

A HUMAN RIGHTS-BASED APPROACH TO FINNISH DEVELOPMENT POLICY

Tense times demand a more
ambitious direction

Development Policy Committee Publications
2023:1



DEVELOPMENT
POLICY COMMITTEE



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Summary

This analysis by the Development Policy Committee (DPC) examines the realisation of a human rights-based approach in Finland's development policy and development cooperation. We include here recommendations for strengthening human rights-based development in future government terms of office.

Within a human rights-based approach, human rights and related obligations guide development policy and development cooperation goals, placing respect for, protection and promotion of human rights at its centre. Particular attention is paid to people and groups of people who are least able to enjoy these rights and to those responsible for their realisation. The guiding principles are participation and inclusion, non-discrimination and equality, accountability and transparency.

In recent years, Finland's development policy has become more human rights-based, with human rights being attended to more diligently in development cooperation. But we think that Finland should take an even more ambitious approach to the issue, so that an increasing proportion of development policy would in future promote human rights more actively and address human rights challenges. This requires political will, clear aims, expertise and appropriate resources from the various actors involved.

Alongside governments and ministries, Parliament plays a key role in decision-making concerning the guidelines for Finland's development policy and the overall funding of its implementation, and thus in ensuring a human rights-based approach.

It is important that a human rights-based approach is realised consistently across the different channels, activities and levels of development cooperation. This applies not only to development cooperation as such, but also to a broader range of policy areas, Finland's overall external relations and international advocacy. In inter-ministerial cooperation and coordination, a human rights-based approach should be seen as an

important means of fulfilling the 'leave no one behind' principle of the 2030 Agenda and the Sustainable Development Goals.

Although a human rights-based approach has been taken into account in the planning of development cooperation, there is much variation in its implementation and monitoring. NGOs and bilateral cooperation have played an important role in carrying out the human rights-based approach. Finland has strongly emphasised human rights issues in its policy advocacy in fragile regions and in its multilateral cooperation. Nevertheless, this emphasis has not been uniformly reflected at the level of development cooperation interventions. Support in the form of loans and investments, especially to private sector actors, has increased in recent years. In this area, a human rights-based approach is mainly reflected in the management of risks to human rights. Going forward, it will be important to carry out a strategic analysis of the financial channels and means of development policy and cooperation so as to strengthen the human rights-based nature of development cooperation in Finland.

The fact that the rules-based international system and its normative basis, such as human rights, are increasingly being called into question poses its own challenge to Finnish development cooperation. For instance, gender equality, the rights of women and girls and sexual and gender minorities are increasingly being called into question in both national and international arenas. These challenges make Finland's contribution to human rights-based development policy and cooperation, and to foreign and security policy more broadly, even more important than before. They increase the importance of advocacy at the international level, especially within the UN and the EU.

Increasingly complex operating environments, protracted conflicts, mounting disasters due to climate change and growing challenges to human rights further increase the need and importance of human rights-based development policies and cooperation. Amidst the increasingly tense global context, it is important to ensure that Finland's foreign and security policy remains strongly human rights-based across governmental terms. This approach is also an important guideline for Finland's national and international sustainable development goals, the time span of which traverses governmental terms.

Amidst the increasingly tense global context, it is important to ensure that Finland's foreign and security policy remains strongly human rights-based across governmental terms.

Introduction

1. Human rights-based development policy needs to be more ambitious

This analysis by the DPC examines the status of the human rights-based approach in Finnish development policy and presents the measures to strengthen it, including in future government terms. We want to contribute to the debate and decision-making on human rights and the human rights-based approach in Finland. This publication is directed primarily at policy makers and officials responsible for development policy, but also more broadly at other actors working in the field of development policy and cooperation or interested in the issue.

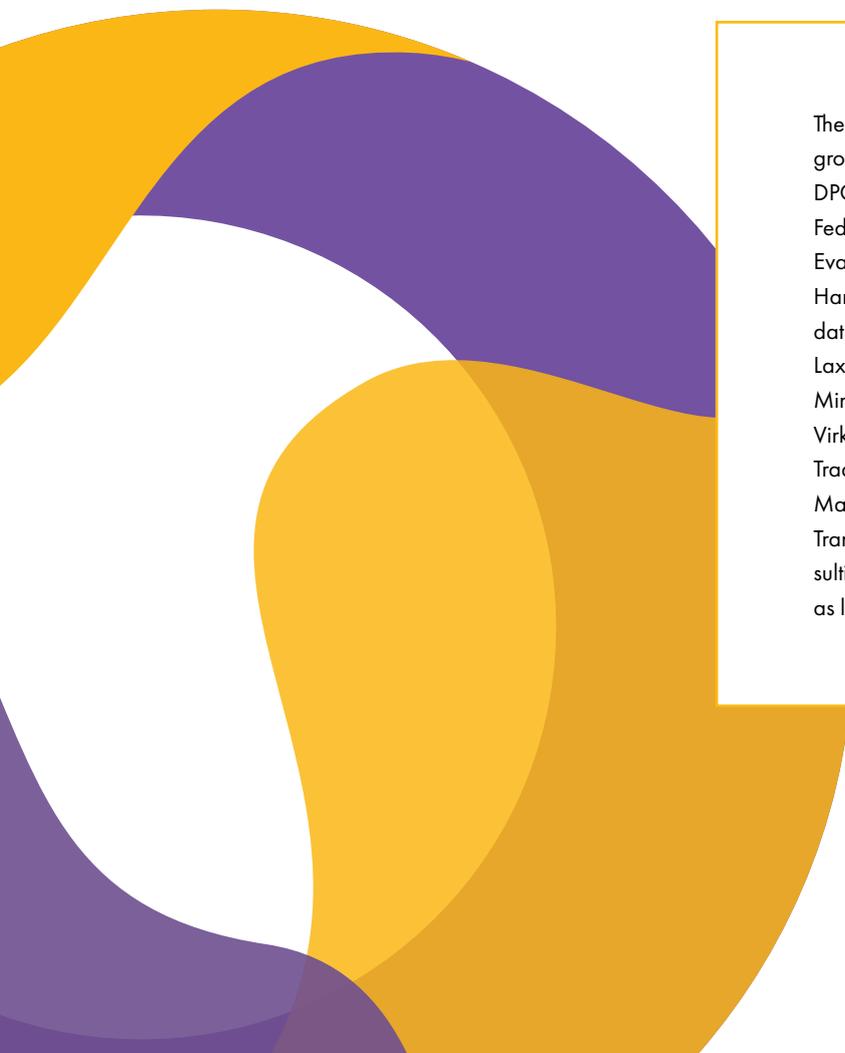
In line with the mandate of the Development Policy Committee, we consider a human rights-based approach to be essential to Finland's global responsibility and impact, especially in relation to the poorest countries and people and groups in the most vulnerable situations. The UN 2030 Agenda for Sustainable Development's 'leave no one behind' principle is crucial to us.

In this report, we use the term 'development policy' in a broad sense, to encompass Finland's development cooperation, humanitarian aid, international advocacy and the role of other national policies in promoting global sustainable development. This broad approach opens up links to the human rights treaties that govern different policy areas and creates a common ground for a common human rights-based approach, especially in foreign relations.

The main emphasis of this analysis is on Finnish development cooperation and the activities carried out under the development cooperation budget. We focus in particular on how the human rights-based approach has evolved and is visible in Finland's development cooperation.

Although the human rights basis of development policy has been strengthened and human rights are taken into account with more diligence than previously, we call for greater ambition on the part of Finland. An increasing share of development policy should in future be more actively human rights progressive and human rights transformative. This requires political will, competence and skills as well as adequate resources on the part of decision-makers and other development policy actors. It is also important that the approach is realised consistently across development channels, activities and levels. This requirement does not only apply to development cooperation, but more widely to different policy areas and to Finland's overall foreign relations and advocacy in the international arena.

Our analysis is structured around four main chapters plus one of recommendations. The second chapter provides the background and key concepts of the human rights-based approach. The third chapter describes the strengths and challenges of the approach, both in target countries and in development policy management. The fourth chapter examines the implementation of human rights-based approaches in Finnish development policy and its changes to date. Lastly, the fifth chapter presents recommendations for strengthening the human rights-based approach during future governmental terms.



The publication has been produced by an expert group of DPC members, including Marikki Karhu/DPC Secretary General, Elina Korhonen/Family Federation of Finland, Eppu Mikkonen/Fingo, Eva-Marita Rinne-Koistinen/Finn Church Aid, Hanna Klinge/CMI Martti Ahtisaari Peace Foundation, Kim Remitz/KIOS Foundation, Marianne Laxén/Peace Union of Finland, Päivi Kantanen/Ministry of Employment and the Economy, Suvi Virkkunen/Finnish Red Cross, Tarja Valtonen/Trade Union Solidarity Centre of Finland, Tiina Markkinen/Ministry for Foreign Affairs. Elina Tran-Nguyen and Jaana Vormisto (FIANT Consulting Ltd) acted as facilitators of the group and as lead authors of the publication.

2.



Background to the human rights-based approach

A human rights-based approach has long been at the heart of Finnish development policy and cooperation. It was defined as a key approach in Finland's development policy in the Finland's Development Policy Programme adopted in 2012.

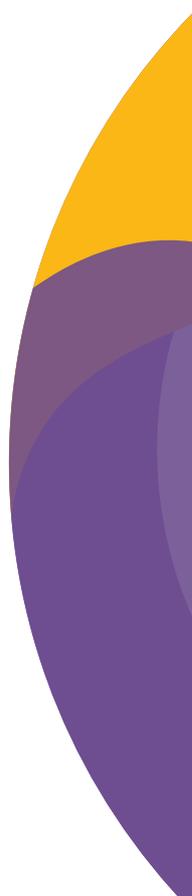
The cornerstone of this approach is human rights, which are fundamental freedoms and rights that belong to every human being. Their purpose is to guarantee a life in dignity for all. Taken together, all human rights form an indivisible whole in which every right and freedom is equally important. Human rights are defined in international human rights treaties, which states, by ratifying them, commit themselves to respect, protect, and fulfil human rights in their legislation, policies and their enforcement, budgeting and management.¹ More information on human rights treaties can be found in Annex 1.

Growing need for a human rights-based approach

The commitment to a human rights-based approach and the promotion of the rights of the most marginalised people in developing countries is more relevant than ever. Compared to the early stages of the approach at the turn of the millennium, the current global trend is very worrying from a human rights perspective.

The rules-based international system and its normative basis, such as human rights, are increasingly challenged by the rise of authoritarianism and nationalism.² Freedom of expression is narrowing and civil society and human rights defenders are under

- 1 Ministry for Foreign Affairs of Finland (2015). Human Rights Based Approach in Finland's Development Cooperation. Guidance note, 2015. https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation___guidance
UN Regional Information Centre for Western Europe. Human rights, <https://unric.org/fi/ihmisoikeudet/>
OHCHR (2006). FAQs on the human rights-based approach to development cooperation. <https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf>
Human Rights Centre: Introduction to Fundamental and Human Rights, <https://www.ihmisoikeuskeskus.fi/ihmisoikeuskoulutus/luentosarja/luento-1-johdatus-perus-ja-ihmis>
- 2 The University of Alabama at Birmingham. (21.10.2020). The Rising Trend of Nationalism and Its Implications on Human Rights. UAB Institute for Human Rights Blog. <https://sites.uab.edu/humanrights/2020/10/21/the-rising-trend-of-nationalism-and-its-implications-on-human-rights>



increasing threat throughout the world. According to the civil society cooperation network Civicus Monitor, only 3.1% of the world's population currently lives in open civil society countries³.

Although development cooperation has been instrumental in strengthening women's rights and gender equality in recent decades, including in education, a worldwide anti-gender movement, part of a broader anti-democracy and anti-human rights movement, poses an increasing threat to gender equality and the rights of women, girls and gender and sexual minorities in both national and international arenas, including the UN. The anti-gender movement manifests itself in legislative restrictions, opposition to sex education, denial of support to organisations promoting sexual health services and opposition to the rights of rainbow people, for example.⁴

The Covid-19 pandemic has been a major threat to human rights, particularly in developing countries, where health structures and social safety nets, and wider societal resilience and institutions, are often weak.⁵ In many countries, the economic and social impact of the pandemic has been more widespread and long-lasting than the health crisis, as poverty and inequality have turned from a positive trend to an upward trend. Gender inequality has undermined the rights of women and girls, with unpaid care work largely the responsibility of women. The effects of the pandemic are reflected in increased unemployment and falling income levels, undermining the right to an adequate income.⁶ The pandemic has also significantly deepened the crisis in education.⁷ At the same time, rates of gender-based and sexual violence and harmful traditions such as female genital mutilation and child marriage have increased. The pandemic has also contributed to a further erosion of freedom of expression and access to information in numerous countries in both the global South and the North.⁸

Only 3.1% of the world's population currently lives in open civil society countries.

