

# **Integrating Human Rights into Development**

**A synthesis of donor approaches and experiences**

## **Executive Summary**

Prepared for the OECD DAC Network on Governance (GOVNET)

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# Executive Summary

## 1. Introduction

This study was commissioned by the Human Rights and Development Task Team of the OECD DAC Governance Network (GOVNET) with a view to assisting in the preparation of an action-oriented policy in 2006. It analyses and synthesises the approaches and experiences of bilateral and multilateral agencies working on human rights and development, and offers a number of practical recommendations.

Human rights have become a more important aspect of development policy and programming since the end of the Cold War. The 1993 Vienna World Conference on Human Rights, the 2000 Millennium Summit, and the 2005 World Summit all recognise that development and human rights are interdependent and mutually reinforcing. The UN Secretary General's conception of 'in larger freedom' encapsulates the inter-linkages between development, security and human rights.

The late 1990s and early 2000s have seen the adoption of policies on human rights in the majority of agencies surveyed in this study, including both bilaterals and multilaterals such as the European Commission. Some agencies have recently developed 'second generation' policies, drawing on their past experiences. The UN system has been leading the way with a process of human rights mainstreaming since 1997 and, in 2003, agreement on an interagency common understanding of a human rights-based approach to development programming. This definition highlights:

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

## 2. Donor approaches

Human rights work is seen as both an objective in its own right and as contributing to improving the quality and effectiveness of development assistance. The intrinsic reasons include the legal obligations that emanate from the international human rights framework. States party to human rights instruments are under a duty to promote and protect human rights. The concept of human dignity underlying this normative framework drives ethical and political considerations regarding the integration of human rights into development. Human rights are also seen as constitutive of development, drawing on conceptual frameworks such as Amartya Sen's capabilities, human development or multi-dimensional definitions of poverty. Finally, human rights are considered to contribute directly to objectives pursued by donors in the areas of good governance, poverty reduction and aid effectiveness.

Agencies have adopted different rationales for working on human rights; some prefer not to work on human rights explicitly. Legal, political or empirical issues are amongst some of the challenges faced by agencies; research and multi-disciplinary exchanges can inform the further development of policies and their operationalisation.

The integration of human rights into development can be classified using a five-part typology, as summarised in the table below. Most agencies are situated within the three central categories – project, mainstreaming, and dialogue – a shared feature of which is the positive use of human rights. A number of agencies are moving to human rights-based approaches, which requires institutional change in the provision of aid. In some agencies, an implicit integration can be identified. The most common form of assistance has traditionally been projects, though a strategic use of human rights can be found in the design of country programmes and global initiatives.

<b>Human rights-based approaches</b>	<b>Human rights mainstreaming</b>	<b>Human rights dialogue</b>	<b>Human rights projects</b>	<b>Implicit human rights work</b>
Human rights considered constitutive of the goal of development, leading to a new approach to aid and requiring institutional changes.	Efforts to ensure that human rights are integrated into all sectors of existing aid interventions (e.g. water, education). This may include 'do no harm' aspects.	Foreign policy and aid dialogues include human rights issues, sometimes linked to conditionalities. Aid modalities and volumes may be affected in cases of significant human rights violations.	Projects or programmes directly targeted at the realisation of specific rights (e.g. freedom of expression), specific groups (e.g. children), or in support of human rights organisations (e.g. in civil society).	Agencies may not explicitly work on human rights issues and prefer to use other descriptors ('protection', 'empowerment' or general 'good governance' label). The goal, content and approach can be related to other explicit forms of human rights integration rather than 'repackaging'.

### 3. Donor experiences

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

Human rights are being mainstreamed in other policy and programming areas, and this study offers a review of selected sectors. A number of agencies have made significant progress in the area of children's rights, drawing on the Convention on the Rights of the Child. Human rights are also closely associated with gender equality and women's rights initiatives, drawing on the Convention on the Elimination of All Forms of Discrimination Against Women and the 1994 Beijing Platform of Action. There appear to have been more successes linking human rights to indigenous peoples than with minorities. There is a growing number of examples of health or education programming, and some initiatives in livelihoods or infrastructure interventions. These emphasise the relevance of specific human rights standards (e.g. the right to the highest attainable standard of health) and an approach based on human rights principles (e.g. promoting inclusion, participation or accountability), as

well as preventing or mitigating human rights violations associated with aid interventions.

