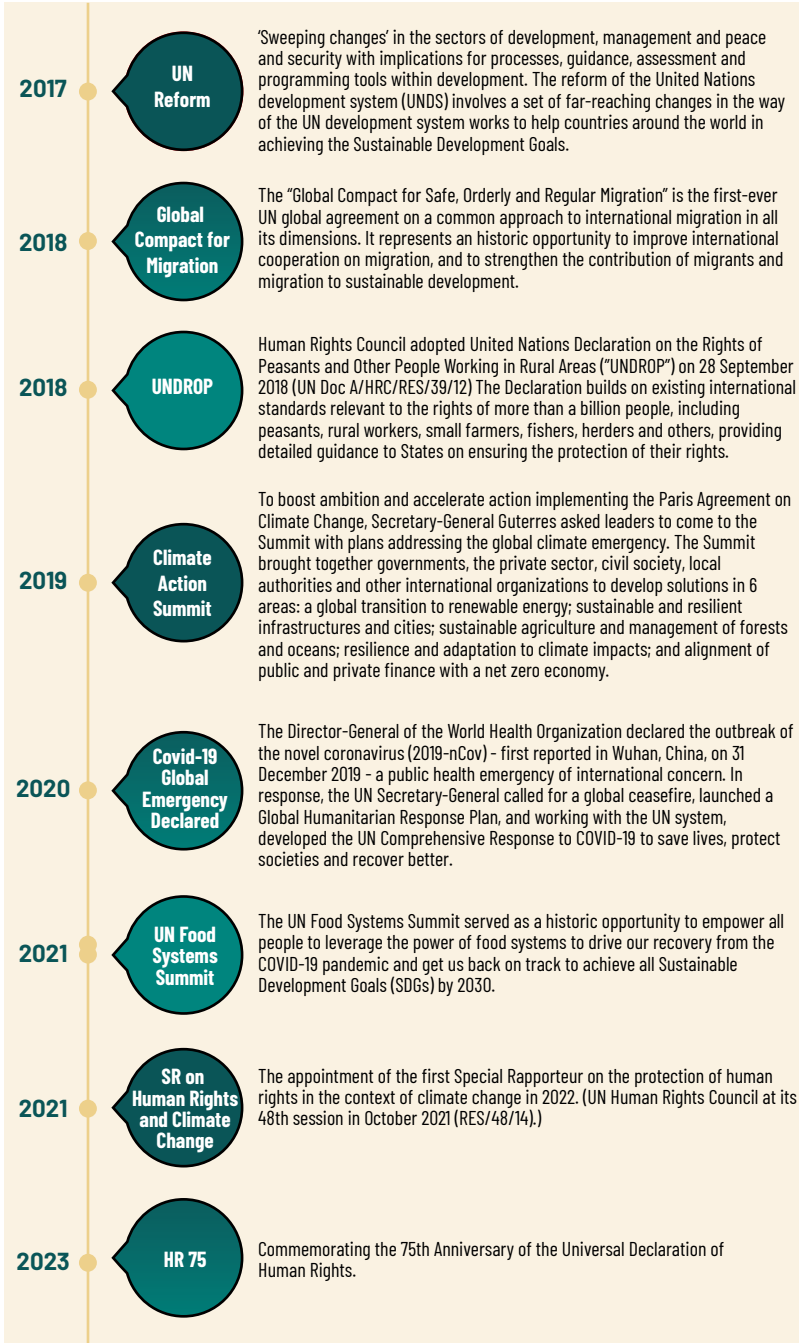
FIGURE 1.2
Human Rights Milestones

FIGURE 1.2
Human Rights Milestones (cont.)



United Nations reforms from 2017 onwards. Since the beginning of his term in January 2017, Secretary-General António Guterres has proposed reforms for the United Nations, including "sweeping changes" in development, management, and peace and security (Figure 1.3). These reforms have implications for processes, guidance, assessment, and programming tools used in development. The reform of the United Nations development system (UNDS) involves far-reaching changes in the way the system works to help countries around the world achieve the Sustainable Development Goals (SDGs). The reform is mandated by the General Assembly of the United Nations in Resolution A/RES/72/279 of May 31, 2018, which responded to the vision and proposals of Secretary-General Guterres to reposition the UNDS to deliver on the 2030 Agenda.

FIGURE 1.3
United Nations Reforms



Increasing Commitments to Human Rights

The human rights commitments of donors and partners have become progressively stronger over the past three decades, moving to more affirmative statements of donors' (and partners') human rights commitments. The 2005 Paris Declaration, the 2008 Accra Agenda for Action, and the 2012 Busan Partnership for Effective Development Cooperation were key to ensuring the place of human rights in development, particularly regarding aid effectiveness. The SDGs marked a significant change to the ambition and scope of the global goals that the development community sets for itself and, many have argued, symbolized an agenda more oriented toward human rights (OHCHR 2014). In this context, the United Nations Development Group (UNDG) has recalled that the UNDS "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 five core principles: universality, indivisibility, equality and non-discrimination, active and meaningful participation, and accountability (UNDG 2016). The SDG agenda was bolstered by establishment of the global indicator framework adopted by the General Assembly on July 6, 2017, contained in the Resolution adopted by the General Assembly on Work of the Statistical Commission pertaining to the 2030 Agenda for Sustainable Development (A/RES/71/313).

In the environmental sphere, the outcome document from the 2012 United Nations 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 human rights in the context of sustainable development, poverty eradication, and climate change. 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 United Nations Guiding Principles on Business and Human Rights (UNGPs) by the Human Rights Council, although of more indirect relevance to donor policies, has affected the international context for business and investment as well as for governments participating in international organizations. The UNGPs also signaled a rapprochement between human rights and the worlds of finance and investment. The links among rights violations, poverty, exclusion, environmental degradation, vulnerability, and conflict continue to be explored.

Growing recognition of the relevance of human rights in these diverse policy and programming areas suggests an increased understanding of how interconnected human rights are to a range of policy areas and how policies, rules, and practices in these areas can affect the realization of human rights and vice versa.

The Conferences of Parties (COPs) under the United Nations Framework Convention for Climate Change (UNFCCC), one of the three "Rio Conventions" providing an international legal framework to tackle climate change, have become catalysts for shared commitments on climate change, and served as a forum for strengthening human rights commitments in development. To combat climate change and its negative impacts on the enjoyment of human rights, a green transition is urgently needed and in particular a transition away from fossils fuels in a manner that is respectful of human rights. The appointment of the first Special Rapporteur on the protection of human rights in the context of climate change in 2022, underscores the growing recognition of the interconnectivity between human rights and climate change. The mandate of the Special Rapporteur includes, commitments to study and identify how the adverse effects of climate change, including sudden and slow onset disasters, affect the full and effective enjoyment of human rights and recommend how to address and prevent adverse effects, in particular ways to strengthen the integration of human rights concerns into policymaking, legislation, and plans addressing climate change; identify existing challenges, including financial challenges; synthesize knowledge, including indigenous and local traditional knowledge, and identify good practices, strategies, and policies; promote and exchange views on lessons learned and best practices related to the adoption of human rights–based, gender-responsive, age-sensitive, disability-inclusive, and risk-informed approaches to climate change adaptation and mitigation policies, with a view to contributing to the achievement of the Paris Agreement and the UNFCCC; and other duties (UN Human Rights Council at its 48th session in October 2021 [RES/48/14]).[4]

Another discernible trend since the publication of the third edition has been the re-emergence of the human rights–based approach (HRBA): the

[4] This is in addition to the mandate of the UN Special Rapporteur on Human Rights and the Environment, which was established in 2012 (A/HRC/RES/19/1019/10 adopted April 19, 2012).

2003–2008 period had seen a marked emphasis in the HRBA (sometimes second- and third-generation HRBA), particularly by bilateral donors. The 2010–2016 period saw greater attention given to the SDGs and principles-based approaches than to the HRBA, although many donors maintained HRBAs. The 2018–2022 period saw a resurgence of the HRBA in several bilaterals, including France and Belgium, as well as multilaterals like the European Union. Key publications and guidance of the United Nations Sustainable Development Group (UNSDG, formerly the UNDG) on supporting the 2030 Agenda recognize human rights and leaving no one behind as foundations for sustainable development and the role of the United Nations in upholding internationally agreed norms, including through development operations. The HRBA continues to be a guiding principle for United Nations development work, as referenced in the guidance on UN Sustainable Development Cooperation Frameworks, the primary instrument for planning and implementation of country-level development activities to support the implementation of the 2030 Agenda. Another clear development in human rights, with direct relevance for development policy and programming, was the adoption and promotion of the UNGPs, with a corresponding increase in prominence of human rights due diligence, including the adoption of legislative and regulatory measures, and a related increase in use of human rights impact assessment (HRIA) and human rights indicators by public and private sector actors.

New Challenges

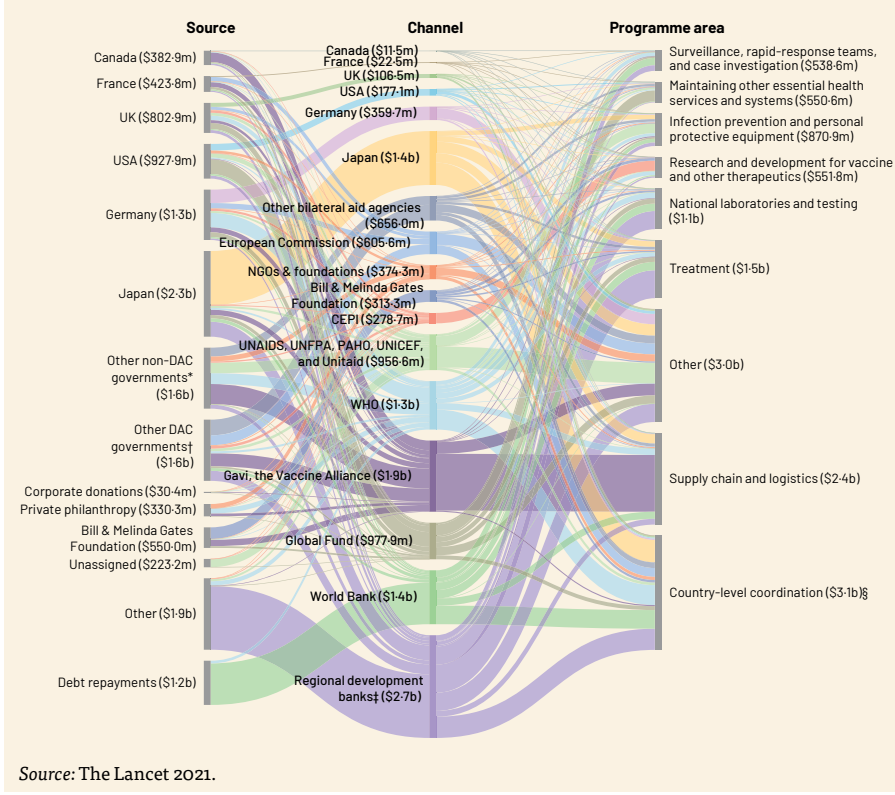
In 2020, COVID-19 presented an unprecedented global challenge, both because of its impact on the realization of rights, such as the right to health – particularly for the poor and marginalized – and because of human rights risks associated with responses to the pandemic. COVID-19 responses also accounted for a sizable new sector of aid and development activity: between 2012 and 2019, development assistance for health had leveled off at an annualized rate of 1.2 percent, however, in 2020, total development assistance for health (including development assistance for COVID-19) amounted to USD 54.8 billion, a USD 14.0 billion (34.6 percent) increase from 2019. The increase is largely (96.5 percent) attributable to disbursements for the response to COVID-19, which amassed USD 13.7 billion of health assistance (or 24.9 percent of total development assistance for health) in 2020.

Recent figures estimate that in 2020, a total of USD 13.7 billion was disbursed in 2020 toward addressing the health-related effects of COVID-19 in low-income and middle-income countries (The Lancet 2021). Of this total, the largest bilateral contributors were Japan (USD 2.3 billion), Germany (USD 1.3 billion), and the United States (USD 0.9 billion). Most Japanese support (USD 1.4 billion) was disbursed through its own bilateral agencies, mostly the Japanese International Cooperation Agency, and was targeted to India (USD 360.6 million), Morocco (USD 204.7 million), and Indonesia (USD 194.4 million). Sub-Saharan Africa (USD 2.7 billion); South Asia (USD 2.2 billion); and Southeast Asia, East Asia, and Oceania (USD 2.0 billion) were the main geographical super-regions that received COVID-19 funds. The United Kingdom and Germany primarily supported the Coalition for Epidemic Preparedness Innovations (USD 64.3 million from the UK and USD 56.9 million from Germany). Among international development agencies, the Asian Development Bank, Gavi, and the Global Fund channeled most of the resources committed or disbursed for COVID-19 (The Lancet 2021).

Figure 1.4 shows the flow of development assistance for health contributions toward COVID-19 from the original source of funds, through the disbursing agency, and to the targeted program area of focus as available for 2020.

FIGURE 1.4

Flow of Development Assistance for Health



Source: The Lancet 2021.

Figure 1.5 shows the main sources of development assistance for health, including COVID-19, in 2020. Most of the funding came from the United States, United Kingdom, and Bill & Melinda Gates Foundation. The key disbursing agencies for these resources were US bilateral organizations, non-governmental organizations, and the World Bank.

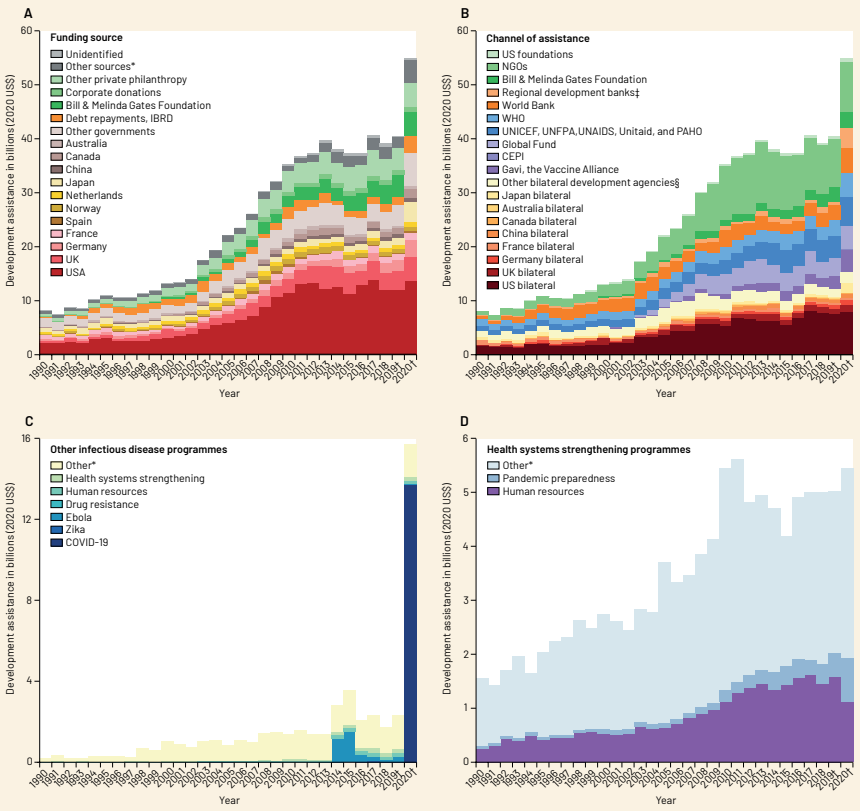


FIGURE 1.5
Sources of Development Assistance for Health

Source: The Lancet 2021.

Human rights have been integrated into donor responses to the pandemic in a variety of ways:

» National human rights institutions (NHRIs) have sought to address the human rights dimensions of COVID-19. A recent study by the Global Alliance of National Human Rights Institutions (GANHRI), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the United Nations Development Programme (UNDP) surveys good practices, experiences, and lessons learned during a time of immense and heightened challenges for human rights.

A common thread through the actions of NHRIs in COVID-19 responses has been a focus on at-risk groups to ensure they are not left behind and noting the disproportionate impact the pandemic has had on the vulnerable, excluded,

and marginalized in societies. At-risk groups include persons with disabilities, migrants and internally displaced persons, minorities and Indigenous populations, and women and children (UNDP-UNHCR-GANHRI 2021).

- The right to health and the right to life are among the top areas of intervention of NHRIs in COVID-19 responses. The rights to information, to participate, and to privacy have appeared to be particularly at stake in the COVID-19 context and governments' responses to the pandemic (UNDP-UNHCR-GANHRI 2021). Particular risks relate to the abuse of pandemic-related restrictions to target vulnerable groups, or the use of quarantine and isolation as a pretext to curtail the civil and political rights of marginalized people.
- Human rights are fundamentally linked to global health in the context of COVID-19 in terms of both ensuring equitable access and protecting against abuses in COVID-19 responses. The HIV/AIDS pandemic first underscored that HRBAs are among the most effective paths to achieving public health. Over the subsequent 30 years, the inextricable link between health and human rights has evolved to provide a foundation for the COVID-19 response. Human rights provide a legally binding universal framework for advancing global health with justice, transforming moral imperatives into legal entitlements in key domains relevant to COVID-19. Rather than viewing human rights as unjustifiable restrictions on public health measures, they should be acknowledged as crucial to rational, proportional, and accountable public health responses that build public trust through transparency and participation, and prioritize the safety and protection of vulnerable and marginalized populations (Sekalala, Forman, Habibi, and others 2020).
- The Office of the High Commissioner for Human Rights (OHCHR) and the Secretary-General issued COVID-19 Guidance and a Policy Brief on COVID-19 and human rights, respectively. The COVID-19 Guidance applies to all UN Member States regarding their COVID-19 aid and development activities and states that COVID-19 is "a test of societies, governments, communities, and individuals. It is a time for solidarity and cooperation to tackle the virus, and to mitigate the effects, often unintended, of measures designed to halt the spread of COVID-19. Respect for human rights across the spectrum, including economic, social, cultural, and civil and political rights, will be funda-

mental to the success of the public health response and recovery from the pandemic."[5] The guidance sets out the human rights impacts of access to healthcare; emergency measures; leaving no one behind; housing; persons with disabilities; older persons; people in detention and institutions; information and participation; stigmatization, xenophobia, and racism; migrants, displaced peoples, and refugees; social and economic impacts; food; privacy; children; youth; gender; water, sanitation, and hygiene; Indigenous peoples; minorities; business and human rights; international and unilateral sanctions; trafficking; and international cooperation and solidarity. Similarly, the Policy Brief recognizes the unintended consequences of the pandemic response on the freedom to enjoy many human rights, particularly for the most vulnerable groups. Hence, this document seeks to strengthen the effectiveness of the response; mitigate the broader impact of the crisis on people's lives; and avoid creating new or exacerbating existing problems. Placing human rights at the forefront of the crisis will facilitate a quick refocus on achieving sustainable development and peace when the world changes gears toward building back better. The UNDP, OHCHR, and UNSDG issued a Checklist for a Human Rights–Based Approach to Socio-Economic Country Response to COVID-19 to support UN country teams (UNCTs). The checklist was widely rolled out and used by the UN system.

UN agencies produced a variety of guidance to support the adaptation of program evaluation under COVID-19 scenarios. The UNDP Independent Evaluation Office (IEO) and Organisation for Economic Co-operation and Development (OECD) Development Assistance Committee (DAC) EvalNet issued a Joint Guidance Note for Evaluation Units: Good Practices during COVID-19 (June 2021), which described how standard terms of reference for an evaluation could be adjusted to refer to changing evaluative approaches and methodologies under COVID-19. Several supporting guidance notes were issued by the IEO: Evaluation Planning and Implementation guidance; Evaluation Terms of Reference Guidance during COVID-19; Evaluation Guidance for Implementing Evaluations Remotely/Virtually; Key Evaluation Questions and Data Sources for COVID-19 Evaluations; Evaluation and COVID-19: Useful Guidance, Documents, and Blogs (all issued in

[5] https://www.ohchr.org/en/covid-19/covid-19-guidance, accessed September 23, 2023.

June 2021). The System-wide Evaluation of the UNDS Socio-Economic Response to COVID-19, produced by the Executive Office of the Secretary-General, documented a wide range of UNDS efforts to ensure that responses were grounded in human rights and found progress in the system's collective commitment to realize the shared norms and values of gender equality and women's empowerment, human rights, leave no one behind, and disability inclusion.

Russia's invasion of Ukraine has presented an array of human rights challenges, many of which have relevance for development, both in Ukraine and globally. These pertain to the direct violation of human rights on a scale not seen in Europe since World War II. It has also generated a panoply of interrelated human rights and development challenges relating to the right to food, right to health, right to an adequate standard of living, and other economic, social, and cultural rights.

