**Mandate of the United Nations Special Rapporteur on the right to development**

**Outcomes of the regional consultations on the practical implementation of the right to development: identifying and promoting good practices**

In September 2017, the United Nations Human Rights Council adopted Resolution 36/9, which mandated the Special Rapporteur to conduct a series of regional consultations on the practical implementation of the right to development. Accordingly, the Special Rapporteur convened four regional consultations on this topic in 2018:

* A regional consultation for stakeholders from the African Group (Addis Ababa, March 2018)
* A regional consultation for stakeholders from Western Europe and Other States and the Eastern European Group (Geneva, June 2018)
* A regional consultation for stakeholders from the Group of Latin American and Caribbean States (Panama City, October 2018), and
* A regional consultation for stakeholders from the Asia-Pacific Group (Bangkok, December 2018)

Documentation relating to the various regional consultations is available on the website of the Special Rapporteur at: <https://www.ohchr.org/EN/Issues/Development/SRDevelopment/Pages/RegionalConsultation.aspx>

Eliciting contributions from States, intergovernmental organisations and civil society, the consultations aimed to inform a set of guidelines on the design, implementation and assessment of policies and programmes advancing the right to development, which the Special Rapporteur will present to the Human Rights Council this year.

To facilitate reflections on the contributions made in all of the prior consultations and to begin drawing together universal guidelines on practically advancing the right to development, this document provides a general summary of the contributions given, organized according to theme. Good practices mentioned in connection with recommendations are indicated in italics below the relevant recommendation.

**General principles**

1. In order to promote the understanding of development as a holistic process, **the discourse around development should not be focused solely on economic considerations**. **Economic growth should be seen as only one aspect of development** and the approach to development should not be conceived as a sequential one whereby economic growth is sought to finance social policies.
2. Developing countries should fully integrate a sustainable rights-based approach to their development policies while developed countries should bear a fair share of the **climate change mitigation and adaption efforts** given their historical contributions to climate change.
3. More should be done to **promote** **good governance, just and transparent rule of law, peace and democracy** since these are key conditions for fulfilling the right to development. Good governance, stable institutions (which are transparent, responsive and practice separation of powers) and the context of peace or conflict are all factors relevant to realizing the right to development.
4. **Given the relationship between the right to peace** **and the right to development**, the right to development should be integrated into discussions on disarmament, post-conflict reconstruction, and reallocating resources towards sustainable development efforts.
5. **Multi-stakeholder approaches are paramount** in developing and implementing a transformative paradigm shift towards a rights-based approach to development.
6. The promotion of the right to development **should involve** **academia**.
7. United Nations agencies, international organizations and international financial institutions should mainstream the right to development approach in their work.

**Promoting active, meaningful and informed participation**

*National level*

1. **Various constituencies should be mobilized and empowered** to advocate for their own development agendas.
2. States should design and implement development projects following meaningful consultations to **identify the development priorities of the communities in the project area** and benefits-sharing arrangements that would be suitable for those affected. Consultation processes should be institutionalized rather than *ad hoc*, and their methodologies should address potential conflicts-of-interest of the consultation conveners in order to ensure the consultations truly reflect the viewpoints of affected stakeholders, particularly when the consultations are convened by a State itself or by private actors that would benefit directly from the project going forward. Consultation conveners should transparently inform consulted communities about the potential impacts of the decisions to be made, and the priorities of affected populations must be taken into account.
3. States should **decentralize participatory planning processes**, enabling local communities to pursue development initiatives that reflect their interests and which would draw more domestic resources.

*For example, farming communities could be given a leading role in the development of seed banks with a view to preserving traditional seed production and as a means of food sovereignty.*

1. Governments should implement **coherent policies at national levels that are** **in line with localised development needs** to foster synergies and correlation amongst institutions.

