



BRIEFING NOTE

# MEASURING A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT

## **MEASURING A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT**

**Authors:** Carol Rask and Paul Dalton, Danish Institute for Human Rights

This Study has been developed in the framework of a partnership between the French Development Agency and the Danish Institute for Human Rights.

**ISBN:** 978-87-7570-220-6

**e-ISBN:** 978-87-7570-219-0

**Photo:** Daniela J Contreras, pexels.com

**Layout:** Hedda Bank

© 2023 The Danish Institute for Human Rights  
Denmark's National Human Rights Institution  
Wilders Plads 8K, DK-1403 Copenhagen K  
Phone +45 3269 8888  
[www.humanrights.dk](http://www.humanrights.dk)

Provided such reproduction is for non-commercial use, this publication, or parts of it, may be reproduced if author and source are quoted.

At the Danish Institute for Human Rights we aim to make our publications as accessible as possible. We use large font size, short (hyphen-free) lines, left-aligned text and strong contrast for maximum legibility. For further information about accessibility please click [www.humanrights.dk/accessibility](http://www.humanrights.dk/accessibility)

# CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>ABBREVIATIONS</b>	<b>5</b>
<b>1 INTRODUCTION</b>	<b>6</b>
<b>2 REFLECTIONS ON EXISTING HRBA COMMITMENTS AND MEASUREMENTS</b>	<b>8</b>
2.1 EUROPEAN UNION	8
2.2 FINLAND	11
2.3 LUXEMBOURG	16
2.4 GERMANY	17
2.5 SWITZERLAND	20
2.6 DENMARK	23
2.7 SWEDEN	25
2.8 NORWAY	28
2.9 FRANCE	29
<b>3 REFLECTIONS ON APPLICATION OF EXISTING THEMATIC MARKERS</b>	<b>34</b>
<b>4 CONCLUSION – TOWARDS AN HRBA ACCOUNTABILITY FRAMEWORK</b>	<b>37</b>
<b>ENDNOTES</b>	<b>38</b>

## EXECUTIVE SUMMARY

As stated in the United Nations Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming (2003):

- All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the UDHR and other international human rights instruments.
- Human rights standards contained in, and principles derived from, the UDHR and other international human rights instruments should guide all development cooperation and programming in all sectors and in all phases of the programming process; and
- Development cooperation should contribute to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

However, unlike other development co-operation thematic areas, there exists no common HRBA or human rights accountability framework to measure the integration of this methodology within development co-operation. The French Development Agency and the Danish Institute for Human Rights have therefore embarked on a partnership to explore the feasibility of developing a HRBA accountability framework or marker for use by interested development co-operation actors.

To inform the design of such a framework, a rapid assessment was undertaken of the current policy commitments on a human rights-based approach to development among 9 European development co-operation agencies and donors. This included a review of existing or emerging methodologies to monitor and report on its implementation. The aim was to gain insights into the current level of commitment to an HRBA among these agencies and donors and to build on experience and learning.

The rapid assessment revealed that many European development co-operation agencies and donors have policy commitments on a human rights-based approach to development. There exists a rich body of comparative experience, tools, resources, and lessons learned. However, the depth of the current engagement varies, with new approaches and themes at times taking the front stage despite existing HRBA commitments. Many describe challenges in implementing their HRBA commitments in practice, particularly in ensuring that commitments made in the programme design phase are followed through on during implementation. This is also borne out in the conclusions of several recently conducted evaluations. One of the agencies has developed a system for rating each programme proposal according to the level of human rights consideration, while two others are exploring the degree to which they can more effectively report on their commitments. However, a general finding, is that there are weaknesses in systematically monitoring and measuring progress in HRBA integration throughout the project and programme cycle.

## ABBREVIATIONS

AADD	Analyse et avis développement durable
AFD	Agence Française de Développement
BMZ	Federal Ministry for Economic Cooperation and Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DAC	Development Assistance Committee
DANIDA	Danish International Development Agency
DIG	Democracy and Inclusive Governance
DG INTPA	Directorate-General International Partnerships
DIHR	Danish Institute for Human Rights
EEAS	European External Action Service
EU	European Union
GIZ	Gesellschaft für Internationale Zusammenarbeit
HRBA	Human Rights-Based Approach
LUXDEV	Luxembourg Development Cooperation Agency
KFW	Kreditanstalt für Wiederaufbau
MFA	Ministry of Foreign Affairs
NDICI	Neighbourhood, Development, and International Cooperation Instrument
NORAD	Norwegian Agency for Development Co-operation
OECD/DAC	Organisation for Economic Cooperation and Development/ Development Assistance Committee
OHCHR	The Office of the High Commissioner for Human Rights
PDB	Public Development Banks
SDC	Swiss Agency for Development and Co-operation
SDG	Sustainable Development Goal
SIDA	Swedish International Developmental Agency
UN	United Nations
UNSDG	United Nations Sustainable Development Group

# 1 INTRODUCTION

A human rights-based approach to development (HRBA) has been on the agenda of United Nations (UN) multi-lateral institutions and European Union (EU) development co-operation donors and agencies for several decades.

In 2003, UN Agencies agreed on the UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation and Programming, underlining the way in which human rights standards and principles should guide the objectives and processes of development co-operation.<sup>1</sup>

## COMMON UNDERSTANDING

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.

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.

The current international framework for development co-operation, the 2030 Agenda for Sustainable Development (2030 Agenda) re-stated this commitment to a human rights-based approach to development. The 2030 Agenda seeks to "realize the human rights of all and to achieve gender equality".<sup>2</sup> It is also explicitly grounded in the Universal Declaration of Human Rights and international human rights treaties.<sup>3</sup> It is to be implemented "in a manner that is consistent with the rights and obligations of States under international law".<sup>4</sup> The 2030 Agenda's overarching pledge to "leave no one behind"<sup>5</sup> in the pursuit of sustainable development reflects the fundamental human rights principle of equality and non-discrimination. Furthermore, the human rights principles of accountability and participation are key components of the 2030 Agenda's Follow-up and Review processes. The Danish Institute for Human Rights (DIHR) has assessed that more than 90% of the targets in the Sustainable Development Goals (SDGs) reflect core international human rights and labour standards.<sup>6</sup>

In 2019, the United Nations Sustainable Development Group (UNSDG) re-affirmed the UN's commitment to an HRBA, identifying it as a key principle in its Sustainable Development Co-operation Framework. The UNSDG added to the above-mentioned 2003 definition by affirming that the HRBA was a conceptual framework for "the process of sustainable development". It further identified equality and non-discrimination, participation, and accountability as the key human rights principles



which should guide development co-operation.<sup>7</sup> It is of note, that compared to the 2013 Common Understanding, this revised UN definition suggests that HRBA is operationally directed to “promoting and protecting” human rights.

The Human Rights-Based Approach to Development is a conceptual framework for the process of sustainable development that is normatively based on international human rights standards and principles and operationally directed to promoting and protecting human rights. Under the HRBA, 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, and the right to development.

HRBA requires human rights principles (equality and non-discrimination, participation, accountability) to guide UN development cooperation, and focus on capacity development of both ‘duty-bearers’ to meet their obligations and ‘rights-holders’ to claim their rights.

United Nations Sustainable Development Group (2019)

Despite the above commitments, it is currently not possible to assess the degree to which development co-operation contributes to either the promotion, protection, or realisation of human rights. There are several OECD/DAC policy markers to measure progress in a range of objectives within development co-operation. However, no human rights or HRBA exists.

The French Development Agency (AFD) and the DIHR have thus embarked on a partnership to explore the feasibility of developing an HRBA marker or an accountability framework for monitoring a human rights-based approach to sustainable development and for reporting on adherence to HRBA commitments.

To inform such a framework, a rapid assessment was undertaken of the current HRBA policy commitments among European development co-operation agencies and donors. The assessment also aimed at identifying whether individual agencies or donors had developed its own methodologies for monitoring and reporting on HRBA implementation. These could subsequently inform the development of an HRBA marker for broader use within development co-operation.

This rapid assessment is based on a document review of publicly available HRBA policies, guidelines, and evaluations from 9 European development agencies and donors, supplemented by brief stakeholder interviews. The assessment also included discussions with the Organisation for Economic Cooperation and Development/ Development Assistance Committee (OECD/DAC) on experiences with their policy marker systems and with the World Bank’s Human Rights, Inclusion and Empowerment Trust Fund. The latter is also exploring how to measure the implementation of an HRBA among its grantees. The assessment did not entail any review of implemented projects and programmes, as this was beyond the scope of this assessment.

## 2 REFLECTIONS ON EXISTING HRBA COMMITMENTS AND MEASUREMENTS

This section provides a brief overview of the current commitments to a human rights-based approach to development among, primarily, European development agencies and donors.

The objective of this overview is to: a) gain some insight into the type of formal commitments agencies have to integrating human rights in their development co-operation, b) the constituent elements of the human rights-based approach that are being promoted by the agencies, as input to what it is that an HRBA marker would need to measure, and c) the degree to which agencies are already monitoring the implementation of their HRBA commitments.

### 2.1 EUROPEAN UNION

#### Legal and Policy Commitments

The EU has strong legal and policy commitments for applying a human rights-based approach to development.

The Treaty on the European Union stipulates that “the Union shall uphold and promote its values and interests and contribute to the protection of its citizens” in its relations with other countries. Furthermore, the EU should, among other things, contribute to “the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter”.<sup>8</sup>

The New European Consensus on Development: “Our World, our Dignity, Our Future”, is a shared vision for development policy for the EU and EU member states. It specifically commits the EU and its Member States to “implement a rights-based approach to development cooperation, encompassing all human rights”.<sup>9</sup> The Consensus identifies as integral to this approach the promotion of the following human rights principles: “inclusion and participation, non-discrimination, equality and equity, transparency, and accountability”. Furthermore, it confirms that the EU and Member States “will continue to play a key role in ensuring that no-one is left behind, wherever people live and regardless of ethnicity, gender, age, disability, religion or beliefs, sexual orientation and gender identity, migration status or other factors”.<sup>10</sup>

These commitments were re-iterated in the EU’s new financing instrument, the Neighbourhood, Development and International Cooperation Instrument (NDICI) – Global Europe.<sup>11</sup> This regulation of the European Parliament and of the Council is the EU’s main instrument for its international partnerships on sustainable development.



In doing so, **the Union should use an integrated approach and comply with, and promote, the principles of respect for** high social, labour, and environmental standards, including with regard to climate change, for the rule of law and for international law,

including in respect of humanitarian and **international human rights law**.

Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, Preamble (11)

The Union shall seek to promote, develop, and consolidate the principles of democracy, the rule of law and respect for human rights and fundamental freedoms on which it is founded, through dialogue and cooperation with partner countries and regions.

A rights-based approach encompassing all human rights, whether civil and political or economic, social, and cultural shall be applied in order to integrate human rights principles, to support the right holders in claiming their rights with a focus on poorer and more vulnerable groups and to assist partner countries in implementing their international human rights obligations. This Regulation shall promote gender equality and women's empowerment.

Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, Article 8(1)(2)

Of interest here is the EU's commitment to both comply with and promote human rights. Its commitment to a rights-based approach encompasses all human rights and is directed at assisting partner countries to implement their human rights obligations.

### **Operationalisation of the HRBA**

**Institutional anchorage:** The lead institution for the implementation of the HRBA in EU external action is the European Commission. Within the Commission, Directorate-General International Partnerships (DG INTPA) is responsible for formulating the EU's international partnership and development policy, with the goal to reduce poverty, ensure sustainable development, and promote democracy, human rights, and the rule of law across the world.