The ongoing and deepening climate crisis presents another set of challenges at the interface of human rights and development. The brunt of the crisis is borne by the poorest and most vulnerable in developing countries – and by those who have contributed the least to it globally. Whether because of sea level rise, drought, vector-borne diseases, or the migration and conflict that climate change causes, the human rights toll is clear and becomes more acute as time goes on. This means that an HRBA to development must address the climate change challenges to be effective: human rights are relevant both to assessing and understanding the challenges and to responding to them effectively.

Summary

Since the previous edition of this report and adoption of the 2030 Agenda, commitments to human rights have grown stronger, including related to climate change initiatives. The creation of a UN Special Rapporteur on the protection of human rights in the context of climate change underlines the interconnection between the two. In this regard, the climate challenge underscores the resurgent relevance of the human rights framework. Most notably, international development contexts and donor budgets have radically adapted to the global challenge of COVID-19 with an unprecedented increase in health spending. Human rights have been integrated into donor responses to the pandemic in diverse ways and donors have adapted how they evaluate development programs in light of COVID-19 and Russia's invasion of Ukraine.

2.

Rationales for Integrating Human Rights Into Development

This chapter explores in greater depth the justifications donors rely upon to integrate human rights into development, considering intrinsic, instrumental, and legal rationales and conceptualizing the overlaps between human rights and development in terms of dimensions, principles, and obligations. Hence, this chapter considers why donors integrate human rights into development. Subsequent chapters will look at how they do so and what they do.

There is no single approach to integrating human rights into development policies and programming and no single reason donors pursue such approaches: rationales for integrating human rights into development vary among bilateral and multilateral donors, as do strategic and operational approaches. 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 1997a), there are two main rationales for agencies' work on human rights as part of development cooperation: intrinsic and instrumental. This analysis includes legal rationales as a third basis, although it is often connected with intrinsic rationales. The rationales, although distinct, are not mutually exclusive and can be linked in policy and practice, with various rationales often used in combination.

Intrinsic Rationales

Intrinsic rationales originate in moral principles or ethical norms, which are reflected in legal obligations integral to the international human rights framework for the protection of the equal dignity of all human beings. The 2005, 2010, and 2015 UN World Summits reaffirmed the universal framework of common values, including the values of freedom, equality, solidarity, and tolerance.

The intrinsic reasons for integrating human rights in development are therefore grounded in the legal obligations of the international human rights framework. States that are party to human rights instruments are obligated to respect, protect, and fulfill 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. Intrinsic rationales place the protection of people at the center of development and prioritize human flourishing, removing unfreedoms and expanding capabilities. Human rights are seen as constitutive of development, drawing on conceptual frameworks such as human development, the capabilities approaches of Amartya Sen and Martha Nussbaum, or multidimensional definitions of poverty (Alkire and Foster 2009). Finally, human rights are viewed as instrumentally relevant to objectives pursued by donors related to governance, sustainability, poverty reduction, and aid effectiveness.

Under intrinsic approaches, human rights work is as an end in itself. Several bilateral agencies have embraced the view that development and human rights are linked, and that aid should be used to foster human rights objectives. As the review of international conferences and pronouncements illustrates, recognition of the intrinsic importance of human rights is growing in a range of contexts. Nevertheless, that a normative agenda is increasingly pursued under HRBAs 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).

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 qualitative elements of development.
- The World Bank's Multidimensional Poverty Measure seeks to understand poverty beyond monetary deprivations (which remain the focus of the World Bank's monitoring of global poverty) by including access to education and basic infrastructure along with the monetary headcount ratio at the USD 2.15 per day international poverty line. The Poverty and Shared Prosperity 2020 Report (World Bank 2020) shows that over a third of those experiencing multidimensional poverty are not captured by the monetary headcount ratio (see also April 2022 third edition of the World Bank's Multidimensional Poverty Measure).
- Early work undertaken in the World Bank's *Voices of the Poor* reports confirmed that people who are poor 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 and others 2000a and 2000b, Narayan and Petesch 2002).

Instrumental Rationales

Instrumental rationales recognize the value of the international human rights framework but rely more on the idea that human rights can improve processes and outcomes in relation to development sustainability, security, effective risk management, aid effectiveness, and other policy priorities. In addition to constituting goals in and of themselves, human rights help advance other goals and policy objectives, such as the SDGs 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 fulfill human rights.

For some development agencies, such as the Swiss Agency for Development and Cooperation (SDC), the Austrian Development Cooperation (ADC), and Global Affairs Canada, human rights are 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 2010b). 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 reason 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. A focus on marginalized and excluded groups and the principles of universality, equality and

non-discrimination, participation, and inclusion are particularly relevant here. SDC's policy strengthens its commitment to empowerment and participation by explicit reference to human rights (SDC 2006b).

Agency statements often argue that a focus on human rights can improve the coherence, quality, and effectiveness of aid. Development agencies also recognize the analytical value of human rights: changes in project cycle management and innovative tools have enabled agencies to ask new questions and analyze situations differently. For example, a bridging analysis undertaken by UN Women 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.

Legal Rationales

Independently of whether development policy embraces human rights because it is "the right thing to do" or because it may facilitate other desirable or beneficial outcomes, human rights are also the subject of legal obligations. The legal rationales derive from both international and domestic law. At the international level, through international human rights treaties, human rights offer a coherent normative framework that can guide development assistance. This framework puts humans at the center 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 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.

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, most countries share and participate in the framework. The framework itself 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 voluntary commitments of states, and as such, they offer the potential for clarity and legitimacy.

The three basic types of rationales for integrating human rights into development are therefore intrinsic, instrumental, and legal. However, each can be defined in different ways and interpreted broadly or narrowly. They are not mutually exclusive and ideally should operate in a mutually reinforcing way. Beyond their conceptual relevance, they are instructive in understanding both why donors adopt their particular approaches to human rights and influence how donors go about integrating human rights into development. Thus, the rationales can be determinative of what donors say about human rights and how they operationalize them in policies, programs, and guidance, the subjects of the next chapters.

3.

Donor Policies and Approaches on Human Rights

This chapter assesses donor approaches along three vectors: obligations, principles, and governance. It builds on the foregoing explanation of rationales by identifying the foundations of donor policies and assessing the extent to which donors rely explicitly on human rights or tie their approaches to legal obligations (their own or those of partners). In this way, it begins to explain, in high-level terms, how donors integrate human rights into development.

Donor Approaches Linked to Legal Obligations

As noted in the preceding chapter, the international human rights framework consists of universal and regional treaties and although some countries have adopted reservations, derogations, or limitations to these instruments, most countries participate in the framework. That framework articulates the responsibilities voluntarily undertaken by states, and as such, offer the potential of clarity and legitimacy.

The human rights framework articulates 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 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 a commitment to human rights, only some explicitly include human rights obligations. Canada's 2008 Official Development Assistance Act, for instance, explicitly commits Canada to the integration of human rights obligations in development policy and states that overseas development assistance can only be provided if it is consistent with international human rights standards. Building on the reference to human rights in the EBRD Articles of Agreement, the 2019 Environmental and Social Policy states that EBRD "is committed to the respect for human rights in projects financed by EBRD. EBRD will require clients, in their business activities, to respect human rights, avoid infringement on the human rights of others, and address adverse human rights risks and impacts caused by the business activities of clients. EBRD will continuously improve the projects it finances in accordance with good international practice and will seek to progressively strengthen processes to identify and address human rights risks during the appraisal and monitoring of projects."

The CEB Social Inclusion Bond Framework (2020a) requires borrowers and their subcontractors "to comply with relevant CEB policies and legislation e.g., with respect to procurement, environmental and social safeguards, human rights and integrity." The bank's 2022 Loan and Project Financing Policy

provides that CEB "may demand early reimbursement of disbursed loans in particular, in the case of corruption, fraud, money-laundering, mis-procurement or when the implementation of the project leads to a violation of the CEB's Environmental and Social Safeguards Policy, the Convention for the Protection of Human Rights and Fundamental Freedoms or the European Social Charter."

The European Investment Bank (EIB) Group launched a public consultation on its Environmental and Social Sustainability Framework (ESSF) in June 2021. The revised framework will apply to all new projects as of 1 March 2022. The ESSF states that the EIB Group's Environmental and Social Policy is "guided by the Charter of Fundamental Rights of the European Union and by the fundamental rights and freedoms recognised by the European Convention on Human Rights, as well as the principles of the Universal Declaration of Human Rights and the EU Global Human Rights Sanctions Regime." Moreover, it states, the EIB will only support operations that "do not significantly harm the environment, do not impinge on the sustainable use of natural and living resources and respect human rights."

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 and the Charter of Fundamental Rights of the European Union. The latter, which was proclaimed in 2000, became binding in 2009 under the Lisbon Treaty. Since the early 1990s, policies have become more systematic and refined. The 2006 European Consensus on Development recognizes 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 were followed by the EU Action Plan on Human Rights and Democracy adopted by the Council in 2015. In 2017, the EU consensus on development reaffirmed the EU's commitment to mainstreaming human rights across all policies and included a pledge to intensify efforts to promote social and economic rights. Furthermore, the 2014 Toolkit on HRBAs was updated in 2021 in line with commitments to the SDGs and to reducing all forms of inequality, including gender inequality.[6]

[6] EU Taking Forward the Commitment to Reducing Inequalities: Human Rights Based Approach Toolbox Adopted. https://ec.europa.eu/international-partnerships/news/taking-forward-commitment-reducing-inequalities-human-rights-based-approach-toolbox-adopted_en

The EIB is committed to upholding the highest human rights standards in its activities. As an EU body, the EIB is directly bound by the EU Charter of Fundamental Rights, an instrument that enjoys the standing of an EU treaty, in accordance with Article 51(1) of the 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 European Union.

Donor Approaches that Emphasize Human Rights Principles

Many bilateral agencies have been successful in programming that uses operational human rights principles, including Sida (Box 3.1). With slight variations, these principles are a combination of the those 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, and affordability of services) offer promising concepts that can be used effectively to organize development programming.

BOX 3.1. The Swedish Commitment to HRBA

The human rights–based approach (HRBA) is one of five compulsory perspectives in the Swedish Development Cooperation. This applies to Sida as well through the Government Ordinance with instructions to Sida. Sweden is committed to the HRBA including:

- Swedish Policy for Global Development (approved by the Swedish Parliament in 2003) and the Policy Framework for Swedish Development Cooperation and Humanitarian Assistance
- European Consensus on Development, which commits the EU and its Member States to implementing HRBA in development cooperation
- UN Common Understanding on HRBA.

Source: Sida Evaluation Brief: The application and effects of a Human Rights Based Approach in Swedish development cooperation.

Through Deutsche Gesellschaft für Internationale Zusammenarbeit (GiZ), German bilateral cooperation has demonstrated the use of these principles

in a series of promising practices at both corporate and project levels (GTZ 2009b and GiZ 2019). At a corporate level, all human rights commitments made by the Federal Republic of Germany constitute the frame of reference of GiZ's corporate principles. At the project level, several GiZ projects emphasize human rights principles. For instance, through the project Implementing Human Rights in Development Cooperation, launched in 2020 and completed in 2023, GiZ has advised the Federal Ministry for Economic Cooperation and Development (BMZ) and its implementing organizations on supporting partner countries in implementing core human rights as well as human rights principles such as participation, empowerment, and non-discrimination. In Mauritania, with the support of BMZ, more than 56,000 women, men, and young people have learned about human rights issues, and 77 percent say they now have a clearer knowledge of their rights. Forty-one journalists were trained and were supported in publishing reports or articles on human rights in national media or online.

Another example is Aotearoa New Zealand, whose Policy Statement on International Cooperation for Sustainable and Effective Development outlined the country's objectives to promote and protect equity, inclusivity, and human rights within the aid and development programming of the Ministry of Foreign Affairs and Trade. The Human Rights Strategic Action Plan for International Development Cooperation (IDC), the Gender Action Plan, and the Child and Youth Well-being Strategic Action Plan provide a strategic road map to translate these objectives into action, and set out priorities for targeting and mainstreaming human rights, gender, and child and youth well-being across the IDC program.

For agencies that have not adopted human rights policies, operational principles offer a strategy for implicit work on human rights. This is the case with the UN Guiding Principles on Business and Human Rights, which Finland has embraced (Box 3.2):

> 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. (OHCHR 2011)

BOX 3.2. Alignment of Finland's Policies, Procedures, and Practices to the UN Guiding Principles on Business and Human Rights

Following the Guidance Note on implementing the Human Rights Based Approach in Finland's Development Policy (Ministry of Foreign Affairs of Finland 2015), Finland has invested in strengthening its application, for example, through its development cooperation funding with private sector instruments. Building on its existing commitment to the UN Guiding Principles on Business and Human Rights (UNGPs), Finland supported a three-year program (2018–2021) to further integrate the UNGPs into the strategies and decisions of key agencies and programs providing funding and other support for Finnish private sector investment in developing countries. Initial results from this program, delivered with the support of the expert nonprofit organization Shift, show its potential to drive attention to the human rights outcomes of private sector activities abroad, including for the poorest and most marginalized. The final program report notes that the agencies and programs that received tailored support by Shift were better positioned to embed respect for human rights in their activities as a result. Informed by this work, Shift developed three tools tailored to help financial institutions align their approaches with the UNGPs.

It is important to distinguish operational principles that might be tangentially related to human rights from interventions specifically grounded in the human rights framework. "Rhetorical repackaging" is a risk when every single intervention aimed at enhancing accountability by using a participatory approach or channeling 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 to be categorized accurately 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 programs and thematic areas often used an HRBA, but that the agency had failed to communicate the approach (Government of Australia 2011).

Several development partners gather biannually for informal discussions on strengthening support for the implementation of human rights recommendations. These meetings, called Oslo+, provide a space for bilateral and multilateral development agencies and academia to share good practices in evolving

"human rights–based approaches to development." (See Box 3.3 for more information.)

BOX 3.3. Sharing Good Practices through Oslo+ Meetings

The Oslo+ meeting in Montreux, Switzerland, in June 2022 provided a space for bilateral and multilateral development agencies to share good practices for evolving "human rights-based approaches to development," while adding a new dimension linked to international peace and security, namely: How to mobilize bilateral ODA funds to drive progress with the national implementation of states' international human rights obligations, and their Sustainable Development Goal commitments, as a central contribution to building national "resilience" and thus to preventing serious human rights crises and violent conflicts, including in fragile states.

The meetings pursue a multistakeholder approach by involving and considering the contributions of states, the Executive Office of the Secretary-General (EOSG), OHCHR, the UN Development Cooperation Office, the UN Sustainable Development Group's multi-partner trust fund for mainstreaming human rights, UNDP, UNICEF, OECD, and other relevant UN agencies and programs, other international organizations (e.g., the World Bank's Human Rights, Inclusion and Empowerment Umbrella Trust Fund), national human rights institutions, and non-governmental organizations.

Source: Universal Rights Group, Geneva.

The UN Interagency Common Understanding of a Human Rights Based Approach (UNSDG 2003) is still cited and used by bilateral and multilateral agencies. It articulates three understandings and defines six principles:

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
2. Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process. Among these human rights principles are the following:

    - *Universality and inalienability*: Human rights are universal and inalienable. All people everywhere in the world are entitled to them. The human person in whom they inhere cannot voluntarily give them up. Nor can others take them away from him or her. As

stated in Article 1 of the UDHR, "All human beings are born free and equal in dignity and rights."

- *Indivisibility:* Human rights are indivisible. Whether of a civil, cultural, economic, political, or social nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights, and cannot be ranked, a priori, in a hierarchical order.
- *Interdependence and interrelatedness:* The realization of one right often depends, wholly or in part, upon the realization of others. For instance, realization of the right to health may depend, in certain circumstances, on realization of the right to education or of the right to information.
- *Equality and non-discrimination:* All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth or other status as explained by the human rights treaty bodies.
- *Participation and inclusion:* Every person and all peoples are entitled to active, free and meaningful participation in, contribution to, and enjoyment of civil, economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.
- *Accountability and rule of law:* States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law.

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.[7]

[7] https://unsdg.un.org/resources/human-rights-based-approach-development-cooperation-towards-common-understanding-among-un, accessed September 9, 2023.

The human rights–based approach 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 fulfill 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.

"Meaningful participation" is an example of an operational human rights principle. HRBAs are often associated with the adoption of participatory techniques. For example, UNICEF adopted a participatory community development strategy in parts of Africa. 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. More traditional human rights projects in support of civic education or election processes have also contributed to this process.

Donor Approaches that Prioritize Governance and Mutual Accountability

Governance issues and human rights are mutually reinforcing (Box 3.4). Good governance is defined by a transparent and accountable environment in which individuals can claim and exercise their rights. 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 person and all peoples

"are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development" (Article 1). 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 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (OHCHR *Governance and Human Rights* 2016).

BOX 3.4. 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, programs, budgetary allocations, and other measures. However, human rights cannot be sustainably respected and protected 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

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). An HRBA helps break this artificial distinction by linking demand and supply through the conceptual lens of rights-holders, duty-bearers, and citizenship.

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 Accra Agenda for Action – 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. 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 examples of governments and agencies specifying human rights as a shared value underpinning their aid partnerships (e.g., Finland, Netherlands, Sida, DFID [now Foreign Commonwealth and Development Office, or FCDO], the UN system, and Germany).

4.

Integration of Human Rights Into Donor Policies, Programs, and Strategic Plans

This chapter is concerned with how overarching approaches are operationalized in donor policies, programs, and strategic plans. It drills down on how donors operationalize human right. It also considers entry points for human rights in broader public statements, particularly in the absence of human rights policies. The chapter starts with multilateral policies including those of international financial institutions (IFIs), then describes the current European Union legal and policy content. It then analyses the policies and programs of the UN and its funds and agencies and concludes with examples of bilateral donor policies and trends among emerging donors.

Multilateral actors, including IFIs, exhibit a wide range of approaches. The differences discernible in polices, statements, and approaches are often attributable to the differing legal mandates under which multilateral actors are created and empowered as well as the distinct policy frameworks that each has developed. Some are more openly normative and grounded in human rights with explicit and strategic policy commitments to human rights (e.g., EU), while others have mandates more squarely anchored in economic development, such that their policies may be less explicit about rights and rely more on principles and concepts like governance and sustainability. Other differences can be discerned based on functional and operational considerations: that is "what" these actors are supposed to do. That is, there will be differences in policies based on whether the actor has a political function in the development sphere; fulfills a policy, convening, or technical role in development; or provides financing and technical assistance for development.

This section surveys policies and legal provisions as well as broader, non-binding statements on human rights issued by multilateral development actors.

Environmental and Social Policies of International Financial Institutions

i. African Development Bank

The African Development Bank (AfDB), in accordance with its mandate and set out in Article 1 of the Bank Agreement and Article 2 of the Fund Agreement, "affirms 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." 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" (AfDB 2013, 1).

These were among the principles that guided the development of the Integrated Safeguards System (ISS) that the bank adopted in 2013 to better address emerging environmental and social development challenges. The 2013 ISS put economic, social, and cultural rights on an equal footing with civil and political rights (OHCHR 2022a). The ISS is a cornerstone of the AfDB's vision for

sustainable development and promotes best practices and encourages greater transparency and accountability to the bank's stakeholders, including project host communities. To update its content to the emerging challenges of today, the AfDB adopted an updated ISS on April 12, 2023. The updated ISS states, "the AfDB's activities support the realization of human rights expressed in the Universal Declaration of Human Rights, the UN Charter and the African Charter of Human and People's Rights. Through the projects, activities and initiatives it finances, an in a manner consistent with the Agreement establishing the African Development Bank, the AfDB seeks to avoid adverse impacts and will continue to support its member countries as they strive to progressively achieve their human rights commitments" (AfDB 2023). The updated ISS addresses human rights in the context of contextual risk assessment and project risk management, and gives greater attention to issues such as transparency, accountability, discrimination, gender-based violence, sexual exploitation, abuse and harassment, and modern slavery (OHCHR 2022a). Operational Safeguard 2 (labor and working conditions) and 7 (vulnerable groups) are also informed by human rights instruments (AfDB 2023).

ii. Asian Development Bank

The Asian Development Bank (ADB) does not have a policy on human rights per se; however, a number of its policies and procedures (including environmental and social safeguards) relate to human rights and are applied when considering ADB investments to "avoid, minimize, mitigate, or compensate for adverse impacts on affected persons".[8]

Many aspects of the ADB's Indigenous people's safeguards, principles, and requirements reflect international standards for ensuring full respect for the identity, dignity, human rights, livelihood systems, and cultural uniqueness of Indigenous peoples, in accordance with the way that these are defined by Indigenous peoples themselves. The Safeguard Policy Statement (SPS) of 2009 contains requirements to safeguard Indigenous peoples' rights. Currently, the ADB is conducting a comprehensive review and update of its 2009 SPS due to the changing development context in the Asia and Pacific region; harmonization opportunities with safeguards policies of other multilateral financial

[8] ADB 2020, Sustainability Report 2020, 65.

institutions; opportunities to streamline procedures and address special needs of fragile and conflict-affected situations, small developing states, and the private sector; and the recommendations from ADB's Independent Evaluation Department. As part of the review and consultation process, the ADB conducted a desk review of how sexual orientation, gender identity, gender expression, and sex characteristics are addressed in the 2009 SPS and other ADB non-safeguard policies and strategies.[9]

iii. Inter-American Development Bank

In October 2021, the Inter-American Development Bank (IDB) transitioned from its Safeguards Policies to a new Environmental and Social Policy Framework (ESPF), setting ambitious standards in several areas and providing clients with advanced provisions to manage environmental and social issues. The ESPF includes a separate standard on gender equality. It also has a new standard on labor and working conditions that is aligned with core international conventions. Through this policy framework, the IDB can assess human rights risks in its projects and support borrowers in carrying out due diligence. In addition to the ESPF, other IDB policies and standards relating to human rights include the Access to Information Policy and its Implementation Guidelines and the Policy of the Independent Consultation and Investigation Mechanism.

iv. Inter-American Development Bank Invest

In 2020, IDB Invest, the private sector arm of the IDB, strengthened its Environmental and Social Sustainability Policy by focusing on a single set of standards, providing more clarity regarding roles and responsibilities, and outlining new priority areas. Among the featured changes is an increased focus on human rights and stakeholder engagement, including implementation of an Engagement and Grievance Mechanism. IDB Invest promotes the responsibility of business to respect human rights. To that end, in accordance with the Sustainability Policy and the Performance Standards it incorporates, it requires clients to have in place an approach to assess potential human rights risks and impacts, respect human rights, avoid infringement on the human rights of others, and address adverse human rights risks and impacts in IDB Invest–supported projects.