1. States should institute **public planning processes** that are participatory and **entail monitoring mechanisms**.
2. States should ensure that **budgeting is participatory and people-centred** rather than a purely economic exercise. Governments should be open to including civil society in economic planning and reforms. In this regard, **participatory budgeting** should be envisaged at local levels. At the national level, parliamentary hearings could be a means of promoting transparency in economic decision-making.
3. Governments should **institutionalize civil society participation** as part of development planning processes. This includes planning in advance and accounting for civil society participation in data gathering and assessment exercises.
4. Governments and donors should **establish** **participatory decision-making mechanisms** and make sure the mechanisms are effective. These mechanisms should involve groups affected by particular development policies, programmes and projects.
5. States have a duty to make sure non-State actors—including corporations they host or incorporate, as well as parent or controlling companies—conduct their activities in a participatory manner. Governments should also enact legislation clearly setting out the parameters of public participation in public-private partnership schemes (PPPs).
6. When undertaking development programmes, States should **pay close attention to intersecting bases of discrimination** including discrimination on the basis of race, colour, sex, language, religion, political or other opinion, nationality, social origin, property, birth, disability or other status.
7. Governments should promote channels of participation on a continuous basis. There should be opportunities for the **equal participation of those who are further behind**, including people with disabilities, women, children and youth, minorities, indigenous peoples, Afro-descendants and other disempowered or marginalized groups. States should provide opportunities for communities to “opt in” in cases where decisions are to be made that affect them but where they have not been affirmatively identified as an affected population.
8. States should formulate participatory processes that guarantee **the rights and needs of marginalised populations**—including women; children; indigenous peoples; the rural poor; internally displaced persons; migrants; refugees; older persons; persons with disabilities; and ethnic, racial, religious and other minorities—are brought to the forefront.
9. **European States should see migrants as agents of development** rather than addressing migration as a security issue.
10. States should ensure **all people, including minorities, have legal identity and equal access to personal identification documents**. Absence of this documentation prevents participation and risks cumulative rights violations (e.g., in terms of access to health care, education, housing, employment, social protection and voting).
11. Governments should promote **quality representation of women and marginalised populations** **in decision-making** at the national level. This includes increased representation of these groups in public and private institutions. Often, women and marginalised populations are envisioned as the beneficiaries of development programmes but are rarely among the decision makers or those consulted.
12. States should **address the socio-cultural barriers impeding enjoyment of women’s rights***.* This also means dismantling the structures of violence and submission that women face.
13. States should take into consideration the fact that **women are not a homogeneous group** and therefore pay particular attention to those who face multiple vulnerabilities and are harder to reach in their gender-oriented planning.
14. States should **mobilize youth** as agents of change and development.
15. **Civil society should** play a greater role in **informing populations about the right to development and what it means** for their sustainable development.
16. **NHRIs should engage in public education to empower communities** to claim their rights.
17. States should **integrate human rights and** **the right to development** in their national curriculums.
18. States should **promote human rights education that emphasizes gender and non-discrimination** at all levels to allow people to make informed decisions and participate in political, economic, social and cultural development.
19. States should **invest in building the capacity of civil society to play an active and meaningful role** **in development processes**. Civil society should be involved formally in policy design, implementation and evaluation. This would mobilize existing local expertise and foster a sense of ownership of the process of development while also producing less costly outputs. Civil society participation especially requires freedom of expression and rights to information.
20. States should establish mechanisms that provide **easy access to information** related to development policies and processes and enact legislation guaranteeing access to information as a right. This includes information about project financing, including co-financed projects and information about the sustainable development goals (SDGs).
21. Governments should define **reliable and up-to-date information schemes** when development plans are being designed. Government institutions should devote adequate resources to information-sharing and be mandated to produce and disclose information in a timely fashion.
22. All actors—including institutions, businesses and investors—who produce information related to development projects should **provide that information transparently**, especially to affected communities and **in the language of those communities, as well as in accessible formats**. There’s a need to look at what is required of target populations to understand the information that is shared with them, whether it be translating technical information to language understood by laypersons, putting information online, training communities to access information by phone, or translating information into local and indigenous languages.

1. States and other actors should employ technology and digital networks, as appropriate, as vehicles for increased participation, bearing in mind that participation cannot be facilitated through technology alone given access to technology is not uniform.
2. **National human rights institutions (NHRIs)** should, within the scope of their mandates, act as platforms for participation. This includes facilitating the gathering and sharing of information about development programmes.
3. States should respect the right of indigenous peoples to self-determination to fulfil the right to development. **Indigenous peoples should be empowered to develop their own development priorities and provide their free, prior and informed consent** as guaranteed by the UN Declaration on the Rights of Indigenous Peoples and ILO Convention 169.
4. States should guarantee access to information and **meaningful participation of all relevant stakeholders in the decision-making around natural resource extraction.**
5. States should understand **participation as continuum: consultation, participation, monitoring and evaluation, and access to justice**. These elements should be the components of any integrated participation scheme.