3 Civicus Monitor. Civic Space in Numbers. <https://monitor.civicus.org/quickfacts>

4 National Council of Women of Finland, Anti-gender movement in Finland and the EU - project. <https://naisjarjestot.fi/hankkeet/anti-gender-liike/> Association for Women's Rights in Development (AWID) (2021). Rights at Risk. Time for Action. Observatory on the Universality of Rights Trends Report 2021. https://awid.org/sites/default/files/2022-01/RightsAtRisk_TimeForAction_OURsTrendsReport2021.pdf

5 According to the ILO, more than four billion people lack any form of social protection. Source: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_817653/lang--en/index.htm

6 ILO. Global Call to Action for a human-centred recovery from the COVID-19 crises that is inclusive, sustainable and resilient. <https://www.ilo.org/infostories/en-GB/Campaigns/covid19/globalcall#covid-impact>

7 World Bank, Unesco, Unicef, Foreign, Commonwealth & Development Office, USAID, Bill & Melinda Gates Foundation (2021). The State of Global Learning Poverty: 2022 Update. <https://thedocs.worldbank.org/en/doc/e52f55322528903b27f1b7e61238e416-0200022022/original/Learning-poverty-report-2022-06-21-final-V7-0-conferenceEdition.pdf>

8 Civicus Monitor. Freedom of Expression and the COVID-19 Pandemic: a Snapshot of Restrictions and Attacks. <https://monitor.civicus.org/COVID19May2021>

The rapid pace of climate change is reflected in the increasing frequency of extreme weather events. The impacts of heat, drought and floods, among others, have the greatest impact on already vulnerable people in developing countries and their enjoyment of human rights. In 2020, an estimated 720-811 million people worldwide were suffering from hunger, even though the right to food is a fundamental human right. These figures are expected to rise further due to the impact of climate change.⁹

Extreme weather events are also increasing conflicts. The World Bank estimates that by 2030, 2/3 of the world's poorest people will be living in fragile and conflict-affected states. Refugee flows and migration are further increasing due to conflicts and climate change. Refugees and migrant workers comprise a group of people who are particularly vulnerable to labour exploitation and serious human rights abuses such as trafficking, which already affects 24.9 million people worldwide.¹⁰

The rapid development of new technologies, digital services and communications supports the monitoring and promotion of human rights in many ways. But digitalisation has also raised new threats to the fulfilment of human rights in areas such as privacy, security and protection from discrimination.¹¹ Digitalisation can also increase inequalities, as access to new technologies and digital services remains paltry, especially for vulnerable people in developing countries.¹²

9 FAO. The State of Food Security and Nutrition in the World 2021. The world is at a critical juncture. <https://www.fao.org/state-of-food-security-nutrition/2021/en/>

10 Reliefweb (27.2.2020). People Peace Prosperity. <https://reliefweb.int/report/world/people-peace-prosperity>, Ecker, E. Breaking Down Global Estimates of Human Trafficking: Human Trafficking Awareness Month 2022. Human Trafficking Institute. <https://traffickinginstitute.org/breaking-down-global-estimates-of-human-trafficking-human-trafficking-awareness-month-2022/>

11 DPC's forthcoming study Digitalisation and the Special Status of Women Human Rights Defenders (Elina Nikulainen) will open up this theme from a development policy perspective. Once completed, the report will be available on the KPT website www.kehityspoliittinentoimikunta.fi

12 UN (2018). Solutions to World's Problems Lie in Upholding Universal Declaration of Human Rights, Secretary-General stresses in Observance Message. Press release. <https://press.un.org/en/2018/sgsm19402.doc.htm>
Human Rights Careers. 10 Human Rights Issues of The Future. <https://www.humanrightscareers.com/issues/human-rights-issues-of-the-future/>

Council of Europe, Commissioner for Human Rights (21.4.2020). Challenges to human rights have intensified in Europe. Annual Activity Report. <https://www.coe.int/en/web/commissioner/-/challenges-to-human-rights-have-intensified-in-europe>

Government (2021). Government Policy Report on Human Rights. Government Publications 2021:92. <http://urn.fi/URN:ISBN:978-952-383-971-7>

Universal Rights Group (2020). GLION Human Rights Dialogue 2020. Human Rights in the Digital Age: Making Digital Technology Work for Human Rights. https://www.universal-rights.org/wp-content/uploads/2021/06/2021_URG_GLION_VII_REPORT_V6_PAGES_PROD_BD.pdf

THE UN UNIVERSAL DECLARATION OF HUMAN RIGHTS is a basic human rights document adopted by the UN General Assembly on 10 December 1948. The Declaration guarantees a set of fundamental rights for all people, including the right to life and liberty, freedom of expression and religion, and equality before the law. Since its adoption, the UN has led the creation of an international human rights treaty system covering a substantial part of human life. In all, the UN human rights treaty system comprises 9 treaties and their additional protocols.

- International Covenant on Civil and Political Rights (adopted 1966)
- International Covenant on Economic, Social and Cultural Rights (adopted 1966)
- International Convention on the Elimination of All Forms of Racial Discrimination (adopted 1965)
- Convention on the Elimination of All Forms of Discrimination against Women (adopted 1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 1984)
- Convention on the Rights of the Child (adopted 1989)
- Convention on the Rights of Persons with Disabilities (adopted 2006)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 1990*)
- International Convention for the Protection of All Persons from Enforced Disappearance (adopted 2006 *)

These core human rights treaties are further elaborated and complemented by a number of other human rights instruments at global and regional level, such as the International Labour Organisation's (ILO) conventions on labour rights.

More information on the agreements can be found in Annex 1.

*) Agreements to which Finland is not a party

A human rights-based approach

Within a human rights-based approach, human rights and related obligations steer the goals of development policy and cooperation, giving centre place to respect for, protection and promotion of human rights. Particular attention is be paid to the people and groups who are least likely to enjoy their rights. Alongside the focus on human rights outcomes and expected impacts, the approach also emphasise the processes of development cooperation guided by human rights principles. These principles include participation and inclusion, non-discrimination and equality, accountability and transparency.

The human rights-based approach hinges on analysing and addressing the inequalities, discriminatory practices, institutions and structures and unjust power structures that underlie development challenges. States and their institutions are the primary duty-bearers, whose capacity to fulfil their obligations to respect, protect and fulfil human rights are aimed to be strengthened. Other key actors are rights-holders, whose awareness of their human rights and capacity to demand their implementation need to be strengthened. In addition to state actors, other actors, such as community representatives, religious or other traditional leaders, NGOs or businesses, can also play an important role in promoting and implementing human rights, in addition to respecting them.¹³

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13 Ministry for Foreign Affairs of Finland (2015). Human Rights Based Approach in Finland's Development Cooperation. Guidance note, 2015. https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation___guidance
UN Sustainable Development Group. Human Rights-Based Approach. <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>
HRBA Portal. A Human Rights-Based Approach to Programming. What is a human rights-based approach? <https://hrbaportal.org/faq/what-is-a-human-rights-based-approach/>
European Commission (2021) 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 Cooperation. Brussels, 30.6.2021, SWD(2021)179 final. https://international-partnerships.ec.europa.eu/system/files/2021-07/swd-2021-human-right-based-approach_en.pdf

Duty-bearers are individuals or institutions with defined obligations and responsibilities to respect, protect, promote and fulfil human rights. The primary duty bearers are states that have ratified international human rights treaties. In addition to state actors, non-state actors can also play an important role in the protection, promotion and realisation of human rights. For example, religious leaders and other traditional leaders, as influential actors, can play the role of 'moral duty-bearers' in their communities.

Rights-holders are individuals or groups of people who have defined rights in relation to specific duty-bearers. At the same time as right-holders have the right to claim their rights from duty-bearers, they have a responsibility to respect the human rights of other right-holders.

In general, all human beings are rights-holders under the Universal Declaration of Human Rights. However, the human rights-based approach focuses on vulnerable individuals and groups who are at greatest risk of human rights being unfulfilled.

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The human rights-based approach is interpreted and realised in practice with many different emphases and in many different ways.

Developing a human rights-based approach

Although the development of the human rights system began in the 1940s, immediately following the Second World War, human rights work and poverty reduction remained largely separate from one another until the early 1990s.¹⁴ A major milestone in linking human rights and development was the Declaration of the World Conference on Human Rights in Vienna in 1993, which recognised that democracy, development and respect for human rights are interdependent and mutually reinforcing.¹⁵ At the start of the UN reform programme in 1997, the then Secretary-General Kofi Annan was already calling for human rights to be integrated into the work of all UN agencies and specialised agencies, and in 2003 the development work of the various parts of the organisation was brought together by the definition of a UN consensus on the basic conditions for a human rights-based approach.¹⁶ This consensus document has also been an important basis for other development actors as a growing number of donor countries and other donor agencies adopt human rights-based approaches as a guiding framework for their development policies and cooperation.

The human rights-based approach is interpreted and realised in practice with many different emphases and in many different ways. There are appreciable differences between organisations in the rigour and comprehensiveness of the focus of their work on the norms and principles defined in international human rights

- 14 Nyamu-Musembi, C. & Cornwall, A. (2004) What is the Rights Based Approach all About? Perspectives from International Development Agencies, IDS Working Paper 234. https://www.researchgate.net/publication/237390540_What_is_the_Rights_Based_Approach_all_About_Perspectives_from_International_Development_Agencies
- OHCHR (2006). Frequently asked questions on a human rights-based approach to development cooperation. <https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf>
- 15 HRBA Portal. A Human Rights-Based Approach to Programming. The Human Rights Based Approach to Development Cooperation: Towards a Common Understanding Among UN Agencies. <https://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies/>
- 16 https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf



instruments. For some actors, the human rights framework guides their goal-setting very comprehensively. Others focus more narrowly on a specific human rights treaty (such as the Convention on the Rights of the Child or the Convention on the Rights of Persons with Disabilities), while others promote other rights more broadly alongside the UN human rights treaties. There are also varied emphases on processes and the principles that guide them.

In its development policy and cooperation, Finland has clearly adopted a human rights-based approach in line with and complementary to the UN consensus document. An important added value of Finland's approach is the classification of levels of the human rights-based approach, which has been developed on the basis of the classification used in gender equality work. This classification gives practical meaning to the approach in all development cooperation implemented through the different financial instruments and defines minimum requirements for its implementation. At the same time, it supports the target setting and monitoring associated with the strengthening of the approach.¹⁷

In recent years, the European Union has also strengthened its previously more loosely formulated rights-based approach to a human rights-based one, more in line with the UN consensus document. At the same time, like Finland, the EU has more strongly integrated gender equality and equality into its human rights-based approach.¹⁸

17 Miller, H. & Redhead, R. (2019). Beyond 'rights-based approaches? Employing a process and outcomes framework. *the international journal of human rights* 23(5): 699-718. <https://doi.org/10.1080/13642987.2019.1607210>

Ministry for Foreign Affairs of Finland (2015). Human Rights Based Approach in Finland's Development Cooperation. Guidance note, 2015. https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation___guidance

18 European Commission (2021) 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 Cooperation. Brussels, 30.6.2021, SWD(2021)179 final. https://international-partnerships.ec.europa.eu/system/files/2021-07/swd-2021-human-right-based-approach_en.pdf

Levels of human rights-based approach in Finnish development cooperation:

HUMAN RIGHTS BLIND

An intervention that does not take human rights into account: the human rights situation in the operational environment and the potential negative human rights impacts of the intervention are not assessed. Finland does not fund human rights-blind development cooperation.

HUMAN RIGHTS SENSITIVE

A human rights assessment has been carried out to ensure that development cooperation does not have a negative impact on the enjoyment of human rights and does not promote or reinforce discriminatory structures, norms or practices. Human rights principles guide the design, implementation, monitoring and evaluation of interventions.

Example: cooperation in the field of meteorology in Tajikistan

Climate change is increasingly affecting the living conditions of people in Central Asia. In addition to economic and social well-being, it affects ecosystems. The right to a clean, healthy and sustainable environment is also a human right. The Meteorological Institute of Tajikistan has been implementing a project in the field of meteorology in Tajikistan with the National Institute Tajikhydromet (State Institution for Hydrometeorology of the Committee on Environmental Protection under the Government of the Republic of Tajikistan) since 2014. The project aims to strengthen Tajikhydromet's capacity to provide weather, climate and environmental information and early warning services for the benefit of Tajik society.

The project aims to strengthen Tajikistan's capacity to confront the problems of climate change and to anticipate natural disasters. High quality and timely weather and climate data is needed both for disaster risk management and for climate change adaptation in different sectors of society. The project aims to strengthen the partner institution's capacity and proficiency in air quality measurement and to improve air quality in cities affected by air pollution.

HUMAN RIGHTS PROGRESSIVE

In addition to the human rights criteria, an intervention includes actions to promote specific human rights by strengthening the awareness and capacity of rights-holders and duty-bearers. Specific data on target groups and outcomes are collected, taking into account in particular the vulnerabilities of rights-holders, such as gender, age, disability or poverty. This information is systematically used for planning and monitoring results.

Example: the GEPIQ-E programme to improve the quality of equitable education in Ethiopia

Since 2009, Finland has been supporting the Ethiopian education sector mainly through



education quality development programmes. The current General Education Quality Improvement Programme for Equity programme supports the improvement of the quality of basic education with an emphasis on reducing inequalities. In particular, the programme strengthens the accountability of duty-bearers in providing quality and equitable education and promotes access to school for all children. The programme includes targeted actions to promote gender equality and access to and participation in school for children and young people with disabilities and other vulnerable groups. The programme also takes account of the development disparities between different regions of Ethiopia.

A key element of the programme is school-specific grants. These aim to strengthen school development planning and ensure concrete resources at school level, thereby improving school performance and the quality of teaching. The grants received by schools allow, among other things, for additional purchases of teaching materials and supplementary training for teachers. Schools decide on the use of the funding on the basis of school-specific development plans and in consultation with parent-teacher bodies. To address inequalities, schools in remote areas receive an increase to the basic grant. The programme also includes support to promote inclusive education for children with disabilities and measures to reduce school drop-out among girls, including through girls' clubs.

HUMAN RIGHTS TRANSFORMATIVE

The expected end result is to promote the realisation of human rights and address the root causes of human rights challenges. An intervention clearly defines the obligations of duty-bearers and the rights of rights-holders, and promotes their realisation through a range of measures, including legislation, policies, institutions and other structures, attitudes and behaviour. The intervention includes active advocacy and strategic policy dialogue on human rights challenges.

Example: Dalit women's rights in Nepal

Founded in 1994, the Feminist Dalit Organisation (FEDO) is a Nepali organisation working specifically for the rights of Dalit women. It aims to improve Dalit women's rights, to make Dalits economically self-sufficient and independent, and to ensure that Dalit women are actively involved in decision-making in society. FEDO addresses the root causes of discrimination, empowers rights holders and makes those responsible aware of their responsibilities. It seeks to change discriminatory attitudes and practices, and to influence institutions and the policy environment at local, national, regional and international levels.

The KIOS Foundation is supporting FEDO's project in Udayapur and Bara districts to promote Dalit women's rights through advocacy and to support Dalit women leaders and activists in ensuring the realisation of Dalit women's economic rights through concrete economic projects. The project also supports the strengthening of political participation of Dalit and marginalised women and promotes the realisation of legal rights for Dalit and marginalised women at a local level.

