

Women and children search for cans to sell in Timor-Leste.



A woman wearing a striped shirt and a colorful headscarf is climbing a large, dark, charred wooden structure. She is surrounded by a large pile of trash, including plastic bottles, cans, and bags. The background shows a hazy, green landscape.

# Integrating human rights in development and in the economic sphere

## Relevance of the issue

Recent events, such as the Arab uprisings and the global financial crisis, have clearly reinforced the interdependence of human rights, development and peace and security; the three fundamental pillars of the UN and the cornerstones of its Charter. These events demonstrated that economic growth in the absence of adequate measures to promote inclusive and participatory development is unsustainable. Indeed, an absence of accountability and the rule of law in the economic sphere, inequality, corruption, mismanagement of public resources, austerity measures and conditionalities continue to trigger civil unrest in many parts of the world which in turn undermine the sustainability of long-term development and growth. Early warning signs of impending and imminent conflicts and the collapse of States are rooted in the continuing denial of fundamental rights in the economic, social and cultural spheres. Unless addressed, the underlying causes of gaps in the development and the economic sphere lead to repetitive cycles of violations, shrinking democratic spaces, entrenched discrimination and a blatant disregard for the rule of law.

The financial crisis and increasing competition for ownership and control of natural resources have, in many places, translated into a serious denial of access to employment, education, health, social security, food, housing, water and other basic necessities. They have also resulted in unprecedented flows of migrants and refugees. In such instances, women, children, indigenous peoples, migrants and members of disadvantaged and marginalized groups disproportionately suffer. This is exacerbated by manifestations of discrimination and extremism. Moreover, the crises have often resulted in serious violations of civil and political rights when those

excluded from the national development agendas protest against their long-standing abuse and discrimination. Their call for a fair share of the pie and for dismantling structures of inequality is often met with force by those whose power and status quo are threatened.

These issues point to a misalignment between the scope and impact of economic forces and actors, on the one hand, and the political will and ability of States to meet their human rights obligations by protecting against human rights abuses, on the other. Changing patterns in international foreign investment and the increasingly powerful role of new economic entities present new challenges, including with regard to corporate compliance, accountability and the responsibility to respect human rights.

Policies and programmes relevant to the exploitation of natural resources and to the access and delivery of basic social services and goods, such as health care, education, water, sanitation and housing, are frequently pursued by States without sufficient recognition of their corresponding human rights obligations and responsibilities. Specifically, States often fail to comply with their obligation to formulate development policies on the basis of the active, free and meaningful participation of their populations. Limited awareness among actors regarding the standards applicable to business enterprises further impedes the effective prevention and mitigation of any negative impact on human rights due to business activities. Globalized systems, such as international financial markets and trade, are run without human rights safeguards. Among the factors behind the 2007-2008 food crisis was the speculation in food commodities, triggered by an influx in the international markets of investments fleeing the housing crisis. Sharp hikes in food prices were further exacerbated by export bans adopted by food-exporting countries. The absence of human rights safeguards resulted in serious food insecurity and hunger, particularly in food-importing poor countries.

The world was unprepared to pre-empt or rapidly respond to the negative fallout of the 2008 global financial crisis. Bailouts for financial institutions,

often followed by austerity measures, constituted the prevailing policy response to the crisis, a response which was disproportionately felt by marginalized groups and migrants. Austerity measures were implemented with limited political resistance in spite of a growing body of evidence that they threatened both human rights and long-term economic growth. The crisis revealed systemic flaws in the international monetary and financial architecture, including a lack of accountability for regulators and financial institutions.

Since their adoption at the Millennium Summit in 2000, the eight Millennium Development Goals (MDGs) have raised the profile of poverty as an issue of international concern. However, a number of human rights gaps have been identified in both their design and implementation. As such, the MDGs deviated from aspirations and fundamental principles of the 2000 Millennium Declaration, which they were meant to realize. These gaps include lack of thematic balance with a disregard for civil and political rights in areas such as personal security, administration of justice and political participation; poor specification, especially in relation to their qualitative aspects and non-alignment of global goals, targets and indicators with human rights treaty standards; inappropriate adaptation of global goals to national contexts; failure to address discrimination and increasing inequalities; weak accountability for both process and outcomes; and non-participatory processes and disregard for process aspects in general.