**Guidance:** The EU has developed several tools to help facilitate the implementation of a human rights-based in its co-operation. The principal tool is its staff working document or toolbox entitled "Applying a Human Rights-Based Approach to International Partnerships", originally published in 2014<sup>12</sup> and updated in 2021.<sup>13</sup>

The Toolbox emphasises that "HRBA is a methodology that should guide all interventions under the NDICI – Global Europe" and that its objective is "the

strengthening of capacities of both duty-bearers and rights-holders towards the realisation of rights”.<sup>14</sup>

According to the Toolbox, the HRBA:

- Strengthens the capacities of states/duty-bearers to fulfil human rights obligations and gender equality commitments.
- Raises the awareness of rights-holders about their human rights and strengthens their capacities to claim their rights.
- Places equal importance on the purposes, processes, and outcomes of EU external action.
- Strengthens meaningful participation through inclusive participatory processes and focuses cooperation on groups and communities that are left behind and living in vulnerable situations.
- Incorporates the gender dimension into planning, implementation and monitoring of all actions, promoting gender equality, and addressing discrimination and inequality on the basis of sex.
- Empowers persons belonging to groups that may experience discrimination or inequalities to claim their human rights, such as persons with disabilities, LGBTIQ persons, persons belonging to minority ethnic groups or other minorities and indigenous peoples.
- Prevents harmful outcomes from development interventions, such as reinforcing discrimination or undermining human rights, by incorporating the principle of 'do no harm' as interpreted in the human rights arena.
- Anchors development policies within a framework of laws, norms, standards and principles.<sup>15</sup>

The Toolbox articulates the following five HRBA working principles, which “should be rigorously applied throughout programming, design and implementation and across all sectors”: Applying human rights for all, meaningful and inclusive participation and access to decision-making, non-discrimination and equality, accountability and rule of law for all, and transparency and access to information supported by disaggregated data.<sup>16</sup> As regards the principle “applying human rights for all”, the Toolbox is explicit that human rights standards from treaties, laws and related recommendations, as well as information from monitoring mechanisms and reviews, need to be used “to define and advance the outcomes of the intended intervention”.<sup>17</sup> It is less clear, however, on how the other four principles should be interpreted in light of and in order to ensure compliance with these standards.

In terms of the private sector, the EU is called on to promote adherence to the UN Guiding Principles on Business and Human Rights and to promote the duty of the state to regulate the compliance of businesses with human rights standards, labour standards, and principles.<sup>18</sup>

The revised version of the Toolbox includes a chapter on how to translate the HRBA into practice, with some guidance on how to do this in the following: context, policy, stakeholder and problem analyses; risk assessments; the intervention logic; monitoring and evaluation; and the logical framework matrix. The initial version of the Toolbox also contained a four-page checklist “designed to help and support EU staff and all

stakeholders involved in the whole development process of planning and design, implementation, monitoring and evaluation".<sup>19</sup> Further, the EU has developed training materials available on the EU International Partnership Academy<sup>20</sup> and chairs a periodic HRBA Expert Meeting for EU member states and multilateral institutions.

### **Modalities for Measuring Implementation of Policy Commitment**

The EU's 2014 Council Conclusions on a rights-based approach to development cooperation, encompassing all human rights, calls on the Commission and the European External Action Service (EEAS) "to monitor and continue reporting on a regular basis on progress regarding the operationalisation of a rights-based approach to development cooperation and relevant operational manuals and guidelines".<sup>21</sup> It is suggested that this is done in the Annual Report on the EU's Development and External Assistance Policies and their Implementation and yearly EU Accountability Report on Financing for Development.<sup>22</sup> It is not clear the degree to which this has been done on a systematic basis.

## **2.2 FINLAND**

### **Legal and Policy Commitments**

Since 2012, the wording of Article 1 of the Finnish Constitution includes a commitment to participate in international cooperation for protection of human rights and development of society. This provision provides a strong legal basis for a human rights-based approach to development in Finland's development co-operation.

#### **Constitution of Finland, Article 1**

"Finland is a sovereign republic.

The constitution of Finland is established in this constitutional act. The constitution shall guarantee the inviolability of human dignity and the freedom and rights of the individual and promote justice in society.

**Finland participates in international co-operation for the protection of peace and human rights and for the development of society.** Finland is a Member State of the European Union.'

Additionally, the 2021 Government of Finland report on Human Rights Policy underlines that Finland's activities under its foreign and security policy are based on the "respect for and the implementation of international law, including international humanitarian law, and the provisions and principles of human rights conventions and treaties", that "its development policy is human rights based"; and that Finland will promote "respect for human rights in business activity and in trade policy".<sup>23</sup>

Although not specifically mentioning a human rights-based approach to development, the English summary of 'A Strong and Committed Finland', the Programme Document

of the current Finnish Government, mentions human rights as an area where Finland has strengths and opportunities to support sustainable development. In addition, the government's recent statement to Parliament on promoting equality, gender equality and non-discrimination in Finnish society<sup>24</sup> confirms the continuity of Finland's commitment to human rights-based development.

### **Operationalisation of the HRBA**

**Institutional anchorage:** The lead institution for the implementation of the HRBA in Finland's development co-operation is the Ministry of Foreign Affairs (MFA).

**Guidance:** In 2015, Finland developed a Guidance Note, "Human Rights-Based Approach in Finland's Development Co-operation",<sup>25</sup> which conceptually defines a human rights-based approach to development and provides guidance on how to operationalise the approach in practice. The Guidance is directed at all channels of Finnish development co-operation: multilateral cooperation, bilateral cooperation, cooperation with civil society and with the private sector. The definition of a human rights-based approach is inspired by, among others, the UN Statement of Common Understanding on Human Rights Based Approaches to Development Co-operation and Funding. The Guidance note specifically states that "The Human Rights based approach to development (HRBA) is used as a basis for setting the objectives for development policy and cooperation" and that "the processes of development cooperation will be guided by human rights principles".<sup>26</sup>

For Finland, the HRBA entails a **systematic integration of human rights as means and objective** in development co-operation. This is operationalised through a commitment to strengthen:

- the realisation of human rights as a development result.
- inclusive, participatory, and non-discriminatory development processes which are transparent and accountable.
- enhanced capacities of rights-holders, duty-bearers and, when relevant, other responsible actors.

Ministry of Foreign Affairs, Human Rights-Based Approach in Finland's Development Co-operation, 2015

According to the guidance, economic, social, cultural, and civil and political rights are used in the "identification of the expected results of each development intervention".<sup>27</sup>

Development co-operation projects and programmes should make use of the guidance and recommendations from human rights mechanisms to both identify "capacity gaps" and to "design interventions aimed at improving the capacity of duty-bearers to ensure the fulfilment of rights."<sup>28</sup> This provides a strong basis for the use of human rights standards and mechanisms in the design of projects and programmes. In the operationalisation of the HRBA, Finland seems to prioritise the following principles: participation and inclusion, accountability, transparency, and non-discrimination. Transparency has been linked to the principle of participation.<sup>29</sup>

Finland has taken a pragmatic approach to the implementation of HRBA in its development co-operation, stating that this will be implemented gradually and will be an institutional learning process.<sup>30</sup>

A challenge identified in implementation has been the diversity of interpretation of the concept in the practices of different departments, despite the existence of common Guidelines.<sup>31</sup> According to a recently published analysis, this may have to do with staff capacity but also with staff incentives and resourcing.<sup>32</sup> There has also been a call for more actor and sector-specific guidelines, which would facilitate more practical implementation of an HRBA approach.<sup>33</sup>

### **Modalities for Measuring Implementation of Policy Commitment**

Finland, as one of the only countries reviewed, has developed a specific system for monitoring and reporting on its HRBA policy commitments, as defined in the 2015 Guidance Note. Based on a gradual approach to the integration of a human rights-based approach, it establishes four levels of “human rights consideration in development co-operation”, defining and setting the ambition level for each intervention.<sup>34</sup> These levels are as follows: human rights blind, human rights sensitive, human rights progressive, and human rights transformative.<sup>35</sup> The development of the four-level classification system takes inspiration from the gender continuum widely used by a range of actors on gender equality.<sup>36</sup> It has been considered useful in defining minimum requirements, target setting, and monitoring.<sup>37</sup>

#### **LEVELS OF HUMAN RIGHTS CONSIDERATION IN FINNISH DEVELOPMENT COOPERATION**

##### **Human rights blind**

The development intervention is ignorant of human rights and the risk of unintentional harmful effects has not been assessed.

##### **Human rights sensitive – application of human rights as a process**

Human rights principles guide the programming, implementation, monitoring and evaluation of the intervention. A basic human rights assessment has been carried out in order to be sufficiently aware of the human rights situation. This is done in order to avoid unintentional negative effects on the enjoyment of human rights and to ensure that the intervention does not contribute to discriminatory structures, norms and practices. The intervention does not have an explicit commitment to human rights in terms of expected results. Elements related to capacity development or advocacy may be included in the intervention.

##### **Human rights progressive – application of human rights as a process and partial integration as expected results**

The development intervention adheres to human rights principles in its processes and includes expected results that further the respect, protection or fulfilment of human rights. The needs, concerns, and capacity of different duty-bearers and rights-holders – especially vulnerable groups – are addressed in the project activities and expected results. Disaggregated data is systematically used and analysed when planning and

monitoring the interventions and their results. However, root causes in legislation, customs, norms and practices might be unattended to by the intervention. Elements of capacity development or advocacy may be included in the intervention.

**Human rights transformative – application of human rights as a process and full integration in terms of expected results, with explicit focus on capacity development and advocacy work**

The development intervention actively seeks to transform societies and eliminate discrimination by addressing root causes in legislation, customs, norms and practices, in line with human rights standards and principles. Human rights guide the identification of expected results. Determined action is directed towards capacity development and advocacy. Accountability is emphasised as programming is explicitly framed in terms of rights and obligations. The development intervention is coupled with a strategic policy dialogue on specific human rights concerns relevant to the intervention.

All new projects and programmes need to assess the level at which HRBA is integrated according to this scale. This has been considered a positive experience as staff have had to critically engage with the integration of the human rights-based approach in their projects. Finland has not attached specific targets for the different levels. It has been cautious about doing this, suggesting that in some contexts and for some actors, a human rights sensitive project, the lowest permissible level, may be the most appropriate and already an achievement. Context matters, and the level of ambition needs to be adjusted to the intervention at hand.

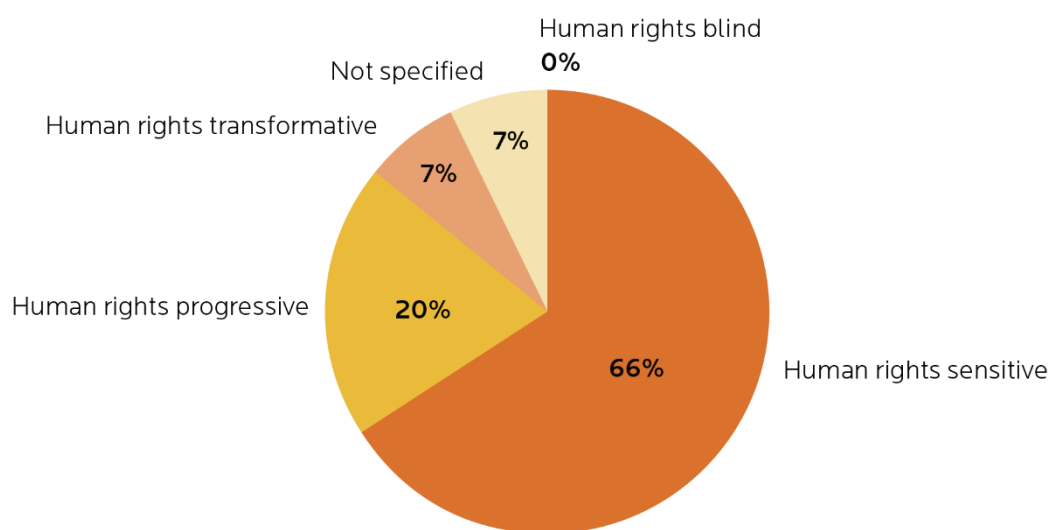
In a report published in January 2023, Finland's Development Policy Committee, an independent advisory body representing Finnish parliamentary parties and larger society, reviewed the realisation of a human rights-based approach in Finland's development co-operation and drew on data based on this three-tier classification.<sup>38</sup>

According to the Committee's report, as much as 66% of Finland's funding decisions between 2015 and 2017 were classified as "human rights sensitive"; i.e., the lowest category in the scale of permissible HRBA integration. Focus is thus primarily on "doing no human rights harm".