3. The added value and challenges of a human rights-based approach

3.1 The added value of the approach

Strengthening the legitimacy and coherence of development activities

International human rights standards and principles, which underpin the human rights-based approach, provide a clear framework for actors to implement development policies and cooperation. This also strengthens the legitimacy and coherence of development activities, local ownership and helps to define the roles, rights and obligations of the different actors. A human rights-based approach links development policy to national and international human rights monitoring and promotion, thus strengthening its role within the broader foreign relations policy framework.¹⁹

From the perspective of the legitimacy of development actions, it is essential that when states ratify human rights treaties, they are legally committed to the obligations defined in the treaties. In human rights-based development policy and cooperation, human rights norms and principles guide the design, realisation and monitoring of development activities to ensure that states carry out their human rights obligations. This puts human rights challenges and their root causes at the centre of development efforts.²⁰

19 DPC (2020). State of Finnish Development Policy 2019. <https://www.kehityspoliittinetoimikunta.fi/julkaisut-ja-materiaalit/arvioraportti-2019>

OHCHR (2006). FAQs on a human rights-based approach to development cooperation. <https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf>

Kirkeman Boesen, J. & Martin, T. (2007) Applying a rights-based approach. An inspirational guide for civil society. The Danish Institute for Human Rights. <https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/applying-a-rights-based-approach-2007-an-inspirational-guide-for-civil-society.pdf>

20 Ibid.

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Identifying and addressing human rights challenges is supported by the international monitoring of human rights treaties. States periodically report on their human rights situation to the UN treaty-specific committees, and other actors, including civil society, prepare shadow reports to the committees. On the basis of these reports, the committees make observations and recommendations to states, the implementation of which is reviewed in future reporting rounds. The Universal Periodic Review (UPR) is an important addition to human

rights monitoring as a peer review mechanism between states. The UPR provides a key opportunity for dialogue between states on human rights issues, while at the same time providing a channel for civil society actors to contribute to the debate and raise their own perspectives.²¹

Human rights standards also define a kind of minimum level of development to be achieved. For example, the promotion of human rights to health, education or water and sanitation is guided by criteria of availability, accessibility, acceptability and quality or adaptability, defined for each.²² Criteria relating to labour rights, such as the prohibition of child labour and forced labour, are defined in the conventions of the International Labour Organisation (ILO).²³

In the field of education, Finland has invested in accessibility and acceptability of education by supporting structural reforms to strengthen pre-primary education, mother tongue education, inclusive schooling and gender equality in partner countries. The quality of education has been strengthened through the training of teachers and strengthening the skills of education authorities.

21 Human rights.net website, UN conventions and declarations, means of control. <https://ihmisoikeudet.net/jarjestelmat/ykn-ihmisoikeussopimukset/valvontakeinot/> and Human Rights.net website, NGOs. <https://ihmisoikeudet.net/jarjestelmat/kansalaisjarjestot/>

22 OHCHR & WHO (2008) Right to health, Fact Sheet No. 31. <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf>

Right to Education Initiative (2022). The Understanding education as a right page explains the criteria for education (What are the 4As?). <https://www.right-to-education.org/page/understanding-education-right>

OHCHR. About water and sanitation. <https://www.ohchr.org/en/water-and-sanitation/about-water-and-sanitation>

23 ILO website Introduction to International Labour Standards, Subjects covered by International Labour Standards. <https://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/lang-en/index.htm>

Clarity in defining the key actors and their relationships

The human rights-based approach places the relationship and interaction between states and their citizens, and above all the duties of states towards the latter, at the heart of development processes. The focus on rights and related obligations brings clarity to the identification of key actors and the definition of the relationships between them. The role of governmental structures, decision-makers and public authorities as primary duty-bearers, whose commitment and capacity to implement their human rights obligations will be strengthened, is crucial. Depending on the context, other actors, such as community representatives, religious and traditional leaders, civil society actors and, in some cases, business, also play a secondary duty-bearer role in the promotion of human rights.

Equally important are the rights-holders, and in particular the people whose rights are least respected. They are not seen as passive recipients of assistance, but as active agents who are empowered to claim their rights and act for their realisation. The legal basis of the approach also provides individuals and groups with legal means to improve the realisation of their rights.²⁴

A more comprehensive definition of poverty

The eradication of poverty is the central goal of development cooperation. A human rights-based approach influences how poverty is defined. Inequality and discrimination are seen as important causes of poverty. Poverty is therefore not simply a condition where an individual's income is insufficient to cover food and other basic needs, but is linked to social and political choices that can be challenged and changed. At the level of rights-holders, poverty is not only about the scarcity or lack of resources and equal opportunities, but also about their ability and resources to claim and promote their rights.²⁵

So the approach complements the traditional poverty criteria with criteria related to inequality and discrimination.²⁶ It also helps to analyse the structural and root causes of poverty, the capacity of the state to meet its obligations and the capacity and other obstacles to poverty eradication in a context-specific way.²⁷ While the eradication of

24 Broberg, M. & Sano, H.O. (2017). Strengths and weaknesses in a human rights-based approach to international development – an analysis of a rights-based approach to development assistance based on practical experiences. *The International Journal of Human Rights* 22 (5), 664-680. DOI: 10.1080/13642987.2017.1408591

25 De Schutter, O. (2021). A human rights-based approach to measuring poverty. In Davis, M.F., Kjærsum, M., Lyons, A. (eds.). *Research Handbook on Human Rights and Poverty*.

26 De Schutter, O. (2021). A human rights-based approach to measuring poverty. In Davis, M.F., Kjærsum, M., Lyons, A. (eds.). *Research Handbook on Human Rights and Poverty*.

Broberg, M. & Sano, H.O. (2017). Strengths and weaknesses in a human rights-based approach to international development - an analysis of a rights-based approach to development assistance based on practical experiences *The International Journal of Human Rights* 22 (5), 664-680. DOI: 10.1080/13642987.2017.1408591

27 World Bank and Organisation for Economic Co-operation and Development (2013) *Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges*, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

extreme poverty, defined in terms of income, remains a key objective of development policies in various countries, this broader understanding of poverty and its root causes is clearly reflected in the UN 2030 Agenda and the Sustainable Development Goals, for instance. The 2030 Agenda is based on international human rights standards and places particular emphasis on the principles of non-discrimination and equality in the pursuit of sustainable development. The SDGs are directly linked not only to economic, social and cultural rights, but also to civil and political rights and the right to development.²⁸

Human rights principles guide governance and practice

The human rights-based approach places equal emphasis on the realisation of human rights as an objective and the implementation of human rights principles in processes. Sustainable development will not be achieved without the recognition of human rights principles as key principles guiding the management and implementation of development activities.

The principle of participation and inclusion requires that right-holders and duty-bearers are actively involved in the different stages of projects, programmes and other activities, from the planning and setting of objectives. The approach strengthens the capacity of individuals, communities, civil society actors and in particular vulnerable people to participate in a meaningful way in different debates and fora. The participation of the most vulnerable is important because many of them have no body to represent them and through which they can influence decision-making. This would promote inclusive and democratic processes at local and national level, with the aim of creating lasting structures and

Sustainable development will not be achieved without the recognition of human rights principles as key principles guiding the management and implementation of development activities.

28 OHCHR. Sustainable Development Goals. https://www.ohchr.org/sites/default/files/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf

UN Sustainable Development Group. What does the 2030 Agenda say about universal values. <https://unsdg.un.org/2030-agenda/universal-values>

opportunities for participation, and address the reasons that prevent different groups from participating.²⁹

The principle of non-discrimination and equality in the approach guides the focus on the most marginalised and traditionally discriminated people and groups, such as persons with disabilities, sexual and gender minorities, refugees, women and girls, or elderly people. People in vulnerable situations often face 'multiple discrimination', meaning discrimination on more than one factor, such as a disabled person belonging to a sexual minority. Increased understanding of the rights and opportunities for people and groups facing discrimination in their daily lives can empower them as active citizens. Awareness of rights can also strengthen their action in areas of life other than those on which, for example, a development project focuses. A strengthened understanding of people's rights, together with wider advocacy efforts, can also contribute to changes in legislation, policies and their implementation that take into account vulnerable people and groups.³⁰

The principles of accountability and transparency create pressure on public authorities to develop legislation, policies, and resourcing and enforcement practices to safeguard human rights. Human rights norms and principles provide key guidance for the development of standards, accountability and resourcing, among others. Strengthening transparency in decision-making and access to information will empower people and communities to monitor that public authorities fulfil their obligations and that remedies are available when rights are violated.³¹

A human rights-based approach requires accountability and transparency also at the level of development policy and cooperation. The results and impact of development cooperation should be openly communicated to decision-makers and the public alike. This approach also requires clear processes for reporting, taking corrective action and communicating any negative impacts.³²

29 HRBA Portal. A Human Rights-Based Approach to Programming. What value does a human rights-based approach add to development? <https://hrbaportal.org/faq/what-value-does-a-human-rights-based-approach-add-to-development/HR>

Kirkemann Boesen, J. & Martin, T. (2007) Applying a rights-based approach. An inspirational guide for civil society. The Danish Institute for Human Rights. <https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/applying-a-rights-based-approach-2007-an-inspirational-guide-for-civil-society.pdf>

30 HRBA Portal. A Human Rights-Based Approach to Programming. What value does a human rights-based approach add to development? <https://hrbaportal.org/faq/what-value-does-a-human-rights-based-approach-add-to-development/>

31 Ibid.

32 World Bank and Organisation for Economic Co-operation and Development (2013) Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

HRBA Portal. A Human Rights-Based Approach to Programming. What value does a human rights-based approach add to development? <https://hrbaportal.org/faq/what-value-does-a-human-rights-based-approach-add-to-development/HR>

In 2019, Ravenstvo for women with disabilities achieved its goal when the Kyrgyz Republic ratified the UN Convention on the Rights of Persons with Disabilities. This positive outcome was the result of collaboration between Finnish and Central Asian disability activists started in the 1990s, building a network of grassroots disability women's organisations and strengthening their expertise on issues such as sexual and reproductive health and rights (SRHR). Ravenstvo, a long-standing partner of Disability Partnership, the Threshold Association and the Abilis Foundation, led a long-term and systematic advocacy effort of the local disability movement to promote accessibility and the implementation of the Convention on the Rights of Persons with Disabilities in the country.

Source: the Ministry of Foreign Affairs' Development Policy Results Report 2022.

Supporting the sustainability of development results

A human rights-based approach supports the sustainability of development results. Systematic analysis of human rights challenges and related power structures supports the appropriate targeting of development interventions to the root causes of problems. In addition, the approach's emphasis on the involvement of all key stakeholders strengthens ownership. The strengthened capacity of duty-bearers to fulfil their human rights obligations and of rights-holders to claim their rights provides an important basis for continuity and sustainability of development processes.³³

33 Noh, J-E. (2021). Review of human rights-based approaches to development: Empirical evidence from developing countries. *The International Journal of Human Rights* 26(5), 883-901.

3.2 Challenges in implementing the approach

Tensions between different policy areas

Human rights and a human rights-based approach are part of foreign and development policy in many countries, usually within the responsibility of the country's foreign ministry. This approach is not necessarily adopted by other ministries, even if their activities extend to developing countries. While human rights and the human rights-based approach are seen by many actors as a key reference framework for development, there are also many other international regulatory frameworks that have an impact on development.³⁴

For example, trade and regional economic integration and cooperation have their own goals and regulatory instruments. Trade agreements administered by the World Trade Organisation (WTO), for instance, are binding on their members. They also contain sanctions.³⁵ The EU's WTO-compatible free trade agreements have as their main objective the strategic liberalisation of trade, but according to the European Commission, the EU is also committed to ensuring that its trade agreements promote sustainable development. The trade and sustainable development chapters of EU trade agreements require the effective implementation of, among others, ILO conventions and multilateral environmental agreements ratified by each party.³⁶

Environmental issues and the use of natural resources or security cooperation also have their own regulatory frameworks. Although there are thematic overlaps, each system has its own normative framework, procedures, institutions and approaches. Understanding and reconciling these may not be easy.³⁷ Potential conflicts and hierarchies between different regulatory regimes emerge when diverging interests come together.³⁸ In human rights-based development policy and cooperation, it is therefore important to pay attention to strengthening coherence and synergies between different policy areas so that other policy areas also support the realisation of human rights in developing countries.

34 World Bank and Organisation for Economic Co-operation and Development (2013) *Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges*, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

35 See, for example, the World Trade Organisation Agreement 5/1995. https://www.finlex.fi/fi/sopimukset/sopsteksti/1995/19950005/19950005_2

36 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The power of trade partnerships: working together for green and fair economic growth. COM(2022) 409 final. Brussels, 22 June 2022. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2022:0409:FIN:fi:PDF>

37 World Bank and Organisation for Economic Co-operation and Development (2013) *Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges*, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

38 On the challenges of Finland's external relations, 2030 Agenda and human rights, see e.g. Ylönen, M. & Salmivaara, A. (2019). POLKU2030 - Assessment of Finland's sustainable development policy ANNEX 14: Agenda2030, foreign policy and human rights. https://tietokayttoon.fi/documents/113169639/113170763/LIITE+14_+AGENDA+2030+EXTERNALPOLITICS+AND+HUMANRIGHTS.pdf/f37f37fa-6bcf-70d2-b795-6be6a-7defc7a/LIITE+14_+AGENDA+2030+EXTERNALPOLITICS+AND+HUMANRIGHTS.pdf?i=1553001097000

As an example of the failed equation between military operations, civilian crisis management and development cooperation, Finland's actions as part of the international community's stabilisation and reconstruction efforts in Afghanistan. Mustasilta, K., Karjalainen, T., Stewart, T.R. & Salo, M. (2022). *Finland in Afghanistan 2001-2021: From stabilization to advancing foreign and security policy relations*. Institute for Foreign Policy. FIIA Report 72. <https://www.fia.fi/en/publication/finland-in-afghanistan-2001-2021>

The approach must be reflected in the organisational culture

Institutionalising the approach means that organisations committed to the approach systematically review their own activities and practices from a human rights perspective, identify the need for change and strengthen staff capacity and incentive structures to conduct the approach. Organisational culture plays an important role in the change process, either facilitating or inhibiting an organisation's ability to absorb and adapt to new ideas. Experience has shown that the effective institutionalisation of an approach is influenced by factors such as the commitment of senior management, staff capacity and incentives, new tools and guidelines, the organisation's external environment and the stability and commitment to human rights of the partner country. The institutionalisation of the approach is also reflected on the ground in a clear allocation of resources to human rights-based development activities.³⁹