In the face of current challenges, the post-2015 development agenda offers a key opportunity to strongly advocate for the broad-based inclusion of human rights principles of transparency, accountability, participation, non-discrimination and human rights policy coherence within the trade, investment, economic, regulatory and development spheres. In an increasingly globalized world, international cooperation must be improved to facilitate compliance with human rights obligations and responsibilities and the effective mobilization of maximum available resources for the realization of human rights.

## OHCHR added value

### Focus areas

- Right to Development
- Post-2015 development agenda
- Land, water and sanitation and housing rights
- Business and human rights
- Public policies and budget processes
- Social and cultural rights

OHCHR's mandate, its independence, and expertise in applying the human rights standards contained in instruments as the International Bill of Rights, the Declaration on the Right to Development and the Declaration on the Rights of Indigenous Peoples, renders it a uniquely authoritative advocate for the integration of human rights standards and principles in development and economic policies. Most recently, OHCHR has contributed to the development of the first global normative framework on business and human rights, the United Nations Guiding Principles on Business and Human Rights.

While several United Nations agencies and organizations are well equipped to undertake work on economic or development dimensions, it should be emphasized that OHCHR, as the repository of the international human rights norms and standards, is the only UN entity explicitly mandated to provide guidance on human rights and promote their integration in all programmes and policies of the United Nations system. Consequently, the OHCHR is often viewed by its partners as a "conscience-keeper" as the world moves forward with its development and economic agendas. Further, the Office is well-placed to provide a human rights counter-balance to an international discourse which defines "megatrends," such as migration, as anonymous economic phenomena, and instead highlights the human processes and impacts of those phenomena.

Growing recognition of the connections between human rights, economic growth, equality and development has opened the door for OHCHR's participation in policy discussions and triggered increasing demands by Member States and the wider UN system for technical assistance with the integration of human rights in development, poverty reduction and economic strategies. This has become particularly evident during the Universal Periodic Review (UPR) process during which Member States

are increasingly accepting recommendations related to these issues.

As a result of OHCHR's work, human rights standards are progressively integrated into global policy documents, national development policies, UN Development Assistance Frameworks (UNDAFs) and international development planning. The Office has a track record of active and strategic engagement in global conferences, General Assembly agendas and inter-agency mechanisms, and has succeeded in significantly changing policies to increase system-wide policy coherence and increased human rights accountability. The Secretary-General's Task Team on the Post-2015 Development Agenda indicated that human rights is one of three fundamental principles on which the agenda must be built. The Office has a major role to play in ensuring that the post-2015 development agenda provides a sustainable, meaningful, universal and balanced framework addressing freedom from fear and freedom from want for all, without discrimination. Human rights have also been firmly integrated in the Rio +20 outcome documents and the General Assembly's Quadrennial Comprehensive Policy Review. Moreover, the landmark Declaration of the second High-level Dialogue on International Migration and Development was firmly human rights-based.

OHCHR is the principal advocate for human rights within the UN system where it chairs and leads the work of the United Nations Development Group's Human Rights Mainstreaming Mechanism and co-leads several thematic inter-agency coordination mechanisms, including on migration. Furthermore, with active contributions from OHCHR, UN entities working in sectors such as food, housing and water, have begun to address responsible governance of global systems. For example, a UN system-wide coordination mechanism (High-Level Task Force on the Global Food Crisis), which includes the World Bank, International Financial Institutions and the World Trade Organization, recognized the role of international trade and markets in the 2008 food crisis and agreed that international trade reforms should contribute to the realization of internationally agreed human rights. As a result, a monitoring and early warning mechanism on food commodities in international markets has been established. The UN human rights mechanisms have played an important role in this achievement by issuing guidance on how to safeguard human rights in the context of international trade and investment agreements.

The periodic and public character of the review of the human rights situation conducted by the human rights mechanisms, which OHCHR supports, allows for timely inputs, follow-up and monitoring, creating a useful avenue for engagement with governments and other development partners. In addition, OHCHR's extensive network of field presences, strongly positions it to advocate for and support the implementation of the guidance and recommendations issued by these mechanisms and to integrate them into national development plans or policies. The Office works with relevant human rights mechanisms to bring together businesses, States, civil society organizations, international organizations and other relevant stakeholders to make meaningful progress toward increased awareness and implementation of human rights standards.

