

EU response to the questionnaire by the Office of the United Nations High Commissioner for Human Rights in view of a consultancy study on “the contribution of development to the enjoyment of human rights”, pursuant to HRC resolution 41/19 “The contribution of development to the enjoyment of human rights”

Introduction

The European Union would like to thank the Office of the United Nations High Commissioner for Human Rights for its call for contribution to the consultancy study on the role of development to the enjoyment of human rights, which will inform the Advisory Committee’s report on “Contribution of development to the enjoyment of human rights (A/HRC/41/50).

EU’s contribution to each question:

1. Please share your views on the contribution of development in promoting and protecting human rights, including its context, concept, specific aspects and means of implementation.

Contribution of development to:

(1) Civil and political rights.

(2) Economic, social and cultural rights.

(3) The right to peace, the right to development, environmental rights, and digital rights.

Human rights and development are interlinked, but human rights come first and ahead of development. Respect for human rights is the condition sine qua non to eradicate poverty and to achieve sustainable and inclusive development. Development cannot thrive in a context of instability, violent conflict or anywhere where human rights are violated and abused.

The EU remains firmly committed to the promotion, protection and fulfilment of all human rights, in compliance with obligations under international human rights law.

The EU reaffirms its commitment to the principles of universality, indivisibility and interdependence of human rights. All human rights, be they civil and political, economic, social and cultural rights, are equally important. One set of human rights cannot be fully enjoyed without the other. There is clear evidence that progress in civil and political rights facilitates the advancement of economic, social and cultural rights. Likewise, the deprivation of economic, social and cultural rights adversely affects civil and political rights.

The EU recalls that human rights belong to every individual, without distinction or discrimination of any kind. Individuals are rights-holders that can make legitimate claims.

The digital and green transition must be rights –based, in full compliance with the international human rights framework.

The enjoyment and fulfillment of all human rights – civil and political, economic, social and cultural rights – are a pre-condition to ensure the enjoyment of a safe, clean, healthy and sustainable environment.

Even though digital technology has transformed the means through which human rights are exercised around the globe, the international human rights framework perfectly fits the trans-boundary internet environment. The enjoyment and fulfillment of all human rights – civil and political, economic, social and cultural rights – apply to both physical and digital space.

The right to development is grounded in basic principles: the indivisibility and interdependence of all human rights, be they civil and political, economic, social and cultural rights; individuals are the central actors and drivers of the development process; and the primary responsibility of States, acting individually or collectively, for the full realization of the right to development to the benefit of their own citizens.

Human rights are the core value of the European Union, as enshrined in the Treaty of the European Union (TEU). The EU Charter of Fundamental Rights^[1], which enshrines fundamental rights enjoyed by EU citizens and residents into primary EU law, became legally binding with the coming into force of the Treaty of Lisbon on 1 December 2009.

All EU policies, initiatives and actions are rights-based, and contributes to the realisation of all human rights.

By adopting in 2014 the rights-based approach (RBA), encompassing to all human rights, to development cooperation, the EU aligns development cooperation to international human rights obligations. By doing so, the principles of participation, non-discrimination, accountability and transparency underpin all EU development cooperation policies, initiatives and actions at all levels.

In 2017, the EU and its MS adopted the European Consensus on Development as part of their response to the 2030 Agenda for Sustainable Development. The European Consensus on development commits the EU and its Member States to implementing a RBA, encompassing all human rights, to development cooperation. The principles of RBA are fully in line with the principles of the Global Partnership for Effective Development Cooperation, which are country ownership, a focus on results, inclusive partnerships, and transparency and mutual accountability, towards the pledge to leave no one behind.

The EU – EU institutions and its member states together – continues to account for the largest share of total Official Development Assistance (ODA) and has a development cooperation presence in all regions and across all sectors. The EU institutions by themselves - without EU member states – ranked fifth amongst DAC members by volume.

The EU is now equipped with a brand-new financial instrument “Neighborhood, Development and International Cooperation Instrument” (NDICI) for the next 7-year period (2021-2027), backed by a total amount of €79.462 bn. The NDICI Regulation refers to the RBA as the guiding principle and compulsory requirement for programming and implementation.

2. How to ensure that development contributes to promoting and protecting human rights?(The principles, strategies, policies and laws, action plans and programmes of development, what contents are important and what responsibilities should be taken into account)

(1) At the international level.

^[1] Charter of fundamental rights of the European union (2012/c 326/02) <<https://eur-lex.europa.eu/legal-content/en/txt/pdf/?uri=celex:12012p/txt&from=en>> retrieved 8/1/2021

(2) *At the national level.*

(3) *Through global and regional partnerships, civic space and engagement.*

Sustainable and inclusive development cannot be achieved without respect for, protection and fulfilment of all human rights. If only rooted in human rights, development can further contribute to promoting and protecting human rights.