In Sweden, for example, successful implementation of the human rights-based approach has been underpinned by in-depth staff knowledge of country contexts, technical and political expertise, long-term partnerships and the adaptation of development activities to local contexts and changes. In Denmark, country ownership and the systematic expert support of the Danish International Development Agency (Danida) to missions have been institutional strengths in implementing the approach.⁴⁰

Tensions between a human rights-based approach and results-based management

In many countries, including Finland, development policy and cooperation is based on results-based management, which helps an organisation ensure that its processes, products and services contribute to the achievement of agreed objectives. This requires monitoring and evaluating progress and reporting on performance.⁴¹

Human rights-based approach and results-based management are generally considered to be compatible and complementary. The human rights standards and principles contained in the human rights-based approach define the content of the objectives and also the process by which the objectives are achieved. The results-based approach

39 Ibid.

40 Piron, L-H. & Sano, H-O. (2016). Lessons Learned on the Danish Human Rights-Based Approach. Evaluation Study. The Danish Institute for Human Rights. Ministry of Foreign Affairs of Denmark, Danida. https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/evaluation_study_november_2016_published.pdf

Allfram, H., Buffardi, A., Domingo, P., Topsøe-Jensen, B. & Nilsson Williams, O. (2020). Evaluation of the application and effects of a Human Rights Based Approach to development: Lessons learned from Swedish development cooperation. What works well, less well and why? Volume I: Final evaluation report. Sida Evaluation 2020:2A. <https://www.sida.se/en/publications/evaluation-of-the-application-and-effects-of-a-human-rights-based-approach-to-development-lessons-learned-from-swedish-development-cooperation-what-works-well-less-well-and-why>

41 OHCHR (2006). Frequently asked questions on a human rights-based approach to development cooperation. <https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf>

United Nations Development Group (2011). Results-Based Management. Handbook. Harmonizing RBM concepts and approaches for improved development results at country level. <https://unsdg.un.org/resources/unsdg-results-based-management-handbook>

Tensions have been detected in the simultaneous application of the human rights-based approach and the results-based management.

reinforces the achievement of the desired goals.⁴²

There are many ways to conduct results-based management. In the model widely used by development actors, change theory is at the heart of the results-based management strategy. It describes how the desired goals – change – are thought to be achieved. It focuses on the cause-effect relationships between changes and the attendant assumptions and risks.⁴³

Tensions have been detected in the simultaneous application of the human rights-based approach and the results-based management. These arise when results-based management is applied in a very narrow and technical way, presenting causal relationships and related outcomes as highly predictable, linear and easily controllable⁴⁴. This rarely reflects the reality in which human rights-based work is done. Further tension can also arise from focusing only on outcomes and ignoring the processes that are essential to human rights-based practice, which should be guided by human rights principles⁴⁵.

Another challenge may be the willingness of donors to emphasise results that can be achieved in a short time and readily quantified.

42 OHCHR (2006). Frequently asked questions on a human rights-based approach to development cooperation. <https://www.ohchr.org/sites/default/files/Documents/Publications/FAQen.pdf>

United Nations Development Group (2011). Results-Based Management Handbook. Harmonizing RBM concepts and approaches for improved development results at country level. <https://unsdg.un.org/resources/unsdg-results-based-management-handbook>

Ministry for Foreign Affairs of Finland (2012). Results Based Management (RBM) in Finland's Development Cooperation - Concepts and Guiding Principles.

43 Vogel, I. (2012). Review of the use of 'Theory of Change' in international development. Review Report for the UK Department of International Development.

44 Vandenhoe, W. & Gready, P. (2014). Failures and Successes of Human Rights-Based Approaches to Development: Towards a Change Perspective. *Nordic Journal of Human Rights* 32(4), 291-311. DOI: 10.1080/18918131.2015.957458

Shutt, C. (2016). Towards an alternative development management paradigm? Report (2016:07) for Expertgruppen för biståndsanalys (EBA). https://eba.se/wp-content/uploads/2016/08/Rapport2016_07_webb.pdf

45 Shutt, C. (2016). Towards an alternative development management paradigm? Report (2016:07) for Expertgruppen för biståndsanalys (EBA). https://eba.se/wp-content/uploads/2016/08/Rapport2016_07_webb.pdf

Vuola, E. (2021). Results, Rights and Effectiveness: complementarities, tensions and emerging alternative responses, University of Helsinki. Faculty of Social Sciences. Master Thesis.

In human rights-based work, results can be hard to quantify and processes for sustainable structural change are frequently slow.⁴⁶

The human rights-based approach and the results-based management are complementary and can be reconciled in practice, but this requires a sound knowledge of both approaches and an awareness of the tensions between them. An adaptive approach to running projects and programmes, taking into account changes in the context, is important. Instead of short-term results, emphasis should be placed on longer-term ones, learning from results and qualitative monitoring alongside quantitative monitoring.⁴⁷

The impact of the operational environment on the application of the approach

Contextual factors such as a state's political system, cultural factors, weak institutional capacity and the wider social situation often have a significant impact on the implementation of a human rights-based approach. The state may exhibit open political resistance to a human rights-based approach by protecting existing power structures. For example, it may not be politically acceptable to collect disaggregated data in the context of a sharp ethnic divide or to provide education in the mother tongue. Opposition to human rights often extends to the wider society. Social norms, values and practices related to customary law can be an obstacle to the participation of children and young people or girls and women.⁴⁸

In such contexts, the obligations assumed by states can be invoked, for example, the Convention on the Rights of the Child and the Convention against All Forms of Discrimination against Women being very widely ratified human rights treaties. In some countries it has been necessary to adopt a gradual and indirect approach. In others, it has been essential to develop approaches that are particularly sensitive to cultural perspectives in the application of a human rights-based approach. In Muslim countries, for example, Islamic sources can be used to make visible the distinction between religion and harmful and discriminatory practices or other human rights violations against girls and women based on cultural traditions.

A human rights-based approach can therefore be adapted to different political and cultural contexts. On the other hand, a human rights-based approach makes visible

46 Albero, T. (2015). A Human Rights- and Results-Based Management Approach to United Nations Development Cooperation at the Country Level, United Nations Sabbatical Leave Programme 2014.

Shutt, C. (2016). Towards an alternative development management paradigm? Report (2016:07) for Expertgruppen för biståndsanalys (EBA). https://eba.se/wp-content/uploads/2016/08/Rapport2016_07_webb.pdf

World Bank and Organisation for Economic Co-operation and Development (2013) Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

47 Vähämäki, J. & Verger, C. (2019). Learning from results-based management evaluations and reviews. OECD Development Co-operation Working Paper 53. <https://doi.org/10.1787/22220518>

48 World Bank and Organisation for Economic Co-operation and Development (2013). Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

the political dimension, which is an integral part of any development approach. The approach focuses on highlighting the power structures in society and on making power relations more equal and equitable. In this way, development actors can be seen as political actors and questions of legitimacy, power and accountability can crop up. Even in these situations, the strength of the approach lies in its grounding in the international human rights framework. In this case, the dialogue between states is based on an international rather than bilateral approach, supported by human rights monitoring at the international level and processes such as the Universal Peer Review (UPR).⁴⁹

In countries or regions where state structures are weak or practically non-existent, it may not be possible to find national or local accountability for different rights. In Somalia donor agencies have often attached great importance to the role of local decision-making systems, such as clan systems and organisations, as interim duty-bearers in securing basic services, because cooperation with state actors has not been possible or appropriate. In such situations, so-called moral duty-bearers, such as traditional or religious leaders or village elders who play an important role at village level, can also play an important role in promoting and safeguarding human rights, possibly in cooperation with the authorities. Even in these situations, it is important to engage the different duty-bearers in the implementation of their human rights obligations and principles and to strengthen their proficiency in this regard.⁵⁰

Conflict sensitivity alongside a human rights-based approach

Countries or regions that are fragile are also often associated with protracted conflicts. In fragile and conflict-affected settings, applying a human rights-based approach helps both to identify marginalised people and to highlight power relations within local communities or society more broadly. Addressing discrimination can prevent new tensions or conflict from developing. Involving people and groups in processes to find solutions to problems can empower them in ways that also reduce conflict. The emphasis on accountability and transparency helps to build trust between different actors, including the public authorities who should take the lead in driving forward future development. In this way, a human rights-based approach can be seen as laying the basis for sustainable peace.⁵¹

However, in a fragile and conflict-affected environment, highlighting certain human rights and addressing discrimination and inequalities, for example against ethnic

49 Broberg & Sano, WB/OECD, <https://www.maailma.net/nakokulmat/arvio-kehitysyhteisty-ja-poliittisuus-kulkevat-kasi-kadessa> (in Finnish)

50 Broberg, M. & Sano, H.O. (2017). Strengths and weaknesses in a human rights-based approach to international development - an analysis of a rights-based approach to development assistance based on practical experiences *The International Journal of Human Rights* 22(5), 664-680. DOI: 10.1080/13642987.2017.1408591

51 Nordic Trust Fund/The World Bank (commissioned) (2012). Report on Development, Fragility, and Human Rights. <https://documents1.worldbank.org/curated/en/742411607691799746/pdf/Report-on-Development-Fragility-and-Human-Rights.pdf>

Ministry of Foreign Affairs of Denmark, Danida (2013) A human Rights Based Approach to Denmark's Development Cooperation: Guidance and Inspiration for Policy Dialogue and Programming.

groups, can alter the balance of power and resources, which in turn can fuel conflict.⁵² To avoid inadvertently exacerbating existing conflicts, the 'do no harm' principle, which is central to both conflict-sensitive and human rights-based approaches, should be applied in all contexts.⁵³ This requires continuous conflict analysis to adapt policies and plans as situations alter.

Complexity and immediate needs in fragile states

In recent years, the development environment has become increasingly complex, with the emergence of the Covid-19 pandemic, protracted and complex crises and conflicts, recurrent climate change-related shocks and disasters, increased authoritarianism and forced migration. The increasing complexity of the context has highlighted the need for more coordinated, integrated and effective cooperation between humanitarian, development and peacebuilding actors to address the needs and rights of people living in fragile states and in the throes of crises.⁵⁴ Strengthening cooperation, coherence and complementarity between these activities – the triple nexus approach – aims to reduce vulnerability, respond to humanitarian needs, address the root causes of conflict and strengthen risk management capacities.⁵⁵

In a complex environment, it is important to take into account not only the synergies but also the differences between the different interventions when applying a human rights-based approach. While humanitarian work focuses on protecting people affected by crises and conflicts and responding to their immediate needs, it is less

52 World Bank and Organisation for Economic Co-operation and Development (2013) *Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges*, 3rd ed. Washington, DC. DOI: 10.1596/978-0-8213-9621-6.

53 Nordic Trust Fund/The World Bank (commissioned) (2012). *Report on Development, Fragility, and Human Rights*. <https://documents1.worldbank.org/curated/en/742411607691799746/pdf/Report-on-Development-Fragility-and-Human-Rights.pdf>

European Commission, Directorate-General for International Cooperation and Development (2021). *Guidance notes on conflict sensitivity in development cooperation. An update and supplement to the EU staff handbook on 'Operating in situations of conflict and fragility'*. Tools and Methods Series, Reference Document No 31.

Ministry of Foreign Affairs (2022). *Guidance. Tripartism and cooperation with fragile states and regions*. https://um.fi/julkaisut/-/asset_publisher/TVOLgBmLyZvu/content/ohje-kolmoisneksus-ja-yhteisty-hauraiden-valtioiden-ja-alueiden-kanssa/384998

54 OECD, DAC recommendation on the Humanitarian-Development-Peace Nexus. OECD/LEGAL/5019 <https://legalinstruments.oecd.org/public/doc/643/643.en.pdf>

Oxfam (2019). *The Humanitarian-Development-Peace Nexus. What does it mean for multi-mandated organisations?* Oxfam Discussion paper. <https://policy-practice.oxfam.org/resources/the-humanitarian-development-peace-nexus-what-does-it-mean-for-multi-mandated-o-620820/>

DPC (2021). *Greater than the sum of its parts – Why is a triple nexus approach needed for Finland's development cooperation, humanitarian assistance and peace actions?* <https://www.kehityspoliittinentoimikunta.fi/en/activity/2245>

55 OECD, DAC recommendation on the Humanitarian-Development-Peace Nexus. OECD/LEGAL/5019 <https://legalinstruments.oecd.org/public/doc/643/643.en.pdf>

Oxfam (2021). *Transforming the systems that contribute to fragility and humanitarian crises: Programming across the triple nexus*. Oxfam Briefing Paper. <https://policy-practice.oxfam.org/resources/transforming-the-systems-that-contribute-to-fragility-and-humanitarian-crises-p-621203/>

Ministry for Foreign Affairs (2022). *Guidance. The Triple Nexus and cooperation with fragile states and regions*. https://um.fi/julkaisut/-/asset_publisher/TVOLgBmLyZvu/content/ohje-kolmoisneksus-ja-yhteisty-hauraiden-valtioiden-ja-alueiden-kanssa/384998

In a complex environment, it is important to take into account not only the synergies but also the differences between the different interventions when applying a human rights-based approach.

focused, for example, on building the long-term capacity of different authorities. In a situation where state actors are parties to a conflict, humanitarian actors must ensure that the impartiality and independence of aid policy is respected. Over-reliance on state actors in such a situation could, for example, lead to aid not reaching all those in need⁵⁶. While humanitarian work may be human rights based, it does nevertheless not, by its very nature, be human rights transformative⁵⁷.

Reflections on the relationship between peacebuilding and the human rights-based approach

There is a close relationship between human rights and conflict.⁵⁸ On the one hand, human rights violations act as drivers of conflict, and on the other hand, conflicts result in human rights violations. The relationship between conflict resolution and mediation and human rights work has historically been seen as challenging, sometimes even irreconcilable.⁵⁹ But the confrontation between peace and justice is increasingly giving way to an approach that emphasises coordination, phasing and complementarity.

