



GUIDELINES

Implementing the human rights-based approach in Finland's development policy

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The Government's Development Policy Programme (2012) requires that a human rights-based approach be implemented in all development policy and development cooperation practiced by Finland.

The guidelines cover the implementation of a human rights-based approach in bilateral and multilateral political dialogue and cooperation as well as cooperation with non-governmental organisations. The principles can also be applied to thematic programmes.

What is the human rights-based approach to development?

According to the Development Policy Programme: "Finland pursues a human rights-based approach to development". Its aim is that everyone, including the poorest people, knows their rights and are able to act to enforce them. It is equally important that the authorities know their human rights obligations and are capable of implementing them."

Parallel to the Development Policy Programme, the human rights-based approach is also defined by the other policy guidelines of the Finnish Government, such as the Government Report to Parliament on the Human Rights Policy of Finland 2009.

Finland's human rights-based approach is in line with the UN Statement of Common Understanding on Human Rights-Based Approaches to Development Cooperation



and Programming (the Common Understanding) adopted by the United Nations Development Group (UNDG) in 2003, and which stipulates that:

- ▶ 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 guideline on human rights-based approach does not create new human rights standards or new development cooperation instruments, nor does it add new commitments for cooperating countries to their previously promulgated human rights conventions. Through the human rights-based approach, the various forms of aid in development cooperation are implemented in such a way that the authorities will act more responsibly than before to promote human rights and the population will have information as well as possibilities to act in order to demand the fulfilment of their own rights.

Human rights as a goal of development cooperation and policy

Human rights must be fulfilled so that every person can live in dignity. The meaning of human rights is defined in international and regional human rights conventions. The states which are parties to these agreements are legally bound to them. Certain violations of human rights are always forbidden; for example, there is an unconditional prohibition of torture and slavery. The implementation of economic, social and cultural rights, such as the rights to education and water, may happen progressively, taking account of the maximum of each country's economic and other resources. Governments must take immediate action in the case of these rights too, using all appropriate economic and political means to carry out the implementation.

As is the case with development work, the authorities of each country have a primary obligation to protect human rights. The international community has an obligation to help the poorest countries to fulfil their human rights obligations.

Human rights standards and principles are adhered to in the implementation of development cooperation

Human rights standards refer to the international provisions which legally bind governments and which are included in the human rights conventions promulgated by governments. Human rights standards are divided into civil and political rights as well as economic, social and cultural rights. In its foreign policy Finland stresses that all of these rights are of equal value and dependent on one another.

Civil and political rights and freedoms include, among others: the right to life, freedom from torture and slavery, freedom of expression, freedom of speech, freedom of association and the right to participate in the conduct of public affairs. Economic, social and cultural rights include, among others: the right to work and the right to fair remuneration, the right to basic education, the right to an adequate standard of living and the right to live free of hunger, including the right to food and water.

Civil and political rights as well as economic, social and cultural rights are fundamental rights to which every individual is entitled. In addition, there are rights which apply to certain population groups in their entirety, such as the right to development, to the environment or to peace. Finland emphasises these rights in cases where their implementation particularly supports the rights of those in the weakest position. Supporting the rights of those in the weakest position can include, for example, depending and collective right of indigenous peoples to the land and territories they traditionally occupy and use.

Human rights principles refer to all principles required for the implementation of human rights. The most central of these are:

- ▶ **The universality of human rights:** Human rights apply to everyone, including those in the weakest positions. Systematic violations of human rights are not internal matters of individual states; the international community has the right to intervene in situations where states are unable to protect their citizens;
- ▶ **Non-discrimination:** Within the scope of development cooperation practiced by Finland, no population group may be systematically discriminated against;
- ▶ **The right to participate effectively and meaningfully in making decisions affecting one's life:** In the practical implementation of human rights, it is not enough to simply hear the voice of the local population. The opinions of the local population and their representatives must also have a genuine/meaningful influence on the goals and modes of operation of development co-operation work carried out by Finland.



Bodies responsible for monitoring compliance with human rights conventions, implementation bodies made up of member countries and separately appointed special representatives, all of which operate in international and local organisations, define more precisely the contents of individual human rights by theme and/or by country.

For more information about human rights, please consult:

<http://www.ohchr.org/>

<http://formin.finland.fi/Public/default.aspx?nodeid=42536&contentlan=1&culture=fi-FI>
(in Finnish)

The outcomes of the human rights-based approach are measured through the strengthening of capacity ---

The human rights-based approach is used to increase the capacity of partner countries' authorities as well as the local population.

In terms of the accountability of the authorities, this refers to things such as:

- ▶ Developing legislation to reduce inequality;
- ▶ Strengthening the awareness of authorities regarding their basic and human rights obligations;
- ▶ Strengthening the human rights monitoring on the implementation of legislation and government policies (e.g. national human rights commissions, ombudsman institutions, strengthening of independent judiciaries).