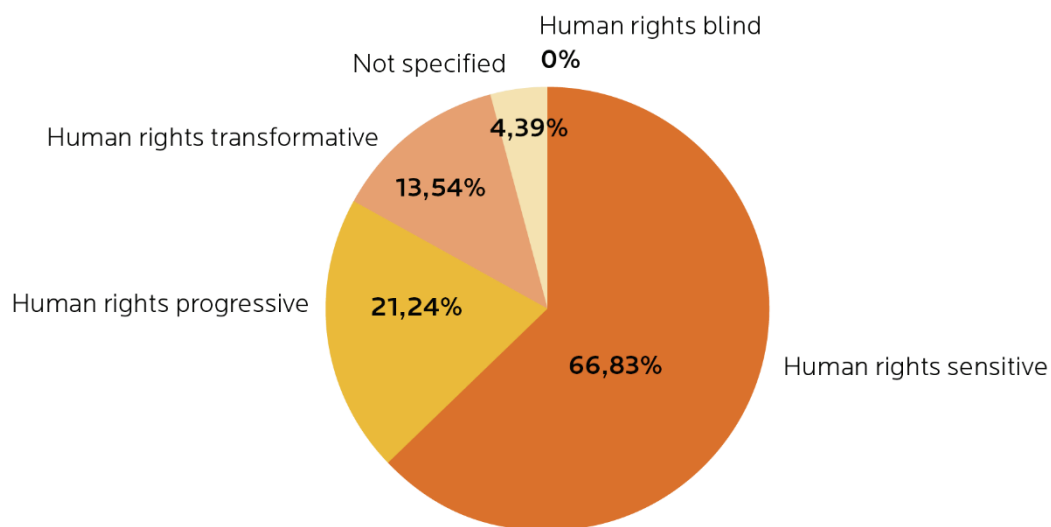
A comparison of 2015-17 with 2019-2021 figures show a progression in the percentage of human rights-transformative projects from 7 to 13.54%. However, it has been suggested that this may be related to the inclusion of other types of projects not incorporated in the earlier figures. The Committee's report calls for a higher ambition level with more projects and programmes classified as human rights progressive and transformative.



**DEFINITIONS OF HUMAN RIGHTS LEVELS IN FUNDING DECISIONS IN THE PERIOD OF 2015-2017**



**DEFINITIONS OF HUMAN RIGHTS LEVELS IN FUNDING DECISIONS IN THE PERIOD OF 2019-2021**



Source: Distribution of funding decisions by level from 2015 to 2017 and from 2019 to 2020. Development Policy Committee, A Human Rights-Based Approach to Finish Development Policy, Tense times demand a more ambitious direction, 2023

The definition of the levels is an exemplary starting point that should be maintained, even though areas for improvement can be identified. For example, a concern raised in the report is that the HRBA assessment is only carried out at the project or programme's formulation phase and thus does not reflect on the project's actual outcomes.

Furthermore, the report notes that HRBA is seldom or inadequately assessed in project and programme evaluations in Finland's development co-operation.<sup>39</sup> Incorporating evaluations of the HRBA approach in evaluations could to some extent address this weakness that classification occurs only at formulation stages.

The findings and recommendations of a major evaluation of HRBA in Finland's development policy and cooperation, commissioned by the Ministry of Foreign Affairs in 2022 and conducted by a team of independent consultants, were published in October 2023.<sup>40</sup> The evaluation concluded that HRBA has become solidly established within MFA and its partners as the most important common normative basis for Finland's development cooperation, but that "in order to enhance effectiveness, a broader approach to putting HRBA into practice is needed, i.e., moving beyond the current emphasis on a 'gatekeeper' function before funding is approved."<sup>41</sup>

The evaluation recommends reaffirming HRBA as a core principle guiding Finland's development cooperation. "This should be reflected in the human rights outcomes pursued, as well as in the processes that MFA and its partners seek to put into place".<sup>42</sup> Further, the evaluation recommends that greater emphasis be placed on internal monitoring and evaluation structures to ensure that human rights and HRBA ambitions in programme applications are followed through on in implementation.

## 2.3 LUXEMBOURG

### Legal and Policy Commitments

As defined in Luxembourg's General Development Co-operation Strategy, "The Road to 2030", the main objective of Luxembourg's development cooperation is to contribute to the eradication of extreme poverty and the promotion of economic, social, and environmental sustainability.<sup>43</sup>

Luxembourg does not have an explicit policy commitment to a human rights-based approach to development. However, it has identified human rights as a cross-cutting priority in all of Luxembourg's development co-operation projects and programmes.<sup>44</sup> Luxembourg aims to pursue a systematic, holistic approach that places human rights at the centre of development, particularly through its gender strategy.

### Operationalisation of the HRBA

**Guidance:** Despite the lack of an explicit human rights strategy, The Luxembourg Development Cooperation Agency (LuxDev) has been actively developing guidelines and a set of tools in its Bureau in Laos and has carried out some internal HRBA training for staff.

LUXDEV is in the process of developing a Human and Fundamental Rights Mainstreaming Guideline to conceptualise how it intends to adopt a "a rights-based governance strengthening approach" across all future engagements. This is currently being developed by their above-mentioned Bureau in Laos as part of the implementation of their new Programme for Rule of Law, Access to Justice and Good Governance in Laos.

From the training materials and presentations provided, it appears that Luxembourg's development co-operation focuses specifically on the following elements in its human rights mainstreaming approach/rights-based governance strengthening approach:

- Focus on the most vulnerable population groups (ensure non-discrimination and equality, e.g., ethnic minorities, gender).
- Working with both rights holders and duty bearers (e.g., state authorities).
- Ensure self-determination, participation, and inclusion.
- Focus on empowerment and strengthening capacities.

A review of the current guideline being developed in Laos showed many elements aligned with a human rights-based approach. The Guideline has a strong anchorage in international human rights standards and assesses the integration of three key HRBA principles (accountability and rule of law, participation, and non-discrimination and inclusion)

The very detailed guidance provided in the tool under development could be an inspiration for the development of indicators for monitoring the implementation of an HRBA across development co-operation or for marking different levels of integration of a human rights-based approach in development co-operation.

### **Modalities for Measuring Implementation of Policy Commitment**

There is currently no modality to measure the implementation of this cross-cutting priority in Luxembourg's development co-operation.

## **2.4 GERMANY**

### **Policy and Legal Commitment**

Human rights are a fundamental principle in German development co-operation. In 2011, the Federal Ministry for Economic Cooperation and Development (BMZ) adopted a Human Rights Strategy, affirming human rights as a guiding principle of Germany's development policy. This strategy, which has the status of an administrative directive, imposes binding requirements on the Ministry and implementing institutions, such as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Kreditanstalt für Wiederaufbau (KfW Development Bank).

The Strategy contains binding provisions for the formulation of German development policy, which are relevant to decision-making in this field.

Federal Ministry for Economic Co-operation and Development (2011), Human Rights in German Development Policy, Strategy, p. 4.

According to the Strategy, German development policy aims to contribute to poverty reduction and sustainable development by "improving the implementation of the human rights obligations undertaken by Germany and the developing countries."<sup>45</sup>

The Strategy establishes that human rights is both a goal and an instrument of German development policy.<sup>46</sup>

Of note, the Strategy outlines a dual approach for German's support to human rights in development co-operation, differentiating between human rights projects and projects that mainstream a human rights-based approach.

German development policy will in future increase its support for human rights implementation through **the mainstreaming of a human rights-based approach in all sectors and priority areas** as well as through **specific human rights programmes and projects** (dual approach).

Federal Ministry for Economic Co-operation and Development (2011), Human Rights in German Development Policy, Strategy, p. 14.

It is however important to note that this binding commitment is said to extend only to Germany's official bilateral development cooperation and not, for example, to its co-operation with civil society.<sup>47</sup>

BMZ is currently working on a new human rights strategy which is expected to be finalised in November 2023. This strategy will replace the above-mentioned 2011 strategy and will establish a quality criterion "human rights, gender equality, and disability inclusion", as one of six quality criteria of German development policy. The strategy is expected to have a strong focus on the practical implementation of the human rights-based approach and will, as the previous strategy, be an administrative directive with binding provisions for the Ministry and implementing institutions.

## **Operationalisation**

**Institutional Anchorage:** BMZ leads on the development of strategies and human rights guidance. However, the responsibility for putting human rights principles into practice is delegated to the implementing institutions, such as the GIZ and the KfW Development Bank. They develop their own procedures and processes for implementing these guidelines.

**Guidelines:** In 2013, BMZ developed operational guidelines for "incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation."<sup>48</sup> As explained in the guidelines, these were primarily guidelines to assist with the mandatory appraisal of human rights risks and impacts and not the mainstreaming of a human rights-based approach.<sup>49</sup> A mandatory requirement was established for all agencies working with official development assistance: they were required to assess human rights risks before approving any project or programme.<sup>50</sup> It was also established that these "human rights due diligence requirements" would be the basis for "reporting, evaluation and accountability mechanisms".<sup>51</sup>

GIZ has developed a Safeguards and Gender Management System as response to the 2013 Guidelines. These safeguards need to be applied to projects over a certain amount. GIZ apparently also has guidance for incorporating HRBA in project evaluations.<sup>52</sup>

In 2014, the Ministry issued guidelines on the implementation of a human rights-based approach in German development co-operation.<sup>53</sup> These Guidelines highlighted the following elements as being central to a human rights-based approach:

- The key objective of the HRBA is to support people (right holders) to claim their rights and state actors (duty bearers) to fulfil their human rights obligations.
- Outcomes of development programmes should be systematically aligned with human rights.
- Development cooperation should, across all sectors, contribute to the realization of human rights principles such as non-discrimination and equality, participation and empowerment, and transparency and accountability.
- Supports political, social and institutional reform processes that address inequalities and creates an environment in which people have opportunities and the freedom to make an act upon their own choices.<sup>54</sup>

Reiterating the dual approach of German co-operation, the Guidelines highlighted that mainstreaming a human rights-based approach to development was about three key elements:

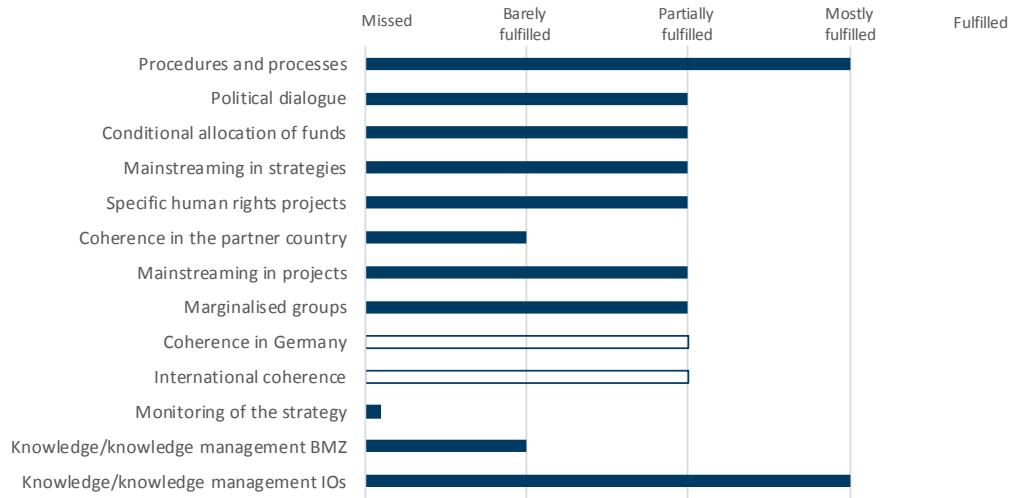
- Capacity development of right-holders to claim their rights and duty-bearers to fulfil their obligations;
- Systematic orientation towards, and reference to, human rights and reference documents, including human rights education and awareness raising activities related to the specific sector or area of work; and
- Adherence to, and promotion of, human rights principles: non-discrimination and equality of opportunity, participation and empowerment, and transparency and accountability.<sup>55</sup>

### **Modalities for Measuring Implementation of Policy Commitment**

The 2011 Human Rights Strategy was comprehensively evaluated in 2021 with important recommendations.<sup>56</sup> The evaluation found, among others, that there was no “overarching and systematic monitoring of the implementation of the HRBA” for use in strategic management.<sup>57</sup> It further highlighted that the HRBA had only be fully mainstreamed in a few bilateral development cooperation projects and that not all the dimensions of the HRBA had been covered in all projects.<sup>58</sup>

It also highlighted that the level of integration of human rights differed depending on which staff were involved. Often it was related to personal convictions and the normative backgrounds of those involved in any given case.<sup>59</sup>

## SUMMARY OF THE DEGREE OF IMPLEMENTATION OF ALL AREAS OF ACTION



Source: German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy, p. 94

BMZ has plans to set up a monitoring system for the implementation of the HRBA in Germany's bilateral development cooperation. Germany is also introducing the OECD DAC Marker on Inclusion and Empowerment of Persons with Disabilities from 1st of January 2024 onwards for all new German development projects.

## 2.5 SWITZERLAND

### Policy and Legal Commitment

The Federal Constitution of Switzerland identifies the promotion of respect for human rights and democracy as one of the aims of Switzerland's foreign policy.

The Confederation shall ensure that the independence of Switzerland and its welfare is safeguarded; it shall in particular assist in the alleviation of need and poverty in the world and promote respect for human rights and democracy, the peaceful co-existence of peoples as well as the conservation of natural resources.

Federal Constitution of the Swiss Confederation of 18 April 1999 (Status as of 13 February 2022), Article 54 (2)

This aim is further defined in the Federal Act on Measures pertaining to Civil Peace Support and the Promotion of Human Rights which states that the Confederation should "contribute to the reinforcement of human rights by promoting the civil, political, and economic, social and cultural rights of individuals and groups of people".<sup>60</sup>

In its Guidelines for Human Rights 2021-2024, Switzerland commits to a human rights-based approach to development as follows:



As a result, effective and sustainable development cannot occur without the promotion of human rights. Reinforcing human rights is therefore an objective of the IC Strategy 2021–24. Switzerland pursues a human right-based approach to implementing development programmes by basing programme work on the relevant human rights requirements. This allows IC to contribute to the realisation of human rights.

Federal Department of Foreign Affairs (FDFA) (2021), Guidelines on Human Rights 2021-2024, p. 18

There is thus a commitment to contribute to the realisation of human rights through the implementation of a human rights-based approach. There is no such explicit reference to a human rights-based approach to development in Switzerland's International Co-operation Strategy 2021-2024<sup>61</sup>, although there are numerous references to human rights.

However, the Swiss Agency for Development and Co-operation (SDC) has developed "Guidance on Human Rights in Development and Cooperation"<sup>62</sup> in which it has reiterated that "applying an HRBA means understanding the realization of human rights as the ultimate objective of development cooperation and applying certain core principles in working towards that objective".<sup>63</sup>

This Guidance Note outlines SDC's human rights commitment as to:

- Analyse and address human rights violations as both root causes and consequences of conflict and fragility as well as obstacles for sustainable development.
- Ensure that the prevailing (e.g., the highest) relevant human rights standards, whether from global, regional, or national sources, guide our programming interventions in all contexts and sectors.
- Endeavour to apply a human rights-based approach to all our interventions as part of project cycle management and strategic orientation, thereby contributing directly to the realisation of one or several human rights.
- Advocate in multilateral forums, bilateral dialogues with governments, ministries, international and local partners for a human rights-based approach to development, including in the implementation of the 2030 Agenda.
- Enhance the dignity of the poor and other marginalised groups by combating economic, social, and political exclusion. This includes prioritising efforts to address the specific gender dimensions of poverty.
- Promote the empowerment of vulnerable rights-holders and their active free and meaningful participation in development processes, thereby ensuring that no one is left behind.
- Provide assistance and protection to victims of conflict through humanitarian aid. Protecting civilians involves not only responding to violations that have already occurred, but also preventing further violations and reducing the vulnerability of persons to be protected. The protection measures are explicitly rooted in international humanitarian law and human rights law.
- Strengthen accountability of national duty-bearer and oversight institutions at all levels in our partner countries, by ensuring that our programmes, policy, and

sectoral dialogue address key accountability challenges (such as corruption and impunity) that discriminate against, and deny justice to, the poor and other disempowered groups. Strengthen regional and multi-lateral accountability mechanisms so as to enhance synergies between human rights and development.

- Enhance our efforts to measure and document the human rights impact of our interventions for greater sustainability and to advance lessons learning.<sup>64</sup>

The Guidance note underlines the relevance of HRBA for all thematic areas in which the SDC is engaged and a commitment to ensure that “ goals, partner choices and programming methodologies (including focus on capacity building) are accurately and explicitly rooted in human rights norms”.<sup>65</sup> The SDC further explains that its results should be “fundamentally about positive, sustainable human rights change”<sup>66</sup> and states that it will identify “human rights-related contextual, programmatic and institutional opportunities and risks” and translate the opportunities into programming while mitigating the risks.<sup>67</sup> The latter suggests both an approach to realise rights while doing no human rights harm.

The Guidance Note also identifies clear responsibilities for the implementation and monitoring of the Guidance with SDC’s senior management who have the oversight role. SDC’s departments, divisions and cooperation offices are responsible for the application of the guidance. In 2022, a “Peace, Governance, and Equality” Section was established to bring together various cross-cutting themes and to nurture linkages between them.

Despite the mandatory nature of HRBA in the Human Rights and Development Policy and Guidelines, interviews carried out suggested that HRBA is not always applied in full in SDC programs. There is no enforced requirement that a funding proposal refers to relevant human rights standards or recommendations from human rights mechanisms. It was considered unlikely in practice that a project or program is rejected for not applying a human rights-based approach. By comparison, if a proposal does not include a complete “governance checklist”, which is a requirement for all programs, then it would be returned to the responsible project officer. It remains a challenge in practice for SDC staff, as staff in other development co-operation agencies, to understand the human rights-based approach and its cross-cutting principles.

### **Modalities for Measuring Implementation of Policy Commitment**

A review of Switzerland’s latest report to the Swiss Parliament on its development co-operation budget 2017-2020<sup>68</sup> included reporting on its support to human rights projects. However, the mainstreaming of a human rights-based approach in its development co-operation is not explicitly mentioned or reported on. Interviews with staff within Swiss Development Co-operation confirmed that there are no modalities in place to monitor progress in the implementation of the human rights-based approach within their development co-operation.

## 2.6 DENMARK

### Policy and Legal Commitment

The legal basis for Denmark's development co-operation is the Danish Act on International Development Cooperation, Consolidated Act no. 555 of 18.06.2012.<sup>69</sup> The objective of Denmark's development co-operation, according to this law, is "to fight poverty and **promote human rights**, democracy, sustainable development, peace, and stability in accordance with the United Nations Charter, the Universal Declaration of Human Rights and the United Nations' human rights conventions.<sup>70</sup> The law has undergone two amendments since it came into force in 2013, with the last amendment in 2016 adding that the 2030 Agenda for Sustainable Development is the central pivot.<sup>71</sup>

Denmark's 2021 Development Co-operation Strategy the World We Share<sup>72</sup>, does not include the promotion of human rights as an objective of Danish development co-operation but does explicitly mention a human rights-based approach to development as the basis for its approach. It establishes democratic values and human rights as the foundation of Denmark's development co-operation and expresses commitments to "a human-centred approach", to "protect the most vulnerable", and to "promote and protect the rights of girls and women".<sup>73</sup> The Policy does, however, stipulate that Denmark's development co-operation "must take place in conformity with the Danish Act on International Development Cooperation, the United Nations Charter, the Universal Declaration of Human Rights, the UN conventions on human rights, and with the 2030 Agenda for Sustainable Development as the central pivot".<sup>74</sup>

The Danish government launched a new Security and Foreign Policy in May 2023,"with pragmatic idealism as the headline".<sup>75</sup> The strategy does not refer specifically to HRBA but emphasizes continuing Danish commitment to human rights and sustainable development, including to the HRBA principles of transparency and accountability.

"We must create equal partnerships. Without compromising on the requirements of transparency and accountability, we must guarantee attractive and more sustainable solutions that meet the demands of the countries and that can contribute to their development and independence. Our approach must be characterised by pragmatic idealism and must be based on shared interests.

Danish foreign policy must continue to be based on our fundamental values, especially democracy and human rights. The rights of women and girls, minorities, and workers. The freedom to express yourself, think, believe, and assemble freely. And the right to a life free from torture.

We must promote our values and rights with an eye on the political reality that we live in. We must become better at listening and understanding the

points of views of others. And the starting point for our engagement must be common interests and Danish competences so that we can effectively contribute to sustainable development. We must cultivate and develop more equal partnerships, not close

doors. There will always be dilemmas when we engage with others who do not share the same values as us. But that must not prevent us from cooperating in areas of common interest – or engaging in critical dialogue when we disagree.”

Government of Denmark, Foreign and Security Policy Strategy, May 2023, p.18.

## Operationalization

**Institutional Anchorage:** The Ministry of Foreign Affairs is responsible for the development of development of strategies and guidance for those involved in the design and implementation of Danish-funded development interventions.

**Guidance:** Denmark has developed an HRBA Guidance Note, which was most recently revised in 2013. It has also developed an HRBA and Gender Screening Note.<sup>76</sup>

### EXCERPTS FROM THE HRBA GUIDANCE NOTE

HRBA entails that 1) the goal of development cooperation will seek to realize human rights as well as poverty alleviation, 2) the process of development cooperation should be guided by human rights standards and principles, and 3) there should be a focus on rights-holders and duty-bearers and their capacities to claim and fulfil obligations related to human rights.

As an essential part of HRBA, Denmark’s development cooperation will be strengthened by consistently applying the principles of non-discrimination, participation & inclusion, transparency, and accountability. We will apply them in policy dialogue and in all steps of the programme cycle. However, all do not need to be integrated to the same extent in specific interventions. What is important is to consider them and include specific interventions in programmes to promote them where feasible.”