Peace work is inherently political and has an essential link not only to development policy but also to foreign and security policy. In supporting formal mediation or even

56 International Committee of the Red Cross, ICRC (2019). The ICRC and the "humanitarian-development-peace nexus" discussion. In conversation with Filipa Schmitz Guinote, ICRC Policy Adviser. International Review of the Red Cross 101(912), 1051-1066. DOI: <https://doi.org/10.1017/S1816383120000284>

Oxfam (2021). Transforming the systems that contribute to fragility and humanitarian crises: Programming across the triple nexus. Oxfam Briefing Paper. <https://policy-practice.oxfam.org/resources/transforming-the-systems-that-contribute-to-fragility-and-humanitarian-crises-p-621203/>

57 Borgrevink, K. & Bergtora Sandvik, K. (2021). The afterlife of buzzwords: the journey of rights-based approaches through the humanitarian sector, cf. Guidance on different levels of human rights-based implementation

58 OHCHR (2020). Thematic paper: The contribution of human rights to peacebuilding and sustainable peace. Review of the UN Peacebuilding Architecture. https://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/1_ohchr_thematic_paper_on_the_contribution_of_hr_to_sp_and_recommendations.pdf

59 Kantowitz, R. Advancing the Nexus of Human Rights and Peacebuilding. Development dialogue paper no 27. Dag Hammarskjöld Foundation. https://www.daghammarskjold.se/wp-content/uploads/2020/02/dd-paper_no27_hr-peace.pdf

informal dialogue, it is necessary to build and maintain the trust and willingness of all key actors, including duty-bearers that are not supportive of human rights, to engage in a peace process. It is not always possible to put human rights violations on the agenda, which is ultimately decided by the parties involved. However, actors supporting the peace process can contribute to human rights-based approaches, for example by strengthening the inclusiveness of the processes, by providing examples of sustainable human rights-based solutions or by supporting the capacity of the parties to do so. On the other hand, the use of more technical human rights terminology can, in some situations, also provide a more neutral and clearer framework for dialogue.⁶⁰

Operating in conflict situations is a constant balancing act with the best possible sequencing of the peacebuilding process. In some processes that have just begun or are stalled, so-called quicker wins such as a ceasefire, another more technical agreement for a shorter period of time, or addressing⁶¹ less contentious human rights issues, may allow for a gradual building of confidence in the process and a shift to more political and complex issues. Central to the implementation of a human rights-based approach is the need to adapt to a constantly changing environment.

60 OHCHR (2020). The role of human rights in peace and mediation processes. Speeches. Delivered by Assistant Secretary-General for Human rights, Ilze Brands Kehris at Berghof Foundation. <https://www.ohchr.org/en/speeches/2022/06/role-human-rights-peace-and-mediation-processes>

61 O'Neill, W.G. Mediation and Human Rights. The Centre for Humanitarian Dialogue (HD). <https://hdcentre.org/wp-content/uploads/2016/07/Mediation-andHumanRights-July-2005.pdf>

4. How is the human rights-based approach realised in Finnish development policy?

4.1 A human rights-based approach in development policies and guidelines

According to the Finnish Constitution (§ 1), Finland is involved in international cooperation for peace, human rights and the development of society. This strong commitment to human rights has been clearly reflected in Finland's development policy for a long time. Human rights have been mentioned in development policies since the 1990s. The human rights perspective in development cooperation was gradually strengthened, and in 2012 it was defined as a central approach in development policy.⁶² This policy was also supported by the Finnish Human Rights Strategy, which was completed in 2013, according to which the human rights perspective should be visible in all areas of foreign and security policy.⁶³

The 2021 Report on Development Policy Extending Across Parliamentary Terms unambiguously states that Finland's development policy is based on human rights and that through development

62 Ulkoasianministeriö (2012). Suomen kehityspoliittinen toimenpideohjelma. Valtioneuvoston periaatepäätös 16.2.2012. <https://um.fi/documents/35732/0/KV-020150-FI-v1582270457516.pdf/619953e6-0c03-2f13-5344-993cd42907d5?i=1643374700706>

63 Ministry for Foreign Affairs of Finland (2018/4). Evaluation. Review of Human rights-based approach in Finland's development policy related to forthcoming evaluation. https://um.fi/documents/384998/0/Review_of_Human_Rights-Based_Approach_evaluation_NETTI.pdf/52d15125-268b-30b8-da5b-95dca878ddda?i=1548926615522

cooperation Finland seeks to strengthen the rules-based international system and its normative basis. The realisation of human rights is stated as a central goal of development policy. Human rights also feature strongly in the core areas of development policy. The cross-cutting objectives promoting gender equality and equity in all work also contribute to reinforcing the emphasis on human rights in development policy. The report also strongly emphasises the role and responsibility of business in sustainable development.⁶⁴

The strong human rights basis of Finland's development policy is an essential part of a human rights-based foreign policy. The 2021 Government of Finland Report on Human Rights Policy clearly outlines the human rights basis of Finland's foreign and security policy, including development policy, and Finland's strong role as a promoter of human rights in its international relations. The report also states that sufficient resources must be reserved for the implementation of a human rights-based foreign and security policy and the training that supports it.⁶⁵

A key reference framework and tool supporting the realisation of Finland's human rights-based approach in development cooperation is the Human Rights Based Approach in Finland's Development Cooperation Guidance Note⁶⁶, completed in 2015. This examines the approach from the perspective of development cooperation. As a new way of concretising the practical implementation of the approach, the guidance note defines levels of the human rights-based approach, mentioned above: human rights blind, human rights sensitive, human rights progressive and human rights transformative. These levels guide the monitoring of the implementation of the approach in development cooperation funded by Finland. The guidance note states that all development cooperation interventions supported by Finland must be at least human rights sensitive, meaning that they must not have negative human rights impacts and they must not maintain or promote discriminatory structures. It also requires that human rights principles guide the design, implementation, monitoring and evaluation of interventions. The aim is that all interventions should be human rights progressive or human rights transformative.

In particular, and in addition to the guidance note focusing on the human rights-based approach, the perspective has been incorporated over the years into many other guidelines on Finnish development policy and cooperation. They include the

The aim is that all interventions should be human rights progressive or human rights transformative.

64 Ministry of Foreign (2021). Report on Development Policy Extending Across Parliamentary Terms. Government Publications 2021:23. <http://urn.fi/URN:ISBN:978-952-383-606-8>

65 Ibid.

66 Ministry for Foreign Affairs of Finland (2015). Human Rights Based Approach in Finland's Development Cooperation. Guidance note, 2015. https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation___guidance

guidelines on cross-cutting objectives, the triple nexus guidelines on the links between humanitarian aid, development cooperation and peace work, the guidelines on development cooperation in fragile states, the manual on bilateral programmes and the manual on evaluation.

Strengths and weaknesses of the guidelines and policies

A clear commitment at the policy level to a human rights-based approach is the basis for its practical implementation to improve the realisation of human rights in developing countries. Finland's strong commitment to the approach in its development policy and cooperation guidelines and its active role in promoting human rights-based approaches in its international dialogues have been noted in various fora and highlighted in external evaluations.⁶⁷

The integration of the human rights-based approach into development policy and cooperation guidelines and in particular the specific guidance note (2015), has supported the translation of the approach into practical action. The level classification developed by Finland has not only concretised the implementation of the approach, but has also provided a framework for monitoring its implementation by the Ministry for Foreign Affairs (MFA).

Although the meaning of the approach and the key concepts are defined in MFA guidelines, there has been great variability in the interpretation of the guidelines and concepts and in the implementation practices of the different departments and units of the ministry. This challenge also reflects the wider variation in interpretations,

The level classification developed by Finland has not only concretised the implementation of the approach, but has also provided a framework for monitoring its implementation by the Ministry for Foreign Affairs (MFA).

67 Ministry for Foreign Affairs of Finland (2018/4). Evaluation. Review of Human rights-based approach in Finland's development policy related to forthcoming evaluation. https://um.fi/documents/384998/0/Review_of_Human_Rights-Based_Approach_evaluation_NETTI.pdf/52d15125-268b-30b8-da5b-95dca878ddda?i=1548926615522

Ministry for Foreign Affairs of Finland (2020/2A). Evaluation. Adapting for Change: Country Strategy Approach in Fragile Contexts Volume 1. Synthesis report. https://um.fi/documents/384998/0/UM_Hauraiden_valtioiden_evaluointi_Vol1_SynthesisReport_NETTI+%283%29.pdf/8b1c688a-f650-4c83-a2a0-e2127fccc185?i=1588922327582

Ministry for Foreign Affairs of Finland (2020/3A). Evaluation. Finnish Development Policy Influencing Activities in Multilateral Organisations. Volume 1. Main Report. https://um.fi/documents/384998/0/Vol1+_MainReport_Evaluation+of+Finnish+Development+Policy+Influencing+Activities+in+Multilateral+Organisations+%281%29.pdf/2666cd6a-0bb2-1c76-0659-db1ac6fa30bf?i=1591860985653

emphases and implementation practices of the human rights-based approach among development actors. As mentioned earlier, the effective institutionalisation of the approach is also influenced by factors such as staff capacity and incentives, in addition to adequate resourcing. It would therefore be important to examine the extent to which the current practices of the ministry, including its emphasis on the use of different financial instruments, encourage the practical implementation of the approach. The adequacy of resources is also essential.

This has also highlighted the challenge of the generic nature of the guidelines on the approach and their limited usefulness in practice. The guidelines are not perceived to be sufficient to support the systematic incorporation of the approach in the design, implementation, monitoring and evaluation of development cooperation across different aid modalities, sectors, thematic areas and operational contexts.⁶⁸

The reconciliation of the MFA's performance-based management guidelines with a human rights-based approach has been a matter of debate, especially among Finnish NGOs. It has been difficult to reconcile the procedural nature of human rights-based work, the slowness and complexity of change processes and the practical indicators with the often perceived technical requirements of results-based management.

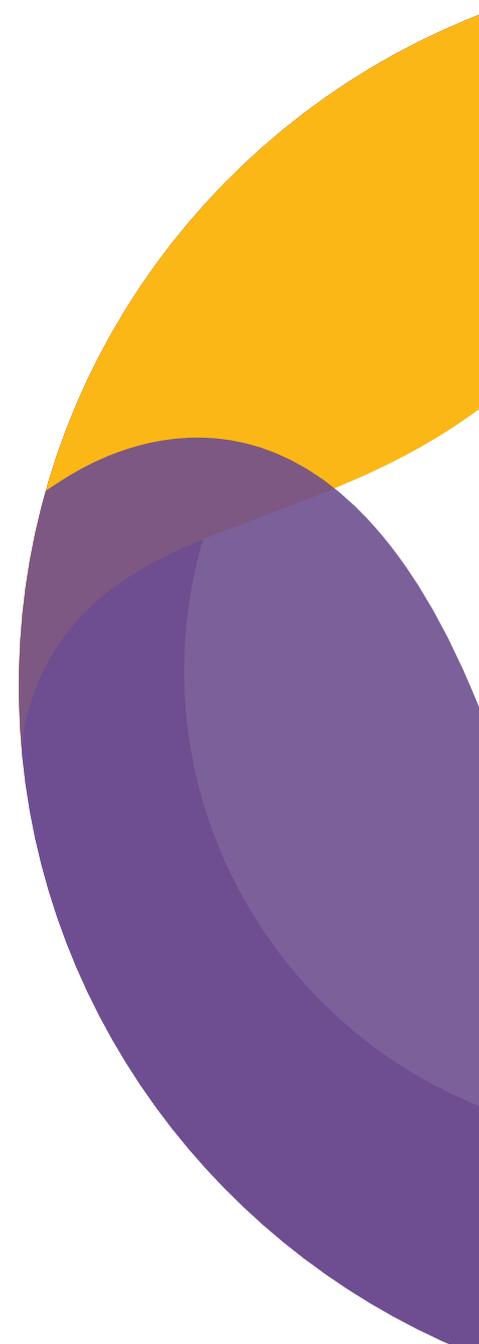
4.2 Implementing the human rights-based approach

The implementation of human rights-based approach in the light of the level classification

The implementation of human rights-based funding decisions was examined at different levels for the first time in the 2018 results report.⁶⁹ This found that 66% of new funding decisions made between 2015 and 2017 represented the minimum level (human rights sensitive), meaning that interventions ensure that there are no negative human rights impacts and that human rights principles guide the design, implementation, monitoring and evaluation of interventions (see Figure 1).