The Office builds on the human rights standards and principles and its accumulated experience to develop policy frameworks, interpretative guidance and capacity-building and training tools for relevant stakeholders. In recent years, OHCHR has developed expert knowledge and materials relevant to development and economic issues, such as: the content and monitoring of economic, social and cultural rights (ESCR), including the scope and content of these rights as they apply to migrants in an irregular situation; the development and use of human rights indicators; human rights-based assessments of the MDG process and of political and economic policies and accountability in the post-2015

development agenda; the corporate responsibility to respect human rights; and human rights-based approaches (HRBA) in development programming and budget processes. The increasing engagement of all UN human rights mechanisms with economic and development issues will build knowledge and capacity for the application of human rights in those areas.

OHCHR has developed considerable experience in highlighting the human rights dimensions and impact of economic activities and policies, including austerity measures, both globally and in specific country settings. In this context, the Office clarifies and increases awareness of the human rights responsibilities of business actors, the human rights implications of national budget planning and implementation and the obligation to devote maximum available resources to the realization of economic, social and cultural rights.

Five years after the onset of the financial crisis, OHCHR is better prepared and well placed to advocate for rights-based reforms related to financial regulation and economic policies and to galvanize political will for meaningful changes that will prevent future crises. A stronger global partnership for development founded on the right to development and greater human rights policy coherence in the economic, trade, investment and financial sectors could have prevented or mitigated the crisis and must be points of emphasis in OHCHR's future work, including with regards to the post-2015 development agenda.



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Consultation with the Wirrárika indigenous population in Mexico. OHCHR promotes and supports the establishment of mechanisms for meaningful consultation and participation of affected groups in development projects and the exploitation of natural resources.

## OHCHR expected contribution

## Integrating human rights in development and in the economic sphere

RIGHTS-HOLDERS CLAIM THEIR RIGHTS	DUTY-BEARERS COMPLY WITH THEIR OBLIGATIONS
<p><b>[EA5]</b> ▶ Rights-holders meaningfully participate in the design and monitoring of public policies, budgets and development projects particularly affecting their human rights, especially their rights to food, housing, water and sanitation, and their access to natural resources such as land</p> <p>▶ Civil society, in particular youth and women, increasingly advocate for and claim their rights; and protect themselves more effectively from reprisals</p> <p>▶ Increased use of national protection system by rights-holders, especially through strategic litigation on economic, social and cultural rights</p>	<p><b>[EA1]</b> ▶ Constitutions, laws and policies increasingly protect human rights, especially land and housing rights and with particular attention to non-discrimination and gender equality, in the context of development and exploitation of natural resources</p> <p>▶ Increased use of anti-discrimination and equality standards by judges and prosecutors</p>
	<p><b>[EA2]</b> ▶ Increased ratification of international human rights instruments and review of reservations</p>
	<p><b>[EA3]</b> ▶ National mechanisms provide for effective implementation of business and human rights standards by States and the private sector, including remedies for human rights abuses</p> <p>▶ Mechanisms and initiatives are adopted to increase human rights protection in contexts of conflict, violence and insecurity</p>
	<p><b>[EA4]</b> ▶ Increased representation of marginalized and discriminated groups in State institutions and decision-making bodies</p>
<p><b>[EA7]</b> ▶ Increased number and diversity of rights-holders, and of NHRIs and civil society actors acting on their behalf, making use of UN and regional human rights mechanisms and bodies</p>	<p><b>[EA6]</b> ▶ Increased compliance and engagement of Member States with international human rights mechanisms</p>
	<p><b>[EA8]</b> ▶ Advances in the progressive development of international and regional human rights law in areas relevant to the thematic priorities</p>
<p><b>[EA10]</b> ▶ Human rights are integrated in the formulation of and follow-up to the post-2015 development agenda</p> <p>▶ Global, regional, and national actors increasingly integrate international human rights principles and standards, including the right to development, in their development, finance, trade and investment policies</p>	
<p><b>[EA11]</b> ▶ Human rights standards and principles are integrated into UN development frameworks and the work of UN agencies, particularly on housing, water, sanitation and land</p> <p>▶ The protection of human rights is an integral part of the international community's preparedness, response and recovery efforts in the context of humanitarian crises and is effectively integrated in the mandates, policies and actions of United Nations peacekeeping operations and special political missions</p>	