A Human Rights Based Approach to Denmark’s development cooperation – Guidance and inspiration for policy dialogue and programming (2013)

Of interest in this 2013 HRBA guidance note is that a goal of development co-operation, in keeping with the UN Common Understanding, is the realization of human rights. However, there is a suggestion that although HRBA principles need to be consistently applied, all interventions do not need to integrate all principles “to the same extent”.

The purpose of the HRBA and Gender Screening Note is to facilitate and strengthen the application of the human rights-based approach and the mainstreaming of gender equality programming. It is in the form of a checklist, to be completed “based on analysis undertaken as part of the preparation of the Country policy paper,” “drawing on major human rights and gender equality analysis relevant for the country such as UPR-processes, reports and documents from Office of the High Commission for Human Rights (OHCHR), EU Human Rights Strategy, CEDAW-reporting as well as relevant analysis prepared by other major donors”.

An internal process to update the Guidance Note and the accompanying Gender/HRBA Implementation tool commenced in the autumn of 2022. However, the process has been paused pending clarification of the development policy priorities of the incoming Danish Government.

At present, HRBA does not appear to be systemically applied in Danish-financed development programmes. The HRBA guidance note envisages a comprehensive analysis being done in the program design phase that will inform application of HRBA and gender mainstreaming methods. However, our understanding is that such analyses are not always, or even not usually, being prepared in practice.

Denmark has developed a series of 'How To' notes to assist staff in implementing the 2021 Development Strategy. It falls beyond the scope of this Briefing Note to assess the integration of HRBA in all twelve of the How To notes. However, a review of the *Approach Note for implementation of "The world we share": Fighting poverty and inequality*<sup>77</sup> includes HRBA as a means to operationalise "the multidimensional poverty concept". It highlights the ways in which HRBA can assist in identifying discrimination; highlighting structural causes of poverty, including gaps in the transparency and accountability of public authorities; and securing the participation of poor and vulnerable groups in public decision-making. There is reference here to the key HRBA principles but no explicit mention of how human rights standards and recommendations from human rights bodies will guide implementation in this approach. It also seems to suggest that human rights are seen as a means and not an end or goal of its development co-operation.

## **Modalities for Measuring Implementation of Policy Commitment**

There is currently no modality to measure the implementation of HRBA across Denmark's development co-operation.

## **2.7 SWEDEN**

### **Policy and Legal Commitment**

Sweden has a long-standing commitment to the promotion of human rights in development cooperation. In 1997, the government issued a policy document on the role of human rights in foreign policy. This policy stated that human rights should be integrated into all aspects of Swedish foreign policy and that a HRBA should be applied in all development cooperation.

In 2003, the Swedish Parliament adopted a Policy for Global Development which noted that past development efforts had put insufficient emphasis on human rights, democracy, and good governance, and that a HRBA, as well as a poverty perspective, should permeate all aspects of Sweden's efforts to contribute to equitable and sustainable development. The most recent Policy Framework for Swedish Development and Humanitarian Assistance,<sup>78</sup> published in 2016, states that "Sweden's development cooperation...takes as a point of departure and is characterised by the perspective of poor people on development and by a rights-based perspective.

These two overarching perspectives are analysed and integrated throughout Swedish development cooperation". The Sida HRBA Toolbox contains a definition of and guidance for the application of the HRBA.

### **"HRBA IS EMPOWERMENT AND CAPACITY DEVELOPMENT".**

The HRBA puts the human rights of persons living in multidimensional poverty and under oppression, and especially the most marginalised and discriminated among them, at the centre of development cooperation. The approach aims to enable persons living in poverty and under oppression to take steps out of that situation, and pinpoints actors and institutions responsible for respecting, protecting, and fulfilling those human rights.

The HRBA always includes:

- Empowerment of women, men, girls, boys and non-binary persons living in poverty and under oppression – the rights holders - with for example hope, assertiveness, knowledge, skills, tools, networks, communication channels, and access to justice to enable them to claim their rights individually and collectively.
- Capacity development of those with obligations to respect, protect, promote and fulfil human rights - the duty bearers - through for example increased knowledge, human and financial resources, and tools."

Sida HRBA Toolbox

Note, however, that there is currently some uncertainty about the development policy priorities of the new Swedish government and on whether the human rights-based approach will continue to be an overarching perspective in Swedish development cooperation.

### **Operationalization**

**Guidelines:** Sida has invested heavily over the past decade in embedding HRBA in its development programming. Training has been provided for Sida staff, partners, and other stakeholders. An 'HRBA toolbox', providing knowledge, tools and inspiration on how to apply the HRBA, is available online.<sup>79</sup> Sixteen technical sector briefs have already been published and further briefing notes on environment and climate, private sector collaboration, and sustainable rural livelihoods, are currently under preparation.

The Toolbox also contains the PLANET checklist, a tool to assist practitioners to organize and apply the HRBA principles in practice. PLANET is an acronym standing for **P**articipation, **L**ink to Human Rights, **A**ccountability, **N**on-discrimination and Equality, **E**mpowerment and Capacity Development, and **T**ransparency. The letters in PLANET are all interlinked in one way or another and need to be considered holistically.

Sida has an internal reporting system called Trac. It contains guiding questions for program officers at each step of the program cycle: from appraisal and agreement to follow up and evaluation. The HRBA and rights perspective is only mentioned in



section 4 of Trac, Development and Development Effectiveness, which is part of the appraisal phase.

An independent evaluation<sup>80</sup> on the integration of HRBA in Swedish development, published in 2020, found that despite the considerable efforts that had been made to roll out HRBA within the organization, staff understanding of the concept and how to apply it remained patchy. According to the evaluation, some staff are still unsure whether HRBA is a methodology or a theme. Staff consider it difficult to determine whether HRBA was fundamental to achieving certain results and whether the results could have been achieved without applying the HRBA method. The evaluation recommended that “if Sida wishes to remain a global leader in championing human rights through the application of a HRBA, it will need to invest further in this role”.<sup>81</sup>

### **SUMMARY OF RECOMMENDATIONS FROM EVALUATION OF HRBA IN SWEDISH DEVELOPMENT COOPERATION**

- There is a need to invest resources in reenergising the HRBA in all of Sida, focusing on all six components of P.L.A.N.E.T as an integrated perspective.
- Engage in Sida-wide discussions and workshops, including head office and embassy staff. This should be the basis for exploring SIDA’s capacity and organisational gaps to ensure that HRBA is integrated and promoted through partnerships and contribution management.
- Invest in Sida’s capacity for monitoring, documenting and learning from the application of the HRBA. Sida should further invest in an evidence base that makes the case for why the HRBA matters for development, and how to apply it effectively. This includes collating and sharing experiences and lessons learnt as part of the HRBA, for Sida, and other target groups.
- Invest in capacity development, training among Sida staff and cooperation partners, and in areas where Sida is perceived to be strong (championing human rights and gender equality, consultative approach, flexible ways of working, consideration of context). This includes multi-directional learning.

Evaluation of the application and effects of a HRBA to development: Lessons learnt from Swedish development cooperation. What works well, less well and why?

### **Modalities for Measuring Implementation of Policy Commitment**

There is currently no system for systematically measuring the implementation of a human right-based approach in SIDA’s development co-operation.

A large evaluation of 10 years of Swedish support for human rights and democracy is currently being undertaken. The report is expected to be published before the end of 2024.

## 2.8 NORWAY

### Policy and Legal Commitment

The current policy framework for Norway's human rights work in international co-operation is the 2014-2015 White Paper "Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation".<sup>82</sup>

While the White Paper only refers to the human rights-based approach in passing (in relation to food security and nutrition in the Sustainable Development Goals), it emphasizes Norway's long tradition of involvement in efforts to promote and support the protection of human rights in other countries, with the overall aim of strengthening human rights protection.

The Government will seek to ensure policy coherence for human rights, so that Norway's efforts to promote and protect human rights are integrated into all aspects of its foreign and development policy. Ensuring respect for human rights is a foreign policy goal in itself but it is also a means of achieving lasting development and security.

Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation  
Norwegian MFA White Paper to Parliament (2014-15)

'Proposition 1 S' (2022-2023) which is the annual funding proposal submitted by the Ministry of Foreign Affairs to the Norwegian Parliament, states that "the Government's foreign and development policy is rights-based", and further that "Norwegian development cooperation shall be rights-based and promote equality".<sup>83</sup>

Human rights and democratic values must be defended continuously. Promoting human rights and democracy development is a goal of the Government's foreign and development policy. It is also an integral part of Norway's broad international engagement, for peace and security, for the UN Sustainable Development Goals and climate goals, and in efforts to safeguard our economic interests.

Proposition 1 S to Parliament (2022-23), Norwegian Ministry of Foreign Affairs; at Chapter 152, Human Rights

This point is further underlined in the Ministry's annual funding allocation letters to Norad. In recent years these have included a specific requirement that all development aid must be rights-based. For example, Allocation letter 1/2023<sup>84</sup> provides that:

"Norad shall contribute to ensuring that human rights are used as a basis for all its efforts and give high priority to counteracting any tendency to weaken these. Norad shall contribute to strengthening social actors and institutions that work for human rights and democracy. Support to civil society is central to efforts to curtail democracy and to strengthen human rights and the position of democracy in the world".

There is, however, no specific Norwegian policy on a human rights-based approach to development.

### **Operationalisation**

**Guidelines:** At present, there are no guidelines on how to operationalise an HRBA to development. There are plans to develop specific HRBA guidance in the future.

The Norwegian Ministry of Foreign Affairs has published various guidelines on human rights themes which could be built on in this regard. The following guidelines have been published to date: “Human rights, sexual orientation and gender identity”; “Norway’s efforts to support human rights defenders”; “Promoting abolition of the death penalty”; “Protection and promotion of the rights and freedoms of persons belonging to religious minorities”; and “Promoting the rights of indigenous peoples”.<sup>85</sup> Together with the Ministry of Children, Equality, and Social Inclusion, the Ministry has also recently issued a policy document on Norway’s international efforts to promote the rights of persons with disabilities.

### **Modalities for Measuring Implementation of Policy Commitment**

There is no modality in place for systematically monitoring progress in the implementation of a human rights-based approach. However, Norad is currently being requested to report on its implementation of an HRBA approach to development. Notably, in the recent Supplementary allocation letter 2/2023, Norad is called on “to prepare a report on how the requirement that all aid must be rights-based was followed up on during 2022”.<sup>86</sup> Norad has been specifically asked to report on its methodology and training. It has also been urged to provide examples of how HRBA is considered in the design of new programmes and initiatives, underlining any challenges and deviations.