68 Ibid.

69 Ministry of Foreign Affairs (2018). Finland's Development Policy Results Report 2018. <https://um.fi/documents/35732/0/UM+KPR+2018+ENG+WEB.pdf/944cf817-9d4a-43ca-07a7-2aebd6053801>



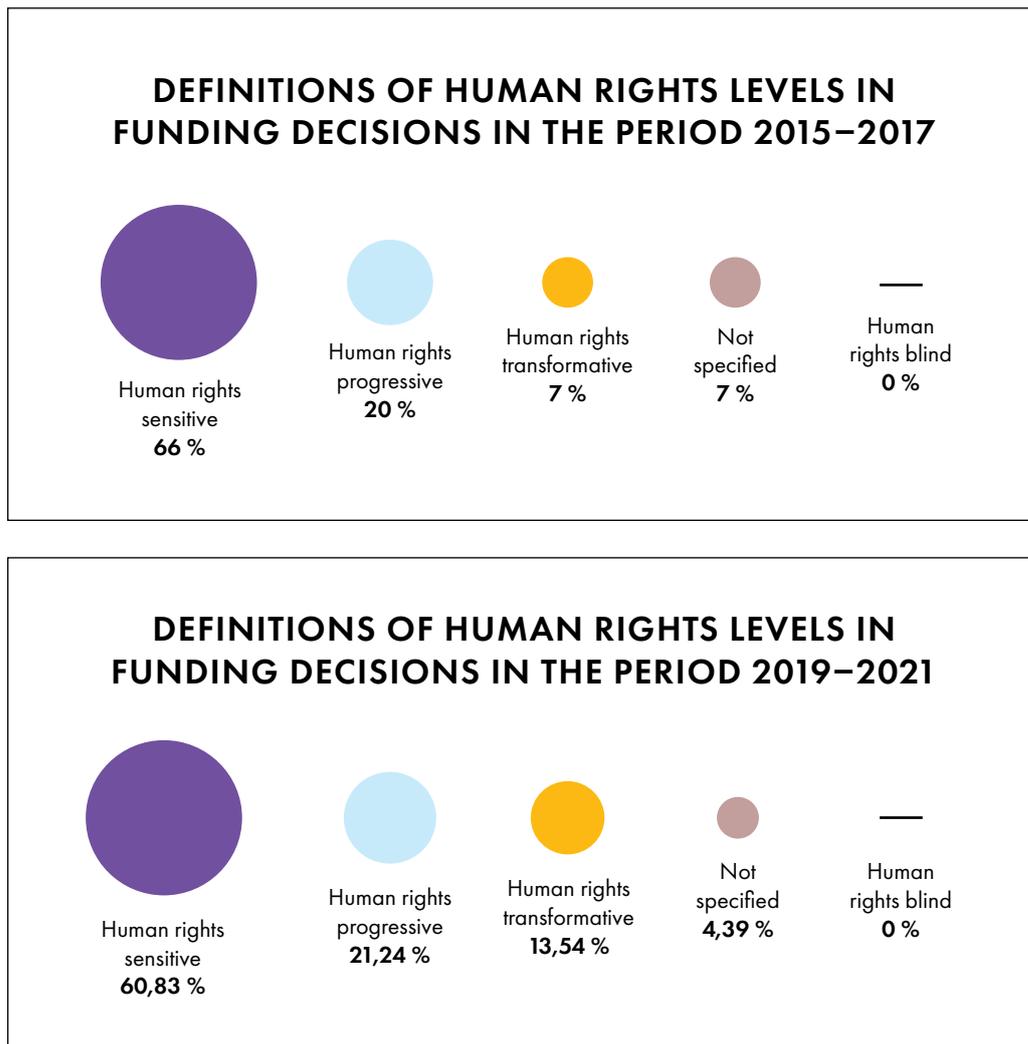


Figure 1: Distribution of funding decisions by level from 2015 to 2017 and from 2019 to 2020. Administrative, procurement and general development costs are not included in the level analysis because their link to human rights is only indirect. The 2015-2017 funding decisions do not include allocations for such things as local cooperation and business partnership support, as development work on the application of human rights-based approaches and statistics was still ongoing. These forms of support are included in the tiering of the 2019-2021 funding decisions.

When we look at the funding decisions taken between 2019 and 2021⁷⁰, we can see a slight increase in the share of interventions that are human rights progressive and human rights transformative (see Figure 1). When comparing the time periods, it is worth noting that the 2019-2021 classification includes forms of assistance that were not included in the previous level classification. It is also important that we bear in mind that the classification of human rights-based funding into different levels is done at the funding decision stage, meaning that it concerns the plans presented in funding applications, not the actual implementation.

70 Ministry for Foreign Affairs (2022). Development Policy Results Report 2022. <https://um.fi/web/kehityspolitiikan-tulosraportti-2022/>

Progress on gender equality and the rights of people with disabilities

The available data makes it difficult to assess how Finnish development cooperation has supported the realisation of different human rights, but the implementation of the human rights-based approach can be examined from the perspective of gender equality or certain discriminated persons or groups. Finnish development cooperation places special emphasis on the rights of women and girls and on the rights of people with disabilities. According to the latest results report⁷¹, the share of funding for gender equality has increased in recent years. According to MFA statistics, 76% of new funding decisions taken in 2019-2021 included gender equality as a main or sub-goal, compared to about 64% in 2015-2017.⁷²

There has been some increase in the attention paid to accessibility in relation to the rights of people with disabilities in funded projects in recent years. Between 2019 and 2021, the percentage of accessibility projects was 24%, compared to 17% in 2015-2017. According to the latest results report, progress has been made in taking account of accessibility, particularly in NGO projects, but understanding and inclusion of disability rights in development remains weak. People with disabilities are often excluded from many forms of cooperation, including private sector and multilateral organisations.⁷³

Human rights-based approach in projects and programmes

Based on evaluations of Finnish development cooperation, it appears that the degree to which human rights situation analyses and the more systematic consideration of the different elements and principles of the human rights-based approach are taken into account in development cooperation plans and reports varies widely. Overall, it is still at a very early stage.⁷⁴ For example, a study on the evaluability of the human rights-based approach stressed that it has brought human rights and development issues closer together. On the other hand, the key principles of the approach have not been met in a way that supports the achievement of processes and goals. The evaluation of the development of the agriculture, rural development and forestry sectors in Africa, on the other hand, recommended that both the cross-cutting objectives and the human

71 Ibid.

72 This is the average of three years of decisions involving gender equality funding. For example, the figure for 2017 is the average for 2015-2017 (Department for Foreign Affairs Development Policy Performance Report 2022, References Implementation, Ref. 3.)

73 Ibid.

74 Ministry for Foreign Affairs of Finland (2018/4). Evaluation. Review of Human rights-based approach in Finland's development policy related to forthcoming evaluation. https://um.fi/documents/384998/0/Review_of_Human_Rights-Based_Approach_evaluation_NETTI.pdf/52d15125-268b-30b8-da5b-95dca878ddda?i=1548926615522
Metaevaluation of project and programme evaluations in 2017-2020

rights-based approach be taken into account in both policy and implementation.⁷⁵ The evaluation report on humanitarian aid states that Finland targets humanitarian aid on the basis of need. In addition, other development funding is allocated in accordance with the principle of human rights-based approaches. However, this appropriate allocation needs to be clarified in order to strengthen internal understanding within the MFA and to support effective decision-making.⁷⁶

Although the human rights-based approach has been taken into account in the planning of development cooperation, there is wide variation in its implementation and monitoring.⁷⁷ In fragile contexts, Finland has strongly emphasised human rights concerns in its policy advocacy, but this has not been consistently reflected at project level.⁷⁸ The most recent meta-evaluation concluded that in conducting evaluations the human rights-based approach is seldom assessed. And when it has been, the result is usually that the approach has not been mainstreamed in Finnish development cooperation.⁷⁹ However, new information on the implementation of the approach in development cooperation will be obtained from an ongoing evaluation, the results of which will be published in autumn 2023.

4.3 Human rights-based approach and the channelling of Finnish development cooperation funding

Increased share of multilateral cooperation and private sector funding

According to the latest Development Policy Results Report, Finland's cooperation through international organisations, financial institutions and the EU has increased, while projects managed by Finland itself have decreased. In 2019-2021, some half of Finland's development cooperation budget was channelled through international organisations and the EU. By contrast, bilateral cooperation based on national and

75 Ministry for Foreign Affairs of Finland (2019). Evaluation of the agriculture, rural development and forest sector programmes in Africa. https://um.fi/documents/384998/0/ARDF+Evaluation_Final+Report.pdf/043c849a-ac67-903d-30ad-5a0299b34247?i=1569774427362

76 Ministry for Foreign Affairs of Finland (2022/4). Catalysing change: Evaluation of Finland's Humanitarian Assistance 2016-2022. Volume 1. Main report. https://um.fi/documents/384998/0/Evaluation_of_Finlands_Humanitarian_Assistance_Volume+1.pdf/a0612940-9d06-6f9c-1687-b8cb289ecce4?i=1662723839325

77 Ministry for Foreign Affairs of Finland (2021/4A). Evaluation on Development Cooperation carried out by the Department for Russia, Eastern Europe and Central Asia, including the Wider Europe Initiative (WEI). Volume 1. Main report. https://um.fi/documents/384998/0/Evaluation_Eastern+Europe+and+Central+Asia_VOL_1_web+%282%29.pdf/67eddc5-10ba-84c7-1b5e-cb61c9bdf242?i=1622756681266

78 Ministry for Foreign Affairs of Finland (2020/2A). Evaluation. Adapting for Change: Country Strategy Approach in Fragile Contexts Volume 1. Synthesis report. https://um.fi/documents/384998/0/UM_Hauraiden_valtioiden_evaluointi_Vol1_SynthesisReport_NETTI+%283%29.pdf/8b1c688a-f650-4c83-a2a0-e2127fccc185?i=1588922327582

79 Ministry for Foreign Affairs of Finland (2022/1). Evaluation. Metaevaluation of project and programme evaluations in 2017-2020. https://um.fi/documents/384998/0/Meta_evaluation_of_MFAs_project_programme_2017_20_Final_report_web+%281%29.pdf/5d92e666-4c83-43c6-04e2-398647ec67e7?i=1648556568623

regional programmes accounted for 19% of the total development cooperation budget. NGOs accounted for around 10% of the total in 2019-2021. Humanitarian aid also accounted for 10% of development funding for a long time, but with the increase in crises, its share has risen to almost 15%.

The channelling of considerable development cooperation funds through international organisations, financial institutions and the EU reduces Finland's ability to influence the design and implementation of funded programmes and projects, including their human rights basis, compared to bilateral cooperation. On the other hand, many UN agencies supported by Finland, such as UNFPA, UN Women, and UNICEF, have a strong human rights-based approach. Among financial institutions, the World Bank Group has a framework on environmental and social issues, which includes human rights principles such as transparency, accountability, participation, non-discrimination and inclusion⁸⁰. Various guidelines for implementation⁸¹ have been developed, in particular for the Bank's own staff, but these guidelines do not necessarily include requirements for beneficiaries of Bank funding.

Moreover, the framework does not include a very explicit commitment to human rights.⁸²

It is therefore important that the World Bank has an ongoing long-term fund on human rights, inclusion and empowerment, under which programmes are being implemented to strengthen the understanding and application of human rights principles in the work of the Bank Group. Finland is one of the fund's supporters.⁸³

Finland is able to promote the implementation of a human rights-based approach in multilateral cooperation through policy advocacy.⁸⁴ Evaluations of this work show that Finland has been fairly active in this area. The evaluation of the influencing of multilat-

Finland is able to promote the implementation of a human rights-based approach in multilateral cooperation through policy advocacy.

80 World Bank (2018). Environmental and Social Framework. Frequently asked questions. <https://thedocs.worldbank.org/en/doc/840611538167465121-0290022018/original/ESFGENERALFAQ.pdf>

81 World Bank. Environmental and Social Framework. <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework>

82 Wachenfeld, M. (2022). Benchmarking Study of Development Finance Institutions' Safeguard Policies. Consultation Draft, 7 June 2022. A study prepared for OHCHR. https://www.ohchr.org/sites/default/files/Documents/Issues/Development/DFI/OHCHR_Benchmarking_Study_HRDD.pdf

83 World Bank. Human Rights, Inclusion and Empowerment. <https://www.worldbank.org/en/programs/humanrights/overview>

84 Human Rights Council (2022). Best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development at the national level. A/HRC/51/9. See paragraphs 15, 17, and 54-55. https://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/51/9

eral organisations⁸⁵ highlighted that Finland is seen as a human rights defender and a strong advocate of multilateralism with experience, expertise and credibility, particularly in the fields of gender equality, disability rights, education and technology and innovation. According to the evaluation of influencing the EU and its institutions⁸⁶, Finland's positions on development policy issues are widely known and Finland is recognised as a leader and a key player, particularly in promoting gender equality, a human rights-based approach, social inclusion and a focus on support for Africa. Finland's expertise was also recognised in the area of the rights of persons with disabilities, although its profile in this area was perceived to be less visible.

Projects and programmes funded by the Ministry of Foreign Affairs and implemented by Finnish NGOs and their partners have to follow a human rights-based approach, as this is included in the application criteria for both project and programme support⁸⁷. The work of NGOs was last evaluated in 2017. The evaluation of thirteen NGOs and foundations concluded that the promotion of human rights and the reduction of inequalities are at the core of their work⁸⁸. The important role of NGOs in fulfilling the approach has also been highlighted in other evaluations. A recent performance report also found that the diverse and flexible work of NGOs supports the realisation of human rights and sustainable development goals in hard-to-reach areas.

In recent years, the share of so-called other development cooperation in development financing has increased as Finland has significantly increased its loan and investment flows. The aim is to promote the channelling of private capital towards sustainable development, climate change mitigation and economic growth in developing countries. Between 2016 and 2021, these investments totalled about €723 million.⁸⁹ These investments accounted for between 9% and 15% of total development finance between 2019 and 2021⁹⁰. Financing has been provided by various climate funds, the International Fund for Agricultural Development (IFAD), the African Development Fund (ADF),

85 Ministry for Foreign Affairs of Finland (2020/3A). Evaluation. Finnish development policy influencing activities in multilateral organisations. Volume 1. Main Report. https://um.fi/documents/384998/0/Vol1+_MainReport_Evaluation+of+Finnish+Development+Policy+Influencing+Activities+in+Multilateral+Organisations+%281%29.pdf/2666cd6a-0bb2-1c76-0659-db1ac6fa30bf?i=1591860985653

86 Ministry for Foreign Affairs of Finland (2022/5a). Evaluation. Evaluation of the Finnish development policy influencing in the European Union. Volume 1. Main report. https://um.fi/documents/384998/0/Vol1+_MainReport_Evaluation+of+Finnish+Development+Policy+Influencing+Activities+in+Multilateral+Organisations+%281%29.pdf/2666cd6a-0bb2-1c76-0659-db1ac6fa30bf?i=1591860985653

87 Ministry for Foreign Affairs, KEO-30 (30.9.2020). Instrument description for programme support. https://um.fi/documents/397000/0/OHJELMATUEN_INSTRUMENTTIKUVAAUS_2020_fi_valmis.pdf/735bf34d-82a7-f625-86cb-a5e7b9fcffbd?i=1601476425093

Ministry for Foreign Affairs, Civil Society Unit (22.11.2021). Project Support Instrument (in Finnish). Hanketuen instrumenttikuvuus. https://um.fi/documents/397000/0/Hanketuen+instrumenttikuvuus+2021_final.pdf/20ac459f-d213-5ced-a337-b4d310272678?i=1637573571047

88 Ministry for Foreign Affairs of Finland (2017/3). Evaluation. Programme-Based Support through Finnish Civil Society Organizations II. Synthesis Report. https://um.fi/documents/384998/385866/cso2_synthesis_report

89 Ministry for Foreign Affairs (2022). Development Policy Results Report 2022. <https://um.fi/web/kehityspolitiikan-tulosraportti-2022/>

90 Karhu, M. & Lanki, J. (2022). In the Quest for True Commitment: The Finnish Aid Paradigm and the 0.7 Target in Domestic Politics, *Forum for Development Studies* 49(3): 435-465. DOI: 10.1080/08039410.2022.2116353
Ministry for Foreign Affairs, Finland's development cooperation allocations and payments 1989-2021. <https://um.fi/documents/35732/0/Tilastoliite+2021%2C+osa1.pdf/161097fb-d549-f3f2-76d0-84e2eb5fe13a?i=1649772210803>

Finnfund and the Finn Church Aid's FCA Investments company, among others.⁹¹

The MFA's Policy on Financing for Sustainable Development⁹² states that "Private sector development will take into account relevant international environmental and human rights standards and agreements. Companies are encouraged to adhere to the principles of responsible business." The policy points out that Finland has invested since 2018 in particular in mainstreaming human rights in the practices of financial instruments, in line with the UN Guiding Principles on Business and Human Rights. According to the Development Policy Results report, in 2019-2021, special attention was paid to human rights-based private sector development cooperation. Training on the UN Guiding Principles on Business and Human Rights was provided to private sector cooperation implementers, and Finnfund and Finnpartnership, for example, have strengthened the incorporation of the principles in their operations.