*International and regional levels*

1. **Regional civil society networks** should integrate the right to development in their human rights advocacy and seek to mainstream it at local levels.
2. **Civil society should be mobilized and international solidarity networks should be engaged** so that they can take unified positions in international negotiations. Building stronger networks of civil society organisations as well as national human rights institutions (NHRIs) would enable stakeholders to push forward common agendas at the regional and international levels.
3. States and intergovernmental organisations should **promote and strengthen civil society awareness-raising related to the right to development at the regional level**; develop civil society networks across the region to **share good practices and successes**; and create bridges between various civil society actors working in the fields of development, human rights, peace and security.
4. Human rights actors should **take advantage of momentum around the 2030 sustainable development agenda to advance human rights**. Cooperation should be strengthened between the development sector and the human rights community under the impetus of the SDGs.
5. Stakeholders should **promote a right to development approach to the SDGs** in order to ensure that efforts undertaken to achieve the SDGs are equitable, participatory, people-centred and do not discriminate. Rights-holders should have ownership over, and benefit equally from, initiatives aimed at achieving the SDGs.
6. States should guarantee that **all concerned stakeholders are meaningfully** **included in the process of** **negotiating international agreements**, including international trade agreements. This requires building the capacity of States and non-state representatives engaged in negotiation processes. Information on upcoming initiatives should be made available at the domestic level at an early stage so that civil society and concerned communities can participate in multilateral negotiation processes.
7. States should design development assistance programmes so that they further the development priorities of recipient countries when giving bi-lateral aid. Donor States should ensure that the development priorities of recipient countries have been set following meaningful participation processes within the recipient State.
8. Governments should widen civic space to **allow democratic and meaningful participation of all stakeholders within the multi-lateral processes related to climate change**.
9. Development banks should conduct meaningful consultations to **ensure the development priorities of the intended beneficiaries** will be furthered by projects they finance. This includes guaranteeing **access to information about projects they have financed** before the projects are authorized.
10. Development banks and other stakeholders should create mechanisms for regional and international consultations when projects will have cross-border impacts.
11. **States should share good practices through South-South and triangular cooperation**, informing the general population of the outcome of such exchanges. Given the diversity of, and the unequal relationships between, countries in the South, a rights-based approach to this cooperation is required. States should also promote cooperation with non-state actors.
12. In addition to building bridges between communities in the Global South, States **should strengthen** **North-South cooperation**.
13. **The African Union (AU) and the United Nations** should centralize the concept of stakeholder participation in their strategic planning on development processes.

**Financing for development and mobilizing existing resources**

*National level*

1. States should implement effective economic and social reforms to **ensure the benefits of growth are** equitably **distributed to all segments of the population** and to reduce inequalities. Communities whose resources are taken or put at risk by national or regional development projects must be adequately compensated.
2. States should develop **legal frameworks that facilitate participation in formal economic activities**. Special temporary measures should be taken to ensure disadvantaged populations have access to adequate development.
3. Governments should pay particular attention to unpaid care work, devising economic policies and national accounting that fully factors in this otherwise overlooked work. **States should recognize and formalize care work**, remunerating those who take on the caring function and providing proper training in this regard.
4. States should put in place **gender equality and social protection policies**.
5. States should promote **human rights-driven budgeting**, **including gender budgeting** and equality budgeting.
6. States should guarantee that communities are meaningfully involved in setting the terms for—and share the benefits of—all development ventures, including public-private partnerships (PPPs). **Civil society should play a role in measuring the success of PPPs**, evaluating partnerships based on services delivered to the public and ensuring conformity with existing norms and obligations.
7. States should move away from ‘financializing’ social policies, i.e. turning social services into profit-generating opportunities. There is a **need to reverse the trend of privatizing social services, such as health care and education, which are the primary responsibility of States** under international human rights law.
8. States should **guarantee** **social protection floors and welfare**, even in times of economic and financial crisis.
9. Governments should conduct human rights impact assessments before taking decisions about reducing public expenditure. States should **avoid austerity measures** and public spending choices that would reverse progress on universal social protection and delivery of public goods and services, undertaking these measures only when all alternative resourcing options have been exhausted.

1. **Instead of prioritizing the servicing of international debt**, States should use domestic resources for development.
2. Governments should mobilize domestic resources for development by: **retaining State resources, including land**; implementing fairer, more transparent and **progressive tax policies**; **countering corruption**; **asking the private sector** **to pay** its fair share and **ending illicit financial flows** that direct resources out of countries.
3. **The private sector should** promote the right to development, namely through **redirecting capital towards redistribution** schemes.
4. In order to enhance accountability in the private sector, **tax authorities should publish the taxation rates and revenues generated by major economic actors**. Fiscal authorities should have a legal obligation to monitor the taxation of major economic operators and publish accessible information in this regard.
5. States should provide transparent access to information about public financing, tax collection and oversight processes.
6. **States should diversify sources of revenue** to ensure sustainability. Natural resource extraction should not be the only engine of development.
7. States should develop intentional development policies to which they remain committed over time, including, among other things: (1) **a specific strategy about the sectors in which the State would invest** and the sequencing of that investment, (2) **a conscious policy commitment to** social and economic inclusiveness, either through **social welfare programs or investment in public services**, like housing, education, social protection and health care **and** (3) **an open policy space where policies could be evaluated and revised** as needed.
8. Governments should **promote social and solidarity economic (SSE) activities,** or enterprises and organizations (such as cooperatives, foundations and social enterprises) that produce goods and services primarily benefiting the community rather than individual profit seekers.
9. States should **promote social innovation** that feeds into policy design.
10. **States should reverse the broad liberalisation** unnecessarily undertaken by developing countries. This means **challenging neo-liberal economic systems, policies, institutions and accounting that entrench social inequalities**, undermine the regulatory capacity of States and prevent States from fulfilling their obligations.
11. States should **eliminate or reduce fiscal incentives offered to foreign investors**. States should make sure foreign investment is **genuinely productive and long-term** and **target foreign investors that can fill competence gaps** and develop local businesses.
12. States should **measure the benefits they receive when granting tax incentives to corporations** and demonstrate, through publicly available information, that the benefits to their constituents outweigh losses in tax revenueand human rights harms.