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[9] The final policy paper is expected to be sent for board consideration by March 2024.

For the purposes of this policy, IDB Invest will be guided by the International Bill of Human Rights and the eight core conventions of the International Labour Organization. IDB Invest is also committed to fostering full respect for the human rights of Indigenous peoples, Afro-descendants, and other vulnerable groups, as well as for persons with disabilities.

v. European Bank for Reconstruction and Development

The EBRD is owned by 71 countries, the EU and the EIB. The EBRD supports the rights-based approach of the United Nations Economic Commission for Europe Aarhus Convention, which affirms the public's rights to information, meaningful consultation, and redress of complaints on environmental matters (OHCHR 2023). The EBRD's 2019 Environmental and Social Policy states that the EBRD commits to respect human rights and "will not knowingly finance projects that would contravene national laws or country obligations under relevant international treaties" (p.5). The EBRD requires clients to respect human rights, avoid infringement of the human rights of others, and address impacts caused by the business activities of clients. Furthermore, the EBRD seeks to improve the projects it finances by strengthening processes to identify human rights risks during the appraisal and monitoring of projects and by following good international practice.

To align its internal processes with the 2019 Environmental and Social Policy, the EBRD has revised its risk assessment methodology and environmental and social due diligence and monitoring tools. It has also established a Human Rights Working Group, which serves as a forum for bank experts across departments to discuss challenges and solutions and address stakeholders' concerns and expectations on human rights issues. Additionally, the EBRD has developed internal human rights guidance to ensure human rights are firmly embedded in project environmental and social appraisals and monitoring (EBRD 2021).

vi. European Investment Bank

The EIB Group is the lending arm of the EU. EIB's Environmental and Social Policy, updated in 2022, is guided by the Charter of Fundamental Rights of the European Convention on Human Rights, the fundamental rights and freedoms recognized by the European Convention on Human Rights, the principles of

the Universal Declaration of Human Rights, and the EU Global Human Rights Sanctions Regime. The policy states that "recognising that the advancement of human rights is central to sustainable finance, the Group is committed to address climate, environment and social challenges by applying a human rights-based approach to its activities, with the aim of promoting social inclusion, reducing inequalities and risks to human health and well-being" (EIB Group 2022, 3). Accordingly, the EIB Group will only support operations that respect human rights and do not harm the environment. Other human rights–relevant policies and procedures are the Environmental and Social Standards and the Transparency Policy. The latter underscores that the EIB Group upholds human rights, including the rights to access to information, to participation, and to remedy (EIB Group 2021).

In February 2023, the EIB published an information note on its Approach to Human Rights, which outlines policies, procedures, practices, and actions taken by the EIB to promote human rights (EIB 2023). The EIB will also prepare a good practice note on human rights to support its clients in identifying, preventing, and addressing human rights risks and impacts under its Environmental and Social Sustainability Framework.

vii. Islamic Development Bank

The Islamic Development Bank (IsDB) released its new Environmental and Social Safeguards Policy in February 2020. Even though the policy does not mention the term "human rights," through that policy the IsDB seeks to ensure, based on Islamic principles, that the projects it finances are environmentally and socially sustainable, thereby assisting its Member States in "managing their physical and human resources for the universal common good of all creation."

viii. World Bank (International Bank for Reconstruction and Development and International Development Association)

The 2016 World Bank Environmental and Social Framework (ESF) replaced a set of individual safeguard policies that had incrementally emerged since the 1980s to respond to development demands and challenges that had arisen over time. The newer framework aims to boost protections for people and the environment and drive sustainable development through building capacity,

institutions, and country ownership. It also aims to enhance efficiency for both the borrower and the bank. The framework is one of several initiatives, including procurement reform and climate and gender strategies, the bank has undertaken to improve development outcomes. Though the World Bank does not have a policy statement specific to human rights, it has other points of entry to address the issue.

With respect to human rights, the non-binding ESF Vision Statement says: "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 Agreement, 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 World Bank's ESF incorporates transparency, accountability, consultation, participation, non-discrimination, and social inclusion that are also key human rights principles.

The ESF 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. It covers new substantive areas of direct relevance to human rights, including labor, sexual exploitation and abuse, disabilities, and sexual orientation and gender identity. It retains the former safeguard policies anchoring in human rights with respect to Indigenous peoples. Among the objectives of Environmental and Social Standard (ESS) 7 is "to ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource–based livelihoods of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities."

To support this framework – and meet additional oversight demands – the World Bank is on a trajectory to increase substantially its funding for environmental and social standards. The World Bank and most of its shareholders recognize strengthening national systems in borrowing countries as a core development goal. In line with this goal, the framework emphasizes 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 include comprehensive labor and working condition protections and community health and safety measures that address road safety, emergency response, and disaster mitigation. It includes a responsibility to engage stakeholders 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 requires staff to assist borrowers as they consider, mitigate, and manage related issues.

The World Bank's 2021 policy update on Development Cooperation and Fragility, Conflict, and Violence (FCV) includes a Vision Statement that sets out the bank's aspirations in addressing the challenges of FCV. The statement provides: "The World Bank recognizes the complexity and diversity of FCV settings and aspires to improve its understanding of FCV contexts, including the drivers of FCV [...]. Drivers of fragility are highly context-specific and may include range of risks related to the distinction of power and broader governance concerns, political settlements [and] the human rights situation. [...]" (World Bank 2021b).

ix. International Finance Corporation

The International Finance Corporation (IFC) is the private sector arm of the World Bank Group. IFC's Sustainability Framework (most recent version effective as of 2012) includes both an IFC Sustainability Policy and eight Environmental and Social Performance Standards, which define IFC clients' responsibilities. The Sustainability Framework also includes an Access to Information Policy, through which IFC seeks to provide its clients, partners, and stakeholders accurate and timely information regarding its investment and advisory services activities.

The Sustainability Policy and Performance Standards recognize the private sector's responsibility to respect human rights. Specifically, paragraph 12 of the policy states: "IFC recognizes the responsibility of business to respect human rights, independently of the state duties to respect, protect, and fulfil human

rights;" and paragraph 3 of Performance Standard 1 (PS1), Assessment and Management of Environmental and Social Risks and Impacts, provides 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. Each of the Performance Standards has elements related to human rights dimensions that a project may face during its operations. Due diligence against these Performance Standards will enable the client to address many relevant human rights issues in its project.

PS1 also states: "In limited high-risk circumstances, it may be appropriate for the client to complement its environmental and social risks and impacts identification process with specific human rights due diligence as relevant to the particular business" (PS1, Footnote 12). Each of the Performance Standards has elements related to human rights dimensions that businesses may face during their operations.

European Union

As the largest development donor in the world, the European Union is committed to ensuring that "human rights are 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. The 2017 European Consensus on Development "Our World, Our Dignity, Our Future" calls upon the EU and its Member States to consistently implement the human rights–based, encompassing all human rights, to development cooperation.[10]

On March 25, 2020, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) presented their

[10] The new European consensus on development "Our World, Our Dignity, Our Future" joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament, and the European Commission, Publications Office, 2018.

plans for EU policy on strengthening human rights and democracy in the EU's external actions. A renewed focus on human rights and democracy is suggested to strengthen state and societal resilience, and the EU wishes to lead in promoting and protecting human rights and democracy worldwide.

The EU Action Plan 2020–2024 defines more concretely the priorities of the EU and its Member States in their relationship with third countries. It aims to promote human rights and democracy consistently and coherently in all areas of EU external action (e.g., trade, environment, development). The Action Plan takes also takes into account the 2012 EU Strategic Framework on Human Rights and Democracy.

Organization for Economic Co-operation and Development

The mandate of the OECD DAC Governance Network (GovNet) references human rights and provides members with a forum to exchange experiences and lessons regarding issues such as accountability and respect for human rights. The OECD Human Rights Task Team, which operated under GovNet, aimed at enhancing understanding and achieving consensus on why and how donors should work more strategically and coherently on the integration of human rights and development. The network helps deliver evidence-based research and policy recommendations to support donor policies and programs that promote respect for human rights. In 2007, OECD DAC articulated 10 human rights principles specifically related to areas where harmonized donor action was particularly important (Box 4.1). In 2020, the OECD published a report on inclusive governance, including a chapter on the human rights–based approach to development.

BOX 4.1.
OECD Human Rights Principles for Harmonized Donor Action

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.

Source: OECD 2007 Action-Oriented Polity Paper, 3.

Box 4.2 summarizes the types of policies deployed by development entities.

BOX 4.2.
Summary of Policies and Provisions Relating to Human Rights

Type	Examples
These organizations occasionally refer to human rights in 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	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 (IDB) (2006a, 2006b, 2010, 2021) International Finance Corporation (IFC) (2006, 2012) Islamic Development Bank (IsDB) World Bank Environmental and Social Policy (2016) United Nations Environment Programme (UNEP) UN-Habitat United Nations Industrial Development Organization (UNIDO) (2013) (2015)

BOX 4.2. (cont.)

Type	Examples
These organizations occasionally refer to human rights in 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 (cont.)	United Nations Office for Project Services International Finance Corporation/Multilateral Investment Guarantee Agency Independent Accountability Mechanism (CAO) Policy, 2021 Asian Infrastructure Investment Bank, Environmental and Social Framework (ESF), 2016 Asian Development Bank, Sustainability Report 2020 Inter-American Development Bank, Environmental and Social Sustainability Policy 2021 European Bank for Reconstruction and Development European Investment Bank Policy United Nations Development Programme SES (2016, 2021) World Food Programme (WFP) World Health Organization (WHO)
Human rights as part of the overall agency or the legal and institutional mandate	United Nations European Investment Bank UN Chief Executives Board for Coordination European Bank for Reconstruction and Development
Interagency or multilateral agreements on or referencing human rights and development (cont.)	UN Vienna Human Rights Declaration and Programme of Action (UN 1993) UN Millennium Declaration (2000) Development Assistance Committee (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 Millennium Development Goals 2010 Summit Outcome Document (UN 2010) Busan Partnership Agreement (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)

BOX 4.2. (cont.)

Interagency or multilateral agreements on or referencing human rights and development	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) UN Global Compact for Refugees (2018)

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

Policies of the United Nations and its Specialized Agencies, Funds, and Programs

In 2016, the UN Chief Executives Board for Coordination (CEB), adopted a shared UN System Framework for Action on Equality. The CEB called on all UNSDG member entities, among others, to put the leave no one behind imperative at the center of their strategic frameworks, policy guidance, and global plans of action in support of implementing the 2030 Agenda. To this end, the CEB noted the importance of human rights–based approaches to programming, as endorsed by UNDG in 2005 and set out in United Nations Development Assistance Framework (UNDAF) guidance.

The UN General Assembly's Quadrennial Comprehensive Policy Review (QCPR) resolutions, which outlines operational activities for development for the UN system, has increasingly referenced human rights. The last QCPR 2020 had the strongest references yet when it stated (para. 28) that supporting states to uphold their human rights obligations to support leaving no one behind is an operational activity for development.[11] It called upon the UN Development

[11] https://undocs.org/en/A/RES/75/233

System to assist governments, upon their request and in consultation with them, in their efforts to respect and fulfill their human rights obligations and commitments under international law, as a critical tool to operationalize the pledge to leave no one behind (A/RES/75/233).

The Secretary-General's Call to Action for Human Rights, launched in 2020, places human rights at the core of the work of the entire UN system and makes human rights the responsibility of each and every United Nations actor in the field, at regional level, and at headquarters. Focusing on seven thematic areas (Figure 4.1), the Call to Action recognizes human rights as central to the world's most pressing issues: the urgent achievement of sustainable development; the protection of all people regardless of their circumstances; tackling gender inequality; ensuring robust civic space for everybody; creating a

Source: UN MPTF Office n.d.

FIGURE 4.1.
Seven Thematic Areas for Action

healthy environment for future generations; ensuring a safe digital world; and collective action. The *Call to Action* argues that taking a human rights–based approach to development ensures that outcomes are more sustainable, powerful, and effective. To bridge the critical gap between policy and implementation, the Call to Action focuses on four actions:

1. *"Advocacy:* The UN system will have a common UN voice on the centrality of human rights in development and humanitarian contexts.
2. *Analysis and Programming:* Human Rights, gender equality and leave no one behind, will be integrated systematically into the UN's country analysis and programming response, and the Covid-19 response and recovery, including by strengthening capacities and training.
3. *Human Rights Mechanisms:* The work of human rights mechanisms is used more strategically, including in programming, national development planning, and in follow-up and reporting.
4. *Strengthening capacity:* Expand deployment of Human Rights Advisers at country level" (UN n.d.).

In 2021, Secretary-General Guterres released Our Common Agenda with recommendations to advance a common agenda and respond to current and future challenges (Figure 4.2). Our Common Agenda is designed to accelerate the implementation of existing agreements, including the SDGs. It reflects the seven domains of the Call to Action for Human Rights and proposes a renewed social contract anchored in human rights. To support the renewed social contract, the UN system will review its implementation of the Call to Action, "including through a UN system-wide agenda for protection, and making human rights commitments a reference point in the design and delivery of United Nations programmes, development assistance and crisis prevention initiatives" (UN 2021, 73).

The report of the Secretary-General to the 49th session of the Human Rights Council on April 2022 provided an overview of the continuing impacts of the COVID-19 pandemic on economic, social, and cultural rights and outlined key elements of an HRBA toward building and financing inclusive public policies and services. The report presents recommendations for establishing human rights–based social protection systems to operationalize his call for a renewed social contract.

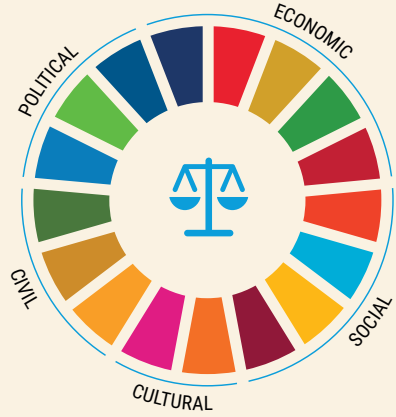
FIGURE 4.2.
Human Rights in Our Common Agenda

THE CENTRALITY OF HUMAN RIGHTS

"***Human rights*** are universal and indivisible. We must see human rights with a ***vision that speaks to each and every human being*** and encompasses all rights: economic; social; cultural; civil and political."

- Secretary-General's Call to Action for Human Rights

Human rights are vital problem-solving tools that **safeguard lives and livelihoods** and can prevent grievances from arising.



92% of all the **Sustainable Development Goals are linked to human rights** and labour standards.

Human rights serve the **whole of society** – not only the individual – and are central to the **social contract**.

Source: United Nations 2021, 32

In 2018, the UN General Assembly mandated a reform of the UN Development System to best position the UN to deliver on Agenda 2030 and the SDGs. The reform included the rollout of the reinvigorated Resident Coordinators (RC) system at the global, regional, and country levels; enhancements of the UN country teams (UNCTs); and revamping the UN Sustainable Development Group (UNSDG). The UNSDG is the highest-level interagency forum for joint policy formation, decision-making, and accountability of the UN development system. It brings together the entities of the UN system that contribute to the achievement of the 2030 Agenda.

Key policies, guidance, and other tools of the UNSDG elaborate how human rights and leave no one behind are to be operationalized through development operations. For example, the Management and Accountability Framework (MAF) highlights the shared responsibility of RCs and UNCTs to ensure that the delivery of the 2030 Agenda leads to results that advance human rights as a core purpose set out in the Charter, and as reflected in RC job descriptions. RCs have a role as "promoters and advocates for the fundamental values, standards and principles of the UN Charter, including respect for and protection of human rights, gender equality and the SDG commitment to leave no one behind in achieving the sustainable development goals and reaching the furthest behind first" (A/HRC/49/73, 46). The reinvigorated RC system has helped UNCTs assist governments better in their efforts to respect and fulfill their human rights obligations and commitments. The UN Sustainable Development Cooperation Framework Internal Guidance includes key criteria to ensure human rights principles are integrated into Common Country Analyses (CCAs) and inform country programming.

The HRBA is integrated into the principal guidance, processes, and tools of the UN development system. For example, both the HRBA and the leave no one behind are guiding principles of the UN Sustainable Development Cooperation Framework, the most important instrument for country level planning and implementation of the UN development activities in support of Agenda 2030 (Figure 4.3).

FIGURE 4.3.

Leave No One Behind and the Human Rights–Based Approach

TABLE 1 **LNOB AND HRBA: COMPLIMENTARY AND MUTUALLY REINFORCING**

The human rights-based approach (HRBA), as a programming tool anchored in international norms and standards, provides the SDG principle of leaving no one behind with a valubale metholodoly to translate its vision into action

COMPLEMENTARITIES

HRBA	LNOB
HRBA is a **programming tool** intended to strengthen the quality and focus of UN responses to national priorities. It is normatively based on international human rights standards and principles and operationally directed to promoting human rights.	Addressing inequalities is central to the 2030 Agenda. LNOB is a **guiding principle** of the 2030 Agenda, which is itself explicilty grounded in international law, including human rights.
HRBA is based on human rights obligations that countries have committed to and have a **legal obligation** to fulfill. Under a human rights-based approach, the plans, policies and processes of development are anchored in a system of rights and corresponding obligations established by international law, including all civil, cultural, economic, political and social rights, labour rights and the right to development.	LNOB is a **political commitment** that States committed to when they signed on to the SDG Agenda.
HRBA has a clear three-step process for the analysis and assessment stage of programming that identifies who is left behind and why: casuality analysis, role analysis, and capacity gap analysis.	LNOB deepens focus on the inequalities, including multiple forms of deprivation, disadvantage and discrimination, and "reaching the furthers behind first". HRBA brings to the LNOB a rigorous methodology for identifying who is left behind and why, looking at root causes.
Both require a **dissaggregated data** to identify who is "left behind" and why, and to determine whether development interventions are reaching these groups and addressing the gaps.	
The human rights principles of **Non-Discrimination** and **Equality** are key elements of a HRBA and LNOB approach. Both require proactive measures to address inequalities, reaching the furthers behind first.	
In both, addressing gender inequalities is a priority.	
HRBA focuses on empowerment of **"right holders"** to claim their rights and empower them as active partners in development, ensure their voice in the process; and mobilize, etc HRBA also focuses on capacity development of **"duty-bearers"** to meet their obligations.	Methodology of HRBA brings to LNOB a focus on rights, empowerment, meaningful participation and capacity development.
Under both, free active and meaningful **participation** is promoted throughout the entire planning and programming process.	
Under HRBA, the international human rights mechanisms can provide a valuable opportunity for strengthening the accountability of Government to address marginalization and inequality.	

Note: LNOB = Leave no one behind; HRBA = human rights–based approach
Source: UN Sustainable Development Group, 2022, Operationalizing Leaving No One Behind: Good Practice Note for Country Teams, 10

Since 2010, the Human Rights Mainstreaming Fund has been operating as the only dedicated funding mechanism to enhance the capacities of RCs and UNCTs in their efforts to integrate human rights into their work, in line with governments' requests. The fund's investments have been recognized for

contributing to prevention and resilience efforts, and the Secretary-General's Call to Action for Human Rights – including human rights in sustainable development, rights in times of crisis, gender equality and the rights of women, public participation, and civic space. In 2021, the fund's foundational documents were updated using a consultative process. The revitalized mission of the fund is to support the UNDS, particularly the country level, to fully integrate human rights in the implementation of the 2030 Agenda, putting people at the center of development and systematically applying a human rights–based approach, including through the implementation of the Secretary-General's Call to Action for Human Rights.