Levels of ambition in the human rights-based approach in different financial instruments

Finland's support for multilateral cooperation, which accounts for about a third of allocated funding, is predominantly classified as human rights-based when the funding decision is taken (Table 1). Just over half of country and regional development cooperation is classified as human rights. Humanitarian aid is included in the human rights sensitive category, which is a good illustration of the nature of humanitarian work. Development cooperation by NGOs is mainly classified as either human rights progressive or human rights transformative. The vast majority of financial investments come under the human rights sensitive category.

The vast majority of financial investments come under the human rights sensitive category.

91 Ministry for Foreign Affairs (2022). Development Policy Results Report 2022. <https://um.fi/web/kehityspolitiikan-tulosraportti-2022/>

92 Ministry for Foreign Affairs (2022:5). Policy on Financing for Sustainable Development. <http://urn.fi/URN:ISBN:978-952-281-381-7>

Table 1: Breakdown of funding decisions by funding channel for different levels of human rights-based funding in 2019-2021.

Multilateral development cooperation includes general funding for various UN agencies, the World Bank Group and development funds, among others. Country and regional funding includes bilateral projects, which may be government-to-government projects or project cooperation with a multilateral actor such as a UN agency or a development finance institution instead of a partner country. Untargeted development cooperation includes, for example, thematic projects at global level, funding for international NGOs and Finnpartnership's business partnership support. Concessional credits include, inter alia, investment support for developing countries (Public Sector Investment Facility) and export credit support. Financial investments include funding for Finnfund and other loan and financial investments.⁹³

FUNDING CHANNEL	Human rights sensitive	Human rights progressive %	Human rights transformative	Not specified %	Allocations € million
Multilateral development cooperation	75	5	16	3	722
Country and regional development cooperation	27	55	10	8	432
Untargeted development cooperation by country	61	16	11	11	218
Humanitarian aid	98	0	0	2	310
Development cooperation planning and support functions	79	1	0	20	11
Development cooperation evaluation	8	0	1	91	9
NGO development cooperation	3	49	45	4	347
Concessional credits	100	0	0	0	8
Support for democracy and the rule of law	0	97	3	0	4
Financial investments	89	11	0	0	460
TOTAL	61	21	14	4	2521

As we saw earlier, Finland's development cooperation funds are increasingly channelled through international organisations, financial institutions and the EU. In 2019-2021, funding for intergovernmental cooperation accounted for only some 4% of total development cooperation funding.⁹⁴ Finland's aim is also that, in the long term, all development cooperation interventions should be at the level of promoting human rights or addressing human rights challenges.⁹⁵ However, no specific timeframe or quantitative targets for the realisation of the human rights-based approach levels have been set out in the published policies and reports.

93 Ministry for Foreign Affairs, Unit for Administrative and Legal Development Cooperation Matters. Data available November-December 2022.

94 Ministry for Foreign Affairs, Unit for Administrative and Legal Development Cooperation Matters. Information available December 2022.

95 Ministry for Foreign Affairs of Finland (2015). Human Rights Based Approach in Finland's Development Cooperation. Guidance note, 2015. https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation__guidance
Ministry for Foreign Affairs (2018). Development Policy Results Report 2018. <https://um.fi/documents/35732/0/UM+KPR+2018+ENG+WEB.pdf/944cf817-9d4a-43ca-07a7-2aebd6053801>

It is therefore important to reflect on what a move to a level that is human rights progressive or human rights transformative would imply from a business perspective.

Setting and monitoring more specific targets could strengthen a human rights-based approach to development cooperation. It is important, though, to consider the implications of such changes for different actors and instruments. As the majority of multilateral development cooperation funded by Finland is currently classified as human rights sensitive in the classification of funding decisions, aiming for a level that is human rights progressive and human rights transformative would further increase the importance of advocacy, for instance at the UN system and EU level. So it would be important to consider whether the desired levels are to be achieved through advocacy or whether additional means are needed.

The decline in bilateral development cooperation means that at country level, the work of NGOs is becoming more prominent, being multifaceted and largely human rights progressive or human rights transformative. While NGOs are often also active at national level, for example to change legislation, bilateral development cooperation is nevertheless transnational and can be used more broadly, say to strengthen the capacity of ministries and other key actors in a target country.

Finnpartnership's business partnership grant, concessional credits and Finnfund's loan and investment funding support private sector actors such as companies. Loan and investment finance is also provided to the private sector through various development banks and funds. Loan and investment support in particular has expanded in recent years in Finnish development cooperation. The majority of loan and investment support to the private sector is classified as human rights sensitive when funding decisions are taken (see Table 1). A human rights assessment is part of the background studies for financing decisions. However, there is no certainty that a human rights situation will be systematically monitored during the implementation phase. It is therefore important to reflect on what a move to a level that is human rights progressive or human rights transformative would imply from a business perspective.

The UN Guiding Principles on Business and Human Rights

In 2011, the UN Human Rights Council adopted the UN Guiding Principles on Business and Human Rights as the first global standard on business and human rights to which all states and companies are expected to adhere. While the adopted document is not legally binding, the Guiding Principles clarify the content and implications of existing norms and practices for both states and companies. The principles have been developed to implement the “protect, respect and remedy” framework proposed by the UN Special Representative in 2008. The framework is built on three pillars:

- *the state's duty to protect human rights*
- *the responsibility of business to respect human rights*
- *access to protection and redress for victims of human rights violations (both state and corporate actors)*

There are 31 principles under these pillars. They summarise the actions that states can take to help companies respect human rights. For companies, they provide a framework for managing the risks associated with negative human rights impacts, and for stakeholders, criteria against which they can assess the respect for human rights in business activities.

Businesses must avoid violating human rights in their own operations, and this responsibility extends to business relationships. Businesses are expected to have in place a human rights due diligence process that includes the following steps: identifying and assessing potential and actual human rights impacts of business activities, integrating and acting on the results of the assessment, monitoring the effectiveness of actions taken, and communicating openly about how impacts are being addressed.

Businesses should take into account as a minimum the human rights defined in the Universal Declaration of Human Rights, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the ILO Labour Conventions and the Declaration on Fundamental Principles and Rights at Work.

The UN Guiding Principles on Business and Human Rights are a key source of guidance for companies, and the Finnish Guidance Note for a Human Rights-Based Approach in Finland's Development Cooperation also requires private sector actors to comply with them.⁹⁶ Compliance with the UN's Guiding Principles will at least bring companies to the level of human rights sensitive, and in some cases may lead to a company's business operations being to the level of human rights progressive. Setting a level of ambition for companies that is human rights progressive and human rights transformative would likely significantly reduce the number of companies that could be partners in development cooperation and access funding through existing financial instruments for the private sector. This reduction would be due in particular to the fact that most companies, even those promoting sustainable development, focus their business on selling their own products and services in a commercially viable way. Combining this with improving the position of vulnerable rights holders and promoting sustainable structural change could be difficult. We should also note that a large number of companies, both international and Finnish, are still at an early stage of implementing the UN Guiding Principles on Business and Human Rights⁹⁷.

On the other hand, the pursuit of higher human rights-based levels in financial instruments for the private sector could act as a fillip for companies. For example, when devising financial investments, priority could be given to companies that are human rights progressive through their business operations.

When we consider the human rights-based nature of financial investments, it is worth recalling that a large part of them concerns climate finance. The Development Policy Investment Plan aims to channel 75% of its funding to climate finance between 2020 and 2023.⁹⁸ The Paris Agreement on Climate Change resolved that climate finance will pay particular attention to the priorities and needs of the most vulnerable countries to the negative impacts of climate change. However, vulnerability has not

The UN Guiding Principles on Business and Human Rights are a key source of guidance for companies.

96 OHCHR (2011). Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

Ministry for Foreign Affairs of Finland (2015). Human Rights Based Approach in Finland's Development Cooperation. Guidance note, 2015. https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation___guidance

97 Tran-Nguyen, E., Halttula, S., Vormisto, J., Aho, L., Solitander, N., Rautio, S. & Villa, S. (2021). Status of human rights performance of Finnish companies (SIHTI) project. <http://urn.fi/URN:ISBN:978-952-383-065-3>
World Benchmarking Alliance 2022 Corporate Human Rights Benchmark. <https://www.worldbenchmarkingalliance.org/publication/chr/b/>

98 Ministry for Foreign Affairs, Development Policy Department (7.11.2019). Development Policy Investment Plan 2020-2023 <https://um.fi/documents/35732/0/development-policy-investment-plan-2020-2030+%281%29.pdf/12807d30-0aad-d118-8174-5988a8411b36?i=1646816906031>

proven to be a strong determinant of the channelling of funding. The vast majority of climate finance in Finland has been directed to countries other than the least developed countries. The problem is that while there is a particular need for adaptation measures, climate finance in the form of loans and investments is mainly targeted at mitigation measures and often goes to countries with better conditions for investment rather than to the most vulnerable countries. In addition, the criteria for financing often mean that the poorest rights-holders --women, youth and indigenous peoples – at the heart of the human rights-based approach have difficulty accessing climate finance.⁹⁹

4.4 A human rights-based approach to development policy and cooperation in a changing environment

As pointed out earlier, the development environment has become more complex and multi-faceted in recent years due to such things as the increase and prolongation of conflicts, crises and disasters of all kinds and the Covid-19 pandemic. For example, poverty reduction gains were lost due to the pandemic and the proportion of people living in extreme poverty increased in 2020 for the first time in more than 20 years¹⁰⁰.

A significant part of Finland's development cooperation is targeted at fragile countries and contexts where the need for aid is acute. Supporting people living in difficult circumstances and the most vulnerable is often the most difficult, costly and uncertain. Yet, in line with the objectives of Finland's development policy, it is crucial to bring about lasting change.¹⁰¹ It is therefore highly significant that, despite obstacles and shifting contexts, Finland retains its human rights-based approach to supporting the most vulnerable people.

Rapidly shifting policy environments and the growing need to boost cooperation between development cooperation, humanitarian aid and peacebuilding also call for new consideration of how to enact the human rights-based approach. It was originally conceived and developed as a development approach, for instance the relationship between humanitarian aid and development cooperation was conceived more as a

99 DPC (2022). Finland's international climate finance needs a clear direction. <https://www.kehityspoliittinentoimikunta.fi/julkaisut-ja-materiaalit/suomen-kansainvalinen-ilmastorahoitus-tarvitsee-selkean-suunnan-kehityspoliittisen-toimikunnan-analyysi>
Savidou, G., Atteridge, A., Omari-Motsumi, K. & Trisos, C.H. (2021) Quantifying international public finance for climate change adaptation in Africa. *Climate Policy* 21 (8): 1020-1036. <https://doi.org/10.1080/14693062.2021.1978053>
Shakya, C., Smith, B., Soanes, M., Bharadwaj, R., & Holland, E. (2021). Access to climate finance - Workshop Report - 23 February 2021. IIED, London. <https://pubs.iied.org/10213iied>
Timperley, J. (2021). How to fix the broken promises of climate finance. *Nature* 598: 400-402. <https://www.nature.com/articles/d41586-021-02846-3>

100 World Bank (7.10.2020). COVID-19 to Add as Many as 150 Million Extreme Poor by 2021. press release. <https://www.worldbank.org/en/news/press-release/2020/10/07/covid-19-to-add-as-many-as-150-million-extreme-poor-by-2021>

World Bank (14.10.2022). Global poverty in the 2020s is on a new, worse course. World Bank Blogs. <https://blogs.worldbank.org/opendata/global-poverty-2020s-new-worse-course>

101 Ministry for Foreign Affairs (2022). Development Policy Results Report 2022. https://um.fi/documents/78278153/0/Finlands_Development_Policy_Results_2022.pdf

continuum than as simultaneous activities. Indeed, the MFA's triple nexus guidance states that in fragile and changing environments, the human rights-based approach needs to be adapted to each context.¹⁰² As the implementation of the triple nexus approach in Finnish development cooperation is still emergent, there are as yet few practical lessons and good practices available on how to implement it and how to integrate a human rights-based approach into it.

Another challenge for Finnish development cooperation is that the rules-based international system and its normative bases, such as human rights, are increasingly being called into question.¹⁰³ Gender equality, the rights of women and girls, and gender and sexual minorities are being challenged in both national and international arenas, such as the UN. These challenges make Finland's contribution to human rights-based development policy and cooperation even more important than before. They further increase the importance of advocacy at the international level, especially within the UN and the EU. They will also give greater importance to the implementation of development policy, including in the Finnish context. Global education and development communications play an important role in strengthening the awareness and understanding of Finns on sustainable development, human rights and global responsibility.

As the above analysis makes clear, Finnish development policy and cooperation is in transition. Increasingly complex operating environments, prolonged conflicts, more disasters due to climate change and growing threats to human rights are further amplifying the need for and importance of human rights-based development policy and cooperation.

At the same time, as Finland's financial architecture alters, it is important to ensure that these needs are met in the best way possible. This requires a careful strategic analysis of the funding channels and means for development policy and cooperation, so that Finland can maximise its added value as a promoter of the rights of vulnerable people in developing countries. In addition to a strong commitment, there is also a need to develop a long-term and pragmatic human rights-based approach, to strengthen the adaptive nature of development cooperation and to learn together from good practices and challenges.