## **2.9 FRANCE**

### **Policy and Legal Commitment**

France has a Law on Inclusive development and Combating Global Inequalities (2021).<sup>87</sup> Article 4 of the Law, entitled “Defend a human rights-based approach”, states that: “France promotes an approach based on human rights, aimed at strengthening the capacities of citizens so that they are able to assert their rights and support partner states so that they comply with their obligations of respect, protection, and implementation of these same rights...”.<sup>88</sup>

The current French strategy on “Human rights and Development” (2018) reaffirms the inseparable link between achieving the SDGs and achieving human rights for all and commits to integrating the HRBA into its development cooperation policy. The strategy states further that “the human rights-based approach applies not only to development programmes on the themes of democratic governance and the rule of law but is integrated holistically into all development sectors”.<sup>89</sup>

This commitment to the HRBA has been restated and further elaborated on in a policy paper, ‘Human Rights and Development – A Human Rights-Based Approach to Development Cooperation (2019)’.<sup>90</sup>

Agence Française de Développement Group's (AFD Group's) 2018-22 strategy<sup>91</sup> is underpinned by five foundational commitments. One of the five commitments is "100% social link". This means that all AFD Group projects seek to reinforce the social link (i.e., the ties that exist between individuals, social groups, territories, organisations, and institutions) by helping to improve the well-being of people and increasing the resilience of societies, by reducing all forms of inequality. AFD further developed its 100% social link concept in its "100% Social Link' strategy" for 2021-2025.<sup>92</sup> Section 3.1 of this strategy, "Promote a Human Rights-Based Approach", states that:

"The human rights-based approach is central to efforts to improve the well-being of people, foster democratic modes of governance and encourage active citizenship. Generally speaking, advances in human rights help create the conditions for empowering individuals and strengthening their participation in public and social life. This approach is one of the levers used for preserving the social link. It does not only apply to issues of governance and the rule of law; rather, it is an approach that cuts across all development sectors and requires special attention for people who are poor, vulnerable or face discrimination – the very people who face the greatest obstacles to the realisation of their rights."<sup>93</sup>

At the international level, AFD has joined together with other Public Development Banks (PDBs) to endorse the "Public Development Banks Statement on Human Rights and Human Rights Based Approach" from the "Finance in Common Summit" held in Abidjan on 19-20 October 2022.<sup>94</sup> Para. 10 of the Statement provides the following:

"The role of PDBs is indeed crucial for supporting the advancement of human rights.

Their capacities in terms of financing mobilisation are essential to address the investment needs for promoting, respecting, and implementing human rights worldwide. PDBs benefit from a detailed knowledge of local contexts, allowing them to support human rights. Moreover, PDBs have a privileged relationship with governments, civil society, and the private sector, which makes them key players in supporting these actors in implementing their human rights commitments."

## **Operationalisation**

**Guidance:** AFD has not developed guidelines as such for implementing a human rights-based approach to development. However, they have produced a series of thematic notes<sup>95</sup> on Human Rights and Development, which are intended in part as tools to help development actors integrate the human rights-based approach. Each note provides information about a particular right or rights, together with illustrations of projects, good practices, and tools.

Twelve notes have been published to date on the following themes: rights of youth, rights of the child, freedom of information and the media, access to justice, migration governance, citizen and political participation, access to contraception, rights in prisons, access to safe and secure abortion, sexual and reproductive health and rights and changing norms, combatting harmful practices, and comprehensive sexual education.

## Modalities for Measuring Implementation of Policy Commitment

AFD has taken important steps towards measuring the degree to which its grants and loans support partner states to comply with their obligations of respect, protection, and fulfilment of human rights. However, as recognised by AFD staff, these first measures are not sufficiently comprehensive to systematically assess its compliance with its commitments to a human rights-based approach to development. In view of this gap, AFD has been keen to explore the feasibility of developing an HRBA marker and is providing innovative leadership from its Strategy Department in this regard.

Of note, is the integration of some HRBA and human rights elements in its “Sustainable Development Analysis and Opinion Mechanism”. Starting in 2014, the AFD Group has been using a tool developed in-house, the “Sustainable Development Analysis and Opinion Mechanism” (in French, ‘le dispositif Analyse et avis développement durable’, abbreviated as AADD).<sup>96</sup> The tool aims to strengthen the coherence and accountability of AFD’s operations and to ensure that the projects it finances are: a) fully aligned with the SDGs, and b) respect the ‘do no harm’ principle’.

Since 2021, AFD has been assisting its two subsidiaries, Proparco<sup>97</sup> and Expertise France<sup>98</sup>, to adapt the AADD to the specificities of their own operations. From the start of 2023, all project proposals (except budget support programmes) seeking finance from the AFD Group are now being assessed against the same analytical and ratings framework.

By means of this framework, the AADD quantifies each project’s expected contribution to sustainable development. Over 500 projects have been assessed since 2014. The assessments are undertaken by staff within AFDs Sustainable Development and Independent Analysis Team.

The 17 SDGs are sorted into six dimensions: biodiversity (SDGs 2, 6, 14, and 15), resilience (SDGs 1, 2, 11, and 13), low-carbon (SDGs 7,12, 13), economy (1, 8, 9, 11, 12), governance (SDGs 16 and 17), gender (SDG 5), social (SDGS 1,2, 3, 4, 6, 8, 10, 11), and biodiversity (SDGs 2, 6, 14, and 15).

All new proposals are assessed against the six dimensions and receive an overall, cumulative rating on a six-point scale (-2 to +3). At the end of the project, a new analysis is undertaken to check whether the grading given at the outset is still valid.

Assessment grids have been developed for each of the six dimensions, each of which contain several sub-criteria, which allow for a more granular analysis of different elements of a proposal. The tool is sufficiently flexible to allow for the introduction of new sub-criteria or modification of existing ones.

Some of the dimensions, e.g., the biodiversity, governance, and gender dimensions, are directly linked to the related OECD/DAC markers. The social dimension has also been designed to be consistent with reporting requirements under the new EU Inequality marker.

With specific regard to human rights and a human rights-based approach to development, two dimensions are of relevance: the social dimension and the governance dimension.

For the *social (inequality reduction and inclusion) dimension*, the grid contains six sub-criteria, including a recently introduced one for “Human Rights and Anti-discrimination”.

A proposal that receives a +2 or +3 rating for the Human Rights and Anti-discrimination sub-criterion is considered fully compliant with the HRBA. A zero (0) rating is neutral, -1 indicates a non-controlled risk that the intervention will worsen the pre-existing situation, and -2 that the project will lead to violations of human rights and/or worsening discrimination with respect to one or more groups.



## SOCIAL Dimension SOCIAL LINK: INEQUALITY REDUCTION AND INCLUSION



General rating scale	- 2	- 1	0	+ 1	+ 2	+ 3
Rating sub-criteria	The project exacerbates inequalities and exclusion or discrimination with respect to one or more groups	The project presents a non-controlled risk of deteriorating living conditions, access to essential services, opportunities or income	The project has no significant impact on the social link (reducing inequalities and promoting inclusion)	The project improves living conditions through actions on access to essential goods and services, opportunities or income. It has also been the subject of a dialogue with the counterparty on including disadvantaged populations among the beneficiaries	One of the expected effects of the project (secondary objective) is to contribute to reducing multidimensional inequalities and strengthening inclusion	The principal objectives of the project are: to reduce multidimensional inequalities (targeting the lowest 40% of income earners in particular) and to strengthen inclusion
Reducing factors of vulnerability to tensions and conflicts (including social, economic, institutional, climatic, demographic)	Aggravation of conflict or tensions (tensions between groups, inequalities in access to a service or resource, vulnerability to a shock, exclusion from political, social or economic life, etc.)	Deterioration of the social groups' capacity to resolve their tensions or conflicts (disappearance of concertation mechanisms, emergence of feelings of injustice, marginalisation, discrimination in access to services or resources, rivalries, etc.)	Absence of project-related factors of vulnerability to tensions and conflicts	Efforts to strengthen connectors (i.e. actors, institutions, symbols, etc. that facilitate coexistence and dialogue bringing conflicting parties together)	Strengthens the collective capacity of social groups to manage their tensions and conflicts peacefully, and to act on the well-being of the affected populations (psycho-social support, mediation, etc.)	<ul style="list-style-type: none"> <li>– Sets up institutional mechanisms for socio-political stabilisation</li> <li>– Strengthens the collective capacity of social groups to resolve their tensions and conflicts peacefully, with priority given to the social groups most vulnerable to tensions and conflicts (internally displaced persons, refugees, host populations, etc.)</li> </ul>
Fair, sustainable and effective access to good quality essential goods and services, and improved living conditions	Exclusion of one or more groups, leading to a deterioration in the community's living conditions	Deterioration in the conditions of access to essential goods and services (discrimination, high cost, distance, etc.)	No effect on access to good quality essential goods and services	Improves the conditions of access or quality of essential goods and services and improves living conditions, through a dialogue on the inclusion of disadvantaged populations	Reduces inequalities in access to essential goods and services (pricing policy, territorial balance, tackling discrimination in access, inclusion)	<ul style="list-style-type: none"> <li>Structurally reduces inequalities of access to essential goods and services, by:                             <ul style="list-style-type: none"> <li>– strengthening the capacity of the institutions concerned to provide fair access to the goods and services concerned</li> <li>– targeting beneficiaries, particularly the bottom 40% of income earners</li> </ul> </li> </ul>
Strengthening the capacities and real opportunities for decent, sustainable jobs and income growth	Exclusion of a group or groups from accessing capacity building and economic opportunities (public policies that create or reinforce pre-existing social inequalities, discrimination in access to training, employment, or financial services)	<ul style="list-style-type: none"> <li>– Lack of progress in removing barriers to accessing training, support for inclusion, or financial services, which leads to reduced opportunities</li> <li>– Deterioration of working conditions</li> </ul>	No effect on capacity building and opportunities for decent work and income growth	<ul style="list-style-type: none"> <li>– Improves access to economic opportunities (training, support for inclusion, labour-intensive approaches, entrepreneurship, financial services, increased income, etc.), with a dialogue on the integration of disadvantaged groups</li> <li>– Improves working conditions</li> </ul>	<ul style="list-style-type: none"> <li>– Reduces inequalities in access to training, support for inclusion, and to financial services</li> <li>– Real opportunities for all for decent, sustainable jobs and income growth: networking, training, knowledge building, financing mechanisms</li> </ul>	<ul style="list-style-type: none"> <li>– Institutional or structuring measures favouring the development of human and social capital and the reduction of inequalities in access to training opportunities and increased income (insertion, entrepreneurship, financial services, etc.)</li> <li>– Targeting of beneficiaries, especially the bottom 40% of income earners</li> </ul>
Redistributive policies and universal social protection floors (sickness, family, work accidents, retirement pensions and other conditional and unconditional cash transfer mechanisms)	Exclusion of a group or groups from access to social protection opportunities (discriminatory redistributive policies)	Weakening of existing social solidarity mechanisms, implying increased social inequalities in accessing income from social benefits	No effect on redistributive policies or social protection systems	Supports a social risk coverage scheme (insurance/assistance scheme), with a dialogue on the integration of disadvantaged populations	Sets up or strengthens social protection and redistribution systems	National redistributive policies and social protection systems which ensure that the most disadvantaged, especially the bottom 40% of income earners, can access social benefit income
Participation and inclusion in political and social life (social innovations for youth, disadvantaged groups, intergenerational and inter-community ties)	Exclusion of a group or groups from schemes contributing to political and social life (barrier to access, participation prohibited, etc.)	Weakening of mechanisms for inclusion in political and social life (declining participation in community life, loss of the sense of belonging to one or more groups)	No effect on "living together"	Emergence of group dynamics (participative sports or cultural initiatives, etc.), with a dialogue on integrating disadvantaged populations and youth, promoting inclusion and "living together"	<ul style="list-style-type: none"> <li>– Strengthens "living together" and inclusion, based on participatory approaches (support for the media, urban incubators, participatory design, youth mobilisation, etc.)</li> <li>– Strengthens tolerance and empowerment of youth through sport</li> <li>– Strengthens social cohesion through culture</li> </ul>	<ul style="list-style-type: none"> <li>Dynamics of innovation and social transformation, seeking a structural effect, based on participatory approaches, particularly involving young people and the most disadvantaged (i.e., the bottom 40% of income earners).</li> <li>To this end, the project mobilises, where relevant, the media, sport, culture, intergenerational and inter-community links.</li> </ul>
Human rights and anti-discrimination	Violation of human rights, worsening discrimination	Risk of human rights violations and discrimination	No effect on human rights and discrimination	Strengthens the rights-holders' individual capacity to assert their rights, and anti-discrimination actions	Integrates a human rights-based approach into all of the project phases, and strengthens individual and collective capacities both of rights-holders to claim their rights and of duty-bearers to meet their obligations, together with structured and monitored anti-discrimination actions	Institutional measures to align public policies with international human rights obligations, and the development of mechanisms to monitor the effectiveness of measures taken, including those to combat discrimination

Under the *governance dimension*, a new sub-criterion for “access to justice and human rights” was also introduced.