*International and regional levels*

1. **The Special Rapporteur should engage with UNCTAD** on macro-economic conditions that impede realisation of the right to development.
2. **States should share promising practices in implementing participatory budgeting and its positive impacts** on growth and development.
3. Donor countries should shift from a **‘donor-recipient’ paradigm to genuine partnership** with developing countries as envisaged under Sustainable Development Goal 17. Donor States should base their development financing on the priorities of recipient partners and guarantee that beneficiary States have ownership of development projects carried out with this financing.
4. Governments and international organizations should not focus on development financing solely as a means to elicit economic returns. The **debate on funding development should be re-centred around States’ obligations** to promote development **using the maximum resources available** and seeking or providing international cooperation in that regard.
5. **The EU** in its role as one of the major contributors to development cooperation **should continue promoting the establishment of social protection floors**, which have proven to have positive impacts.
6. The **Green Climate Fund should be directly accessible to States and community-based stakeholders**. States should review rules regulating access to funds so that they are more inclusive and guarantee projects that are truly geared towards reducing emissions and promoting clean energy solutions.
7. States should promote the establishment of a **multi-lateral financial monitoring mechanism**.
8. States should promote the establishment of an **international debt workout mechanism**.
9. Developing countries should be better integrated into the global trading system. States should promote **greater intra-regional trade** **while ensuring that regional trade agreements are assessed for their human rights impacts**.
10. States should **increase their international cooperation in tax matters**, such as by exchanging information about tax payments, and by ensuring financial intermediaries do not accept illicit assets.
11. Governments should develop global and regional taxation architecture with a view to **counter the race to the bottom with tax policies** that are increasingly in favour of capital interest at the detriment of people’s welfare.
12. Development banks and investors should not impose conditionalities on States that would require them to take actions, such as adjusting tax infrastructure and imposing austerity measures that would be detrimental to their own development.
13. Many bilateral investment treaties do not actually attract investment. **ECLAC should measure the productivity of assets in order to advise States** about investment agreements.
14. States should cooperate to mobilize additional resources—including knowledge sharing, technical cooperation, capacity building and technology transfers—in order to provide the means and facilities to foster comprehensive development.
15. States should **counter adverse trends, such as the imposition of unilateral coercive measures,** which negatively affect multilateral cooperation and create obstacles to development.
16. States should collectively disarm and redirect released resources to economic and social development.