To implement the types of approaches outlined in chapter 3, UN agencies have adopted diverse strategies, policies, and frameworks, some of which are summarized in this chapter. The full spectrum of human rights is at the heart of every society's capacity to recover from the pandemic emergency – and at the core of the work of all UN bodies and teams.

i. Office of the United Nations High Commissioner for Human Rights

The Office of the United Nations High Commissioner for Human Rights (OHCHR) is the UN entity responsible for promoting and protecting human rights for all. OHCHR has contributed to the integration of human rights throughout the process to define the 2030 Agenda and its SDGs and seeks to ensure that strategies and policies to implement the 2030 Agenda are human rights–based and leave no one behind. In light of the call for accelerated actions to deliver on the 2030 Agenda in Our Common Agenda, contributing to the SDGs is a central thrust of the High Commissioner's extended Management Plan for 2022–2023. To advance sustainable development, OHCHR takes a comprehensive approach that highlights inequality and the role of leveraging data to protect human rights, placing the most marginalized and disenfranchised population groups at the center of the UN's policy guidance. As such, the spotlight populations, defined by the Management Plan for 2022–2023, are persons with disabilities, women, young people, and people of African descent (OHCHR 2022b).

To bring human rights into sustainable development, OHCHR is:

- » "Supporting Member States to ensure that human rights principles inform implementation of the 2030 Agenda, including empowering people and creating avenues for civil society participation, as well as taking human rights sensitive, non-discriminatory approaches to data collection, monitoring and reporting. OHCHR is committed to this approach as it is the surest way to bring the benefits of the ambitious and far-reaching agenda to all, leaving no one behind.
- » Encouraging stakeholders to make full use of human rights mechanism, including the Universal Periodic Review outcomes, the human rights treaty bodies and the special procedures, as well as national human rights institutions to contribute to SDG implementation, particularly at the national and local level.
- » Continuing efforts to help design policies that support the most vulnerable and/or excluded groups, recognizing and responding to multiple and intersecting deprivations and sources of discrimination that limit opportunities and make it harder to escape poverty, live with dignity and enjoy human rights on a healthy planet." (OHCHR 2020)

OHCHR established the Surge Initiative (SI) in late 2019. The SI is regarded as an essential tool to realize the Secretary-General's Common Agenda vision of a renewed social contract and integrating human rights in COVID-19 recovery plans and actions:

> The SI aims to fill a long-standing gap in the UN system on linking human rights with economics. This is done by translating human rights standards and recommendations of UN Human Rights Mechanisms on ESCR [economic, social, and cultural rights] into country-specialized advice and policy options for building back better and accelerating delivery on the 2030 Agenda. Within this optic, the SI contributes to strengthening human rights integration in joint UN advocacy, planning and programming processes, including to Common Country Analyses and UN Sustainable Development Country Frameworks. In addition to engaging with the UNSDCF [United Nations Sustainable Development Cooperation Framework]/CCA processes, SI provides specialized and contextual research, advice, and analysis so that macroeconomics policies operationalize economic and social rights, thereby furthering the goals of the 2030 Agenda. SI also advises on medium to long-term economic policies by focusing on fiscal space for

social spending and human rights–based budgeting, taxation and inequalities, human rights impact of economic reforms, International Financial Institutions' conditionalities and austerity policies. For instance, in the first 9 months of 2022, the Surge Team supported UN field presences in 44 CCA and/or UNSDCF processes, 1 National Development Plan, and provided seeding funds for projects within scope of its mandate of 12 countries (OHCHR 2022c).

ii. United Nations Children's Fund

All UNICEF activities are undergirded by a set of guiding principles: human rights, humanitarian principles, gender equality, anti-racism and non-discrimination, equity and inclusion, accountability, and access. UNICEF, like other UN agencies, has adopted a human rights–based approach to its development cooperation work.

UNICEF's Strategic Plan, 2022–2025 builds on the evaluation of the Strategic Plan, 2018–2021. It represents UNICEF's contribution to child-focused SDGs. In the implementation of the Strategic Plan, the Executive Board of UNICEF has requested that UNICEF guide its work by international human rights treaties. The Strategic Plan incorporates the concerns and expectations of more than 200,000 children and young people around the world, drawn from an unprecedented process of wide-ranging consultation, including through U-Report and Voices of Youth. In striving to promote child rights and well-being, the Strategic Plan is driven by the Convention on the Rights of the Child, which anchors all the work of UNICEF, as well as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination and other human rights instruments.

The Strategic Plan will guide coherent and synchronized action toward an inclusive recovery from COVID-19, acceleration toward the achievement of the SDGs, and the attainment of a society in which every child would have their rights fulfilled. UNICEF is elevating programming on disability rights within this Strategic Plan, to promote and protect the rights of children with disabilities – guided by the Convention on the Rights of Persons with Disabilities – across all Goal Areas and in support of the leave no one behind agenda and national priorities.

iii. United Nations Development Programme

The United Nations Development Programme (UNDP) website states:

> UNDP recognizes the centrality of human rights to sustainable development, poverty alleviation, sustaining peace and ensuring fair distribution of development opportunities and benefits and is committed to supporting **universal respect for, and observance of, human rights and fundamental freedoms for all.**

UNDP adheres to the UNDG Statement of Common Understanding of the Human Rights–Based Approach to Development Cooperation and Programming (UN Common Understanding), which outlines that development programs and policies should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other human rights instruments. UNDP's Strategic Plan 2022–25 reasserts the leave no one behind principle central to addressing key development challenges. Its 2021 Social and Environmental Standards (SES) includes a principle on human rights, stating that

> UNDP recognizes the centrality of human rights to sustainable development, poverty alleviation, sustaining peace and ensuring fair distribution of development opportunities and benefits and is committed to supporting universal respect for, and observance of, human rights and fundamental freedoms for all.

In addition to furthering the realization of rights, UNDP refrains from providing support for activities that may contribute to violations of a state's human rights obligations and the core international human rights treaties,[12] and seeks to support the protection and fulfillment of human rights. UNDP programs and projects are required to be informed by human rights analysis, including from the UN human rights mechanisms (the relevant human rights treaty bodies, the Universal Periodic Review process, and Special Procedures).

UNDP's revised Social and Environmental Standards (SES) came into effect on January 1, 2021. The SES underpins UNDP's commitment to mainstream social and environmental sustainability in its programs and projects to support

[12] https://info.undp.org/sites/bpps/SES_Toolkit/SitePages/Human%20Rights.aspx

sustainable development. The programming principles under UNDPs SES include: leave no one behind, human rights, gender equality and women's empowerment, sustainability and resilience, and accountability.

iv. United Nations Industrial Development Organization

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. The 2030 Agenda for Sustainable Development is the overarching framework for its work, especially in relation to SDG 9. Human security and a human rights–based approach to industrialization have a special prominence in UNIDO's programming activities in light of its inclusive and sustainable industrial development mandate, with a special focus on economic recovery in post-crisis situations, which relates to SDG 16. This includes the economic empowerment of communities in areas emerging from crisis and conflict situations, via productive rehabilitation, reconstruction, and sustainable livelihoods.

UNIDO works 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 on a concept paper outlining a human rights–based approach to industrialization in the post-2015 era. UNIDO has deepened its engagement with UN systemic initiatives on human rights and it participated in the United Nations Development Group Human Rights Working Group (UNDG-HRWH) for several years, aiding in the elaboration of a human rights–based approach to development.

v. United Nations Human Settlements Programme

The UN General Assembly has mandated the United Nations Human Settlements Programme (UN-Habitat) to promote socially and environmentally sustainable towns and cities. Since 2002, UN-Habitat has been cooperating with the OHCHR for the comprehensive realization of housing rights under the auspices of the joint UN Housing Rights Programme. In 2013, the

UN-Habitat Governing Council approved the mainstreaming of human rights as a priority issue through its inclusion in the 2014–2019 Strategic Plan. The 2020–2023 Strategic Plan contributes to the realization of the right to an adequate standard of living – including the right to adequate housing and the right to water and sanitation – and the realization of interrelated rights. The Strategic Plan underlines the UN-Habitat will adhere to the Guiding Principles on Business and Human Rights when engaging with the private sector (UN-Habitat 2019).

The UN New Urban Agenda is grounded in the Universal Declaration of Human Rights, international human rights treaties, and several UN-Habitat Governing Council resolutions (UN-Habitat 2019). Furthermore, the New Urban Agenda promotes human rights through strengthening and systematizing UN-Habitat's engagement vis-á-vis global policy developments such as the 2030 Sustainable Development Agenda and the Human Rights up Front 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.

vi. United Nations Entity for Gender Equality and the Empowerment of Women

The UN Women Strategic Plan 2022–25 renews the agency's aspirations to achieve gender equality, the empowerment of all women and girls, and the full enjoyment of their human rights. The Strategic Plan is anchored in the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Beijing Declaration and Platform for Action, UN Security Council resolutions on women, peace, and security, the Programme of Action of the international Conference on Population and Development, and other relevant intergovernmental outcomes, such as resolutions of the General Assembly and agreed conclusions of the Commission of the Status of Women. It contributes to the gender-responsive implementation of the 2030 Agenda for Sustainable Development, as well as commitments to gender equality and women's empowerment made in other relevant UN instruments and resolutions.

In line with international norms and standards, UN Women applies a human rights–based approach and is guided by the principle of leaving no one behind. The agency responds to discrimination and inequalities by identifying and addressing structural barriers and unequal power relations that reproduce inequalities over generations, as well as discriminatory laws, policies, and practices. This approach is based on full respect for all human rights, including the right to development, and the recognition that all human rights are universal, indivisible, interdependent, and interrelated.

vii. United Nations Population Fund

The United Nations Population Fund (UNFPA) seeks to realize reproductive rights for all by focusing on three areas: population and development, reproductive health and rights, and gender equality. Its strategic plan 2022–2025 is geared toward achieving universal access to sexual and reproductive health and ensuring the implementation of the Programme of Action of the International Conference on Population and Development. The agency also calls attention to the need to transform unequal gender power structures in societies to ensure its goal as well as eliminating gender-based violence and practices such as genital mutilation and child marriage. Since 2003, the UNFPA has applied the human right–based approach in its programming and has a development approach rooted in respect for fundamental human rights. It has found that applying a human rights–based approach on its three core areas of work facilitates more effective and equitable responses to address barriers that perpetuate gender inequality. By applying the approach, UNFPA seeks to empower vulnerable members of the community to claim their rights.

viii. Food and Agricultural Organization of the United Nations

Human rights (primarily the right to adequate food and women's rights) have featured in several normative instruments adopted under Food and Agricultural Organization (FAO) auspices. The right to adequate food is identified as an expected outcome in the FAO Strategic Framework 2022–2031. FAO's Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests in the Context of National Food Security (VGGT) have a goal to

progressively realize the right to adequate food and spell out human rights as part of their guiding and implementation principles. 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).

ix. Committee on World Food Security

The Committee on World Food Security (*CFS*) serves as a forum in the United Nations System for review and follow-up of policies concerning world food security. The CFS Responsible Investment in Agriculture and Food Systems promotes responsible investment in agriculture and food systems that contribute to the progressive realization of the right to adequate food. The CFS Global Strategic Framework for Food Security and Nutrition (GSF) recommends that national monitoring and accountability systems should (a) be human rights–based, with particular reference to the progressive realization of the right to adequate food; (b) make it possible for decision-makers to be accountable; and (c) be participatory and include assessments that involve all stakeholders and beneficiaries, including the most vulnerable.

x. World Health Organization

The World Health Organization (WHO) was established with a mandate to ensure that all people attain the highest possible level of health. 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."

As a specialized agency of the UN, 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 International Covenant on Economic, Social, and Cultural Rights). WHO and its partners work with WHO Member States to build on existing approaches in gender, equity, and human rights to generate effective and robust solutions to addressing health inequities and advancing the right to health for all. To deliver on its mandate, WHO provides country support, technical guidance, and leadership in advancing a human rights–based approach to realizing health for all. WHO's Thirteenth General Programme of Work (GPW13) aspires to ensure that more people benefit from universal health coverage, are

better protected from health emergencies, and enjoy better health and well-being. The GPW13 makes it clear that adopting a human rights–based approach throughout the organization's work at all levels (headquarters, regions, and countries), in all areas of health, is key to driving impact and improving health and well-being for all people, everywhere. At the policy level, WHO's flagship health priority of universal health coverage, an integral element of the 2030 Agenda for Sustainable Development, is built on the universal rights–based commitment of "health for all." Human rights standards and principles are reflected and referenced within WHO global strategic action plans and thematic resolutions, such as the Global Action Plan on Non-communicable Disease; the Global Strategy on Women's, Children's and Adolescents' Health (2016–2030); and the HIV Strategy, as well as draft strategies on aging and health, the health workforce 2030, and a framework for people-centered and integrated care.

xi. Joint United Nations Programme on HIV/AIDS

Established in 1996, the Joint United Nations Programme on HIV/AIDS (UNAIDS) is the leading advocate for global action against HIV/AIDS. The work and mission of UNAIDS are grounded in human rights, and its vision and strategy include a focus on eliminating discrimination and advancing human rights as a precondition for ending AIDS. The Global AIDS Strategy 2021–2026 recalls that all aspects of UNAIDS work are based on human rights, gender equality, and non-discrimination. It outlines a comprehensive framework for transformative actions to confront inequalities and respect, protect, and fulfill human rights in the HIV response.

xii. International Labour Organization

The International Labour Organization (ILO) is the first UN specialized agency mandated to advance social justice through the promotion of decent work, encompassing job creation, income security through social protection, participation through social dialogue, and realization of fundamental principles and rights at work. Since 1919, the ILO has benchmarked these objectives by setting, promoting, and supervising the application of international labor standards (ILS). These consist of Conventions and Recommendations adopted by the ILO's constituents – governments, employers, and workers. They provide

the basis for a level playing field harnessing the transformative forces of an open world economy in the interest of poverty eradication, reduced inequality, and reinforced social cohesion and resilience. The standards are an essential component of an international framework ensuring that everybody can claim a fair share of the economic benefits of globalization and enjoy equal opportunities to obtain productive employment and decent work, in conditions of freedom, equity, security, and dignity without discrimination.

By virtue of the rights they embody and help to promote, ILS are part of international human rights norms, giving substance to a wide range of civil and political as well as economic, social, and cultural rights rooted in UN human rights instruments (2022 CEACR report). ILS provide key support for the protection of freedom of association and collective bargaining; the elimination of child labor and forced labor including trafficking of persons for labor or sexual exploitation; the elimination of discrimination on the basis of race, colour, sex, religion, or political opinion; the protection of life, safety, and health at work; and the elimination of violence and harassment at work, among others. All these are rights equally guaranteed in the two International Covenants and other core human rights treaties. The latter were developed in some cases by drawing on the historical example of the ILS which were their precursors.

Similarly, the ILO supervisory bodies have a long history of collaboration with UN treaty bodies over the rights embodied in ILS and human rights treaties. In a joint statement released on February 24, 2023 to mark the third anniversary of the UN Secretary-General's Call to Action for Human Rights, the independent Committee of Experts on the Application of ILO Conventions and Recommendations (CEACR) and the chairpersons of eight Human Rights Treaty Bodies reaffirm their responsibility "to promote within their respective mandates the effective fulfilment of human rights, including labour rights, especially for those at risk of being left behind, and to continue ensuring the full realization of civil, political, economic, social, and cultural rights to all without discrimination;" "[c]all upon all stakeholders without exception to maximize efforts for the effective implementation of the recommendations from the Human Rights Treaty Bodies and the ILO Committee of Experts"; and undertake to join "efforts to fully respect, defend, fulfil and promote all human rights, including international labour standards, through joint analyses,

concerted action, and thematic periodic meetings." (2023 CEACR Report, ILC, 111th Session, 2023, Report III/Addendum [Part A], 4).

Numerous UN resolutions have highlighted the relevance of ILS to human rights and the United Nations system, including the repositioned UN development system, such as the UNGA resolution endorsing the ILO Centenary Declaration for the Future of Work and a recent interagency analysis of the integration of human rights (including ILS) in new-generation CCAs and Cooperation Frameworks carried out by the interagency UNSDG human rights focal points network, which supports the UN Secretary-General's Call to Action for Human Rights strategic interventions on sustainable development. All key governance documents of ILO, including the ILO Strategic Plan for 2022–25, are solidly focused on ILS as an integral part of international human rights norms and standards.

ILO's International Programme for the Elimination of Child Labour is based on two fundamental ILO conventions on child labor in its worst forms, with nearly universal ratification. These conventions are echoed in the Global Partnership for the elimination of forced labour, modern slavery, human trafficking and child labour (Alliance 8.7).

Finally, human rights and ILS are also a corporate responsibility. In this area, the ILO collaborates closely with the UN working group on business and human rights as well as OECD and UNDP on the basis of the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) and other instruments.

xiii. United Nations High Commissioner for Refugees

The United Nations High Commissioner for Refugees (UNHCR) has developed its own Human Rights Engagement Strategy, the current iteration of which covers 2020–23. It establishes the Human Rights Liaison Unit to support UNHCR in making the best use of human rights mechanisms to effectively advance the protection of persons of concern, including by enabling the integration of human rights approaches into UNHCR's protection and solutions strategies and other operational engagements; and to promote the strategic use of international human rights law and the UN human rights system to ensure the inclusion and protection of persons of concern to UNHCR. Building

strong partnerships dedicated to human rights is at the heart of UNHCR's human rights engagement strategy.

The UNHCR works with the International Organization for Migration (IOM). The IOM is a specialized agency of the United Nations and, since 2018, has been the coordinator and secretariat of the UN Network on Migration. On December 17, 2018, the General Assembly affirmed the Global Compact on Refugees after two years of extensive consultations led by UNHCR with Member States, international organizations, refugees, civil society, the private sector, and experts. The Global Compact on Refugees is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation.

Bilateral Donors

The policies of bilateral donors display a broad range of approaches to integrating human rights into operations. Some have long-established HRBAs, sometimes into third and fourth generation policies with explicit and averred commitments to human rights – often based on legislative mandates and human rights obligations. These donors may have HRBA sector policies and HRBA strategic plans and may also undertake human rights mainstreaming. Other bilateral donors acknowledge the importance of human rights in their foreign development policies but may not make them the central frame of projects and programming and may only reference them more selectively or adopt a mainstreaming approach. Still others have policies that are broadly consistent with human rights but adopt a more implicit approach. Table 4.1 surveys some bilateral policies, mainstreaming frameworks, and sector plans.