Access to justice and effective rights	Risk of human rights violations	Insufficient measures to ensure the sustainability of the project in terms of: <ul style="list-style-type: none"> <li>– legal and regulatory frameworks</li> <li>– access to justice and rights</li> <li>– lack of legislative or regulatory reforms</li> <li>– human rights protection of vulnerable people</li> </ul>	No assessment of rights and justice has been carried out	The project contributes to the adoption of legislative standards, regulatory measures or thematic reforms for the protection of human rights, and includes measures to further professionalise judicial personnel and legal professionals	The project includes measures to: <ul style="list-style-type: none"> <li>– promote better regulation and strengthen the organisation and administration of justice</li> <li>– improve the effectiveness of standards in one or more areas of the law</li> <li>– improve access to justice or the effective application of laws, reforms or regulatory standards at local, regional or national level</li> </ul>	Assistance on one or more reforms to modernise and strengthen: <ul style="list-style-type: none"> <li>– access to justice and the efficiency of the legal, judicial or penitentiary system at regional or national level</li> <li>– the effective protection of human rights and vulnerable persons, civil and political rights</li> <li>– the regulatory framework for economic activities or natural resource management</li> </ul>
--	---------------------------------	---	--	---	---	---

However, it is important to note that in both cases, these sub-criteria do not need to be assessed within the overall dimension and do not allow for independent assessment of progress. Scores are only given at the dimension level. While these weaknesses are acknowledged, not least by AFD, this framework could be further developed to integrate additional sub-criteria or, preferably, dimensions for measuring AFD's commitments to an HRBA to development.

### 3 REFLECTIONS ON APPLICATION OF EXISTING THEMATIC MARKERS

This section is based on reflections from stakeholder discussions carried out with staff, primarily in European development co-operation donors and agencies on the use of existing policy markers. This inquiry was carried out to extract learning for the potential development of an HRBA marker or accountability framework.

#### WHAT IS A MARKER?

A marker is typically associated with the OECD's Development Assistance Committee (DAC). The DAC policy marker system is designed to monitor and compare official development co-operation of OECD/DAC member states. All markers currently use a similar methodology to assess whether an intervention contributes to the relevant development objective. Projects and programmes are classified using a three-tier system as follows:

- 0 The intervention does not target the development objective
- 1 It is a significant objective of the intervention
- 2 It is the principal objective of the intervention.

The OECD/DAC Gender Equality Marker was the marker most frequently referred to in stakeholder interviews, possibly also since most interviewees were gender equality and human rights policy officers within their institutions. Many European bilateral development agencies have strategically used this marker to measure progress and, not least, to further gender equality within their development assistance. Evaluations have also shown that the existence of the gender equality marker has indeed increased awareness of the need to mainstream gender equality aspects.

Some pointed to the value of assigning targets to the different levels to encourage higher levels of ambition. However, concerns were also raised as to whether the setting of ambitious targets (i.e., in terms of percentages of projects marked 1 or 2) in difficult operating contexts could potentially lead to "human rights harm".

Many pointed to the challenges related to OECD/DAC definitions of the different levels in the Gender Equality Marker. Some agencies, despite the OECD/DAC handbooks, were developing their own guidelines to better assist staff to assign projects more "uniformly" to the respective levels. Any type of marker system or means to measure progress in HRBA programming should include clear definitions that allow users to differentiate between levels.

Concerns were raised that there was some degree of "marker" fatigue and a particular concern that developing a marker with the OECD/DAC member states might be counterproductive, leading to a watering down of concepts as opposed to facilitating a clearer assessment of progress in and accountability for a human rights-based approach to development.

Although OECD/DAC's Democratic and Inclusive Governance (DIG) marker does include human rights in its overall definition of democratic and inclusive governance, many referred to challenges related to this very broad definition.

Democratic and Inclusive governance captures a broad range of governance dimensions that are essential to pursue open, accountable, and inclusive state-society relations. It includes support to interventions that support institutional reforms to underpin sustainable, rights-based development, promote just societies and efforts to improve social and economic inclusion in terms of processes and outcomes.

OECD, DAC Network on Governance, The OECD-DAC Policy Marker on Democratic and Inclusive Governance (DIG), Handbook for data reporters and users, p. 9.

It is impossible to determine progress in human rights and a human rights-based approach via the DIG marker, since many other elements are included in the definition i.e., a project could focus on good governance without any links to human rights. Meetings with OECD/DAC also confirmed that their marker systems cannot currently measure the progress of OECD/DAC member states' support to the realisation of human rights as a development objective (whether as part of stand-alone human rights projects or projects that have mainstreamed a human rights-based approach). Calls to include separate measurements for the four governance aspects defined in the concept of democratic and inclusive governance, which may have allowed progress on human rights to be measured independently of the other aspects, were not accepted by OECD/DAC member states. In summary, there is unlikely to be support among member states, at least at the present time, for introducing a new OECD/DAC marker on HRBA.

However, among some European development co-operation agencies and donors, there does seem to be both a need for and interest in improved guidance on how to monitor and report on their human rights and HRBA policy commitments.

The use of markers has also been critiqued for focusing exclusively on the project formulation stage and not enough on implementation and final outcomes. Some called for markers that facilitated better quality and in-depth assessments of projects and emphasised that staff need to be trained to effectively use any new marker or policy accountability framework.

Some pointed to the challenges of defining an HRBA accountability framework or marker, as there are a variety of different approaches to HRBA being employed by development agencies. This could imply that there is, in fact, no common understanding of the methodology or of how it should be applied. Many spoke of avoiding a counting regime while also recognizing that "you are more likely to do what you need to report on".

For some institutions where an HRBA is mandatory, there was a fear that a marker or accountability framework could in fact lower the ambition level. There was also some questioning of the feasibility of developing a marker to measure the application of

the HRBA methodology. There was a fear that the approach of applying markers ex ante is too limiting and is essentially measuring funding flows rather than providing an indication of the project or programme's impact in the real world. Some institutions proposed instead an increased focus on evaluations and enhanced capacity-building of staff. One bilateral development agency proposed developing a marker level 01 for a project where HRBA has been mainstreamed effectively, and marker level 02 for targeted human rights projects.

## 4 CONCLUSION – TOWARDS AN HRBA ACCOUNTABILITY FRAMEWORK

This section contains tentative conclusions based on the above rapid assessment of policy frameworks and stakeholder interviews with 9 European development agencies and donors.

While all development co-operation agencies and donors interviewed have made specific policy and / or legal commitments to applying the HRBA, the current level of engagement with HRBA differs from agency to agency. In a few countries, recent changes of government have created uncertainty regarding development policy priorities. Many institutions described ongoing challenges in applying the HRBA methodology in practice, an issue which has also been highlighted in several recently conducted evaluations.

At present, there is no standardised means by which to assess whether HRBA has been applied in development co-operation, neither within the EU or the OECD/ DAC. Where human rights assessments are compulsory prior to approval of projects and programmes, the focus is primarily on the agency or donor's commitment to 'do no human rights harm'. It is seldom linked to the degree to which projects and programmes support the implementation of the recipient state's obligations to respect, protect and fulfil human rights (the realisation of human rights), or "do human rights good". Furthermore, there is no means by which to distinguish between different levels of human rights ambition in development programming, unlike, e.g., the OECD / DAC gender marker or the European Commission's new Inequality marker.

Some agencies questioned whether establishing a means for distinguishing between different levels of ambition around HRBA would be desirable. Some advised against the development of any new markers, as there is already a general feeling of 'marker fatigue' among development practitioners.

On the other hand, some individual agencies and donors have taken or are taking important steps in terms of accountability to their HRBA policy commitments. The learning from these frameworks and practices can inspire the development of an HRBA marker or accountability framework. Furthermore, several agencies are also being requested by their governments to provide more granular reporting on the implementation of their HRBA policy commitments. The development of an HRBA accountability framework or marker would help to facilitate this reporting. An accountability framework could also encourage more systematic reflection on integration of the methodology through the programme cycle. It could assist development co-operation agencies and donors to establish realistic ambition levels for what they can achieve, through development programming, to advance the realisation of human rights. Finally, in time, it could contribute to more consistent tracking of the application of the HRBA in development co-operation.

## ENDNOTES

- 1 The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies. Available at: [UNSDG | Human Rights Based Approach to Development Coordination](#)
- 2 UN General Assembly, Transforming our world : the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, Preamble, available at: [Transforming our world: the 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs \(un.org\)](#) (accessed 10 September 2023)
- 3 UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, para. 10, available at: [Transforming our world: the 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs \(un.org\)](#) (accessed 10 September 2023)
- 4 UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, para. 18, available at: [Transforming our world: the 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs \(un.org\)](#) (accessed 10 September 2023)
- 5 UN General Assembly, Transforming our world: the 2030 Agenda for Sustainable Development, 21 October 2015, A/RES/70/1, para. 4, available at: [Transforming our world: the 2030 Agenda for Sustainable Development | Department of Economic and Social Affairs \(un.org\)](#) (accessed 10 September 2023)
- 6 See [The Human Rights Guide to the Sustainable Development Goals | Linking human rights with all Sustainable Development Goals and targets](#)
- 7 United Nations Sustainable Development Co-operation Framework (2019) Internal Guidance, p. 11. Available at: [UN-Cooperation-Framework-Internal-Guidance-Final-June-2019\\_1.pdf](#)
- 8 [Consolidated version of the Treaty on European Union \(europa.eu\)](#), Article 3 (5)
- 9 European Commission, Directorate-General for International Cooperation and Development, 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, para. 16.
- 10 European Commission, Directorate-General for International Cooperation and Development, 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, para. 16
- 11 [Regulation \(EU\) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe](#)
- 12 <https://data.consilium.europa.eu/doc/document/ST%209489%202014%20INIT/EN/pdf>
- 13 European Commission, Commission Staff Working Document, Applying the Human Rights-Based Approach to International Partnerships, an updated Toolbox

- for placing rights-holders at the centre of EU's Neighborhood, Development and International Co-operation, SWD (2021) 30.06.2021.
- 14 European Commission, Commission Staff Working Document, Applying the Human Rights-Based Approach to International Partnerships, an updated Toolbox for placing rights-holders at the centre of EU's Neighborhood, Development and International Co-operation, SWD (2021) 30.06.2021, p. 5.
  - 15 European Commission, Commission Staff Working Document, Applying the Human Rights-Based Approach to International Partnerships, an updated Toolbox for placing rights-holders at the centre of EU's Neighborhood, Development and International Co-operation, SWD (2021) 30.06.2021, pp. 5,6
  - 16 European Commission, Commission Staff Working Document, Applying the Human Rights-Based Approach to International Partnerships, an updated Toolbox for placing rights-holders at the centre of EU's Neighbourhood, Development and International Co-operation, SWD (2021) 30.06.2021, p. 8.
  - 17 European Commission, Commission Staff Working Document, Applying the Human Rights-Based Approach to International Partnerships, an updated Toolbox for placing rights-holders at the centre of EU's Neighbourhood, Development and International Co-operation, SWD (2021) 30.06.2021, p. 8.
  - 18 European Commission, Commission Staff Working Document, Applying the Human Rights-Based Approach to International Partnerships, an updated Toolbox for placing rights-holders at the centre of EU's Neighbourhood, Development and International Co-operation, SWD (2021) 30.06.2021, pp. 23, 24.
  - 19 <https://data.consilium.europa.eu/doc/document/ST%209489%202014%20INIT/EN/pdf>; at Section 3.
  - 20 [EU International Partnerships Academy \(europa.eu\)](http://europa.eu)
  - 21 Council of the European Union, Council conclusions on a rights-based approach to development cooperation, encompassing all human rights, Foreign Affairs (Development) Council meeting Brussels, 19 May 2014, para. 11.
  - 22 Council of the European Union, Council conclusions on a rights-based approach to development cooperation, encompassing all human rights, Foreign Affairs (Development) Council meeting Brussels, 19 May 2014, para. 11.
  - 23 [Government of Finland Report on Human Rights Policy \(valtioneuvosto.fi\)](http://valtioneuvosto.fi), at pp. 12,13.
  - 24 [Government statement to Parliament on promoting equality, gender equality and non-discrimination in Finnish society - Valto \(valtioneuvosto.fi\)](http://valtioneuvosto.fi), 31 August 2023
  - 25 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015
  - 26 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 5
  - 27 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 9
  - 28 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 9.
  - 29 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 10.
  - 30 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 7.
  - 31 Development Policy Committee, A Human Rights-Based Approach to Finish Development Policy, Tense times demand a more ambitious direction, 2023. p. 33.