**Monitoring and Evaluation**

*National level*

1. States and international organizations **should measure development beyond GDP**, as a comprehensive process **taking into account the costs of well-being and the environment**. Diverse and **more precise measurements of inequality**—besides income inequality—should also be developed.
2. States should **evaluate the quality of outcome** **of development programmes**.
3. Tax breaks and subsidies by States to businesses should be evaluated to assess whether they are achieving the goals of creating employment, providing living wages and good working conditions for the population.
4. States should **develop** methodologies and parameters **to measure development**, including within the framework of the implementation of the SDGs, **in a participatory manner with the involvement of civil society organisations**, including academia, development practitioners, social workers and community leaders. Traditional and indigenous knowledge should also be taken into consideration where appropriate.
5. States should make **adequate efforts to define methodologies measuring processes** that have a bearing in monitoring the human rights component of development policies.
6. In assessing progress toward achieving SDG 1 and its targets, States should examine the multidimensional[[1]](#footnote-1) elements of poverty.
7. Governments should **conduct human rights impact assessments (HRIAs)**—starting at the very beginning of a development project or policy—to inform the design or programming. These assessments can take the form of perception surveys to ensure the concerns of affected communities are taken into account. Assessments should also be repeated periodically in order to monitor change and evaluate progress.
8. States should make **the initiation of development projects dependent on a showing by the body concerned that they have taken into account the HRIA conducted**.
9. Governments should specifically **evaluate the** **right to development in impact assessments**. This enables assessors to evaluate the broader picture (e.g., effect of policies on individuals, groups, nations, and peoples; impact of international dimensions of equality, the fair distribution of benefits; processes of participation, inclusiveness, non-discrimination, indivisibility of human rights, equality of opportunity; and issues of peace/security/disarmament rather than on more narrow individual rights .
10. States should **transparently disclose the results of HRIAs to the public.**
11. **Governments that have successfully implemented HRIAs should share that knowledge with other governments** in order to learn from prior practice.
12. Stakeholders undertaking development programmes **should involve the same communities who are consulted as part of an HRIA process in the actual implementation of the same project** that had been assessed. State and non-State actors should be trained to perform these HRIAs. Relevant stakeholders, including civil society organizations, should be trained to conduct assessments with a right to development lens.
13. Governments should conduct HRIAs when planning/implementing austerity measures.
14. Practitioners should **further develop the** **practice of conducting human rights impact assessments**, particularly in areas like trade and finance. Efforts should be undertaken to standardize terminology and provide guidance on how HRIAs are conducted, and to better establish causality between certain actions and their human rights impacts .
15. States should promote **research and development on evaluation processes**; human rights principles should be mainstreamed into evaluation trainings.
16. States, individually and collectively, should encourage and provide support to communities and other actors to establish or contribute to monitoring and evaluating mechanisms. **The capacity of civil society and communities should be developed** by states, individually and collective, so that they can conduct evaluations of development programmes and produce independent parallel reports.
17. Governments and international organisations should ensure that evaluations are a **multi-stakeholder endeavour and that they are implemented before, during and after** execution of a development programme. States should ensure that **monitoring of the right to development is done at all levels of government**, including in subnational governments.
18. States should train authorities at all levels to conduct and respond to evaluations. A culture of accountability should be promoted at all levels of government so that there is an **expectation that development policies and programmes, including sectoral policies, will be evaluated**.
19. States should **conduct** **human rights, women’s rights and environmental impact assessments and technical feasibility studies ex-ante and periodically thereafter** as a part of the planning cycles of development policies and projects.
20. Governments should **give information on the outcomes of assessments and field research** carried out to monitor and evaluate development programmes **to the communities that were consulted** during these exercises .
21. States should **identify methods to effectively collect data on the environmental impacts** of development policies.
22. **National councils for social and economic development** (or equivalent institutions) should develop multi-stakeholder forums that **facilitate the development of a national agenda** **for development** that is fair and equitable. **A National Observatory of Equality** could be attached to these institutions **so that it could monitor implementation**. In addition, provincial councils ought to be established to carry out similar work at the local level.
23. **National statistical offices and national human rights institutions (NHRIs) should enhance their collaboration** to facilitate the operationalization of a **human rights-based approach to data** because this approach is essential to the implementation of the SDG Agenda and the right to development.
24. States should **collect** **disaggregated data**. Data disaggregation efforts need to draw on **human rights-based approaches to data**[[2]](#footnote-2). The aim of this approach is to evaluate not only outcomes of policies but also structures and processes that lead to those outcomes. The approach incorporates a number of fundamental principles, including: (1) Inclusion / participation or the ‘nothing about us without us’ motto: data collection should actively involve the community about whom the information is being gathered; (2) Self-identification, e.g. respondents should be able to self-select how they identify in terms of ethnicity, sexual orientation, gender identity, disability; (3) Data privacy & reconciling it with transparency; (4) Data disaggregation to enable an assessment of how policies and programmes are impacting discriminated individuals and groups.
25. Civil society should seek additional resources for **disaggregated data that would add to information drawn from official States sources**, particularly in politically sensitive environments or on politically sensitive issues where scepticism may exist about the reliability of State statistics.
26. **Communities themselves**—with the engagement of civil society organizations and academic bodies—**should complement the State’s data collection**. Civil society’s capacity to gather disaggregated data should be enhanced and innovative approaches should be developed to bridge gaps in data collection. In this regard, civil society should work closely with national statistical institutes .
27. States should **strengthen protection of civil and political rights and re-open closing civic space in order to ensure reliable data gathering**, especially in terms of assessing true perceptions of communities.
28. States should ensure **women are equally represented in decision-making related to monitoring and evaluation**, both a national and local levels. A gender-sensitive approach should be systematically integrated into evaluation processes.
29. States should **empower the poor to do social audits of public sector** departments and ministries responsible for delivering programmes and policies that benefit the poor.
30. In their monitoring and evaluation policies, States should **take into account groups that have been discriminated against and historically excluded,** including women, ethnic and religious minorities or supressed majorities, indigenous peoples, persons with disabilities, internally displaced persons, refugees and asylum seekers, deep rural communities, forest communities, nomadic communities, emancipated youth, those who may be unaccounted for including stateless peoples, people deprived of liberty and others. Governments should undertake **a mapping of those who are excluded, through the collection of disaggregated data,** along prohibited grounds of discrimination, **while taking into consideration issues of intersectionality**.

