**15 March 2021**

**Replies by the Government of Finland to the questionnaire by the**

 **Office of the United Nations High Commissioner for Human Rights**

The Government of Finland thanks the Office of the United Nations High Commissioner for Human Rights (OHCHR) for its work and presents the following replies to the questionnaire sent by OHCHR on 4 January 2021 for the preparation of implementing the resolution 41/19.

**A consultancy study on the contribution of development to the enjoyment of human rights**

**(A/HRC/RES/41/19, para. 13)**

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

**Contribution of development to:**

1. **Civil and political rights.**

The indivisibility of all human rights means that we need to take a holistic view when thinking of the contribution of development in promoting and protecting human rights.

Both ESC rights and CP rights include both positive and negative aspects, that is, those that require no resources and those that can be very costly, as for example resources needed to ensure the right to a fair trial. A certain degree of development is therefore necessary to ensure that the state has adequate budgetary means to provide for such structures and services in order to make both CP and ESC rights into reality.

The mere existence of adequate resources is, however, not sufficient if resources are not governed and allocated in a manner that ensures that they benefit the public at large but are instead spent on benefitting the elite or disappear in corrupt practices. The management of resources requires accountability and transparency. Thus, to ensure this and that development has a positive effect on CP rights, a number of societal preconditions is needed, including a functioning system of governance, physical and social infrastructure, and a fair adjucational or dispute settling system.

The preconditions for development to contribute to promoting human rights also require that non-discrimination, combating inequalities and the empowerment of those living in poverty or in marginalized positions is included in all actions to further ‘development’.

Finland focuses on both ESC and CP rights in its development policy. One of its goals is to strengthen judicial institutions and to im­prove the capacity and willingness of polit­ical decision-mak­ers and authorities to strengthen democra­cy and promote rule of law. The aim is to improve legislation to ensure that it is bet­ter aligned with international human rights provisions, improve knowledge and awareness of the legislative process, improve skills in the parliamentary oversight functions and increase multi-party dialogue. Finland also works to increase access to justice as this is a good measure of the state of the national justice system. The aim is to ensure that the jus­tice systems are financially accessible to all and also take into consideration the specific needs of those with physical difficulties to accessing justice, such as rural women or persons with disabilities. At the same time, discriminatory practices that compounds the physical barriers will be considered in tandem. The ultimate goal is to increase people’s trust in the justice system.

1. **Economic, social and cultural rights.**

As with CP rights, resource constraints are a key problem in the realization of ESC rights. The realization of ESC rights also depends on the country context and the situation at any given time.

It is widely accepted that human rights and poverty are closely interlinked and while human rights violations feed poverty, the opposite is also true. The fulfillment of basic needs and rights (including food, clothing, health, shelter, basic education, etc.) is more difficult in countries with lower levels of economic development.

As above with CP rights, the contribution of development in promoting and protecting ESC rights is not, however, only depended on the resources that the government has on its disposal, but also on the manner in which these are governed and utilized for the benefit of all citizens in an equal manner. It is also false to think that the realization of ESC rights always requires resources. For instance, protecting people living in poverty from forced evictions from their farmland without providing an alternative farmland or/and adequate compensation, is one way to respect the ESC rights.

Further, it is important to remember that the government obligations for fulfilling their ESC rights are not only of progressive nature but that governments have an immediate obligation to ensure the minimum core of all rights and to ensure elimination of discrimination. Where the state has done everything in its power to try to ensure the fulfillment of ESC rights and is still unable to do this, international development assistance has a key role.

Within its development assistance, Finland aims to ensure that its partner countries have more transparent, efficient and accountable public sector with improved taxation capacity. Finland aims to build the public sector’s capacity to collect revenues honestly, allocate and invest public funds wisely, and manage public goods, including land and other natural resources, for the benefit of all.

Finland also supports, for instance, better access to equitable quality education, high-quality non-discriminatory sexual and reproductive health and rights including services as well as improved and equitable access to basic and sustainable drinking water and adequate sanitation services.

1. **The right to peace, the right to development, environmental rights, and digital rights.**

Right to peace

The interlinkages between human rights, development and right to peace are widely acknowledged. While peace does not require a certain level of development or a type of governance, conflict and poverty often go hand in hand. Similarly, peace, development, equality and human rights exist more often in pluralistic multiparty democracies than in other forms of government.  In order for development to contribute positively to the right to peace, it needs to be ensured that everyone is involved in making decisions on their society, both after conflicts as well as in times of peace.

Through its development policy, Finland supports more inclusive peace processes and peaceful resolution of conflicts. This is based on the idea that sustainable peace requires the participa­tion of various segments of the society in the peace and trust building and that peace agreements are more sustainable if all members of the society can have their say. For instance, a stron­ger presence of and contribution by women in public and political decision-making and peace processes allows diverse con­cerns to be highlighted on political and development agendas, and priorities that reflect gendered concerns to be put into practice.

Environmental rights:

A key question with regards to the potential contribution of development to environmental rights is the extent to which this ‘development’ is done in a sustainable manner, that is, in a manner where also environmental issues and rights receive sufficient consideration.

Digital rights:

Development, digitalization and digital rights are closely interlinked. The digital divides are huge not only within countries but also among countries. Despite the level of development in each country, Finland sees that an open, reliable and well-functioning internet must be accessible to as many people as possible, and that people must enjoy sufficient digital skills and literacy in order to use digital services and access information online. Reducing the digital divide helps to strengthen the right to participation and other universal human rights.

Finland emphasizes a human-centric approach to digitalization, which highlights the needs and participation of different citizen and user groups in the development of digital public services. This approach is reflected for instance in Finland’s national AI Strategy. The ability of citizens to understand new technologies and their societal and human rights implications and take part in related design processes has been fortified through online open courses such as Elements of AI and Ethics of AI.