By 2017, OHCHR expects to have contributed to the achievement of the results outlined on the table above. OHCHR will pursue these behavioural, institutional and legislative changes in cooperation with relevant partners and using the different strategic tools at its disposal (see Part I on OHCHR's Theory of Change). It is expected that if achieved, these results will contribute to improving the duty-bearers' compliance with their international human rights obligations and to the rights-holders' ability to claim their rights, and thereby to integrating human rights in development and in the economic sphere. To illustrate the interrelated nature of the Thematic Strategies, the table shows all the results to which OHCHR is planning to contribute in this area, including relevant results from other strategies which can be identified as follows: ▶ Mechanisms Strategy; ▶ Discrimination Strategy; ▶ Rule of Law Strategy; ▶ Democracy Strategy; ▶ Violence Strategy.

## Compliance of laws, policies and institutions [EA1]

**Constitutions, laws and policies increasingly protect human rights, especially land and housing rights and with particular attention to non-discrimination and gender equality, in the context of development and exploitation of natural resources**

OHCHR intends to contribute to this change by:

- ▶ Promoting and supporting the implementation of national laws establishing adequate protection against forced evictions and displacements and mechanisms for meaningful consultation and participation of affected groups in development projects and the exploitation of natural resources through legal assessment, policy advice and capacity-building.
- ▶ Providing technical assistance to increase recognition of land rights, particularly for women and indigenous peoples.
- ▶ Promoting and providing technical assistance for the design and monitoring of policies and regulations that protect human rights from harm and provide adequate remedies in cases of violation by businesses involved in development projects, including in the context of the exploitation of natural resources.
- ▶ Enhancing the awareness and capacities of stakeholders regarding the promotion and protection of the human rights of all migrants in the context of development projects and business activities.



By 2017, OHCHR expects to have meaningfully contributed to the integration of human rights standards and principles into national development plans, public policies and/or budgets in Bolivia, Cameroon, Congo, Ecuador, Equatorial Guinea, Gabon, Sudan, Togo, Tunisia, Uganda and countries in Asia and the Middle East.

In Africa (Kenya, Madagascar, Mauritania and South Sudan), OHCHR will make special efforts to ensure the incorporation of human rights standards into legal and policy frameworks for the exploitation of natural resources, particularly extractive industries. In Asia, the focus will be on land and housing rights (Cambodia, Myanmar and countries of South and East Asia) and in Latin America (Bolivia, Chile, Guatemala, Mexico and Peru) on supporting the adoption or implementation of legislation on the rights to consultation of indigenous groups in development projects.

## Accountability mechanisms [EA3]

**National mechanisms provide for effective implementation of business and human rights standards by States and the private sector, including remedies for human rights abuses**

OHCHR intends to contribute to this change by:

- ▶ Promoting legal accountability for business enterprises and the financial sector, including through advocacy at the highest levels.
- ▶ Strengthening the capacity of the judiciary and other State actors, such as national human rights institutions (NHRIs), to protect against business-related human rights abuses and provide access to effective remedies through applicable policies, legislation and adjudication, including in relation to trade and investment, exploitation of natural resources and land management.
- ▶ Developing training and information packages for State actors on key regulatory and policy measures necessary to ensure the effective implementation of their duty to protect against business-related human rights abuses.
- ▶ Supporting civil society organizations that monitor business-related human rights issues and work on business and human rights, including in the context of exploitation of natural resources and land management.
- ▶ Developing training and advocacy tools for civil society organizations, lawyers and judges to strengthen their capacity to adjudicate on business-related human rights cases.
- ▶ Strengthening the capacity of corporate actors to effectively meet their responsibilities under the UN Guiding Principles on business and human rights, including through the provision of interpretive guidance, the development of tools for consultations and outreach and the compilation and promotion of good practice examples, particularly in the context of exploitation of natural resources and land management.
- ▶ Training and support for national human rights institutions to increase their expertise and capability in promoting the implementation of the UN Guiding Principles on business and human rights at the national level.
- ▶ Mainstreaming the issue of business and human rights within the UN system to promote effective and consistent support to all relevant actors. Developing tools for training and advocacy for UN Country Teams (UNCTs) on the application of the UN Guiding Principles on business and

human rights and related frameworks, such as the Principles for Responsible Contracting.