Though there is an emphasis at a policy level on the positive place of human rights, a degree of human rights conditionality remains a feature of development programmes, with the possibility in extreme cases of suspension or termination of aid following dialogue processes. The application and impact of conditionality have not been well researched and new approaches to aid policy and modalities create opportunities to revisit this area.

#### **4. Preliminary lessons**

Experiences to-date have led to the identification of a set of preliminary lessons concerning the contribution, or 'added value', of human rights for development. These are presented to GOVNET for further discussion and testing.

The intrinsic value of human rights offers development actors an explicit normative and analytical framework, grounded in a consensual global legal regime. The framework is seen as adaptable to different political and cultural environments. In some countries, more gradual and implicit approaches have enabled political constraints to be overcome. Operational human rights principles have facilitated the integration of human rights into actual programming; agencies have adopted slightly different sets of principles, but these tend to be variations of those found in the UN common understanding. Principles derived from the human rights framework can enable the integration of human rights without an explicit approach, as can be found in the work of some of the international financial institutions. However, a real danger exists of 'rhetorical repackaging' if the association between the normative international human rights framework and aid policies and programming is blurred or removed.

Human rights also make a contribution to the governance agenda. Human rights are conceptualised in terms of 'duty-bearers' and 'rights-holders'. This highlights the importance of state-citizens linkages, combining a focus on developing the capacity of states to deliver on human rights commitments with citizens' awareness and capacity to claim their entitlements. Human rights are a source of legitimacy for state action, and put emphasis on the need for effective channels of accountability and redress. Participatory approaches are becoming more widespread in the development field, and ongoing initiatives aim to empower poor and vulnerable populations. A strategic use of human rights strengthens these trends, paying attention to the need for free, informed and meaningful participation which can be institutionalised.

Human rights can enhance the design and impact of aid in terms of poverty reduction goals, building in particular on the commitments of the 1995 Copenhagen and other UN Summits. The analytical value of human rights includes the examination of the structural and root causes of poverty, such as a focus on inequality and exclusion as a major barrier for poverty reduction. It also calls for a better understanding of the context and power relations within which aid operates. The principles of equality and non-discrimination in particular require for a direct focus on excluded and marginalised individuals and groups, and underline the centrality of disaggregated data.

Finally, human rights also contribute to enhancing the effectiveness of aid. Because human rights are grounded in the domestic responsibilities of states, aid agencies have found that the approach has enabled them to move away from a service

delivery towards a capacity building role. The interdependence and indivisibility of all human rights has encouraged holistic or integrated approaches, for example greater collaboration across related sectors or institutions. Human rights are fundamentally about challenging power relations. As a result, the approach can lead to explicitly recognition of the political dimensions of aid, not in a party political sense but, as with political economy studies, in terms of bringing the political dimensions of poverty reduction to the fore. New partnerships have been built by donors as a result, finding supportive ways of facilitating domestic change processes. A number of these contributions are not new to the development world; what human rights offer is a coherent, normative framework which reinforces 'good programming practices' by making them non-negotiable, consistent and legitimate.

## **5. Challenges and opportunities**

There are three main challenges with which the GOVNET could engage, in terms of the further strategic integration of human rights into development.

First, aid agencies need to deepen their institutionalisation of human rights considerations, looking at their systems, procedures and staff incentives and allocating adequate resources to better translate their policies into practice. Factors which have contributed to successful change in the agencies reviewed have included:

- a supportive international and domestic political context;
- senior level commitment, accountability and communication;
- strengthening of staff capacities and incentives;
- provision of new tools and procedures; and
- adaptation to a decentralised context.