In terms of strengthening the rights of the local population, this could refer to things such as:

- ▶ Human rights education as part of project activities and/or development of the education sector;
- ▶ Measurable quantitative and qualitative strengthening of the rights of the local population (e.g. Increased accessibility and quality of healthcare as well as improved availability and quality of water);
- ▶ Protection of local human rights defenders and support for their ability to carry out their activities;
- ▶ Supporting the activities of non-governmental organisations which defend the rights of the local population.

More information about measuring the implementation of human rights, as well as other information, can be found on the UN Office of the High Commissioner for Human Rights' website: <http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>

Bilateral cooperation and country programming

Finland and its development cooperation partner countries have ratified most core human rights conventions. These conventions should be taken into account in the cooperation between Finland and its partner countries. However, the reality in each country is different. The implementation of the human rights-based approach is “tailored” in such a way that it is as productive as possible from the point of view of human rights. Human rights are the same everywhere and for everyone. For this reason, tailoring does not mean interpreting human rights standards in different ways in different countries or situations, nor does it permit human rights violations..

In long-term partner countries, the implementation of the human rights-based approach is guided through activities such as country programming. This work is supported by the EU’s country-based dialogues and documentation, the UN Human Rights Council’s Universal Periodic Review and recommendations made by Finland in connection with such work. In implementing country programming, special attention is paid to possibilities for civil society to participate in and influence the programming.

Country-specific information about implemented reviews and the recommendations included therein is available in an easily accessible format e.g. in the database of an organisation known as UPR-info:

<http://www.upr-info.org/database/>

Projects already underway

The development policy’s principle of human rights-based implementation also applies to activities which are already underway. As regards these activities, the human rights-based approach is incorporated into the project documents during mid-term evaluations and the design of follow-up projects. In order to support the incorporation, the mid-term evaluations include questions regarding the human rights-based aspects of the project and results that support it, as well as recommendations for developing the projects so that they become more human rights-based. This requires good human rights expertise and knowledge of the tools of human rights-based development on the part of the teams preparing the project documents.

Political dialogue with governments of partner countries and with civil society

Finland promotes the implementation of human rights through political dialogue with the governments of partner countries and with civil society. The objective of the dialogue is to support the authorities in the partner country in fulfilling their human rights obligations and to strengthen the possibilities for civil society to act for the promotion of human rights.

In the dialogue, Finland highlights the countries' most important human rights problems and, in turn, is also ready to discuss Finland's own human rights challenges.

A significant portion of human rights dialogue happens in cooperation with other EU countries, but Finland also engages in direct human rights dialogue with its partner countries.

Activities in international organisations and financial institutions

UN Agencies have a common understanding on the implementation of human rights-based development. This gives Finland good preconditions to promote human rights through both the Agencies' political forums and the multilateral funding that Finland provides. Finland particularly emphasises the significance and resourcing of the rights of women and the most vulnerable population groups.

In international financial institutions, Finland supports human rights mechanisms which strengthen the implementation of human rights according to the mandates of the financial institutions. Through international financial institutions, Finland also supports strengthening the rights of women and the most vulnerable population groups.

Through cooperation between the UN Office of the High Commissioner for Human Rights, other UN Agencies and international financial institutions, the human rights-based approach can be mainstreamed in multilateral cooperation and country-specific field operations.

In Africa, Latin America and gradually also in Asia there are regional human rights bodies, through which it is possible to strengthen the national and regional monitoring of human rights as well as commitment at the local level.

Cooperation with civil society

In human rights-based development cooperation, the local population is not the target of operations; it is an active actor and an agent of change. Civil society organisations are strategic partners of the Ministry in implementing the human rights-based approach. Civil society organisations play an essential role in defending the rights of individuals and groups of people, particularly of those in the weakest positions, by distributing human rights information, raising awareness



of human rights and by increasing civil society participation. It is especially important to support and protect human rights defenders, individuals who expose corruption (i.e. “whistle-blowers”) and other people who campaign for the rights of the local population. Finland supports human rights defenders in cooperation with other EU countries and by providing support from local cooperation funds, for instance.

Although some organisations provide special groups directly with services that are part of the implementation of economic, social and cultural rights, Finland’s guiding principle is that the legal and political obligation for implementing human rights always lies with the government of the partner country in question. This final responsibility cannot be outsourced into the hands of organisations or other non-state actors.

Thematic cooperation is also carried out with international non-governmental organisations, which act to strengthen human rights in developing countries.

A human rights-based approach and a results-based approach

The human rights-based and results-based approaches complement one another. Human rights standards and principles define the concrete goals and methods of development cooperation activities, which are implemented, monitored and developed from a results-based perspective. A human rights-based, results-based perspective means that those in the most vulnerable situation can benefit from the results of projects implemented through Finland’s development cooperation.

Evaluation

When conducting evaluations and when implementing of their recommendations, the concrete goals of the human rights-based approach are to be taken into account. In addition, evaluations must take into consideration the realisation of the principles of human rights in implementation and the human rights-based measurement of results. The human rights-based measurement of results and how the principles of human rights are taken into account in the implementation.

Human rights training

Work to strengthen the integration of human rights-based approach in development policy and cooperation is supported by training personnel and the Ministry’s partners. All basic training for development cooperation includes or is augmented by a section that sufficiently deals with human rights and the human rights-based approach.

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