1. States should give **due attention to the structural obstacles faced by persons of African Descent** in the region.
2. States should **adopt mixed approaches to data** **collection** in order to capitalize on existing resources. This could include the use of **mass media and communication tools as resources** and building networks of opinion leaders (e.g., traditional and religious leaders, including women leaders) who can gather information while ensuring the inclusion and active participation of disadvantaged groups.

*International and regional levels*

1. States reporting on their **commitments in relation to the Paris Agreement on Climate change, the Sendai Framework on disaster risk reduction, the Addis Ababa Action Agenda and the 2030 Agenda for sustainable development** should expressly address how they have implemented the right to development.
2. **States, individually and collectively** should **use local capacities** **to conduct evaluation** and **should promote** the expertise developed by **civil society networks specialised in evaluation**.
3. The **African Union** **should be more active in promoting** **the right to development** including within the framework of Agenda 2063 (the regional development agenda), which embodies a number of the principles contained in the 1986 Declaration on the Right to Development.
4. Global and regional international organisations **should collaborate** in their strategic planning to tackle issues related to the right to development.
5. States should **exchange good practices on evaluating development policies and programmes and promote South-South cooperation on evaluation**, including by reporting good practices in periodic reports and developing an online repository of these practices.
6. States and international financial institutions **should support the guiding principles for assessing the human rights impact of economic reform policies** developed by the Independent Expert on the effects of foreign debt and human rights.
7. States should conduct comprehensive and independent **assessments of environmental, social and human rights impacts on transboundary policies and projects** to address the negative impacts of these projects. The assessments should be embedded in the design of the policy or project, with their costs budgeted in advance. The assessments should be either led by the communities concerned or have their full and effective participation or approval, and outcomes of the assessments should be publicized.
8. **The World Trade Organization should conduct systematic human rights impact assessments** on trade agreements to avoid harmful impacts to the environment and human rights.
9. The **IFIs and banks should conduct systematic human rights impact assessments**, **monitoring, and evaluation** of their policies. In particular, HRIAs should be conducted on austerity measures, structural adjustments, multi-lateral impact assessments, securities, trade and investment agreements.
10. IFIs and banks **should monitor projects while they are being carried out** to ensure that no human rights violations occur during the project implementation phase.
11. **Development** **banks should disseminate more information on the long-term impact** **of their projects**, including the impact in countries where they operate.
12. **Development banks should** **adopt explicit human rights policies**.
13. Development banks should make their **environmental and social safeguarding policies more accessible** to ordinary people.
14. Following adequate consultations with relevant civil society, **recently established international financial institutions and development agencies should formulate and implement safeguarding policies** in line with international human rights standards.
15. **Development banks should respect environmental and social safeguards**. They **should** **not attempt to avoid them** by financing projects through third entities.
16. **Environmental and social safeguards should be enforceable** and private enterprises and investment banks should not be left to make their own standards and to monitor their own compliance. Rather the **State should have a role in setting these safeguards, gathering the necessary information, and determining whether private enterprises and investment banks are complying** with them.
17. **Most IFIs (all European IFIs) are public institutions** and the States are their shareholders; therefore banks **must comply with international and regional legal standards**.
18. Civil society and affected populations should **make use of the** **existing monitoring mechanisms of the development banks**—such as the Compliance Advisor Ombudsperson of the World Bank and the MICI (independent consultation and investigation mechanism) of the Inter-American Development Bank. Banks should **reform these mechanisms when they prove ineffective**.
19. The **monitoring mechanisms of development banks should be more participatory and ensure direct contact with affected communities** and impacted areas. They **should go beyond mediation and incorporate the possibility of vetoing projects** that are not welcomed by the affected communities.
20. **Latin American civil society networks should weigh in on the development policies** of the region by interfacing with the newly established **BRICS Bank regional office in Brazil**.
21. The Special Rapporteur should **engage with regional development banks in order to provide guidance and advice on how they can promote a rights-based approach** to their activities. The fact that regional banks are growing in size and ambition provides an opportunity since these new financial institutions are looking to re-invent development financing in order to provide an alternative to the Bretton Woods model.
22. Governments and international organizations funding development programmes **should not impose conditionalities on beneficiary governments since this can have adverse unintended effects on the population**. This particularly applies when the conditionalities would lead to weakened human development policies. **Rather donors should choose alternative partners (e.g., civil society**) when seeking to initiate development programmes in countries where the government is not rights-respecting.

