

Terms of reference for policy-supporting research

Support to human rights based approach to development

1. Context

Until the 1990s, human rights and development assistance were only occasionally linked. Development assistance was an important tool for non-developing countries' building of alliances with developing countries – sometimes at the cost of using the assistance as a tool for promoting human rights. However, in 1986 the UN General Assembly adopted the Declaration on the Right to Development, and this declaration was reaffirmed by the World Conference on Human Rights in Vienna in 1993. The unanimously adopted Vienna Declaration and Program of Action states that democracy, development, and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

In 1997, the Secretary-General called on all entities of the UN system to mainstream human rights into their various activities and programs within the framework of their respective mandates. According to a more specialized UN statement on the integration of a HRBA in 2003, development policies must be guided by the principles of human rights. The statement identifies and explains six human rights principles to which special weight must be given, namely universality and inalienability; indivisibility; inter-dependence and inter-relatedness; accountability and the rule of law; participation and inclusion; equality and non-discrimination.

Since then a number of **UN agencies** have adopted a human rights-based approach to their development cooperation and have gained experiences in its operationalization. Increasingly, different actors other than the UN agencies within the field of development cooperation, like **NGO's**, individual Members States like Denmark, Sweden or Germany, have integrated human rights in their development interventions by using a Human Rights-based Approach (HRBA).

The EU has also a firm political commitment to integrate the human rights principles into EU operational activities for development. The European

Consensus (council conclusions on a rights based approach to development of 19 May 2014) on Development commits **the EU and its Members States** to implementing a rights based approach to development cooperation, encompassing all human rights.

Human rights, including the rights of children, are defined as one of the 3 priorities to be integrated in the Belgian Development Cooperation of 13 March 2013 (art 11 para 1). In the policy brief d.d. 14 November 2014 and the consecutively updates the integration of a Human Rights based Approach to Development (HRBAD) was considered as one of the two axes for all actors in the Belgian Development Cooperation. All actors funded by the Belgian Development Cooperation should integrate a HRBAD.

Finally, the **2030 Agenda and the SDG's** integrate transversally the human rights based approach to development. The SDG's are grounded in international human rights norms and principles of non-discrimination and equal access, participation, accountability, and access to the rule of law, and transparency. This resonates perfectly with the commitment taken by Belgium both on country base, but also as a EU MS.

2. Defining the problem and identifying fields of activity

All interventions of the Belgian Development Cooperation, whether by NGA's, the Belgian bilateral cooperation, or multilateral actors should integrate a human rights based approach to development.

Integrating a human rights based approach is not only a priority axe of the Belgian Development Cooperation it is also a priority within the SDG's and Agenda 2030 and within the EU (EU Consensus on Development).

Indeed, with the adoption of the 2030 Agenda, UN Member States pledged to ensure "no one will be left behind" and to "endeavour to reach the furthest behind first". "Leave no one behind" means that in the Agenda 2030 and the SDG's, development and human rights are linked to each other. No sustainable development is possible without working on human rights, in particular the rights of women, children and vulnerable persons. Development aid can only be

effective if it also reaches the most disadvantaged, vulnerable people, that those people and their rights should be taken into account, that those who are or at risk at being left behind should be empowered. All SDG's integrate a human rights based approach to development.

Several MS, like Sweden or Denmark are applying a HRBAD since long time and have specific relevant experience. More recently, the EU took a commitment to integrate a 'rights based approach' to all its development interventions. Not only EU DEVCO, but also the MS should integrate this approach. The EU will launch an event to urge the MS to take this approach further.

MS like the Netherlands are struggling to apply this approach and want to establish an informal group with interested countries to exchange views, lessons learned and best practices. Belgium was contacted to be part of this group.

It is therefore needed that Belgium intensifies its work on integrating a human rights based approach in all its development aid interventions and by all its development actors.

However, at the moment there is no mapping or sufficient ex post analyses presenting the results on integrating a human rights based approach, as well the best practices and the lessons learned to from these actions. At the moment, there is no evaluation of the integration of a HRBAD, its advantages and disadvantages and future ways to integrate this approach further.s

There is no single approach to HRBAD. Different actors are applying diverging definitions of the notion of a HRBAD as well as different instruments and tools. Different instruments exists next to each other, for instance the EU Tool Box on HRBAD, the OHCHR tools and checklists, tools by different UN agencies, strategies developed by individual states like Sweden and Denmark, or by experienced human rights institutes like the Danish Institute on Human Rights, etc

Belgium's particular approach is based on pragmatism and realism with the integration of 4 principles: nondiscrimination, participation, transparency and accountability.

The purpose of this research is to seek answers to the following questions:

- What constitutes the particular approach of Belgian HRBAD?
- What have we learned so far about applying a HRBAD ?
- Is there an added value in working with a HRBAD in comparison with not working with a HRBAD?
- How far have the Belgian actors like ENABEL, BIO, NGA's come in applying a HRBAD by reviewing policy and program documentation, as well as progress reports and other
- What instruments on applying a HRBAD exists and which could be interesting for Belgian use?

3. Expected results of policy support for Belgian Development Cooperation

1) Mapping and analytical study of the interventions in the field of human rights, and in particular in the integration of a human rights based approach. Mapping of best practices and lessons learned by different actors (bilateral, multilateral and NGA's) and recommendations to improve the integration of a HRBAD.

- How do the Belgian actors, in particular ENABEL, apply a HRBAD by reviewing policy and program documentation as well as progress reports and other relevant material – selected countries and sectors as well as partners – NGO's and multilateral organizations. Desk study of relevant documents, consultation of relevant actors, case study in the field/field visits
- What are the experiences of other development organizations (international NGO's, bilateral, multilateral organizations? **What have they learned ? What are best practices?**

- **Formulation of clear recommendations** and possibilities to support further implementation of a HRBAD by all actors of the Belgian Development Cooperation.
 - Identification of practices and experiences that could be scaled up.
- 2) Mapping of existing strategies and methodologies in view to develop a conceptual framework and methodology that should result in a **user friendly guideline** with useful tools in annex that can be used by all Belgian actors improve the integration of a rights based approach.
 - 3) Policy support to DGD to prepare and feed initiatives within EU and other international groups on further implementation of a HRBAD.
 - 4) Organize training sessions, seminars and workshops to support **capacity building within the DGD, FPS Foreign Affairs** and all actors working in the field in collaboration with the Task Force on Human Rights based Approach.
 - At least 3 training sessions of 2 days for the personnel of the DGD/FPS (HQ and field) should be organized.
 - The trainings should be organized in collaboration with experts who have relevant and proven field experience in integrating a human rights based approach.
 - It should be a learning experience based on the participants needs and by using case studies from Belgian experiences