TABLE 4.1.
Bilateral Donor Policies, Mainstreaming Frameworks, or Sector Plans by Country

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Austria	The Austrian Development Cooperation Act defines the promotion of human rights as a fundamental objective of Austrian Development Cooperation (ADC). In alignment with international standards and the Development Cooperation Act, the ADC and its operational unit, the Austrian Development Agency (ADA), has integrated the HRBA into its own projects and programs. The HRBA to development cooperation has been specified in two key documents: the ADC policy document on human rights (2006a) and the ADA's Human Rights Manual (2009). ADC anchors an HRBA at three levels of intervention: • *Human rights as an ADC principle:* as a normative principle, as a programming principle, and as an instrument for evaluating interventions. • *Promotion and protection of human rights in intervention areas:* to support programs and projects focusing on human rights that aim to promote one or more human rights or disadvantaged groups. ADA projects and programs promote human rights of children, young people, persons with disabilities, elderly people, religious and ethnic minorities, Indigenous peoples, and other marginalized groups. • *Human rights as a component of political dialogue:* as part of the program process and in a multilateral context.
Australia	The Australian Agency for International Development (AusAID) was merged into the Department of Foreign Affairs and Trade (DFAT) in 2014. Following a government request, the DFAT will design a new policy to lay down the long-term direction for the country's international development engagement. The Terms of Reference note that the new policy will be underpinned by the government's commitment to ambitious climate action; poverty reduction; human rights; and gender, equality, disability, and inclusion. The policy will be finalized in the first half of 2023.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Belgium	Belgium is committed to promote and integrate an HRBA to development cooperation with respect to the SDG framework and at both the international and European levels. The "MEET principles" guide its development cooperation policy in a comprehensive way across its different channels – at bilateral, multilateral, and indirect levels – and at the different key phases of cooperation programming (design, planning, implementation, monitoring, and evaluation). MEET stands for Meaningful participation; Equality, non-discrimination, and inclusion of marginalized groups; Empowerment and capacity building; and Transparency and accountability. Enabel, the country's development agency, is tasked with the implementation of its international development policy. Enabel's Strategy Position 2030 for the next decade states that the objectives of Belgian Development Cooperation are sustainable development, the consolidation of democracy and the rule of law, and the respect of human dignity and all dimensions of human rights and fundamental freedoms. For interventions in and on fragility, Enabel applies an HRBA.
Canada	The Official Development Assistance Accountability Act (ODAAA)(2008) requires that the country's international development assistance be consistent with international human rights standards. This has been interpreted as a "do no harm" standard requiring the exercise of due diligence to avoid undermining human rights in the country receiving assistance. Canada's HRBA is guided by three principles, which inform international assistance policy, programs, and advocacy: equality and non-discrimination; participation and inclusion; and transparency and accountability. Additionally, under its Feminist International Assistance Policy (FIAP 2017), Canada has committed to providing feminist international assistance that is human rights–based and inclusive. In contrast to ODAAA, the FIAP goes beyond "doing no harm" and aims to empower the poorest and most marginalized individuals to know and claim their rights, and to work with states to increase their capacity to respect, protect, and fulfill the human rights of their rights-holders. The FIAP establishes that all international assistance projects take an HRBA, which is especially evident in its accompanying Guidance Note, but also proposes to fund human rights–related projects specifically as part of its Inclusive Governance Action Area.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Denmark	Human rights and poverty reduction are primary objectives of the International Development Act (2012). The government of Denmark launched a development strategy in 2012, "A Right to a Better Life." In 2013, the Ministry of Foreign Affairs released a guidance on an HRBA to development. Following the adoption of the SDGs in 2015, the 2016 Danish development cooperation strategy focused on the SDGs. The commitment to the HRBA was retained but had a narrower scope compared to the 2012 strategy (Piron and Otto-Sano 2016). In 2021, Denmark launched a new strategy for development cooperation. Democratic values and human rights are the foundation of "The World We Share", which is valid from 2021 to 2025. The strategy states that human rights are placed at the heart of all activities of the country's development cooperation, including climate and environment interventions. Denmark adopts an HRBA in the following areas: • Democracy, human rights, and free societies in the era of digitalization • Rights and dignity of marginalized groups • Gender equality, girls, and women's rights • Meaningful participation of young people • Effective, democratic, and responsible states.
Finland	The Constitution of Finland identifies advancing human rights as one of the objectives of Finland's participation in international cooperation. Finland's Development Policy 2016 states that human rights is a principle that guides the planning and implementation of development policy and development cooperation. Although the Development Policy mentions HRBA, it does not refer to duty-bearers and right-holders (Ministry for Foreign Affairs of Finland 2018). In 2015, the ministry issued a guidance note on the Human Rights Based Approach in Finland's Development Cooperation to provide guidance on the operationalization of the HRBA in multilateral cooperation, bilateral cooperation, and cooperation with civil society and the private sectors. There is a commitment to strengthen: 1. The realization of human rights as a development objective, 2. Inclusive, participatory, and nondiscriminatory development processes, that are transparent and enhance accountability, 3. Enhanced capacities of rights-holders and duty-bearers and other responsible actors (MFA Guidance note, 2015). All funded activities are expected to be at least human rights-sensitive, meaning that the human rights situation in the operating environment has been assessed, and the project activities do no harm.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Finland (cont.)	The Government of Finland Report on Human Rights Policy (2022) states that Finland pursues a human rights-based foreign and security policy. Consistent with its foreign and security policy, Finland has a human rights-based development policy. Moreover, the report emphasizes that Finland promotes the HRBA to achieving the SDGs internationally. Development cooperation must not have a negative impact on human rights. On the contrary, it must support the realization of the rights of all individuals and population groups, including the most vulnerable, as well as their participation and benefit from development. According to a 2023 evaluation, Finland has succeeded in establishing human rights as one of the central principles in its development policy and cooperation. The project plans reflect an intention to promote this approach. Progress has been made, especially in the realization of the rights of persons in vulnerable situations, and their ability to demand action from duty-bearers to ensure the realization of human rights. This approach has also played a significant role in shifting away from a charity-oriented way of thinking and has provided a solid legal framework for development policy and cooperation.
France	France's vision of a human rights-based approach to development cooperation is based on the European approach as defined in the toolbox created by the European Commission in association with the European External Action Service: "A human rights-based approach considers human rights principles and standards both as a means and a goal of development cooperation. It changes the analytical approach and integrates the achievement and fulfilment of human rights into the design, implementation, monitoring and evaluation of all development policies and programmes." The French approach underlines the interdependence and the indivisibility of human rights, thus encompassing civil political, economic, social, and cultural rights. The rights-based approach not only applies to development programs focusing on democratic governance and the rule of law, but to all development sectors as a whole. As such, particular attention is paid to poor and vulnerable populations or those subject to discrimination, for whom the obstacles to fulfilling their rights are greater. France' Human Rights and Development strategy (2019) aims at integrating an HRBA to development cooperation across all sectors. The strategy reaffirms the inseparable link between the SDGs and human rights and sets the framework for support to the promotion, respect, and realization of human rights through development cooperation, which relies on four strategic priorities:

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
France (cont.)	• Education on human rights and the rights-based approach • Assist development stakeholders to implement the rights-based approach • Support human rights defenders in a context of shrinking space for civil society • Support the effective implementation of international mechanisms to promote and protect human rights. The action plan (2020–2024) of this strategy seeks to operationalize the HRBA across all sectors of French development cooperation and covers all countries eligible for official development assistance. Through this new strategy and the adoption of the Programming Act on inclusive development and combatting global inequalities (2021), the HRBA became an explicit mandate of Agence Française de Développement (AFD) Group (AFD 2022).
Germany	For Germany, human rights are not only a cornerstone of its foreign policy. Development policy is human rights policy (BMZ 2018). In 2020, the Federal Ministry for Economic Cooperation and Development introduced the BMZ 2030 reform strategy. As part of this comprehensive overhaul of development cooperation, German development policy will be thematically and geographically refocused. Human rights, together with gender equality and disability inclusion, will be made one of the six quality criteria of German development policy. It is expected that the decade-old 2011 Human Rights strategy will be updated in 2022. The German Institute for Development Evaluation (Deval) conducted the first evaluation of the 2011 Human Rights strategy in 2021. The main finding was that the strategy remains relevant, although there are several constraining factors that affect its implementation. Other German human rights–based strategies include the BMZ Cross-Sectoral Strategy: Gender Equality in German Development Policy (2014), BMZ Action Plan: agents of Change – Children and Youth Rights in German Development Cooperation Activities (2017), BMZ Strategy: Inclusion of Persons with Disabilities in German Development Cooperation (2019), Federal Government LGBTI Inclusion Strategy for Foreign and Development Cooperation (2021), and the Third Action Plan of the Federal Government on the Implementation of the United Nations Security Council's Agenda on Women, Peace and Security 2021 to 2024 (2021). The German government also committed to pursuing a feminist development policy in 2021, including a feminist approach to climate policy. The government believes that a feminist development policy is a "powerful approach to take sustainable development forward and assert human rights – worldwide and regardless of gender and any other personal traits."

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Iceland	The overall goal of the development cooperation of Iceland is to reduce poverty and hunger and promote improved livelihoods, underpinned by human rights, gender equality, and the SDGs. The 2022 Bilateral Development Cooperation Strategy states that "gender equality, human rights and climate and the environment are cross-cutting and overarching priorities in all of Iceland's development cooperation. Three strategic areas for human rights are at the core of the country's bilateral cooperation: 1. The rights of the most marginalized and vulnerable populations, including marginalized and underserved communities, including LGBTIQ+, people with disability, and persons affected by conflict and disaster. 2. The rights of the child, including the rights to education, nutrition, water, and health services. 3. Democracy building and governance including a strong civil society, freedom of speech, access to justice and the right to vote." (Ministry of Foreign Affairs of Iceland 2022) Bilateral efforts are focused on low-income countries in Africa, working with national governments, district authorities, and other development partners, using and HRBA and working with both duty-bearers and right-holders. Iceland applies a HRBA in its dialogue and programming with partners.
Ireland	The promotion and protection of universal human rights are at the heart of foreign policy and the work of the Department of Foreign Affairs and Trade in Ireland. Irish Aid, the government's official international development aid program recognizes that stronger governance, the protection of human rights, and effective institutions are central to poverty reduction. Governance is one of Irish Aid's priority areas. Irish Aid supports good governance interventions by: • Strengthening legislative frameworks for human rights, as well as national and international governmental and non-governmental human rights institutions • Supporting human rights education and awareness-raising programs • Promoting initiatives to monitor, document, and publicize human rights abuses • Identifying measures to protect human rights defenders in conformity with the relevant EU Guidelines adopted in 2004 • Providing legal aid programs for victims of human rights abuses • Engaging in dialogue with partner governments, especially where they fail to uphold human rights norms and values. Ireland directs its development cooperation toward reaching those left furthest behind. A Better World, the national policy for international development, underscores that the full realization of human rights is key to the "whole of society" agenda of the SDGs.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
New Zealand	The Policy Statement of Aotearoa New Zealand on International Cooperation for Sustainable and Effective Development outlines the country's objectives to promote and protect equity, inclusivity, and human rights in the Ministry of Foreign Affairs and Trade's aid and development programming. The Human Rights Strategic Action Plan for International Development Cooperation, the Gender Action Plan, and the Child and Youth Well-being Strategic Action Plan provide a strategic road map to translate these objectives into action, and set priorities for targeting and mainstreaming human rights, gender, and child and youth well-being across the International Development Cooperation (IDC) program through, respectively: • Targeting and mainstreaming human rights within Aotearoa New Zealand international development cooperation programming, particularly focusing on people and groups most at risk of being left behind, and establishing the framework for an HRBA to development • Achieving transformative change of those formal and informal customs, norms, practices, and laws in society that create or perpetuate gender inequality and social exclusion based on gender identity • Delivering greater impact and equity across programming by advancing human rights for children and youth and through taking a targeted approach across the lifecycle, promoting multisectoral holistic development for child and youth well-being. Aotearoa New Zealand is working to integrate the HRBA into established business processes and systems to promote consideration of human rights implications from the onset of developing an initiative. In line with the principles set out under the 2030 Agenda for Sustainable Development, Aotearoa New Zealand seeks to follow the values of understanding, friendship, mutual benefit, and collective ambition in how it designs and deliver its aid program. Its Partnering for Resilience approach recognizes that countries lead their own development, meaning that support is aligned to the partners' priorities, and making good use of their systems for planning, implementation, financial management, monitoring, and reporting.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Norway	Norwegian 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 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 the foreign and development policy of Norway. 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. Human rights are one of four obligatory cross-cutting issues, together with women's rights and gender equality, climate and the environment, and anticorruption. The white paper emphases two points: the vital importance of improved compliance, on the part of all states, with international human rights obligations and commitments; and the importance, for Norway, of ensuring that efforts to promote such compliance are integrated into all aspects of the country's foreign and development policy (that is, coherence). The white paper on Norway's role and interests in multilateral cooperation guides Norwegian multilateral policy for a period of five years. Defending and strengthening international rule of law, including human rights, and multilateral cooperation is a core priority for Norway. The white paper states that the "Government will contribute to combatting violence and oppression and prioritise efforts in the field of civil and political rights, including freedom of expression, freedom of religion or belief, and the abolition of the death penalty. Particular attention is also paid to women and vulnerable groups such as children, religious minorities, indigenous peoples, persons with disabilities and sexual minorities." (Norwegian Ministry of Foreign Affairs 2019).

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Spain	The Statute of the Spanish Agency for International Development Cooperation (AECID) was created to promote the full exercise of development, which was conceived as a fundamental human right. The fight against poverty is understood as part of the process of building this right. To achieve its mission, AECID follows the guidelines of the V Master Plan for Spanish Cooperation 2018–2021, which reaffirms an HRBA and special attention to people in vulnerable situations and who belong to minority groups, including children, the elderly, migrants, refugees, Indigenous peoples, and Afro-descendants. The cross-cutting elements of Spanish cooperation are an approach based on human rights and fundamental freedoms, gender equality, the respect for cultural diversity, and environmental sustainability. The AECID has published guidelines for the application of an HRBA. Since 2021, Spain has had a feminist foreign policy.
Sweden	Sweden is committed to the HRBA through the: • Swedish Policy for Global Development (2003) and Policy framework for Swedish development cooperation and humanitarian assistance • European Consensus on Development which commits the EU and its Member States to implementing an HRBA to development cooperation • UN Common Understanding on HRBA. The Government Communication on Swedish development cooperation and humanitarian assistance (2016) describes the thematic direction of development cooperation and notes that Swedish development cooperation takes a multidimensional approach to poverty and a rights-based perspective that considers the perspective of poor people on development. Moreover, the document states that the promotion of democracy, respect for human rights, and gender equality are particular areas of concern where the government aims to do more than agreed at a global level, including the 2030 Agenda. Sweden has eight thematic areas of development cooperation. Human rights, democracy, and the rule of law is one of them and is interlinked with all the other thematic areas. In 2018 the Swedish government adopted a new strategy for human rights, democracy and the rule of law. The strategy covers the period 2018–2022 and aims to contribute to secure, just, and inclusive democratic societies that protect and respect the equal rights of all. Moreover, this document states, "development cooperation shall take as a point of departure and be characterized by a rights-based perspective of poor people and development. The rights perspective means that human rights and democracy are regarded as fundamental to development." Sida has a toolbox on how to incorporate human rights in its development cooperation, including thematic guidance notes.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
Switzerland	Swiss human rights engagement, 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, the foreign policy (which includes its development cooperation) mandate of Switzerland is to promote human rights, democratization, peaceful coexistence, and the reduction of poverty. SDC is part of the Swiss Federal Department of Foreign Affairs (FDFA). Swiss human rights foreign policy, and consequently SDC, has three priorities: • The protection and promotion of civil and political rights • The protection and promotion of economic, social, and cultural rights • The protection of the rights of especially vulnerable groups. SDC's programs tackling poverty actively promote human rights. In 2006, SDC adopted its second human rights policy, replacing its original policy from 1997. The second human rights policy "Towards Life with Dignity" made a strong commitment to implement interventions in line with human rights principles and institutionalize the HRBA in Swiss development cooperation programs. The SDC Guidance on Human Rights in Development Cooperation (SDC 2019), which builds on the 2006 human rights policy and the FDFA Human Rights Strategy, elaborates on the SDC's human rights commitment and the three core dimensions of its HRBA model. Furthermore, this guidance document states that one of the goals of the SDC is to apply an HRBA to all its interventions as part of project cycle management and strategic orientation in order to contribute to the direct realization of one or more human rights. The FDFA Human Rights Guidelines 2021–2024, which help to implement the Foreign Policy Strategy 2020–2023, describe four human rights priorities: freedom of expression, death penalty, torture, and minorities. The guidelines note that human rights are an important topic in follow-up strategies such as the International Cooperation Strategy 2021–2024 and the Digital Foreign Policy Strategy 2021–2024.
The Netherlands	The guiding principles for Dutch development cooperation policy are the SDGs. The 2018 policy document Investing in Global Prospects states that the "SDGs promote human rights and the rights of women and girls and seek to improve the lives of the most disadvantaged (under the motto 'Leave no one behind'). The SDGs also constitute an agenda for innovation and provide businesses with an opportunity to tap into new markets by developing innovative solutions for achieving them. Finally, for the first time, the SDGs offer a universal agenda for international cooperation." (Ministry of Foreign Affairs of the Netherlands 2018).

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
The Netherlands	• The Dutch policy for human rights has five priorities: • Freedom of expression, internet freedom and independent journalism • Freedom of religion and belief • Equal rights for LGBTIQ+'s • Equal rights for women and girls • Supporting human rights defenders. The main changes to development cooperation policy in 2018 include a stronger focus on equal opportunities for women and girls and providing aid mainly to unstable regions near Europe such as the Sahel, the Horn of Africa, North Africa, and the Middle East. The Netherlands seeks to use this aid to reduce conflicts and terrorism and prevent migration to Europe. The Netherlands uses its position to draw attention to the HRBA at multilateral development banks and in UN development programs (Ministry of Foreign Affairs of the Netherlands 2021).
The United Kingdom	Human rights explicitly feature in one of the three FCDO priority outcomes for 2021–2022. Priority outcome 1 is to "shape the international order and ensure the UK is a force for good in the world by: supporting sustainable development and humanitarian needs; promoting human rights and democracy; and establishing common international standards." This priority will contribute to SDGs 1–13, 15, and 16. In May 2022, the FCDO published the UK government's strategy for international development, which lays out the UK's aid strategy for the next 10 years. The FCDO will deliver more aid directly to countries rather than channeling it through multilateral institutions. The World Bank is the only organization that will receive funding, but it will be significantly reduced. Although this policy paper does not include human rights among its four new priorities, one of the priorities purports to "provide women and girls with the freedom they need to succeed, unlocking their future potential, supporting their empowerment and protecting them against violence." This includes supporting comprehensive sexual and reproductive health and rights; women's voice at all social, political, and economic levels; and economic security. A separate women and girl's strategy will be published but the date is not yet confirmed.

TABLE 4.1. (cont.)

Country	Bilateral donor policies, mainstreaming frameworks, or sector plans
The United States of America	"On the basis of national security, commercial and humanitarian rationales, U.S. assistance flows through many federal agencies and supports myriad objectives. These objectives include promoting economic growth, reducing poverty, improving governance, expanding access to health care and education, promoting stability in conflict regions, countering terrorism, promoting human rights, strengthening allies, and curbing illicit drug production and trafficking. Since the terrorist attack of September 11, 2001, foreign aid has increasingly been associated with national security policy." (Congressional Research Service 2022). USAID and the State Department administer together most of the bilateral development assistance, which is intended to improve the economic development and welfare of poor countries. However, USAID has implemented for the last 60 years the bulk of the US bilateral development and humanitarian assistance. In 2013, the USAID Strategy on Democracy, Human Rights and Governance elevated human rights, including economic, social, and cultural rights, as a key USAID development objective. USAID gives particular attention to inclusive development, expanding the rights and opportunities for women, persons with disabilities, displaced persons, LGBT persons, Indigenous peoples, and other historically marginalized populations, including ethnic and religious minorities. 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. In 2018, Pact and USAID's Center of Excellence on Democracy, Human Rights, and Governance published a guidance document titled Applying Rights-Based Approaches: A practical how-to note on integrating principles of empowerment into almost any development activity. The purpose of this document is to help USAID staff understand, adopt, and implement a rights-based approach in USAID's program cycle and across different sectors. The Department of State and USAID Joint Strategic Plan for Fiscal Years 2022 to 2026 lays out the vision and direction of both agencies. Objective 3.2 of the plan integrates the protection of human rights and the promotion of equality. The 2023 USAID Policy Framework states that conflict-sensitivity, human rights, environmental- and social-impact assessment, and other risk reduction considerations will be incorporated across program areas. This document also notes that there is a forthcoming USAID Democracy, Human Rights and Governance Policy.

Emerging Donors

The trend among emerging donors is not to adopt an explicit position on human rights, although in some cases their policies mention human rights.

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

> 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.

Established in 2015, the New Development Bank (NDB, sometimes referred to as the "BRICS Bank") is headquartered in Johannesburg. Its articles contain political prohibitions like 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.

In alignment with the development objectives of its members and their commitments under the SDGs and the Paris Agreement, NDB prioritizes high-impact operations that are climate-smart, disaster-resilient, technology-integrated, and socially inclusive. With respect to NDB's 2016 ESF, human rights are only mentioned in relation to Indigenous peoples. The objectives of ESS 3 are almost identical to AIIB's ESS 3. However, NDB's ESF does not consider Indigenous peoples in voluntary isolation.

The U.S. International Development Finance Corporation (DFC), established in 2019, advances US foreign policy and complements the work of US government aid programs. Its investments respect the environment, human rights, and worker rights. DFC works in consultation with the US Department of State as part of the DFC's consideration for human rights risk. According to the 2020 Environmental and Social Policy and Procedures (ESPP), human rights are those expressed in the International Bill of Rights and the principles concerning fundamental rights set out in the ILO's Declaration on Fundamental Principles and Rights at Work. DFC is in the process of reviewing and updating its ESPP. The final policy version will be posted to its website.

5.

Donor Modalities: Processes, Guidance, Assessment, and Tools

This chapter delves into how donors implement their distinct approaches to human rights and how they implement their policies through programming. Programming needs vary by donor, sector, and country context. Moreover, the challenges presented by each will require a different operational response.

In addition, the various actors engaged in development policy and activities play distinct but complementary roles based on their mandates and comparative advantages. As such, partnerships have always been an appropriate way to frame collaboration and maximize impact. Current global challenges, from climate change to growing inequality and entrenched poverty, require global and integrated responses, which no single agency can fully and unilaterally provide, thereby reinforcing the case for collaboration and partnerships across agencies and disciplines. The nature of the 2030 Agenda and its urgency are driving the case for cooperation. Many agencies have development tools, processes, and guidance for staff to secure the effective and consistent implementation of policies and approaches and some of these have been revised or reformed in light of the 2030 Agenda: these are instrumental to implementing the 2030 Agenda and conducting effective partnerships to meet the SDGs.

