

CPDE Recommendations on HRBA

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Preamble

The CPDE advocates for a human rights-based approach (HRBA) in development. The HRBA argues that human rights are at the very heart of the development agenda, and therefore aid and development must be consistent with human rights instruments and norms, bridging international human rights standards and development interventions.

Human rights is a broad category, including not only the rights guaranteed in national legislation and constitutions, but the full array of rights outlined in international human rights conventions (including for example, the Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW], the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination), declarations (such as the 1986 United Nations Declaration on the Right to Development), the ILO Core Labour Standards and the rights that have been articulated by United Nations treaty monitoring bodies.

An HRBA seeks to empower the rights-holders (people) to hold the duty-bearers accountable (development stakeholders). This requires significant approach shift in development cooperation programs and projects, as well as, in development effectiveness policies and international global governance structures. These should be based on accountability mechanisms and multi-stakeholders participatory processes, both at domestic and international levels.

The CSO Partnership for Development Effectiveness (CPDE) is an open platform of sub--regional, regional and sectoral/major groups constituencies that endorse the current declaration. By doing so, these constituencies commit to engaging actively on the development effectiveness agendas both in terms of advocacy and policy development. Each constituency is organized in its own right and represents its affiliates (sub--regions, national, subsectors) according to its own constituency set-up. It is party to and sits in the Steering Committee of the Global Partnership for Effective Development Cooperation (GPEDC). See <http://www.csopartnership.org>

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HRBA in development cooperation programs

1. The CPDE recognises the UN Common Understanding of a Human Rights-Based Approach to Development Cooperation (2003)¹, as a universal approach to be followed by all development actors (multilateral donors, bilateral donors and civil society organisations-CSOs), providing definition and core elements to operationalize a HRBA:

- all programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments;
- 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;
- 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.

2. A number of committed development actors (multilateral & bilateral donors) have already pronounced their support for an HRBA, and are designing policies and practical instruments within the boundaries of their mandates and capacities. However, this may result in a fragmentation in conceptual approaches and operational methods concerning HRBA implementation;

3. Consequently, the CPDE calls for development stakeholders to endorse the OECD-DAC Principles (2007)² for promoting and integrating human rights in development practices. These principles, building on the UN common understanding, should serve as basic orientations to inform policy design and programming, and identify the key areas and activities for harmonized 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 harmonized and graduated approach to deteriorating human rights situations

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

4. On the basis of the OECD-DAC principles, the CPDE highlights that participation through multi-stakeholder policy dialogue, empowerment, accountability, and non-discrimination should be the main pillars for development programs planning.

5. These should be also the parameters for quality monitoring and assessment of development pro-

1 http://www.undg.org/archive_docs/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf

2 <http://www.oecd.org/development/governance-development/39350774.pdf>

grams, through the use process related indicators reflecting democratic principles and inclusiveness to assess any public policy strategy as well as content-related indicators as to the effectiveness in addressing gender-inclusiveness, environmental sustainability and inequalities.

6. Moreover, permanent and independent monitoring and gathering evidence processes should be put in place and supported by development stakeholders.

HRBA for development effectiveness policies

7. Human rights conventions, standards, norms and instruments should guide policy setting in development. This implies that policy areas such as trade, agriculture, foreign direct investment, debt (etc.) of bilateral and multilateral actors, should be screened to ensure a degree of coherence in development processes³;

8. In this context, the CPDE calls for mainstreaming a HRBA at all levels of development policy. It encourages the implementation of independent human rights complaints mechanisms, which would provide individuals (or groups) affected by bilateral/multilateral donor-funded development programs means of redress;

HRBA in the future post 2015 framework: towards global accountability

9. The CPDE advocates that all global partnerships must be coherent with international human rights instruments, in particular the Declaration on the Right to Development. The right to development provides an integrated, holistic and cohesive framework to inform development cooperation. Adherence to this norm will address root causes of poverty, inequality and injustice, and ecological degradation;

10. Accountability based on international norms is the very meaning of an HRBA to development. The future post-2015 process constitutes an opportunity to really boost policy coherence between development promotion and human rights commitments;

11. The CPDE recommends building on existing reporting mechanisms at international level, including the Economic and Social Council's annual voluntary ministerial review process, and the Universal Periodic review of the Human Rights Council. The CPDE argues that states should streamline their post-2015 and international human rights reporting obligations, ensuring that their respective national reporting processes and accountability mechanisms reinforce one other;

12. Moreover, the CPDE calls for new binding framework, enabling effective monitoring, accountability and enforcement mechanisms, to be agreed at a global level. This framework should reaffirm the spirit of the 1986 Declaration on the Right to Development and it should be based on three fundamental principles: 1) mutual accountability (donors and partners are equally accountable for development progress); 2) democratic ownership of partner countries (alignment of donor countries to policy objectives set by developing countries, through inclusive and democratic processes); and 3) inclusive partnerships (participation of different varieties of development stakeholders, State and non-State actors).

3 Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights <http://www.globalhealthrights.org/wp-content/uploads/2013/10/Maastricht-Principles-on-Extraterritorial-Obligations-of-States-in-the-area-of-Economic-Social-and-Cultural-Rights.pdf>