Freedom of speech and access to information are key elements in democratic and economic development. As digitalisation is used as a means to strengthen also authoritarian regimes, it is important to ensure that digitalization and digital technologies are used and developed for the promotion and protection of human rights and democracy.

Finland will continue to work for an open, safe and global internet and digital inclusion also in 2021, when Finland will serve as the Chair of Freedom Online Coalition. Finland aims to bridge the gender digital divide and enhance women’s and girls’ role and viewpoints in technology and innovation nationally, regionally and globally as co-lead of the Generation Equality Action Coalition on Technology and Innovation for Gender Equality.

The right to development:

The linkages of human rights and development as well as the universality and indivisibility of all human rights are widely confirmed.

If right to development is viewed as 'an enabling' right, it should not to be seen isolated from the other rights, but rather as an ‘umbrella’, which relates to and covers most of the existing human rights, both civil and political rights as well as with economic, social and cultural rights.

The collective aspect of the right to development also emphasizes the responsibilities of the state towards its own populations. This carries with it the idea that the state does not exist for its own sake but is there to improve the conditions on human beings.

While the right to development is also enjoyed at an individual level, it needs to be exercised collectively in order for all citizens of a country to enjoy it together. Here participation has a key role. People need to be able to individually and collectively decide the priorities and needs in political decision-making. Also right to self-determination and genuine ownership or control of resources of all people as well as the equitable distribution of the benefits of development need to be ensured.

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

1. **At the international level.**

Development can create conditions where human rights can be better protected and promoted. Both the process and outcomes of development need to be seen as being consistent with human rights both at the domestic and international level. The responsibilities of states to respect, protect and fulfill their human rights obligations needs continuing recognition. The states do not exist for themselves but are there for their people and similarly need to use the gains of development for furthering the living conditions of their people.

The recommendations provided by the human rights treaty bodies and other UN human rights mechanisms should be used as a starting point when planning any development interventions. In addition, human rights principles need to guide the actual implementation of development interventions.

It is important to keep defending the international rules-based system and the existing human rights regime to encounter the resistance of some states to comply with the currently existing institutional setting for the protection of human rights.

Finland pursues a human rights-based foreign and security policy, including development policy. It also works to defend the rules-based multilateral international cooperation and respect for international law.

Finland continues to work for strengthening the role of the United Nations and its human rights bodies. Mainstreaming human rights across the UN is fundamental, as human rights, peace and security, and development are interlinked and mutually reinforcing. Promoting human rights is a cross-cutting priority in the implementation of UN reforms.

1. **At the national level.**

Democracy and rule of law are important in ensuring that development contributes to promoting and protecting human rights at national level. Separation of powers is crucial and monitoring organs should make impartial and objective decisions on whether the policy choices and their execution by the selected representatives has been within the limits of law and in compliance with international treaty provisions. The state needs to ensure that individuals have access to all their rights and receive the benefits they are entitled to. It also needs to be ensured that the policy decisions reflect the will of the people and that the benefits gained from development are shared equally. The promotion of human rights, the rule of law, democracy, peace, freedom, tolerance and equality are central elements in all of Finland’s international activities.

The implications of policy decisions should not only be considered from a budgetary or financial perspective but it should also assessed what effect they have on individual rights and particularly to those traditionally left behind or at the risk of being marginalized. For Finland, the application of human rights-based approach in its development policy and cooperation means that all development interventions are assessed from a human-rights perspective. This is to ensure that Finland does not engage in or support deveopment interventions which have adverse implications to human rights or which increase discrimination.

Corporations have also become an increasingly important actor in development. Thus, it is important that markets include people and the economic growth is rights-based. Markets and corporations need regulation to ensure that they respect human rights as per the UN Guiding Principles on Business and Human Rights. Through its development policy, Finland aims to ensure that while the private sector grows, it’s conduct is responsible and supports sustainable development and that developing country governments promote responsible business conduct and support a solid business enabling environment.

Finland has incorporated responsible business conduct and due diligence into its implementation of the Agenda 2030 for Sustainable Development and was one of the first countries in the world to publish a National Action Plan (NAP) to implement the UNGPs.

1. **Through global and regional partnerships, civic space and engagement.**

In order for development to contribute to promoting and protecting human rights, more focus is needed on the equity within and among states as highlighted by the ‘Leave no one behind’ call in the SDG agenda.

We need to ensure that women and girls, children, persons with disabilities, religious and ethnic minorities, indigenous peoples and all those that face discrimination and exclusion are an integral part of the process and decisions. Only then can we ensure that “development” is relevant for everyone and takes into consideration the needs and rights of all.

The civil society and related actors have an important role in advocating for and making proposals of bet­ter policies and laws for the realization of these rights. It is important to ensure that civil society is engaged early on in development processes and that the voices brought by civil society are pluralistic and present all segments of society.

One aim of Finland’s development policy is to improve the enabling environment for and capacity of the civil society and persons in vulnerable positions to influence and participate in decision-making. Finland also promotes the enhanced protection of independent media, whistle blowers and human rights defenders. Human rights defenders do important work in highlighting human rights violations and in demanding public authorities to take action to ensure the realization of human rights. Human rights defenders also play an important role in preventing conflicts. They report on the inequalities, discrimination and flagrant human rights violations that often underlie conflicts thereby contributing also to sustaining peace.

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

Finland’s last development policy results report presents results reported between 2015 and 2018. The report shows that Finland’s development policy and cooperation are producing results.

For more details, please see <https://kehityspolitiikka2018.um.fi/en/>