Donor Operational and Programming Approaches

Agencies have adopted differing approaches to implementing policies, reflecting their mandates, policy frameworks, and principal modes of engagement. The most common modality has been human rights projects, 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 explicitly referring to human rights or without adopting an HRBA or human rights objective. This chapter offers a framework for further examination of these approaches. Furthermore, this chapter presents case studies of country projects and programs to illustrate how aid agencies are working on human rights issues at a programming level, as opposed to a policy or institutional level.

Five basic approaches to human rights in development programming can be identified: a human rights-based approach; human rights mainstreaming; human rights dialogue; projects and programs on specific human rights; and implicit human rights work (Table 5.1).

TABLE 5.1. Approaches to Human Rights in Development Programming

Human rights–based approaches	Human rights considered constitutive of the goal of development, leading to a new approach to aid and requiring institutional change.
Human rights mainstreaming	Efforts to ensure that human rights are integrated into all sectors of existing aid interventions (e.g., water, education). This may include both "do no harm" and "do good" approaches.
Human rights dialogue	Foreign policy and aid dialogue includes human rights issues, sometimes linked to conditionality. Aid modalities and volumes may be affected in cases of significant human rights violations.
Projects on specific human rights	Programs or projects 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).
Implicit human rights work	Agencies may not explicitly work on human rights issues and prefer to use other descriptors ("protection," "empowerment," or "good governance"). The goal, content, and approach can be related to other explicit forms of human rights integration, rather than repackaging.

Donor Guidance and Tools

i. European Union Tools to Implement Human Rights–Based Approach

The European Commission uses a human rights toolbox called *A Rights-Based Approach, Encompassing All Human Rights for EU Development Cooperation* to approach its development cooperation. The toolbox describes a human rights–based approach to development, 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 an HRBA in EU development cooperation, which objectives to pursue, which working principles to apply, and how to integrate an HRBA in the implementation of programming and in each phase of 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 refers to examples of good practice provided by stakeholders that have officially adopted an HRBA 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.[13]

In 2021, the toolbox was updated in line with the European Commission's commitments to the SDGs and to reducing all forms of inequality, including gender inequality. The renewed HRBA aims to make interventions more inclusive and sustainable. It applies to the programming, design, and implementation of all sectors of EU external action, as also called for by NDICI–Global Europe, the new financing instrument for 2021–2027. The updated toolbox, offers five working principles, each equally relevant to both the processes and aims of EU external action:

- Applying all human rights for all
- Meaningful and inclusive participation and access to decision-making
- Non-discrimination and equality

[13] The toolbox and all supporting documents can be found at www.eidhr.eu.

- Accountability and rule of law for all
- Transparency and access to information supported by disaggregated data.

The toolbox builds upon lessons learned over the intervening seven years, draws on EU Member States' practices and methodologies, and can be used by Member States and partners. It is part of the implementation of the Commission's Union of Equality ambitions.

The EIB Statement of Environmental and Social Principles and Standards 2022 confirms that the EIB is bound to a rights-based approach. A revision of the EIB's environmental and social standards was undertaken in 2012 and 2013, resulting in the adoption of its Environmental and Social Handbook, effective January 1, 2014. The revision was informed by the EIB'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.

ii. Council of Europe Development Bank

The CEB endorses the human rights values and principles enshrined in the Council of Europe Conventions. The bank's approach to social safeguard review and management draws upon the principles enshrined in the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter.[14] The CEB requires that all projects be designed and implemented in line with the relevant principles in both documents.

The approach of the toolkit is like that adopted during the gender mainstreaming process: it provides the user with a checklist of questions used to raise awareness of the links between decent work and the varying 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, programs, and activities may affect employment

[14] https://coebank.org/media/documents/Environmental_and_Social_Safeguards_Policy.pdf

- » 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, programs, and activities are or could be considered 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.

The CEB Handbook for the Preparation and Implementation of Projects (April 2022) is an operational manual intended for CEB services and accessible to the bank's borrowers. It provides, from an operational perspective, the necessary information regarding preparation, financing, implementation, and monitoring of CEB loans. With respect to human rights, it provides the following directives. Chapter 4.9 Financial Means of Actions – Grants: "The Bank may demand recovery of disbursed grants in case of breach of contractual requirements, in particular in the case of corruption, fraud, money-laundering, mis-procurement or when the implementation of the project leads to a violation of the CEB's Environmental and Social Safeguards Policy, the 'Convention of the Protection of Human Rights and Fundamental Freedoms' or the 'European Social Charter.'" Chapter 6.2 ESS1 Environmental and Social Assessment and Management Scope of Social Coverage: "Provide in the assessment an overview of the full range of social risks and impacts, as described below and identify measures for their avoidance or mitigation. The assessment should consider the relevant principles of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter where they can be applied to the project and as they relate to the following social safeguard issues:

- » Conditions and rights of workers;
- » Protection of vulnerable groups;
- » Forced labor and child labor;
- » Gender equality and non-discrimination;
- » Protection of livelihoods and housing."

iii. Inter-American Development Bank Technical Note

In 2022, the IDB issued a technical note on Managing Human Rights Risks in IDB Projects: Requirements of the IDB's Environmental and Social Policy

Framework. The note provides support to IDB borrowers in identifying and addressing human rights risks and impacts on IDB-financed projects under the new ESPF.

It outlines how ESPF's 10 Environmental and Social Performance Standards and various other IDB policies address human rights and provides information on key human rights issues in the Latin America and Caribbean region. With a particular focus on ESPF requirements, the Technical Note focuses on how borrowers can apply a human rights approach to the design and implementation of IDB-financed projects. It also provides guidance on stakeholder engagement and effective grievance management, as these are key parts of the HRBA under the ESPF. Finally, the Technical Note looks at the importance of working on human rights issues when using collaborative approaches, particularly when addressing complex contextual challenges.

Human Rights Due Diligence

Demand has been increasing for various actors to conduct human rights due diligence (HRDD) before adopting and implementing policies, projects, or programs, or before entering into certain types of agreements or contracts. According to the UNGPs, HRDD is "an ongoing risk management process used to identify, prevent, mitigate, and account for how [a company] addresses its adverse human rights impacts." It includes four key steps: assessing actual and potential human rights impacts; integrating and acting on the findings; tracking responses; and communicating about how impacts are addressed. A human rights impact assessment (HRIA) is an instrument for implementing HRDD. Broadly speaking, HRDD is conducted for the purpose of examining policies, legislation, programs, and projects to identify and measure their impact 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 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. The UNDS applies the UN Human Rights Due Diligence Policy on United Nations Support to Non-UN Security Forces.

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 business (Box 5.1), 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).

BOX 5.1. United Nations Guiding Principles on Business and Human Rights

The United Nations Guiding Principles on Business and Human Rights (UNGPs) 2011 were developed by the Special Representative of the Secretary-General John Ruggie, and endorsed unanimously by the United Nations Human Rights Council. They constitute the first global standard for human rights duties of business entities and have been widely supported by states, civil society organizations, and the private sector. The UNGPs had been incorporated into the work of several actors: regional organizations such as the European Union and the Organization of American States use the UNGP to frame their work to advance responsible business conduct. International organizations have also aligned their work with the UNGP: the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policies and the OECD's Guidelines for Multinational Enterprises are documents that advance the UNGPs. Similarly, the 2030 Agenda for Sustainable Development emphasized the need for business to consider human rights to achieve the SDGs as articulated by the UNGPs. Since 2011, the UN Working Group has strongly encouraged all states to develop, enact, and periodically update a national action plan on business and human rights. Such plans are part of the responsibility of states to disseminate and implement the UNGPs. According to the UN Office of the High Commissioner for Human Rights, as of 2021, 26 countries have produced at least one such plan. Private financial actors have increasingly recognized their responsibility for ensuring human rights as described in the UNGPs. One example of this type of initiative is the Investors Alliance in Human Rights, which was created in 2018 and focuses on investors' responsibilities to respect human rights and encourages the formulation of policies for business and human rights.

Source: OHCHR Frequently Asked Questions About the Guiding Principles on Business and Human Rights

In 2022, the European Commission adopted a Proposal for a Directive on Corporate Sustainability Due Diligence. The draft regulation requires large EU companies, and some non-European companies doing significant business in Europe, to assess their actual and potential human rights and environmental impacts throughout their operations and down their supply chains and to take action to prevent, mitigate, and remedy identified human rights and environmental harms. This proposal applies to the company's own operations, their

subsidiaries, and their value chains (direct and indirect established business relationships).

Human Rights Indicators

Human rights indicators are central to the application of human rights standards in context and relate to measuring the qualitative and quantitative realization of human rights. 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 data and evidence; in this way, they contribute to human rights accountability and the enforcement of human rights obligations. Human rights indicators fulfill 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.[15] Some examples of indicators are in Table 5.2.

[15] See OHCHR Human Rights Indicators, *A Guide to Measurement and Implementation Measurement* (2010); World Bank Report Human *Rights Indicators in Development: An Introduction* (2011) and DIHR *The Human Rights Guide to the Sustainable Development Goals* (2015).

TABLE 5.2. Examples of Human Rights Indicators

Indicators	Source
Structural indicators	
South Africa: Signature and ratification dates of ten human rights treaties.	Ratification status by country or by treaty, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=162&Lang=EN
United Kingdom: Equality Act. The Equality Act came into force in October 2010 providing a modern, single streamlined legal framework to more effectively tackle disadvantage and discrimination.	Home page of British Equality and Human Rights Commission https://www.equalityhumanrights.com/en/equality-act.
Kenya County Governments Act No. 17: (1) Provides for the promotion, evaluation and reporting on the compliance by county public officers with the values and principles in Articles 10 and 232 of the Constitution.	Article 10, 2 of the Constitution states: (b) human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized. Kenya County Governments Act published by the National Council for Law Reporting with the Authority of the Attorney-General http://kenyalaw.org/kl/.
Process indicators	
Can a woman sign a legal contract in the same way as a man? (Process indicators relating to cultural and legal practices at the country level)	World Bank. *Women, Business, and the Law 2019*. Indicator on Running a Business https://openknowledge.worldbank.org/bitstream/handle/10986/31327/WBL2019.pdf?sequence=4&isAllowed=y.
Accountability, transparency and corruption in rural areas. Normalized scale 0–100 based on expert assessment (Process indicator, country level).	*Ibrahim Index of African Governance*, IIAG, http://mo.ibrahim.foundation/iiag/.
Number of community-based projects assisting children (Process indicators, programme level)	Save the Children, *Child Protection Outcome Indicators* (International Save the Children Alliance, 2015) 47.
Outcome indicators	
Incidence and prevalence of death, physical injury and communicable and non-communicable diseases in custody (Compliance at country level).	Office of the High Commissioner for Human Rights, Outcome indicator on the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment. OHCHR, 2012, 91 (n 2).

Source: McInerney-Lankford & Sano, "Human rights indicators in development: definitions, relevance and current trends" in Marks, & Rajagopal, B. (2021). *Critical issues in human rights and development / edited by Stephen P. Marks & Balakrishnan Rajagopal.* Edward Elgar Publishing.

Indicators for human rights are a key tool to measure states' progress toward the implementation of human rights norms. The UN Office of the High Commissioner for Human Rights and the Danish Institute for Human Rights (DIHR) have developed comprehensive toolkits to support states and other stakeholders in the application of methodologies to assess states' human rights practices. Similarly, the DIHR developed the Human Rights Guide to Sustainable Development Goals, which lists several United Nations recommendations regarding human rights linked to SDGs. This tool allows stakeholders to apply an HRBA to monitoring and evaluation efforts by helping to clarify the connection between human rights and specific indicators.

The global SDG indicators framework adopted by the UN General Assembly in July 2017 (A/RES/71/313) is a key milestone on progress toward achieving the 2030 Agenda for Sustainable Development. The framework consists of 232 indicators, including four human rights indicators (see Human Rights Indicators: A Guide to Measurement and Implementation) for which OHCHR is responsible in terms of methodological development, data compilation, and dissemination in the SDG progress report. Furthermore, the Danish Institute of Human Rights, Human Rights Guide to the Sustainable Development Goals makes concrete links between the SDGs and international and regional human rights instruments, as well as international labor standards and key environmental instruments. Another noteworthy development is the UN Secretary-General's annual report on the QCPR implementation, which highlights key human rights indicators.

At UN-Habitat, "markers" are social safeguard mainstreaming tools that serve two main purposes: quality assurance and capacity building. Projects rated 0 (that is, a blind or negative rating by the cross-cutting teams) will not be allowed 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 Project Advisory Group (PAG) reflecting the HRBA; by the end of the 2014–2019 Strategic Plan, 70 percent 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.

UNCTs also apply a UNSDG human rights marker to activities (sub-outputs) under joint workplans, intended to help build understanding and visibility of the extent to which the HRBA is applied across development work at the country level.

Human Rights Training and Learning Programs

The French, Swiss, Swedish, and German aid agencies, the World Bank, and the ADB have all undertaken initiatives that offer training and learning programs on integrating human rights into development.

Since 2008, the World Bank Group has had a trust fund focused on human rights and development. The Human Rights, Inclusion and Empowerment Umbrella Trust Fund (HRIE) aims to enhance the understanding and application of human rights principles across the World Bank Group's operational and analytical work. Hence, human rights training and learning programs are important elements of that work. It increases and strengthens the understanding of human rights through (a) funding human rights–focused, World Bank–executed grants; (b) providing technical and analytical support to World Bank teams; and (c) building the understanding and capacity of World Bank management and staff via human rights training, knowledge-sharing events, and guidance materials. HRIE is supported by Canada, Finland, France, Germany, Iceland, the Netherlands, Norway, Sweden, and the United Kingdom and has a targeted budget of USD 60 million over a ten-year period.

A similar trust fund in the UN, the UN Human Rights Mainstreaming Fund, has supported numerous capacity-building initiatives on the HRBA, leave no one behind, and gender equality and women's empowerment for UNCTs, developed through interagency processes. Most recently, in 2022, the UN Staff System College launched a foundational online course for UN staff on these three guiding principles of the UN Sustainable Development Cooperation framework.

Universal Periodic Review

The Universal Periodic Review (UPR) is a unique process that operates under the aegis of the UN Human Rights Council and gathers political support from all UN Member States. It involves a periodic review (every 4.5 years) of the human rights records of all UN Member States. It was established by the UN General Assembly via Resolution 60/25,[16] at the same time as the Human Rights Council was created.

The UPR provides an opportunity for all UN Member 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 allows Member States to provide recommendations to other Member States and share best practices on human rights. It is designed to prompt, support, and expand the promotion and protection of human rights. To achieve this goal, the UPR assesses states' human rights records and addresses 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 OHCHR.

[16] The United Nations General Assembly Resolution 60/251 (March 15, 2006), which established the Human Rights Council in 2006, also established the Universal Periodic Review as a peer review mechanism for the assessment and advancement of human rights in all 193 UN Member States.

The review is conducted 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, known as the "troika"). The working group is an intergovernmental meeting that UN entities and stakeholders (national human rights institutions, non-governmental organizations, members of civil society, and other stakeholders) can attend but during which they cannot intervene.

The UPR is assisted by and relevant to the work of development actors, particularly those within the UN system. The UPR also benefits from the active involvement of the whole UN system, in particular of UN country presences. The Resident Coordinators (RCs), UN country teams (UNCTs), and other UN agencies are important 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 state follows up on the recommendations. Examples of UN country team support to strategic engagement with the UPR were recently compiled and curated with support from the Human Rights Mainstreaming Fund under an interagency initiative led by UNDP, OHCHR, and the UN Development Coordination Office. This is illustrated in the UNCT experience in Ecuador. That UNCT is developing its new Common Country Assessment and United Nations Development Assistance Framework (UNDAF), to which it is applying an HRBA. Other stakeholders, including civil society, also contribute by providing an alternative perspective on the countries' human rights situation and by helping to hold Member States accountable for their human rights obligations.

The UPR can be useful for development programming and the implementation of a HRBA by promoting the views of Member States as duty-bearers and by encouraging the implementation of human rights recommendations in development cooperation. Recommendations accepted by UN Member States constitute an important lever for development cooperation in countries eligible for ODA.

Certain 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) also supports the UPR. UNDP's human rights work includes strengthening the work of NHRIs (with more than 100 NHRIs, and through a Tripartite Partnership to support NHRIs and with the Global Alliance of National Human Rights Institutions [GANHRI] and the OHCHR, as well as with regional networks of NHRIs), supporting human rights and SDG systems integration, and supporting engagement with the international human rights machinery, including implementation of UPR recommendations. UNDP and OHCHR have jointly developed guidance for Member States on the UPR, Human Rights and Voluntary National Reviews: Operational Common Approach Guidance Note, July 2022 (also see Box 5.2). This provides a business case but also practical checklists for stakeholders (governments, civil society, and the UN) on how to mainstream human rights into SDG Voluntary National Reviews and follow-up. This was completed as a priority under the UN Call to Action for Human Rights initiative.

BOX 5.2.
The Swiss Agency for Development and Cooperation (SDC)

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 programs 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 programmatic engagement.

6.

Case Studies, Country Projects, and Thematic Programs

This chapter considers the shift from policies to programming human rights. Policy and guidance documents alone are not sufficient to ground human rights in development cooperation. Policies need to be put into practice. This chapter illustrates how aid agencies are working on programming for human rights issues. Following a review of the most common levels and types of programming (projects, country programs, and global initiatives), it examines experiences with three forms of human rights integration: application of a human rights perspective to governance areas, human rights mainstreaming across non-governance sectors, and human rights dialogue and conditionality.

Country Projects and Programs

Several donors provide direct support in this area by focusing on country projects for the advancement of human rights. In Kinshasa, human rights policy helped the Dutch embassy in the run-up to elections in the Democratic Republic of Congo. The funds support local organizations that protect human rights defenders associated with the opposition and are threatened or intimidated by security services.

New Zealand has provided funding for OHCHR itself, the Office of the Provider 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 them to remove attendance fees that act as barriers for children to enjoy their right to education. New Zealand funding has also supported a community-based rehabilitation and provided support to persons with disabilities associated with visual impairment and leprosy.

In cooperation with 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, Southeast, and Eastern Europe. Social exclusion has appeared in 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.

Sector-Specific and Thematic Programs

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 education; the rights of persons

with disabilities; civil society organization (CSO) engagement; labor and the right to work; torture and the death penalty; the right to food; the rights of Indigenous peoples; situations of conflict and fragility; lesbian, gay, bisexual, transgender/transsexual, intersex, queer, and persons of another gender and sexual orientation (LGBTIQ+) rights; civil participation in decision-making and access to justice; basic services; and environmental rights.

i. Women's Rights

Several donors and programs are aimed at tackling one or more of the factors that reproduce gender inequality. One of the five priorities of **Finland's** development cooperation is strengthening the status and rights of women and girls, with an emphasis on sexual and reproductive health rights. In fact, gender equality, non-discrimination, and disability inclusion are cross-cutting objectives in all priority areas of development. A water resource management project in Nepal succeeded in improving the rights and livelihoods of women, girls, and minorities. An evaluation of this project, the Rural Village Water Resource Management Project 2006–22, concluded that it contributed to a reduction in discriminatory practices against women and Dalits, a discriminated population group. The objective and outcomes were designed to further the fulfillment of human rights and participation of disadvantaged groups in decision-making, Furthermore, the human rights aspects were analyzed, the disadvantaged groups identified, and the key challenges and opportunities for equal participation and benefits assessed. The project's main achievements were improved access of communities to water and sanitation facilities, improved livelihoods, and strengthened local government capacity in water, sanitation, and hygiene (WASH). The integration of an HRBA was also assessed using the Ministry of Foreign Affairs' four-level scale of human rights: blind, sensitive, progressive, and transformative.

The evaluation found that the project was human rights progressive or human rights transformative with some limitations, except for the first phase, which was assessed as human rights sensitive. The project's main achievements were improved access of communities to water and sanitation facilities, improved livelihoods, and local government's strengthened capacity in WASH. The objective and outcomes were designed to further the fulfillment of human rights and a proportionate participation of disadvantaged groups was aimed

for in decision-making, Furthermore, the human rights aspects were analyzed, the disadvantaged groups identified, and the key challenges and opportunities for equal participation and benefits assessed.

FAO 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 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."

Canada's Feminist International Assistance Policy commits it to international assistance that is human rights–based and inclusive, recognizing that all people must enjoy the same human rights, regardless of any aspect of identity. This approach supports the economic, political, and social empowerment of women and girls in all their diversity and makes gender equality a priority for the benefit of all people. Inclusive development for all marginalized groups, such as persons with disabilities, children, Indigenous persons, migrants, racialized persons, members of the LGBTIQ+ community, as well as linguistic, ethnic, and religious minorities, is also an important part of this policy. Additionally, the promotion and protection of human rights is a central component of the Feminist International Assistance Policy's Inclusive Governance Action area and supports specific interventions that seek to advance human rights.