- Available at: [A human rights-based approach to Finnish development policy \(kehityspoliittintoimikunta.fi\)](https://www.kehityspoliittintoimikunta.fi)
- 32 Development Policy Committee, A Human Rights-Based Approach to Finish Development Policy, Tense times demand a more ambitious direction, 2023. p. 34 Available at: [A human rights-based approach to Finnish development policy \(kehityspoliittintoimikunta.fi\)](https://www.kehityspoliittintoimikunta.fi)
- 33 Development Policy Committee, A Human Rights-Based Approach to Finish Development Policy, Tense times demand a more ambitious direction, 2023. P. 34. Available at: [A human rights-based approach to Finnish development policy \(kehityspoliittintoimikunta.fi\)](https://www.kehityspoliittintoimikunta.fi)
- 34 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 8.
- 35 Ministry for Foreign Affairs, Human Rights Based Approach in Development Co-operation, 2015, p. 8.
- 36 See e.g., [The Gender Integration Continuum \(igwg.org\)](https://www.igwg.org)
- 37 Development Policy Committee, A Human Rights-Based Approach to Finish Development Policy, Tense times demand a more ambitious direction, 2023. P. 14. Available at: [A human rights-based approach to Finnish development policy \(kehityspoliittintoimikunta.fi\)](https://www.kehityspoliittintoimikunta.fi)
- 38 Development Policy Committee, A Human Rights-Based Approach to Finish Development Policy, Tense times demand a more ambitious direction, 2023. Available at: [A human rights-based approach to Finnish development policy \(kehityspoliittintoimikunta.fi\)](https://www.kehityspoliittintoimikunta.fi)
- 39 Ministry for Foreign Affairs of Finland (2022/1). Evaluation. Meta-evaluation of project and programme evaluations in 2017-2020
- 40 [Evaluation report: Human Rights-Based Approach in Finland's Development Policy and Cooperation – Ministry for Foreign Affairs \(2023\)](#)
- 41 Evaluation report: Human Rights-Based Approach in Finland's Development Policy and Cooperation – Ministry for Foreign Affairs (2023), at pp. XIV and XV
- 42 Evaluation report: Human Rights-Based Approach in Finland's Development Policy and Cooperation – Ministry for Foreign Affairs (2023), at pp. XIV and XV
- 43 Luxembourg Aid and Development, Luxembourg's General Development Co-operation Strategy, The Road to 2030
- 44 Luxembourg Aid and Development, Luxembourg's General Development Co-operation Strategy, The Road to 2030
- 45 Federal Ministry for Economic Co-operation and Development (2011), Human Rights in German Development Policy, Strategy, p. 7.
- 46 Federal Ministry for Economic Co-operation and Development (2011), Human Rights in German Development Policy, Strategy, p. 8.
- 47 German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy
- 48 Federal Ministry for Economic Cooperation and Development, (2013) Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation.
- 49 Federal Ministry for Economic Cooperation and Development, (2013) Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation, p. 1.
- 50 Federal Ministry for Economic Cooperation and Development, (2013) Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation, p. 1.

- 51 Federal Ministry for Economic Cooperation and Development, (2013) Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation, p. 1.
- 52 German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy, p.44.
- 53 Federal Ministry for Economic Cooperation and Development, (2014) HRBA in Development Co-operation
- 54 Federal Ministry for Economic Cooperation and Development, (2014) HRBA in Development Co-operation
- 55 Federal Ministry for Economic Cooperation and Development, (2014) HRBA in Development Co-operation, p. 12
- 56 German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy.
- 57 German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy, p. 96.
- 58 German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy
- 59 German Institute for Development Evaluation (Deval) (2021), Human Rights in German Development Policy, p. 97.
- 60 Federal Act on Measures pertaining to Civil Peace Support and the Promotion of Human Rights, Art. 2 (b).
- 61 Swiss Federal Department of Foreign Affairs FDFA (2020), Switzerland's International Co-operation Strategy 2021-2024.
- 62 Swiss Agency for Development and Cooperation (2019), SDC Guidance on Human Rights in Development and Cooperation.
- 63 Swiss Agency for Development and Cooperation (2019), SDC Guidance on Human Rights in Development and Cooperation, p. 5.
- 64 Swiss Agency for Development and Cooperation (2019), SDC Guidance on Human Rights in Development and Cooperation, p. 6.
- 65 Swiss Agency for Development and Cooperation (2019), SDC Guidance on Human Rights in Development and Cooperation, p. 10.
- 66 Swiss Agency for Development and Cooperation (2019), SDC Guidance on Human Rights in Development and Cooperation, p. 10.
- 67 Swiss Agency for Development and Cooperation (2019), SDC Guidance on Human Rights in Development and Cooperation, p. 10.
- 68 See Swiss Confederation (2020), Switzerland's international cooperation is working. Final report on the implementation of the Dispatch 2017–20. Available at: [Final report on the implementation of the dispatch 2017-20 \(admin.ch\)](#)
- 69 [Lov om internationalt udviklingssamarbejde \(retsinformation.dk\)](#)
- 70 Source: International Development Co-operation Act, 2013
- 71 [Lov om ændring af lov om internationalt udviklingssamarbejde \(Opdatering af lovens formål, justering af kravet om udarbejdelse af 4-årsplan for udgiftsrammer for udviklingsaktiviteter, ændring af rammerne for Investeringsfonden for Udviklingslandes virke, herunder bl.a. fastsættelse af en udbyttepolitik, og ændring af organiseringen af den udviklingsfaglige rådgivning m.v.\) \(retsinformation.dk\)](#)
- 72 Ministry of Foreign Affairs, Denmark (2011). The World We Share. Denmark's Strategy for Development Co-operation.
- 73 Ministry of Foreign Affairs, Denmark (2011). The World We Share. Denmark's Strategy for Development Co-operation.

- 74 Ministry of Foreign Affairs, Denmark (2011). The World We Share. Denmark's Strategy for Development Co-operation.
- 75 Foreign and Security Policy Strategy, May 2023, Preface by Danish Minister of Foreign Affairs Lars Løkke Rasmussen. Online at: <https://um.dk/en/foreign-policy/foreign-and-security-policy-2023>
- 76 <https://amg.um.dk/library/hrba-guidance-and-screening-note>
- 77 Ministry of Foreign Affairs Denmark (2022). Approach note for implementation of "The world we share". Fighting poverty and inequality. Available at: [How to notes for implementation of the Danish Strategy for Development Cooperation \(um.dk\)](https://um.dk/en/foreign-policy/foreign-and-security-policy-2023)
- 78 Government Communication 2016/17:60 Policy framework for Swedish development cooperation and humanitarian assistance, at pp.14-15
- 79 [www.Sida.se/en/for-partners/methods-materials/human-rights-based-approach](http://www.Sida.se/en/for-partners/methods-materials/human-rights-based-approach)
- 80 Evaluation of the application and effects of a HRBA to development: Lessons learnt from Swedish development cooperation. What works well, less well and why? 2020. Online at: [www.Sida.se/en/publications/evaluation-of-the-application-and-effects-of-a-human-rights-based-approach-to-development-lessons-learnt-from-swedish-development-cooperation-what-works-well-less-well-and-why](http://www.Sida.se/en/publications/evaluation-of-the-application-and-effects-of-a-human-rights-based-approach-to-development-lessons-learnt-from-swedish-development-cooperation-what-works-well-less-well-and-why)
- 81 Evaluation of the application and effects of a HRBA to development: Lessons learnt from Swedish development cooperation. What works well, less well and why? 2020; at p.13.
- 82 Norwegian Ministry of Foreign Affairs (2014), 'Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation' Online at: [Meld. St. 10 \(2014-2015\) - regjeringen.no](http://meld.st.10(2014-2015)-regjeringen.no)
- 83 [Prop. 1 S \(2022-2023\) - regjeringen.no](http://prop.1s(2022-2023)-regjeringen.no)
- 84 [Tildelingsbrev til Norad 2023 \(regjeringen.no\)](http://tildelingsbrev.til.norad.2023.regjeringen.no), 20 March 2023
- 85 [Guidelines on Norway's human rights policy - regjeringen.no](http://guidelines.on.norway.s human rights policy .regjeringen.no)
- 86 [norad-supplerende-tildelingsbrev-nr.-2-for-2023.pdf \(regjeringen.no\)](http://norad-supplerende-tildelingsbrev-nr.-2-for-2023.pdf), 6 June 2023
- 87 [https://www.diplomatie.gouv.fr/IMG/pdf/en\\_a5\\_loi-developpement\\_v1-8.-valide\\_cle423118.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/en_a5_loi-developpement_v1-8.-valide_cle423118.pdf)
- 88 Unofficial translation by DIHR. Full text of the Law at [pjl20-404.pdf \(senat.fr\)](http://pjl20-404.pdf)
- 89 <https://www.diplomatie.gouv.fr/en/french-foreign-policy/human-rights/human-rights-and-development/>
- 90 [https://www.diplomatie.gouv.fr/IMG/pdf/droits\\_humains\\_ang\\_cle896bc8.pdf](https://www.diplomatie.gouv.fr/IMG/pdf/droits_humains_ang_cle896bc8.pdf)
- 91 [AFD Group 2018-2022 Strategy | AFD - Agence Française de Développement](http://afdgroup.2018-2022.strategy)
- 92 [100% Social Link - 2021-2025 Strategy | AFD - Agence Française de Développement](http://100percent.social.link.2021-2025.strategy)
- 93 [100% Social Link - 2021-2025 Strategy | AFD - Agence Française de Développement](http://100percent.social.link.2021-2025.strategy), p.25
- 94 [FICS 2022 HR Statement\\_final.pdf \(financeincommon.org\)](http://fics.2022.hr.statement.final.pdf)
- 95 See for example [Human Rights and Development: The Rights of the Child | AFD - Agence Française de Développement](http://humanrights.and.development.the.rights.of.the.child) and [Droits humains et développement : accès à l'avortement sûr et sécurisé | AFD - Agence Française de Développement](http://droits.humains.et.developpement.acces.a.l.avortement.sur.et.securise)
- 96 [The Sustainable Development Analysis | AFD - Agence Française de Développement](http://the.sustainable.development.analysis)
- 97 [https://www.proparco.fr/en](http://www.proparco.fr/en)
- 98 [https://www.expertisefrance.fr/en/accueil](http://www.expertisefrance.fr/en/accueil)