Increasingly complex operating environments are further amplifying the need for and importance of human rights-based development policy and cooperation.

102 Ministry for Foreign Affairs (2022). Guidance. The Triple Nexus and Cooperation with Fragile States and Regions. https://um.fi/documents/384998/0/Ohje_Kolmoisneksus+ja+yhteistyö+hauraiden+valtioiden+ja+alueiden+kanssa_englanti_2022.pdf/1bfd2b58-4c3b-4a48-b1ef-ba070b21c1fb?i=1669706839720

103 The University of Alabama at Birmingham. (21.10.2020). The Rising Trend of Nationalism and Its Implications on Human Rights. UAB Institute for Human Rights Blog. <https://sites.uab.edu/humanrights/2020/10/21/the-rising-trend-of-nationalism-and-its-implications-on-human-rights/>

5.



DPC recommendations

PARLIAMENT

Parliament plays a key role in decision-making on the guidelines for the country's development policy and the overall financing of its implementation, and therefore in ensuring a human rights-based approach. In terms of the effectiveness of human rights-based development policy and cooperation, it is important that political parties and members of parliament understand how the long-term promotion of human rights in developing countries safeguards democracy and the conditions for sustainable development globally.

- Political parties and MPs should be made more aware of Finland's human rights commitments, its human rights-based approach and Finland's role as a promoter of human rights. This would ensure Parliament's support for a human rights-based development policy.
- When the budget is debated, Parliament must ensure that grant-based development funding remains at least at the current level. This is important to ensure that development cooperation can be directed at the poorest countries and fragile contexts. This also supports efforts to reach the most marginalised people at the centre of the human rights-based approach.



GOVERNMENTS ACROSS PARLIAMENTARY TERMS

Amidst the increasingly tense global context, it is important to ensure that Finland's foreign and security policy as a whole continues to be strongly human rights-based across government terms of office. This will strengthen the effectiveness of human rights-based development policy. The human rights-based approach is also an important guideline for Finland's national and international sustainable development goals, which have a time span that goes beyond the limits of government terms.

- To ensure continuity, government programmes should be based on the 2030 Agenda for Sustainable Development. Existing reports such as the Government Report on Foreign and Security Policy, the National Report on the Implementation of the 2030 Agenda Report and the Report on Development Policy Extending Across Parliamentary terms also provide a firm basis for the development of human rights-based development policy in future government terms.
- Future government programmes need to ensure that, when it comes to activities in developing countries, different policy areas do not conflict with a human rights-based approach, but should mutually support and reinforce one another. This must also be taken into account more closely in all foreign trade relations.

PRIME MINISTER'S OFFICE AND GOVERNMENT MINISTRIES

- In inter-ministerial cooperation and coordination with developing countries, greater attention should be paid to the coherent promotion of a human rights-based approach in different policy areas. Particular attention should be paid to the impact of different policy measures on the realisation of the rights of marginalised people. A human rights-based approach should be seen as an important means of implementing the 'leave no one behind' principle of the 2030 Agenda and the Sustainable Development Goals.
- Inter-ministerial cooperation should draw on lessons learned from different sectors of society in human rights-based development cooperation. This can support the inclusion of human rights principles and the perspectives of marginalised people, including in Finland.

A human rights-based approach should be seen as an important means of implementing the 'leave no one behind' principle of the 2030 Agenda and the Sustainable Development Goals.

MINISTRY FOR FOREIGN AFFAIRS

More ambitious goals for strengthening the human rights-based approaches

It is important that the MFA continues to strengthen and develop the human rights-based approach in the implementation of Finland's development policy and cooperation. At the time of the funding decision, 61% of the current interventions were at the level of human rights sensitive, 21% at the level of human rights progressive and only 14% were human rights transformative. Finland must be determined to raise its level of ambition and use development cooperation funding to increasingly support actions and actors that are human rights progressive or human rights transformative. To promote this:

- The MFA needs to clarify and concretise the goals related to strengthening the human rights-based approach. All forms of development cooperation funding should define clear targets for the funding of interventions that are human rights progressive and human rights transformative. Humanitarian aid must continue to be defined as inherently human rights sensitive.
- The specific characteristics of peace work, which is strongly political in nature, must be taken into account in funding decisions and in the evaluation of peace work. A human rights-based approach is a central starting point for the pursuit of peaceful approaches, structures and attitudes. At its best, peace work produces results that address the root causes of the lack of results on human rights problems.
- The achievement of the human rights-based target levels should be monitored and evaluated not only during the planning phase of interventions, but also during the implementation and end phases. In large development projects, such as loans from development finance institutions, more emphasis should be placed on monitoring during the implementation phase. The grassroots expertise of local NGOs could be used in this.
- Clear targets should also be set for increasing the share of human rights progressive interventions in private sector funding. Decision-making and monitoring of funding should also ensure that all companies receiving funding are demonstrably committed to respecting human rights and that they comply with the UN Guiding Principles on Business and Human Rights in their business activities.
- The human rights-based nature of climate finance must be strengthened. This would provide stronger support for adaptation work in the poorest countries and most vulnerable regions and at the local level.

Human rights-based financial architecture and resourcing

In the strategic planning and decision-making of Finland's financial architecture, special attention needs to be paid to ensuring that the development cooperation instruments in use support the strengthening of human rights-based development cooperation. In order to increase the share of interventions that are human rights progressive and human rights transformative, funding should be directed systematically to instruments where the human rights-based approach is robust and there are good starting points for boosting it:

- Finland should continue to support Finnish and international NGOs and civil society actors in partner countries that promote and defend human rights. These actors have an important role to play in further developing the human rights-based approach.
- There needs to be an open debate in Finland on the impact of the reduction in bilateral development cooperation on the human rights-based nature of development policy and cooperation and on Finland's profile as an expert on human rights in international arenas. Finland's funding for intergovernmental development cooperation has declined significantly in recent years.
- The human rights-based approach must be reflected in the channelling of multilateral funding. UN agencies sponsored by Finland are committed to a human rights-based approach, and Finland should support the strengthening of this approach in them. Finland should also support the work of UN agencies in developing human rights policies and legislation in member states.¹⁰⁴

In addition to the instrumental priorities, development financing should pay particular attention to the following issues:

- Development funding must take into account that changes in human rights-based work require long-term work. Overall cuts in funding are a threat to long-term development policy and human rights-based development.
- In terms of funding, particular attention must be paid to ensuring that interventions are adequately staffed. The human rights-based approach places a strong emphasis on strengthening the capacity of the different actors, which has an impact on the cost structure.

A human rights-based approach to policy making

- The MFA should promote a human rights-based approach in the activities of its main multilateral partners and in its lending and investment cooperation. This requires setting the strengthening of the human rights perspective as a goal of Finland's advocacy work, long-term advocacy, adequate resourcing and critical monitoring.

104 Human Rights Council (2022). Best practices, challenges and lessons learned concerning integrated approaches to the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development at the national level. A/HRC/51/9. Ks. paragraafit 15, 17, ja 54-55. https://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/51/9

Monitoring the human rights-based approach

- Finland should invest in quality human rights risk management in development cooperation, where good planning and risk analysis, active and systematic monitoring of human rights risks, and the analysis and use of monitoring data are key. It is also important to invest in an adaptive approach that emphasises both learning from previous work and the ability to change plans.
- The disaggregation of data collected is important for identifying, analysing and monitoring discrimination and inequalities. Data should be disaggregated by gender, age, disability, etc. It is also important to understand and take into account the challenges of collecting and disaggregating data and the potential human rights risks.
- The use of qualitative indicators should be strengthened in the monitoring of development cooperation, and sufficient time and resources should be devoted to this. It is often hard to measure the results of human rights-based work using quantitative indicators.
- In the results-based assessment of development cooperation, it should be kept in mind that when the space for civil society is reduced, human rights defenders tend to be the primary targets of restrictions. In such situations, defending human rights and slowing down negative trends are in themselves important activities for human rights-based development cooperation.

Skills development

- Adequate investment must be made in maintaining skills and continuing training in the human rights-based approach. The practical application of the approach in different contexts requires knowledge and skills, taking into account the specific needs of each theme and sector. It is important to develop more specific and practical guidelines to support the strengthening of competences.

Human rights and the triple nexus

- The MFA needs to draw on the experience of other countries and international actors and develop further good practices for the implementation of the human rights-based triple nexus approach. A collaborative approach between development, humanitarian aid and peace-building must also include enhanced information sharing and learning between the different actors.



Annex 1:

Key UN human rights instruments

International Covenant on Civil and Political Rights

(ICCPR) was adopted by the UN General Assembly in December 1966 and entered into force with regard to Finland in 1975. Among other things, it guarantees the right to life, liberty and security of the individual, the right to privacy and to a fair trial, freedom of expression, thought, religion and movement, and equality before the courts. It also includes a general prohibition of discrimination, minimum criteria for the use of the death penalty and a provision on the rights of persons belonging to minorities. The implementation of the convention is monitored by the UN Human Rights Committee, which examines periodic reports from member states and deals with inter-state complaints and individual complaints.

International Covenant on Economic, Social and Cultural Rights

(ICESCR) was adopted in 1966 and entered into force with regard to Finland in 1975. It includes rights to work and working conditions, health and well-being, housing, education and culture. It also includes the right to social security and an adequate standard of living. Each State party to the Convention undertakes to take measures, within the limits of its available resources, to give effect to the rights recognised in the Convention. The rights protected by the TSS cannot be withdrawn. The TSS Committee, which examines periodic reports from

States and individual complaints, monitors the implementation of the Convention.

International Convention on the Elimination of All Forms of Racial Discrimination was adopted in 1965 and entered into force with regard to Finland in 1970. The convention aims to prevent discrimination on the grounds of race, colour, descent or national or ethnic origin. States must make every effort to prevent racism and criminalise racial discrimination and incitement against a particular ethnic group. The implementation of the convention is monitored by the Committee for the Elimination of Racial Discrimination (CERD), which examines periodic reports submitted by states parties and makes recommendations to them. The committee may also examine individual or group complaints, provided that the State complained against has recognised the right to individual complaints. It also has the possibility of examining complaints between States.

Convention on the Elimination of All Forms of Discrimination Against Women was adopted in 1979 and entered into force in Finland in 1986. The convention aims to promote the equal realisation of human rights for women. Its central premise is the prohibition of discrimination against women. It contains provisions on citizenship, education, participation in employment, health care and women's financial rights, among other things. It also takes into account the restrictive impact of traditional gender roles in women's lives. In 1992, the convention was supplemented by a recommendation that the concept of discrimination should also include violence against women. The implementation of the convention is monitored by the Committee on the Elimination of Discrimination against Women (CEDAW), which examines periodic reports of States Parties and makes recommendations to States. It can also launch its own investigations if it suspects that women's rights are being systematically or seriously violated. The committee can also investigate complaints it receives from individuals.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 1984 and entered into force in Finland in 1989. States parties undertake to take effective measures to prevent and punish torture. They must undertake to expel or prosecute persons who commit torture. States parties must also have legal provisions to ensure fair treatment of victims of torture and to provide adequate reparation and rehabilitation. The implementation of the convention is monitored by the Committee against Torture. The committee examines periodic reports submitted to it by states parties and examines individual complaints. It may also conduct confidential inquiries into alleged systematic torture.

Convention on the Rights of the Child was adopted in 1989 and today almost all countries in the world are party to it. It entered into force in Finland in 1991. The convention applies to all children under the age of 18. Its main objective is to guarantee fundamental rights such as health, education, well-being, equality and security for all children, everywhere in the world. It requires states to take into account the interests and special needs of children and to listen to their views. Compliance with the convention is monitored by the Committee on the Rights of the Child, which examines periodic reports from states parties on the implementation of the rights of the child and on progress in the implementation of the convention.

Convention on the Rights of Persons with Disabilities was adopted in 2006 and entered into force in Finland in 2016. The main aim of the convention is to ensure equal treatment for persons with disabilities and to strengthen their access to all human rights and fundamental freedoms. It also aims to safeguard the right to self-determination of persons with disabilities, improve their participation in society and increase equality and equity. The implementation of the convention is monitored by the UN Committee on the Rights of Persons with Disabilities, which examines periodic reports submitted by states parties on measures taken to implement their obligations under the convention.

International Convention on the Protection of the Rights of All Migrant Workers and their Families was adopted in 1990 and entered into force in 2003. Its primary aim is to protect migrant workers and their families from exploitation and human rights abuses. The implementation of the convention is monitored by the Committee on Migrant Workers' Rights. Finland, like other EU countries, has not ratified the convention. Finland's position is that Finnish legislation does not distinguish between migrant workers and other immigrants. They are protected by the same rights guaranteed by the Constitution and the human rights conventions ratified by Finland as other migrants.

International Convention for the Protection of All Persons from Enforced Disappearance was adopted in 2006. Finland signed the convention in 2007, but the ratification process is still ongoing. Involuntary disappearance is defined as arrest, detention, abduction or other deprivation of liberty committed by or on the instructions or with the consent of a State. It also includes the failure to recognise the deprivation of liberty or the concealment of the person's fate or whereabouts after the deprivation of liberty, with the result that the person is deprived of legal protection. Involuntary disappearances are not allowed under any circumstances. The implementation of the convention is monitored by the Committee on Enforced Disappearances.

Fundamental principles and rights at work

The UN Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR) contain core labour rights, which are further defined in the International Labour Organisation's (ILO) labour conventions. The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998 and based on these conventions, commits all ILO member states to respect, protect and promote the freedom of association and collective bargaining, the elimination of all forms of forced and compulsory labour, the abolition of child labour and the prohibition of discrimination. A healthy and safe working environment was added to the fundamental principles and rights at work in June 2022.

SOURCES:

- United Nations Human Rights Instruments: <https://www.ohchr.org/en/instruments-listings>
- Ministry of Employment and the Economy, International Labour Organisation ILO brochure: https://tem.fi/documents/1410877/2106637/TEM_ILO_esite_30102014.pdf/582a75bd-9856-40b8-a410-b1632316147c/TEM_ILO_esite_30102014.pdf?t=1465998199000
- ILO declarations and conventions and international labour standards:
 - <https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/departments-and-offices/jur/legal-instruments/lang--en/index.htm>
 - <https://www.ilo.org/global/standards/lang--en/index.htm>