The **Islamic Development Bank** supports Empowering Women in Livelihood Skills and Human Rights in Bangladesh. The Women Empowerment Program through Livelihood Skills Training and Human Rights Awareness in Bangladesh provides skills training to disadvantaged and poor women in rural areas on fashion garments and computer education. In addition, 11,000 community members were educated in human rights issues to raise awareness about women's rights and to eliminate gender-based violence (IsDB 2020).

ii. The Right to Education

Donor policies often refer to the right to education, which is often operationalized as educational availability, accessibility, affordability, acceptability, and quality. There is also an increasing range of experiences in adopting an HRBA to education. In addition to putting into practice human rights principles such as participation, non-discrimination, and accountability, an HRBA can encompass not only the right to education (access), but also rights in and through education (quality and relevance; SDC 2006b).

Sida, for example, works to ensure universal access to education from primary school to higher education by supporting well-functioning national education systems and free and equal primary and secondary education. In 2021, Sida's support to education was almost SEK 1.2 billion, which corresponds to 4 percent of Sida's total disbursements. An evaluation of Sida's application and effects of an HRBA found evidence of a positive impact on improving access to education in Cambodia.

A World Bank grant by HRIE's predecessor the **Nordic Trust Fund** aimed to enhance the right to education for children from ethnic minority communities (mainly Roma, Ashkali, and Egyptian). The project promoted the rights of the child (as per the UN Convention on the Rights of the Child) by providing children with tools to "speak" about their perception and experience of education using verbal and non-verbal means.

iii. Rights of Persons with 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 The Convention on the Rights of Persons with Disabilities (CRPD), adopted in December 2006, emphasizes non-discrimination (Articles 3, 4(1), and 5) as well as equal access (Articles 3 and 9) to opportunities for fulfilling one's potential, including through development programs (UN 2006).

The **Global Action on Disability Network (GLAD)** is a 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 recognized that to realize the promise of the 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.

Several bilateral and multilateral agencies have made substantial strides regarding disability rights (Box 6.1).

BOX 6.1.
The World Bank and Disability Inclusion

The World Bank Environmental and Social Framework (ESF) refers to disability, as does the accompanying directive. The ESF Good Practice Note on Non-Discrimination and Disability underscores that "the relationship of disability with other and multiple factors that can increase vulnerability, such as poverty, gender, age, and disability (intersectionality), should also be addressed to the extent possible." In 2018, The World Bank Group announced ten commitments to accelerate global action for disability-inclusive development. Those commitments influenced following IDA policy commitments. With funding from the Human Rights, Inclusion, and Empowerment Umbrella Trust Fund (HRIE), the World Bank has also published the Disability Inclusion and Accountability Framework to promote and guide the mainstreaming of disability across the World Bank's operations and analytical work, applying human rights principles derived from the Convention on the Rights of Persons with Disabilities (CRPD). The framework is aimed at ensuring that persons with disabilities can participate in and benefit from the World Bank's activities.

Source: World Bank Disability Inclusion

For **Finland**, the commitment to leave no one behind is an inherent part of the implementation of its development policy program. Finland also ratified the CRPD in 2016, which specifically obliges the state parties to ensure that international development is inclusive of and accessible to persons with disabilities. Finland is also active in political dialogue to advance the attention

to and urgency of disability rights globally. Finland supports and cooperates with several organizations to strengthen the capacity to respect and protect human rights, one of them being the United Nations Partnership to Promote the Rights of Persons with Disabilities.

The Federal Ministry for Economic Cooperation and Development (BMZ) and its implementing organizations in **Germany** take the inclusion of persons with disabilities into consideration in development activities. As of April 2022, there are 133 projects in 58 partner countries of German cooperation contributing to the inclusion of persons with disabilities worldwide.

The Norwegian Agency for Development Cooperation (Norad) has played an important role in bringing disability inclusion into the international spotlight, and it has taken important steps to strengthen drivers of inclusion in its own programs. For instance, Norad's grant application process requires grantees to say how they plan to include persons with disabilities. Also, the Ministry of Foreign Affairs' white paper on the SDGs (2017), the Ministry of Foreign Affairs' humanitarian strategy (2018), and the Ministry of Foreign Affairs' white paper on multilateral cooperation (2019), contain brief references to disability, covering the need to include persons with disabilities in planning and implementing humanitarian action; and to pay particular attention to the civil and political rights of persons with disabilities. Finally, the Minister of International Development announced USD 11.6 million additional funding for disability-related work in March 2019.

Canada is committed to supporting the rights of persons with disabilities through its international assistance and humanitarian action policies and programming. Global Affairs Canada works to ensure that persons with disabilities around the world are empowered to become self-reliant and fully integrated members of their communities. Global Affairs Canada also works through advocacy in multilateral forums, and through international development assistance programming, to provide assistance to persons with disabilities. Canada also works to strengthen the ability of civil society organizations, including organizations of persons with disabilities, to advocate for the rights of the poorest and most vulnerable, including persons with disabilities.

In May 2022, the Foreign, Commonwealth and Development Office (FCDO) of the **UK** launched its 2022–2030 strategy Building an Inclusive Future for All:

A Sustainable Rights-Based Approach. Within this strategy, FCDO commits to shape multilateral architecture and international rules to embed disability rights, support governments to increase the political participation and leadership of people with disabilities at all levels, and encourage governments to establish and strengthen monitoring and accountability frameworks, including resourced, independent national human rights institutions with capacity to work on disability.

In March 2022, the GLAD Network and International Development Association, supported by the FCDO, held a two-day workshop in Dhaka, Bangladesh, to address the barriers faced by organizations of persons with disabilities in accessing funding opportunities to enable their meaningful participation in development efforts.

In 2015, **the EU** was reviewed by the CRPD committee, which noted the lack of a systematic approach to including persons with disabilities in its external policies and programs. Since the review, positive progress has been made. For instance, in June 2017, the New European Consensus on Development "Our World, Our Dignity, Our Future" was adopted. In addition, the Strategy for the Rights of Persons with Disabilities 2021–2030 guides the EU's implementation of the CRPD with the aim to ensure the rights of persons with disabilities, in Europe and beyond, are respected, protected, and fulfilled. The strategy has a specific section on "sustainable and equal access to healthcare" as well as a section on promoting the rights of persons with disabilities globally and supporting their social inclusion "in all international relations, and as part of all external action, policy planning, funding programmes and activities."

The HRIE grant "Accelerating Disability Inclusion in the World Bank Group" supports client governments as well as **World Bank** staff to better ensure that persons with disabilities meaningfully benefit from their investments toward implementing the SDGs and the CRPD. During 2021, the focus was on supporting country office staff in developing briefs that provide key information on the rights of persons with disabilities, the enabling environment, and the development engagement or gaps regarding their rights in a given country. One of the new briefs focused on Uzbekistan and the need to ratify the CRPD as a lever for advancing disability rights. As a result, this driver was included as a prior action in the project, Accelerating Uzbekistan's Transition Development Policy Operation (P176353), approved in December 2021. To support implementing

the rights of persons with disabilities at the operational level, two core thematic guidelines were developed – the Cross-Sectoral Technical Note on Accessibility for World Bank teams and an updated Disability Inclusion and Accountability Framework to reflect advancement on disability-inclusive development within the bank. The internal rollout for the technical note began in 2021, with six training sessions and thematic deep dives on digital development and transport. The team is also designing an e-course on disability-inclusive development and developing roster of consultants to assist staff in finding resource people to support their work on the rights of persons with disabilities.

The work under the grant "Embedding the Rights of Women with Disabilities in World Bank Operations" aims to bridge the knowledge gap about the specific needs and rights of women with disabilities by informing World Bank Group operational projects and increasing awareness of the importance of strong legal frameworks to guarantee those rights. The generated knowledge will be a key resource for task team leaders and Global Practices in their operational work toward creating more resilient, inclusive, and accountable societies. It will bolster socioeconomic development for women with disabilities with an eye to creating a gender and disability-inclusive recovery from the COVID-19 pandemic. Through primary data collection and related analysis, as well as country-specific deep dives, the project aims to build a data set of 190 economies and create an operational diagnostic toolkit including human rights-based indicators. The knowledge and materials will be disseminated to target audiences through capacity-building workshops and other learning events. The resulting framework can be used to shape World Bank Group operations and inform social assessments. These outputs will increase knowledge and awareness about the importance of reforming laws and policies for the inclusion of women with disabilities (World Bank 2021a, 33).

Human rights considerations influence **Australian** development policy and strategy. In May 2015, the country launched Development for All 2015–2020: Strategy for Strengthening Disability-Inclusive Development in Australia's Aid Programme. It builds on the successes of the previous 2009–2014 development strategy. The approach of the Australian Department of Foreign Affairs and Trade (DFAT) 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 program activities. In particular, the focus is on 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 a first phase that 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 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 before decision-making. Accessibility is not mandatory, but it is expected unless a clear and acceptable justification is provided.

The first **Global Disability Summit (GDS 18)**, held in 2018 in London, was a historical moment for disability inclusion and the rights of persons with disabilities. GDS18 generated unprecedented focus on and commitment to disability-inclusive development.

The second, GDS 2022, was hosted by the International Disability Alliance and the governments of Norway and Ghana and held virtually due to the pandemic. It built on the results achieved at the first summit, to further accelerate much-needed progress toward the fulfillment of the rights of persons with

disabilities worldwide. More than 7,000 people participated and 1,420 new commitments were made by over 190 stakeholders.[17]

iv. Support to Civil Society

The World Bank's Human Rights, Inclusion, and Empowerment Trust Fund (HRIE) supports a grant to strengthen participation of marginalized groups in municipal governance in Jordan through a human rights–based approach. This grant constitutes a second phase of the 2018 pilot project, "Addressing the Spillover Effects of the Syrian Crisis by Strengthening Resilience of Host Communities in Jordan," developed under the Municipal Services and Social Resilience Project (MSSRP) by the World Bank's Global Partnership for Social Accountability (GPSA). It supported three municipalities in partnership with local CSOs and community-based organizations to cocreate and pilot collaborative social accountability processes based on an HRBA checklist, a community score card, and grievance redress mechanism (GRM) guidelines to develop support for inclusion and citizen engagement. The HRIE trust fund grant supports the application of human rights–based participatory tools within 26 municipalities, the capture in practice of how knowledge and learning on human rights support the MSSRP implementation, and the building of municipalities' capacity to implement HRBA to achieve positive impacts. In particular, the grant aims to (a) increase the capacity of municipal actors to integrate HRBA in a practical manner; and (b) enhance the ability of marginalized groups to engage in planning and decision-making, claim their rights, and hold municipal institutions accountable through GRM and participatory processes. In November 2021, Motivators for Training (MOTIVE), in collaboration with the MSSRP and the GPSA, launched consultations with targeted municipalities and central ministries. Several meetings have taken place between MOTIVE, GPSA, and the World Bank's country office in Jordan to establish a common understanding of project goals and to discuss engagement with marginalized groups in the municipalities that will benefit from developing a GRM that is easily accessible, equitable, democratic, and user-friendly (World Bank 2021a).

[17] An example of heightened donor and government attention to disability rights is the Charter on Inclusion of Persons with Disabilities in Humanitarian Action. Work on inclusive urban development around Habitat III seeks to further articulate the CRPD and the SDGs.

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 sector, in particular. 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., programs 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. USAID support has contributed to 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 across the world. In Tunisia, USAID funding enabled the first-ever meeting of Tunisian civil society leaders and legislators to work toward a new non-governmental organizations (NGO) law for activists. USAID programs have also helped Tunisian civil society actors share their experience with new voices in Libya, working toward the same goal.

The Swiss Agency for Development Cooperation (SDC) supports a program on strengthening governance and human rights in Central America. The program strengthens the capacities and the presence of the Inter-American Human Rights System in Central America to ensure the follow-up on court judgments and recommendations, to educate employees of the justice sector, to report on the human rights situation and to strengthen the protection of human rights defenders. The program further promotes dialogue on natural resource management among governments, the private sector, Indigenous peoples, and Afro-descendants.

Norwegian NGOs supported civil society organizations in the Democratic Republic of Congo to reinforce women's rights and combat sexual violence, mother and child health, and education.

v. Labor and the Right to Work

The right to safe and healthy work is recognized as conducive to higher levels of development and prosperity. Several donors provide support to enhance work standards and capacity to monitor labor conditions. In relation to the right to work, FAO provides support to the formulation and implementation

of policies, strategies, and programs that generate decent rural employment, especially for rural youth and women, and that extend the application of international labor standards (ILS), such as child labor prevention and occupational safety and health, to rural areas. FAO has provided support for increased awareness and strengthened institutional capacities to prevent child labor in agriculture in Cambodia, Malawi, Niger, 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 using an HRBA. FAO promotes access to social protection in rural areas by producing evidence to inform policymaking and by providing policy and technical support with the 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 the seafood value chain in various international forums, in collaboration with the ILO, the organization has supported policy and legislative processes on the protection of human and labor rights in fisheries in countries such as Indonesia. It undertook legal assessment on labor 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 its Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries using an HRBA has been initiated in Cambodia, Costa Rica, Côte d'Ivoire, and South Africa.

Finnfund has been piloting a novel way of accessing job quality information and impact data by collecting perspectives directly from employees and other stakeholders, such as local communities and smallholder farmers in the supply chain (Box 6.2). Finnfund has been using a mobile application developed by Work Ahead, a Finnish tech company that enables data collection anonymously from people in their own language, focusing on decent working conditions and information on poverty, even in areas without network connectivity. Going forward, the conducted pilots will help Finnfund design a more diverse set of data collection methods. This approach has proved useful, especially in circumstances where Finnfund's visibility to the different stakeholder groups is limited.

BOX 6.2.
Yalelo: Voices of the Employees – Piloting a Video Survey in Zambia

Finnfund and the Netherlands Development Finance Company (FMO) are providing USD 18 million of funding for the expansion of Yalelo Limited, which is the largest fully integrated aquaculture company in Sub-Saharan Africa. As the leading fisheries business in Zambia, Yalelo employs about 850 permanent and casual workers and provides vital formal employment opportunities, including in rural areas. In early to mid-2021, Yalelo, together with Finnfund, conducted a survey to gather direct and anonymous feedback from Yalelo's employees. The survey was part of a pilot project to support Finnfund's investees to better collect and analyze data that could feed into their operations, policies, and processes. This was possible due to the technology developed by Work Ahead, which allowed people to take the video survey anonymously in four languages without the need to be able to read and write. The survey consisted of 39 questions covering quality of life at work and at home. Over 20 percent of Yalelo's staff participated in the survey. In general, the employees appreciated the opportunity to be heard. As part of the targeted response to the question of whether employees feel they have an opportunity to grow within the organization, Yalelo has intensified its efforts on internal career development and advancement, cross-departmental secondments, and job swaps. Additionally, Yalelo has provided the staff with opportunities to ask questions about additional compensation, such as overtime and shift differential payments

Source: Finnfund 2022a

vi. 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 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 UPR process, and the UN General Assembly (UNGA).

In 2014, the governments of Chile, Denmark, Ghana, Indonesia, and Morocco launched a 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 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 Democratic Republic of Congo. 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.

In the intersection between right to life and youth, the French development agency AFD has co-financed an international project aimed at strengthening young people's understanding of issues related to the death penalty, such as forgiveness, revenge, justice, minority rights, maltreatment, the functioning of institutions, and citizenship.

vii. The Right to Food and Nutrition

The right to adequate food is a universal human right. Despite progress in reducing chronic hunger, nearly 670 million people (8 percent of the world population) will still be facing hunger in 2030 (FAO 2022). Achieving food security is a goal of several organizations. **FAO** has been working on the issue 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 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 under way in countries such as Kyrgyz Republic and Togo. FAO furthered the participation of parliamentarians in the Latin America and Caribbean region and the Community of Portuguese Language (CPLP) countries in dialogue on food security and nutrition with right to food perspectives. National parliamentary fronts have been instrumental in the adoption of national policies and laws related to food security and nutrition.

Similarly, the **SDC** supported a project between 2015 and 2021 on strengthening the right to adequate food by promoting effective participation of rights-holders in food security, nutrition policies, and governance mechanisms. The project was implemented by Food First International Action Network and contributed to the enhancement and further coherence of the international normative and policy framework on the Right to Food and Nutrition, such as the inclusion of rural women constituencies in the drafting process of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)'s General Recommendation No. 34. It further contributed to increased knowledge and ownership on human rights instruments, such as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries, and Forests (VGGT) among local communities, national actors, and members of the Global Network for the Right to Food and Nutrition. The VGGT is an international standard that promotes secure tenure rights and equitable access to land, fisheries, and forests as a means of eradicating poverty. SDC supported a multi-donor program of the FAO until 2021 that assists a number of countries in West Africa and East Asia in the implementation and the integration of the VGGT into their legislation by providing technical and institutional support.

Since the publication of the **Irish** government–commissioned Hunger Task Force Report in 2008, the fight against hunger has been a cornerstone of Irish international development policy and aid program. This was reinforced in the goals set out in the One World, One Future policy issued in May 2013. Within Irish Aid, 20 percent of the budget is dedicated to the fight against hunger. In addition to 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 within the European Union to ensure that EU external aid and EU positions at international meetings give priority to combating food and nutrition insecurity.

viii. The Rights of Indigenous Peoples

While several countries have started to address the negative legacies of past discrimination, Indigenous peoples continue to be left behind and suffer

disproportionately from climate change, environmental degradation, high levels of poverty, poor access to education, health, and broader human rights violations. Several donors and their agencies have embraced a goal to work on these gaps.

Australia plays an active international role in focusing on Indigenous issues, which continue to be a priority 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, DFAT launched its Indigenous Peoples Strategy, which prioritizes Indigenous issues and participation across diplomatic, trade, development, and corporate areas to harmonize international and domestic policy approaches on Indigenous rights. The government engages 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.

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 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 plan 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 its activities duly consider the rights of Indigenous peoples. FAO works 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 of strengthening the capacity of Indigenous women in the use of national and international instruments on human rights.

ix. Conflict and Fragility

Poverty and conflict are inextricably linked to authoritarianism and poor governance, with consequences for citizens worsening during times of crisis. For that reason, **USAID** works to 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.

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; and helped prevent conflict and mitigate the impact of unanticipated complex crises with targeted programs in five countries.

The **World Bank's HRIE** has human rights in contexts of fragility, conflict, and violence as one of its pillars. By bringing a human rights dimension to the World Bank's engagement in FCV contexts, HRIE works in human rights and disarmament, demobilization, and reintegration; interpersonal violence; and human rights at the nexus of security and development. Grant work under this strategic area also financed work on forced displacement, youth participation, and the prevention and countering of violent extremism.

One of the grants addresses human rights and post-conflict in Colombia. The general objectives of the grant are to capture and make available knowledge about how a human rights–based approach 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 (Caquetá, Cauca, and Nariño) to engage in dialogue with local and national authorities and inform drug policymaking.

x. Lesbian, Gay, Bisexual, Transgender/Transsexual, Intersex, and Queer Rights

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 for 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 discrimination based on sexual orientation, gender identity, gender expression, or family structure. Finland supports the rights of LGBTIQ+ persons through economic and political means.

Finland seeks to ensure that the Yogyakarta Principles 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 forums as the UNGA and the Human Rights Council. Finland actively implements the LGBTIQ+ guidelines of the European Union. These guidelines establish a framework for EU action on 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 with other EU countries, in Pride events all over the world.

In 2019, the Government of **Canada** announced the LGBTQ2I International Assistance Program – USD 30 million in dedicated international assistance funding over five years, followed by USD 10 million per year thereafter, to support Canadian and local partners working with LGBTQ2I communities in developing countries. These funds promote human rights and improve socioeconomic outcomes for LGBTQ2I people in developing countries. A core

element of Canada's LGBTQ2I International Assistance Program is that it is being designed and implemented in keeping with the principles of an HRBA. This approach emphasizes a participatory process, whereby the meaningful and ongoing engagement of Canadian civil society organizations and local, regional, and international partners ensures that programming is informed by the perspectives and realities of LGBTQ2I persons and their representative organizations in developing countries.

France has seen the potential of young people being compromised by gaps and inequities in health services, including mental health and sexual and reproductive health care. The French Ministry of Foreign Affairs is currently elaborating a new strategy on sexual and reproductive health rights (2023–2027) that fully integrates an HRBA.

To address those issues, France launched the Support Fund for Feminist Organizations in 2019, aimed at supporting feminist CSOs promoting women's rights in partner countries. The fund is co-managed by AFD and the French Ministry of Foreign Affairs and falls within the framework of the country's feminist diplomacy and its International Strategy for Gender Equality 2018–2022. It had a budget of EUR 120 million in 2020–2022, and the funding was renewed for 2023–2025. "Feminists in Action," with a budget of EUR 15 million, is the first project financed by the fund. This project, led by CARE France and implemented by a consortium of six associations, aims to support the fight against gender inequality from a multisectoral perspective to support the actions of feminist CSOs defending the rights of women.

xi. Access to Information, Civic Participation, and Access to Justice

Providing individuals with the necessary knowledge and tools to claim their rights contributes to enhanced citizen participation, good governance, and accountability.