**Promoting Accountability and Access to remedy**

*National Level*

1. States should make **accountability mechanisms more visible and accessible**, including to persons speaking minority languages and to persons with disabilities.
2. States should ensure **domestic judicial processes are transparent**; they should make the outcomes of cases, including statistics on decisions taken, publicly available.
3. Civil society should **monitor trials** toimprove access to justice and increase fair trials. Efforts should be made to ensure trial monitoring programmes are sustainable even if foreign donors and international organizations cease funding.
4. States should **reverse legislation that precludes** **persons deprived of legal capacity from challenging this status** and thereby having the capacity to bring cases forward.

1. States should **strengthen the legal standing of victims in judicial processes**.

1. States **should adopt and implement comprehensive laws on equality** in order to achieve a number of the SDGs and related targets.
2. In line with target 3 of SDG 10, States should adopt **anti-discrimination legislation** that provides **an avenue to bring cases to national courts.** The legislation should contain proper definitions of discrimination and grounds for discrimination, including on all grounds prohibited under international human rights law. The laws should also be effectively implemented, since legislation on paper has not been sufficient.
3. States should adopt legal provisions **making economic, cultural and social rights and** **the right to development justiciable**.
4. States should enact legislation that enables public interest litigation. This **litigation should ensure accountability not only to domestic laws but also to agreed international norms** related to the right to development.
5. States should use the **observations and recommendations of human rights mechanisms to enhance protection of the right to development**, and of economic, social and cultural rights **through case law at the local and national levels**.

1. States should remove **economic** and other **obstacles to accessing justice** especially as they relate to economic, social and cultural rights cases . **States should provide free legal aid** to indigenous and other communities in need not only for criminal cases but also **for economic, cultural and social rights cases**.
2. States should **strengthen** **domestic judicial remedies to deliver timely relief** .
3. States should **require** **perpetrators** of human rights violations related to the right to development **to resolve their cases. Perpetrators should be subject to compensation deadlines**.
4. States should **provide** **not only judicial remedies but also administrative remedies**, such as actually facilitating access to public services, in relation to the right to development.
5. States should ensure access to justice, reparation and **effective remedies for** those whose rights have been violated as a result of **natural resource exploitation**.
6. States should put in place effective mechanisms to **guarantee** **development projects are carried out according to international transparency standards and in line with the Rio Declaration** **on Environment and Development**.
7. **Issue-based parliamentary groups** with mixed compositions around certain rights should examine these issues.
8. **Civil society should participate in parliamentary oversight assessments** of the work of development banks .
9. States should **employ** **inquiries and public hearings** as additional means of accountability .
10. States should invest in **strong institutions and strong legal frameworks**.
11. States should establish **reliable complaints mechanisms** .
12. States should establish and strengthen institutional **mechanisms through which communities and individuals can express their concerns about development processes**, **including those involving the private sector**. This would address the difficulties communities face in accessing justice through the judiciary because of the protected status of corporations while preventing communities from resorting to protests and unrest to express their dissent.
13. **States** **hosting or incorporating** **transnational corporations** **and other business enterprises** (or their parent or controlling companies) **should take measures**—including the necessary administrative, legislative, investigative and adjudicatory measures—to ensure independent authorities provide prompt, accessible and effective remedies for the human rights violations of these enterprises.
14. Governments should **regulate the actions of the private sector in line with the UN Guiding Principles on Business and Human Rights**. In particular, States should require businesses to undertake human rights due diligence and impose criminal liability for businesses that violate human rights.
15. States should provide additional **avenues through which to claim economic, cultural and social rights, including quasi-judicial mechanisms**.
16. **National human rights institutions (NHRIs), compliant with the Paris Principles, should take up economic, cultural and social rights claims** and **claims related to the right to development**.
17. In addition to playing a stronger role in promoting and protecting economic, environmental, social and cultural rights, as well as the right to development, **NHRIs should advocate for these rights to be made justiciable** in their countries.
18. NHRIs can be active in bringing issues related to the right to development in the UPR process, at national and international levels and when participating in Treaty Bodies’ reviews.
19. **NHRIs should refer to specific SDGs when analysing cases** in order to illustrate how these cases relate to development outcomes. This is particularly relevant when NHRIs have signed a declaration whereby they have agreed to monitor SDG implementation in their own countries.
20. **NHRIs should** **monitor States’ fulfilment of their extraterritorial obligations**, for example, in the context of countries’ foreign investments.
21. NHRIs should conduct investigations and put forward recommendations to governments **not only in response to human rights violations that have already taken place but also to ensure proposed development policies** **comply with human rights** principles .
22. Statesshould provide a safe environment that **protects human rights defenders and civil society organisations, thereby enabling them to freely play their role** in protection of the right to development .
23. States and intergovernmental organisations should recognize the role human rights defenders play in relation to the right to development, **especially in defence of land and natural resources**, **as well as** **of the environment**.
24. States should **respect the claims of indigenous peoples for land and associated rights**, preserve their interests and guarantee their free, prior and informed consent in development processes.
25. States should **empower and protect civil society organizations** anddefenders **fighting corruption and financial crimes, seeking social justice**, **investigating illicit financial flows, guaranteeing freedom of expression, and** **documenting the adverse impacts of development policies and projects**.
26. States should recognize and **protect the work of women human rights defenders**, end all forms of persecution and violence against them, and ensure an enabling environment for their activism to realize the right to development.
27. States, donors and development partners **should provide adequate financial and other resources to NGOs, human rights defenders and other stakeholders** whose work supports the realization of human rights.