- ▶ Advising special procedures mandate-holders, in particular the Working Group on the issue of human rights and transnational corporations and other business enterprises, in their engagement with all relevant stakeholders on business and human rights, including through substantive support to the Annual Forum and regional forums on business and human rights.
- ▶ Undertaking an expert study on ensuring a coherent and consistent global response to corporate liability for gross human rights abuses and following up on its recommendations.



By 2017, OHCHR expects to have meaningfully contributed to the establishment of mechanisms to protect against human rights abuses and provide effective remedies in the context of business operations in Colombia, Ethiopia, Guatemala, Liberia, Mozambique, Papua New Guinea, Tunisia and other countries of Asia. In many of these countries, the focus will be on land and/or labour rights.

natural resources among governments, the private sector, civil society, indigenous peoples and other affected groups.

- ▶ Developing specific indicators to monitor human rights and participation in development projects and processes related to food, land, water, sanitation and housing.



By 2017, OHCHR expects to have contributed to increasing the meaningful participation of stakeholders in the design and monitoring of public policies, budgets and development projects in Bolivia, Cambodia, Cameroon, Central African Republic, Colombia, Democratic Republic of the Congo, Ecuador, Equatorial Guinea, Fiji, Gabon, Guatemala, Guinea Bissau, Liberia, Madagascar, Mauritania, Mozambique, Papua New Guinea, Palestine\*\*, Paraguay, Congo, Sierra Leone, South Africa, Sudan, Togo, Tunisia, Vanuatu, Zambia, countries in Europe and Central America.

In certain countries, the Office will focus on facilitating the participation of specific groups, such as indigenous peoples in Bolivia, Colombia, Guatemala and countries in Central America or excluded ethnic groups such as Roma and travellers in Europe; while in others the emphasis will be on specific policy development areas, such as exploitation of natural resources and land and housing rights in Cambodia and countries in the Pacific.

## Participation [EA5]

**Rights-holders meaningfully participate in the design and monitoring of public policies, budgets and development projects particularly affecting their human rights, especially their rights to food, housing, water and sanitation, and their access to natural resources such as land**

OHCHR intends to contribute to this change by:

- ▶ Promoting and supporting the participation of rights-holders in the design and monitoring of public policies, budgets and development projects, including austerity measures.
- ▶ Developing guidance tools on meaningful participation for various State authorities when dealing with issues related to food, land, water, sanitation and housing.
- ▶ Providing technical assistance to rights-holders, State authorities and other stakeholders to facilitate the free, active and meaningful participation of rights-holders in all stages of development and economic policy processes, especially those relating to food, land, water, sanitation and housing issues.
- ▶ Facilitating dialogue on development projects and programmes affecting human rights and access to

## Responsiveness of the international community [EA10]

**Human rights are integrated in the formulation of and follow-up to the post-2015 development agenda**

OHCHR intends to contribute to this change by:

- ▶ Continuing engagement with Member States and civil society actors to coordinate advocacy efforts and raise awareness of the importance of human rights and gender considerations in the post-2015 development agenda discussions and follow-up.
- ▶ Continuing engagement with different intergovernmental and inter-agency processes, inter alia, the UN Technical Support Team, the Open Working Group on Sustainable Development Goals and the United Nations Development Group (UNDG) to ensure the effective inclusion of human rights in the post-2015 development agenda, particularly in relation to equality, non-discrimination and accountability.