France has launched several initiatives to increase access to information. Recognizing "youths" as individuals transitioning between childhood and adulthood, and encouraging their full empowerment, the French Ministry of Foreign Affairs adopted a youth strategy in 2015, one of the areas of intervention of which is to give young girls and boys the means to become actors of change in the civic space. The French programming law on solidarity development and the fight

against global inequalities (2021) recognizes the importance of civic and youth engagement at the international level, particularly through volunteering. At the level of AFD, "the 100 percent Social Link" strategy has a clear ambition toward this, aiming to make young people actors in half of the projects supported by 2025.

Since 2019, the project "*connexion citoyenne*" (currently in its second phase), financed by AFD and implemented by Canal France–International (CFI), has worked to strengthen the civic participation of committed young people, through targeted and long-term support, and by developing their knowledge of civic technology. The project includes free online training for all on digital projects for citizen engagement in French-speaking Africa. During the project, selected participants benefit from eight months of support to develop a new civic technology initiative. At the end of the incubation process, five projects are selected for each promotion to benefit from a seed grant.

In October 2022, **USAID's Center for Democracy, Human Rights, and Governance** announced a USD 20 million award of the Justice, Rights, and Security Rapid Response Assistance (JURIS) activity to Democracy International, a global coalition of expert partners bringing together new voices, tactics, and approaches as well as experienced international and regional USAID implementers. Through JURIS, USAID builds on its long legacy of providing rapid assistance to justice, human rights, and security advocates and defenders worldwide.

xii. Environmental and Climate Rights

On July 28, 2022, the UNGA adopted a resolution (A/76/L.75) recognizing the human right to a clean, healthy, and sustainable environment. The resolution calls on states, international organizations, business enterprises, and other relevant stakeholders to "adopt policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all."[18] Although the UN resolution is not legally binding, it sends a strong message that there is global support for the right to a healthy environment and is expected to be a catalyst for more ambitious climate action and progress toward environmental justice. The recognition of the right to a healthy environment

[18] UNGA, A/76/L.75, paragraph 4

by the General Assembly follows the adoption of similar resolutions by the UN Human Rights Council in October 2021 (resolution 48/13) and various other developments over recent decades (UNEP, OHCHR, and UNDP 2023).

The environmental and climate crises have triggered requests for advisory opinions before international courts, which are expected to clarify the legal obligations of states on climate action. In March 2023, UNGA adopted a resolution requesting the International Court of Justice (ICJ) for an advisory opinion on the obligations of states in respect of climate change. This request adds to two pending requests at the International Tribunal for the Law of the Sea (ITLOS) and the Inter-American Court of Human Rights (IACtHR). The ICJ will assess the advisory opinion request within the meaning of the Statue of the Court and the UN Charter (Tigre and Carrillo Bañuelos 2023), and ITLOS with respect to the Convention on the Law of the Sea. In contrast, the IACtHR will mainly assess the American Convention on Human Rights (Auz and Viveros-Uehara 2023). Despite the diverse focus of these courts and tribunals, these requests are expected to have a significant impact on sustainable development policies and climate action (Ostřanský 2023).

At COP 26 in Glasgow, **Germany, the Netherlands Norway, the US, and the UK**, in partnership with 17 private funders, pledged to invest USD 1.7 billion from 2021 to 2025 to support the advancement of Indigenous peoples' and local communities' forest tenure rights and rewards as the custodian of forests and nature. Donors have also committed to directly channel funding to communities and opportunities for their participation in the decision-making and design of climate programs and finance instruments (Ford Foundation 2021).

The French **AFD** has a Justice Group that offers to support its partner countries to strengthen their environmental laws and ensure access for all to justice in environmental and climate matters. In addition, to meet worldwide energy transition challenges and the requests from its partner countries, AFD adopted a strategy that positions its action on accelerating the energy transition, in line with the AFD Group's 2018–2022 Strategy approved in August 2018.

7.

Lessons on Integrating Human Rights Dimensions, Principles, and Obligations

Accountability, Democracy, and Legitimacy

Strengthening state legitimacy is fundamental to a governance agenda and respect for human rights standards offers a source of legitimacy. Institutional channels for domestic accountability are an important development concern, not only for 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 provides 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).

A variety of initiatives can foster accountability processes and institutions, for example, around the rule of law, democracy, and political participation. Denmark supports domestic accountability through several development cooperation programs. Other examples are programs 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., Nepal and Uganda). Sometimes providing support to parliamentary development is a key domestic mechanism of democracy (e.g., Bangladesh, Mali, and Mozambique); so it 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., Burkina Faso and Tanzania); promoting the equal participation and voice of women and men (e.g., Niger); strengthening justice institutions (e.g., Mali, Mozambique, and Vietnam); promoting autonomous and independent national human rights institutions (e.g., Bangladesh); and supporting CSOs to assist people in formulating their demands, carrying out advocacy, or providing legal assistance to poor and disadvantaged groups (in partner countries).

As the Arab Spring 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 percent higher risk of civil war and higher risk of extreme criminal violence than other countries. In fact, no poor fragile or conflict-ridden state achieved a single Millennium Development Goal.

In the 2020 General Assembly resolution under the Quadrennial Comprehensive Policy Review of operational activities for development of the United Nations system (a/RES/75/233), Member States noted the importance of the contribution of the UNDS with the aim of supporting government efforts to achieve the SDGs, leaving no one behind, based on full respect for human rights, including the right to development, and stressed that all human rights are universal, indivisible, interdependent, and interrelated. Progress in implementing the mandates contained in that resolution, including on human rights for sustainable development, are tracked through an agreed framework and reported annually to Member States.

Democracy programming continues to be integrated throughout 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 remains 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 fulfill 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 strengthening 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 center closely measures and evaluates what works best in democracy, human rights, and governance and shares best practices with the international development community.

While human rights do not feature explicitly in USAID's strategic plan 2022–26, USAID acknowledged the significance of human rights in Covid-19: Democracy, Human Rights, and Governance Issues and Potential USAID Response 2020. USAID has also created the Democracy, Human Rights and Strategic Assessment Framework in 2014 which provides a structure for conducting a political analysis of a country; develops a strategy to advance democracy, human rights, and governance; and helps inform integrated development approaches.

"Do No Harm" and Risk Mitigation

"Do no harm" is one of the 10 principles identified in the 2007 OECD DAC "Action-Oriented Policy Paper on Human Rights and Development" (AOPP). The AOPP 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). Related to this, the human rights framework can provide a normative baseline mandating non-retrogression and a legal grounding for the "do no harm" principle. The 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 "do no harm" without explicitly relying on the international human rights framework, which is the case for a number of IFIs 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 programs (see chapter 4).

Poverty Reduction

i. Identifying the Root Causes of Poverty

Lessons learned relating to governance issues can also be relevant for poverty reduction, especially with respect to participation, empowerment, and the transformation of state-society relations. Studies have highlighted the analytical value of human rights for identifying the structural and root causes of poverty. Unlike a needs-based framework, programming based on a human rights analysis looks at the ability of states to meet their obligations as well as at capacity and political constraints.

Global Affairs Canada's human rights–based approach to international assistance is founded on human rights analysis that identifies capacity gaps in the ability of state duty-bearers to respect, protect, and fulfill their human rights obligations. This analysis also examines capacity gaps in citizens' ability to claim their rights and any cultural and social barriers that may impede the full realization of these rights.

ii. Exposing Power Relations and the Inertia of Social Norms

Identifying the root causes of poverty requires understanding the structural factors that perpetuate it, such as the role of elites, abuse of state power, and gender discrimination. Donors are not always comfortable examining such issues, or they may not have the social or political skills to do so; a human rights analysis can facilitate such an approach.

Some 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 the most challenging issues faced in promoting human rights (and pro-poor development outcomes more generally), as illustrated by difficulties in achieving gender equality objectives.

iii. Paying Attention to the Excluded and Marginalized

Agencies have found human rights programming more effective when disparities are tackled directly. The human rights principles of universality, equality, and non-discrimination require that aid programs pay attention to individuals

and groups who are hard to reach through normal channels. These programs must consider 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 7.1).

Although not rights-based, the World Bank's ESF includes non-discrimination provisions to protect disadvantaged or vulnerable individuals or groups, and to enable them to access the benefits of World Bank–financed projects. In addition, the bank has adopted a separate Directive for Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups. It establishes directions for World Bank staff regarding due diligence obligations relating to the identification and mitigation of risks and their impacts on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable, as described in paragraph 4 (b) of the World Bank Environmental and Social Policy For Investment Project Financing (E&S Policy) and paragraph 28 (b) of the Environmental and Social Standard 1: Assessment and Management of Environmental and Social Risks and Impacts (ESS1).

BOX 7.1.
The Use of Data

UNICEF's review of the implementation of a human rights–based approach provides many examples of efforts to reduce disparities and reach the most excluded. The review highlights the use of disaggregated data to analyze the situation of women and children to reduce discrimination (Bangladesh); the use of school dropout rates, rather than enrollment, 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 percent who had not yet been vaccinated. This outreach required specially adapted strategies, including a new communication strategy to reach the most marginalized families (India).

The OECD reported that the Nepal Ministry of Health and Population piloted a system to collect disaggregated data from hospitals and other health facilities based on 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.

Sources: Noh 2021 and OECD 2008b.

iv. Aid Effectiveness

The OECD-UNDP Making Development Co-operation More Effective 2019 Progress report provides a recent statement on effective development cooperation at the OECD. The principles of the Global Partnership for Effective Development Co-operation – country ownership, focus on results, inclusive partnerships, and transparency and mutual accountability – have been guiding relationships between development partners for close to a decade, helping them to strengthen and improve the way they cooperate and ensuring that all citizens are invested in the process. The OECD and the UNDP work together to monitor progress in using these principles. In 2018, 86 partner countries and territories, in collaboration with more than 100 development partners, to serve as the basis for this work and provide evidence. By highlighting where progress has been made and where challenges remain, the work helps governments, and their partners strengthen collective action toward achieving the 2030 Agenda for Sustainable Development.

v. 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, particularly in 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 labor, more collaborative behavior, 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 2007 AOPP elaborates 10 principles to guide donors in areas where harmonization is critical (OECD 2007a; see also chapter 4). Both the Paris Declaration and the Accra Agenda for Action encourage donors to harmonize their approaches to cross-cutting issues; and the Accra Agenda for Action and Busan Partnership explicitly mention human rights, illustrating their importance to harmonization efforts by donors. With respect to alignment, the central place of human rights in states' domestic legal and policy frameworks, means that they have an important role in setting national development priorities, the

implementation of which donors can support. In addition, there is a strong congruence between building partners' capacity and ensuring that aid does not undermine national capacities and 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 Accra Agenda for Action. 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 programs overall and do not necessarily address how human rights issues are being integrated. For instance, reviews of the US and Portuguese programs included only three brief references to the term "human rights" (OECD 2010, 2011a).

A more recent example of a policy that signals a commitment to enhancing harmonization can be found in the World Bank's Environmental and Social Framework. ESS1, paragraph 9 provides that when the World Bank is jointly financing a project with other multilateral or bilateral funding agencies, it will cooperate with such agencies and the borrower "to agree on" a "common approach" for the assessment and management of environmental and social risks and impacts of the project. A common approach is acceptable only if it enables objectives materially consistent with the ESSs. Similarly, the IDB's 2020 ESPF paragraph 6.1 provides that in cases where the IDB is financing an operation with other multilateral or bilateral financial institutions, it will collaborate with the borrower and other lenders to assess the feasibility of adopting a common environmental and social risk and impact assessment and management process, as well as unified documentation (a "common approach").

vi. From Direct Service Delivery to Capacity Development

Human rights considerations can highlight the importance of states and citizens' respective 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, especially those commissioned by

UNICEF, have consistently shown that an 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 programs. 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.

vii. Holistic and Integrated Approaches

Linking the principles of interdependence, indivisibility, and the interrelatedness of all human rights with development programming, several studies have found that an 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 specific human 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. An HRBA often calls for collaboration with other agencies within a sector, between different sectors, or across state and civil society actors (Box 7.2). In a UNICEF survey, 36 percent of country offices said they had engaged in multisector programming as a result of applying an HRBA (Raphael 2005).

BOX 7.2. 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 analyzed 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.

Source: UNDP The Global Programme for Strengthening the Rule of Law, Human Rights, Justice and Security for Sustainable Peace and Development

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. 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.

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 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.

8.
Challenges and Opportunities

Findings and Issues for Further Consideration

Conceptually, it is useful to disaggregate the ways in which development and human rights interact. Due to the extensive practical and subject matter 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, various human rights principles can be identified in development policy frameworks and approaches. Finally, several 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 multitiered, and they vary 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 USAID, adopt a much more implicit use, usually at an operational level.

Just as development cooperation has evolved, so too has the international human rights framework, 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 human rights bodies, human rights lawyers, academics, and NGOs. At the same time, human rights organizations should become more familiar with development concepts and approaches so they can participate effectively in mainstream development debates and be better positioned to operationalize human rights in the development context, whether this involves development financing, economic analysis, or budgets. 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. They also 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.

Beyond the legal or policy commitments of donors to human rights, a range of practical issues 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.

Policy Challenges

Donor agencies do not endorse the rationales put forward for working on human rights and development to the same degree for a variety of reasons (Table 8.1). Some agencies point to legal constraints. For example, some are concerned that there may be conflicts with their mandate if they work explicitly on human rights and cite states' legal obligations. This is the case for the World Bank, where human rights have traditionally been seen as political.

Legal constraints are often related to political ones. Domestic political environments in donor countries may be more or less conducive to grounding aid in an international human rights framework. For example, the new global policy of Sweden, requiring that a "rights perspective" 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, 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 USAID cannot be conceptualized from the perspective of economic and social rights and state obligations. Even in such circumstances,

aid agencies have been working either on aspects of the human rights agenda (either narrowly on civil or political rights, or without using an explicit human rights language), or are currently considering how to adapt their policy frameworks.

Processes of stocktaking or mainstreaming of human rights work (without an overarching policy) are some of the entry points. Some agencies that have not adopted human rights policies have done so for pragmatic reasons. For example, Australia engages in human rights dialogue and funds human rights projects, such as support to national and regional human rights institutions, but does not have a separate policy for AusAID. It considers that the language of human rights adds limited value to the current governance agenda (AusAID 2001).

TABLE 8.1. Policy Considerations

Institutionalization	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 differing periods for programs and projects (e.g., some have been going on for years, so 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, the Finnish Ministry of Foreign Affairs developed an internal action plan for the operationalization of the HRBA in 2014. The workplan includes programming processes, development of guidance and instructions, HRBA training, and strengthened internal coordination.
Budgetary considerations	Considering that many human rights require a progressive, 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 many donor agencies.

TABLE 8.1. (cont.)

State fragility and capacity limitations	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 an HRBA are the strategies most commonly adopted to overcome weak capacity. Danish support of human rights is centered 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). International Finance Corporation (IFC), the private sector arm of the World Bank Group, focuses on the role of private sector actors in developing countries, including fragile and conflict-affected states. With support from the HRIE trust fund the International Committee of the Red Cross, extractive industry trade associations, and others, IFC launched an Implementation Guidance Tool for its 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; an 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 2011b).
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.

TABLE 8.1. (cont.)

Policy coherence	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, including human rights, 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., defense 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 defense, 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 defense and foreign affairs. Policy coherence has a role to play at the national level as well as at the international level.
Enduring political sensitivities surrounding human rights	Despite progress with the awareness and understanding, human rights, remains a sensitive issue because of its inherent political content and because of how deeply it implicates the relationships between a sovereign government and its citizens and political power dynamics within countries. Most partner countries resist human rights conditionality and some confuse an HRBA with "naming and shaming" or with human rights monitoring and enforcement.
Limitations on the mandates of development agencies and international financial institutions (political prohibitions in certain charters)	Despite advances in policies and the emergency of comprehensive environmental and social policies that share extensive subject matter overlap with human rights, a number of international actors remain constrained by the legal limits of their charters, particularly those that contain "political prohibitions" that have traditionally been interpreted as barring the explicit consideration of human rights.

Opportunities and Recommendations

The SDGs continue to provide a strong, clear framework for integrating human rights into development, even if this relies more on the subject matter overlap than the explicit or systematic integration of rights in the goals themselves. In important ways, the SDGs converge with an HRBA: they prioritize discrimination, participation, inclusion, institutions, and partnerships and they highlight the plight of vulnerable groups. Another clear advance and window of opportunity is the re-emergence of the HRBA after a period of abeyance, and the renewed emphasis on operationalizing the HRBA through tools, training, and guidance. This is evident in the policies and guidance of the EU, but also through newly reinvigorated efforts in the UN, which has also retained an emphasis on human rights at the center of sustainability in the SDGs and related tools and indicators as well as in sustainability policies such as the UNDP's Social and Environmental Standards. It is also clear in the emergence of new bilateral HRBAs, such as that of the French Ministry of Foreign Affairs and Belgium, and in second, third, and fourth generation HRBAs of bilaterals with historical records of anchoring development cooperation in human rights. Another important set of developments is related to the 2011 UN Guiding Principles on Business and Human Rights (UNGPs) and the policy momentum these have generated across the private sector, UN Member States, and non-state actors. A notable recent development is the 2022 EU proposal for a Directive on Corporate Sustainability Due Diligence requiring companies to meet due diligence obligations with respect to human rights and environmental standards and providing for an enforcement mechanism with sanctions and civil liabilities for noncompliance. The UNGPs have given new prominence to the importance of human rights accountability and human rights due diligence in ways that are consistent with the objectives of environmental and social policies of several development actors. These share common goals around effective environmental and social risk mitigation, policy coherence, and the "do no harm" principle.

Regarding 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) center or virtual platform for interested agencies could be a helpful mechanism to enable agencies to learn systematically from one another.
- The UNSDG maintains an internal knowledge portal for UN development entities on human rights and leave no one behind, but it has been unable to invest significantly in this due to the resource gap in the Human Rights Mainstreaming Fund. Various interagency human rights coordination mechanisms conduct analysis of country-level efforts and host knowledge-sharing events, including with UN Member States and civil society in some cases. Wider and more systematic integration of human rights discussions in multilateral development forums, including on funding needs, would strengthen identification of strategic priorities as well as joint initiatives and results.
- Greater investment in the UNSDG Human Rights Mainstreaming Fund for human rights capacities of the development agencies by leveraging the existing UN–World Bank partnership framework. For example, human rights advisers have been shown to have a significant impact on the integration of human rights in the work of UNCTs and their support to national partners. Other institutional-strengthening initiatives addressing policies, tools, and partnerships also supported by the Human Rights Mainstreaming Fund enhance the sustainability of efforts.
- More systematic undertaking of HRDD including through HRIA; the 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.
- 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 (2008b), 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 – noting that the UNDG has been succeeded by the UNSDG).

» Given the continued emphasis on instrumental rationales and calls for evidenced-based policymaking, including with respect to human rights, human rights measurement, indicators, and data are areas worth exploring. These are areas where joint training activities and knowledge-sharing are needed to further the operationalization of human rights in development. The work of the UN OHCHR on human rights measurement, as well as recent developments such as the global SDG indicator framework, together with the DIHR Guide to Human Rights Measurement are examples of initiatives that could both be used by communities and be the subject of future collaboration, particularly for the benefit of field-based staff and partners in the context of projects and programs.

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 and subnational civil society organizations, and international NGOs should be included to build wide ownership and draw on considerable country-based experiences.

With respect to the manner 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 Accra Agenda for Action, donors should continue to harmonize their approaches with human rights. DAC members could consider examining the implementation of human rights policies in peer reviews to encourage the application of existing commitments and share good experiences.

The application and impact of human rights 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 donor and partner governments' human rights obligations should be used as much as possible, as well as constitutions, poverty reduction strategies, and other national frameworks, and through reliance on relevant international and regional human rights instruments and processes. 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 messaging and likelihood of impact, coordinated donor action and the use of multilateral channels are essential.

Increasingly, donors recognize the need to better explore ways in which human rights can be more explicitly anchored in FCV agendas. Various entry points exist, including the new World Bank Policy on Development Cooperation in FCV. Moreover, 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" (see World Bank FCV Policy Vision Statement) 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 could expand support to the UNSDG Human Rights Mainstreaming Fund to scale up its successful pilot initiatives on strengthening human rights integration in development programming and policy dialogue, in a selected number of countries, for example, where the 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.

More generally, donors and partners alike should aim to pursue international policy coherence and ensure that development policies and programs are consistent with their international human rights obligations. This will help reduce fragmentation and siloing of human rights and development considerations and promote respect for minimum substantive and procedural human rights standards in the context of development, thereby aiming to uphold a "do no harm" standard across all development activities.

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