By adopting the right-based approach (RBA), encompassing all human rights, to development cooperation, the EU made human rights as both an objective in its own and as contributing to improving the quality and effectiveness of development cooperation, its results and outcomes.

The international human rights framework and its principles, which are at the heart of the RBA, hold the keys to tackle and overcome critical development challenges faced globally.

The principles of participation, non-discrimination, accountability and transparency cover all OECD/DAC sectors of interventions, inform all development strategies, policies, programmes and projects, and apply at each and every phase from identification, designing, implementation to monitoring and evaluation.

The EU has developed a guidance tool to accompany EU staff and external stakeholders, both civil society organisations and partner countries, through the whole process at national, regional and international levels. The guidance note includes a checklist with indication of legal resources to refer to as well as possible actions and countermeasures.

Since its adoption in 2014, the RBA has proved remarkably effective, placing human beings, their needs and aspirations at the center of decision-making and joint actions. Concrete examples at both national and regional level illustrate that human rights principles and standards have provided guidance about what should be done to achieve equal dignity and freedom for all, by building capacities of state actors and citizens, strengthening social cohesion with focusing on the most vulnerable in the most marginalized situations, and anchoring human rights entitlements within a framework of laws and credible and accountable institutions. The RBA has *de facto* made development cooperation more effective and generated greater sustainable returns on investments.

3. Please share any concrete examples of best practices of contribution of development to the enjoyment of human rights. Challenges, obstacles, lessons learned and experience with regard to principles, strategies, law and policies, action plans and programmes, the role of communities, organizations, and individuals and/or other stakeholders.

To promote sustainable and inclusive development, the RBA must equally feature in the purposes, processes and outcomes of development cooperation. Actions should address discrimination, inequalities and human rights violations by supporting capacity gaps of both rights-holders and duty-bearers. This will contribute to ensure that development cooperation respects human rights principles, such as ‘applying all rights’, ‘participation’, ‘non-discrimination’, ‘accountability’, and ‘transparency’

Good practice: In Madagascar a budget support programme on COVID-19 promotes access to better livelihood and social services for groups living in vulnerable situations and specifically women. The intervention adapts and remodels existing social services to the needs and rights of

those furthest behind. The aims are in line with the National Gender Policy, and include the extension of the services already being provided and the installation of a mobile phone number to reach out to girls and women at risk or victims of violence. This programme therefore responds to identified discrimination and the rights of those most in need.

The working principle *applying all rights* calls for all development actions to consider *all rights for all human beings*. When the EU is fighting poverty to advance the right to an adequate standard of living, it can only be effective if it also considers that anyone in that country have the right to work, to a clean environment and to health. It does not mean that an action should focus on all rights, but rather understand the linkages and interdependence of the human rights at stake.

Good practice: Support to the Peace and Share Prosperity through the citizens' Charter Programme” is an EU action in Afghanistan that supports access to basic service delivery, such as access to drinking water or education services, with minimum standards specifically in areas not-accessible and thus not served by the government. This programme recognises that peace cannot be achieved without guaranteeing fundamental rights, from education and health to political participation.

Active, free and meaningful participation is both a means and an end in itself, it is putting people at the center of the action by empowering them to identify and help address the main obstacles and structural barriers impeding them to achieve their rights.

This working principle calls for the explicit active engagement of all persons and groups. In many cases, access to decision-making processes can only be granted by representation which is why the participation principle places special emphasis on invigorating civil society organisations and other representative bodies. CSOs can open space for collective action and amplify the voice of specific groups. Additionally, parliaments, national human rights institutions, the national gender machinery and other independent state mechanisms can play an essential role in promoting participation.

Good practice: The Kosovo Education for Employment Network (KEEN)” project, improves employability of groups living in vulnerable situations. The project focuses on the link between education and the labour market, while addressing specific attention to the promotion of female entrepreneurship. One of the partners, The Bahri Haxha Vocational Education and Training School, was able to organize a one-year internship for their 12th grade students in a number of companies. Partnerships and dialogues between civil society, government and the business sector made the project successful.

4. Are there any other aspects relating to the contribution of development to the enjoyment of all human rights for all that you would recommend for the study to focus on?

The entire 2030 Agenda is premised and founded upon human rights. Human rights are part and parcel of every SDG and, as stated in the preamble, the 2030 Agenda aims “to realize the human rights of all”. The 17 SDGs with its 169 targets strongly reflect human rights principles and standards and pursue a human rights-based approach. “Leaving no one behind”, the core element of the 2030 Agenda, stems from the human rights principles of equality and non-discrimination. It would be worthwhile to explore how the 2030 Agenda and its follow-up process intersects with UN SG Call for Action for Human Rights.

5. If you have differing views on the contribution of development to the enjoyment of all human rights for all, please explain and provide examples if possible.

Not applicable, please see answers to questions 1,2,3,4.