- ▶ Developing a measurement framework on inequality and governance to develop goals, targets and indicators, including on civil and political rights.
- ▶ Developing a human rights strategy to support the implementation of the post-2015 development agenda framework, particularly in relation to equality, non-discrimination and accountability, including through the development of updated HRBA and gender integration tools and capacity development modules.
- ▶ Providing Member States with technical support and advice on integrating human rights in policy responses to the post-2015 agenda framework.
- ▶ Supporting the integration of human rights in relevant UN policies and programmes, including through the compilation and mapping of national activities, good practices and engagement with international human rights mechanisms in the context of the post-2015 agenda framework.
- ▶ Advocating for a strengthened global partnership for development founded on the individual and collective human rights responsibilities of States and other relevant actors, including with regards to the right to development.
- ▶ Strengthening cooperation with the World Bank, the International Monetary Fund, the World Trade Organization, regional development banks and other relevant actors to promote the integration of human rights into their policies and programmes.
- ▶ Promoting the adoption of social protection floors, including through collaboration with States, UN agencies, the World Bank, special procedures, treaty bodies, NHRIs and human rights and development groups.
- ▶ Advocating for the mobilization of maximum available resources to promote the progressive realization of all human rights, including through the employment of innovative forms of financing for development and the promotion of a human rights-based approach to fiscal policy and development assistance.
- ▶ Supporting knowledge-sharing and exchange of good practices on the integration of human rights in trade and investment agreements, financial regulation and development planning amongst relevant actors.
- ▶ Developing publications to support advocacy in the areas of human rights, development, finance, trade and investment and training tools and guidelines for integrating human rights in economic policies and financial regulation.
- ▶ Promoting human rights accountability and monitoring, including through guidance on human rights impact assessments to protect against and provide remedies for any negative human rights impacts of development, finance, trade and investment policies and business activities with particular regard to gender considerations.
- ▶ Promoting the use of OHCHR's indicators framework to strengthen the human rights-based approach to development policies and programmes (i.e., Common Country Assessments/UNDAFs and the post-2015 development agenda), human rights budgeting and business.
- ▶ Development of publications and guidance tools related to employing human rights indicators in development processes and impact assessments, as well as regional/world maps of globally available human rights indicators.

**Global, regional and national actors increasingly integrate international human rights principles and standards, including the right to development, in their development, finance, trade and investment policies**

OHCHR intends to contribute to this change by:

- ▶ Supporting the integration of human rights into policy responses of the international community to global, regional and national crises and challenges.
- ▶ Providing expert guidance for calculated interventions in relevant international and regional fora to promote awareness, knowledge-sharing and good practices with regards to human rights, development, finance, trade and investment policies.
- ▶ Mainstreaming the right to development in global partnerships between Member States, national development agencies, businesses and international development, financial and trade institutions.

## Human rights mainstreaming within the United Nations [EA11]

### Human rights standards and principles are integrated into UN development frameworks and the work of UN agencies, particularly on housing, water, sanitation and land

OHCHR intends to contribute to this change by:

- ▶ Leading efforts to implement all follow-up to recommendations of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka, including through the development of guidance tools to strengthen human rights leadership and advocacy.
- ▶ Strengthening human rights integration in policies and development activities of the UN system through leadership of the UNDG Human Rights Mainstreaming Mechanism (UNDG-HRM) and the development of guidance tools for the UNDG-HRM and other relevant inter-agency coordination mechanisms.
- ▶ Collaborating with other UN agencies, programmes and funds, particularly UN Women, to ensure that gender issues and women's human rights are part of UN system development activities.
- ▶ Supporting the integration of human rights standards and principles in the work of the UN in the areas of governance and anti-corruption.
- ▶ Working to integrate all human rights principles and standards, including the right to development

and gender considerations, in UN policies guidelines and training tools related to development programming, through inputs to the work of all relevant inter-agency coordination mechanisms.

- ▶ Working with UNCTs to promote the application of the human rights-based approach and the integration of gender considerations in UN programming processes, including through the development of technical tools for deployed human rights advisers.



By 2017, OHCHR expects to have contributed to the increased integration of human rights standards and gender considerations into UN development programmes in Central African Republic, Chad, Liberia, Malawi, Myanmar, Palestine\*\*, Rwanda, Sierra Leone, South Sudan, Timor-Leste, Togo, Uganda, Zambia and countries of North Asia and South Asia.

With the support of OHCHR, human rights standards and principles will be integrated into the UN Common Country Programmes of Argentina, Benin, Botswana, Brazil, Burkina Faso, Cape Verde, Chile, Ecuador, Gambia, Haiti, Iraq, Jamaica, Kenya, Malawi, Peru, Senegal, Serbia, South Africa, Swaziland, the Former Yugoslav Republic of Macedonia, Timor-Leste, Tunisia, Tanzania, Uruguay, Venezuela, Yemen, Zambia and Zimbabwe, as well as in the UN Common Development Plan of Kosovo\*.