*International and regional levels*

1. States should properly resource international complaints mechanisms at global and regional level and invest in supporting strong implementation and follow-up mechanisms to their findings and recommendations
2. Africa Union Member States should **ratify the African Charter on Human and Peoples’ Rights’ Protocol on the Establishment of an African Court on Human and Peoples’ Rights.** They should recognize the competence of the Court to receive cases from individuals and NGOs (Africa).
3. Civil society and communities should **submit more cases relating to economic, social and cultural rights to the Inter-American human rights system**. The first time a violation was found of Article 26 of the American Convention on Human Rights—relating to economic, social, educational, scientific, and cultural rights—was in 2017 so more remains to be done to enforce this right.
4. At the regional and international levels, affected communities should **employ** **complaints procedures, such as those before the European Court for Human Rights or the UN treaty bodies (the Committee for Social, Economic and Cultural Rights in particular)**. To make this possible, States should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which allows individual communications.
5. **Asian regional human rights mechanisms should play a stronger role** **in advocating for the right to development** by monitoring development processes, investigating related human rights violations and developing their own accountability mechanisms.
6. When States have ratified the international treaties on economic, cultural and social rights, the **treaty monitoring bodies should** systematically include assessments of the level of implementation of the right to development in their periodic reviews. Civil society should actively participate in this process including by submitting shadow reports, which may also be presented to the Working Group on the Right to Development.
7. **States should systematically include in their reporting to the Committee on Economic, Social and Cultural Rights** practical examples of how their implementation of the 2030 Agenda has had a positive impact on advancing human rights.

1. States involved in the Human Rights Council’s **Universal Periodic Review should report on progress made on the right to development**. UN Voluntary Funds should also support initiatives in this regard.

1. States should promote the **integration of human rights in reporting on SDG implementation**, particularly given 2019 will bring a review of the format and organizational aspects of the High Level Political Forum on Sustainable Development (HLPF). .
2. Stakeholders should conduct further advocacy to **amend the climate change agreement** and bring its implementation into full conformity with the obligation to “respect, protect, promote and fulfil” human rights, including the right to development .
3. States should **fulfil their extraterritorial obligations by regulating the actions of multinational corporations** headquartered in their countries. They should support the creation of **a legally binding treaty on transnational corporations**, which would also bind State-owned corporations.
4. States and investors should reform the **investor-state dispute settlement (ISDS) system**, which allows complaints against States in relation to investment agreements, so that it is more fair and in compliance with international human rights standards.
5. States should **establish** **dispute settlement mechanisms** at regional and international levels **that promote and respect equality between States and state sovereignty**.
6. The IFIs should **make their** **accountability mechanisms more accessible** to ordinary people.
7. The IFIs should make the **complaints/monitoring** **mechanisms that they finance more known to individuals affected** by development programmes and projects. They should systematically provide information of the existing mechanisms and ensure that these mechanisms are accessible (economically and in practice)

1. **Communities should make use of mediation mechanisms established by the IFIs,** which have provided relief in some cases.
2. **Recently established IFIs and development agencies should establish effective grievance mechanisms** following adequate consultations with relevant civil society organizations.

1. “Multidimensional poverty is made up of several factors that constitute poor people’s experience of deprivation – such as poor health, lack of education, inadequate living standard, lack of income (as one of several factors considered), disempowerment, poor quality of work and threat from violence”, Oxford Poverty and Human Development, <https://ophi.org.uk/policy/multidimensional-poverty-index/>, accessed 13/12/2018 [↑](#footnote-ref-1)
2. See for instance https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf [↑](#footnote-ref-2)