Secondly, aid agencies have found engagement with national partners difficult because of the need to overcome weak capacities in implementing human rights and in overcoming political barriers, in particular when partners' commitment is weak or when there is overt resistance to human rights. There is a strong overlap with the current work on fragile states which seems to have been overlooked, at least in agencies' explicit statements to-date. Human rights share with the DAC fragile states initiative the prioritisation of the core functions of the state; legitimacy and accountability and the creation of an enabling environment. They can also offer analytical and operational approaches for donor engagement in these difficult environments. Member states' commitment, at the UN 2005 World Summit, to 'integrate the promotion and protection of human rights into national policies' provides opportunities to strengthen the national ownership of human rights within the context of aid partnerships, in particular around national poverty reduction strategies.

Thirdly, and of utmost relevance in the DAC context, agencies now need to strengthen the integration of human rights into thinking and practice around new aid policies and modalities. Approaches towards the Millennium Development Goals have included linking the MDGs to specific human rights standards; drawing on the Millennium Declaration, which makes explicit reference to human rights; and adopting human rights-based approaches towards meeting the MDGs. There is little written at present on aid alignment and harmonisation from a human rights perspective, although the 2005 Paris Declaration calls for harmonised approaches to cross-cutting issues. There is a great deal of congruence between human rights and a number of aid effectiveness principles, such as building national capacities, greater transparency, results-based approaches or policy coherence (for example, with

foreign policy). Human rights analysis already affects both aid allocations and the choice of aid modalities and has a role to play in mutual accountability frameworks, in particular in holding aid agencies themselves to account.

## **6. Recommendations**

On the basis of these findings, the study offers the following recommendations to guide the work of the GOVNET Human Rights and Development Task Team.

**1. Map out a process** with this study, the October 2005 workshop and 2006 action-oriented policy, seen as the first in a series of steps comprising: an updated policy document; efforts to deepen learning based on current initiatives; examining new areas; undertaking joint practical actions; and later preparing practical guidance.

**2. Involve a wider constituency** beyond bilateral and multilateral agencies, with national government partners and civil society actors, nationally and internationally.

**3. Update DAC policy statements** so as to better reflect current knowledge and consensus on the integration of human rights into development and to promote good practice.

**4. Invest in internal lesson-learning** to better document existing experiences and to inform policy development and practices.

**5. Undertake joint learning initiatives**, concentrating on fewer agencies or narrower themes than in the present study.

- A study of a governance sub-area where there has been a demonstrated policy and programming shift as a result of the strategic use of human rights.
- A study of achievements and impacts within an identical small set of non-governance sectors or themes.
- A study on human rights dialogue and the impact of conditionality.
- A study identifying and documenting good examples of 'do no harm' policies and associated mechanisms to monitor the human rights impact of agencies.

**6. Plan and undertake joint pilots** at a country or regional level in order to harmonise approaches in the field and 'learn by doing'. This could include:

- Collaborating more closely in ongoing programming initiatives (projects/mainstreaming) where a multilateral or bilateral is already well advanced.
- Undertaking and documenting joint dialogue efforts.
- With a GOVNET mandate, piloting new harmonised approaches.

**7. Collaborate in strategic DAC initiatives, giving priority to engagement in aid effectiveness debates**, with the Working Party on Aid Effectiveness and Donor Practices, thus responding to paragraph 42 of the Paris Declaration.

**8. Collaborate around fragile states**, with the DAC Learning and Advisory Process on Difficult Partnerships and the DAC Network on Conflict, Peace and Development.

**9. Collaborate around priority GOVNET themes**, in particular to draw out practical lessons on the relationship between political economy and human rights analyses.

**10. Continue to collaborate beyond the DAC by:**

- Establishing a dedicated resource centre.

- Continuing to fund and coordinate initiatives aimed at strengthening the human rights system and mainstreaming human rights within the UN.
- Continuing to invest in initiatives that facilitate exchanges and 'translation' between the development and human rights communities.