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A Human Rights Approach to Canada's International Assistance Policy to Address the Root Causes of Inequality, Poverty and Conflict in Today's World

Equitas' Submission to the International Assistance Review

July 2016

Introduction

For almost 50 years, Equitas – International Centre for Human Rights Education has been promoting human rights education in Canada and around the world. With the active support of the Federal Government since 1994, our capacity-building programs overseas have equipped over 5,000 champions and their organizations from civil society and government in over 100 countries to effect fundamental and sustainable changes by attacking the power imbalances which create barriers to equality, marginalize individuals and communities and prevent people from reaching their full potential.

Human rights education programs empower communities, including the most marginalized within them, to participate in and take responsibility for their own development while providing practical tools for engaging governments in dialogue and holding them accountable.

As such, **Equitas is making significant contributions to Canada's efforts to reduce poverty, promote peace and security and advance human rights globally.**

Equitas welcomes this International Assistance Review and opportunity to contribute **insights gained from our experience and the work of our 5,000 partners and alumni on the ground**. Our submission has been developed with the benefit of participation in a number of the formal consultations in recent months organized by the Government as well as the Canadian Council for International Cooperation. We have also held our own informal consultations with a number of our key partners and alumni in Asia, Africa, the Middle East and the Americas since May 2016.

Equitas salutes the overall approach outlined by the Minister in the discussion paper, including the cross-cutting emphasis on the rights of women and girls, the five (5) priority issues as well as the focus on delivering results in line with the 2030 Agenda.

We believe this review provides a real **opportunity for Canada to distinguish itself in adopting innovative approaches** that respond to the challenges of our times. Equitas urges the Government to focus its efforts on tackling the inequalities and power imbalances that are at the root causes of poverty and conflict in the world today. Canada should build upon its own domestic strengths to **position itself as a leader in advancing all human rights for all people**. Priority should be allocated to empowering marginalized and excluded groups, reinforcing community resilience, enhancing accountability and breaking the cycle of conflict which exists in many parts of the world.

Specifically, we recommend the following:

- To fulfill the Sustainable Development Goals (SGDs) and ensure the greatest possible coherence within its work on the five policy issues, the Government should **adopt a human rights-based approach across all its interventions** in line with the proposal to integrate a cross-cutting approach to women's rights and gender equality.

- Within the focus on governance, pluralism, human rights, respect for diversity, peace and security, the Government should **prioritize human rights education programs**, particularly for children and youth, that reinforce positive values, strengthen critical reflection and open up spaces for vulnerable and marginalized groups in society to become active participants in building prosperous and peaceful communities.

- In line with the *Civil Society Partnership Policy*[1], the Government should **prioritize efforts to promote and protect an enabling environment for civil society organizations** as key actors in the development process, both in Canada and overseas.

- To ensure sustainable results, the Government must be prepared to make **long-term investments** in building inclusive and pluralistic societies and ensure **flexible funding** mechanisms that respond to local needs and support innovation and partnerships while emphasizing the documentation and dissemination of lessons learned.

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[1] International Development and Humanitarian Assistance Civil Society Partnership Policy.
http://www.international.gc.ca/development-developpement/cs-policy-politique-sc.aspx?lang=eng

- I -

The Argument for a Human Rights Based Approach

Human rights are both a means and an end in efforts to reduce poverty and violent conflict while promoting sustainable and inclusive economic growth. The new framework of the Sustainable Development Goals have made these connections explicit, particularly the principle that no one should be left behind.

While we welcome and urge the Government to maintain human rights as a priority policy issue, we also strongly encourage the adoption of the Human Rights Based Approach (HRBA) to development as a guiding principle in all Canada's International Assistance efforts. Such a move would be very much in line with the Official Development Assistance Accountability Act as well as the Government's stated commitment to human rights.[2]

In the words of UN High Commissioner for Human Rights:

"… human rights are not sappy notions, but sound policy choices, which build strong, economically healthy societies where there is peace. Nations thrive when they build institutions that empower their people and enable them to develop to their full potential. That broad inclusion immunises society against violent conflict and extremism."[3]

> The old adage that "if you give a man a fish, he will eat for one day but if you teach him how to fish, he will eat forever" is not true. If the man knows how to fish but does not have access to the river, he will still be hungry. If he can fish and has access to the river but no fishing tools, he will still be hungry. If he can fish, has access to the tools and the river, but the river is polluted, he will still be hungry. If he finally gets some fish, and is not able to trade his fish for [whatever] reason, he will eat fish and only fish. He will not be able to get medicine when he is sick, his children will not have access to school...and the cycle continues. If throughout this process, the man is *unaware* that some of the barriers to his development are not just coincidences but human rights violations, and that there are ways to ensure that the obstacles he faces are removed…the cycle will continue.
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> *Traore, V. (2004). Oxfam America. The Universal Cultures of Human Rights: Lessons from West Africa. April, 2004*

Rooted in the universal norms of the international human rights system, the HRBA framework requires development actors to ensure that issues of gender-equality, non-discrimination, participation and accountability are at the core throughout the design, delivery and evaluation of all interventions. HRBA also stresses the indivisibility and interdependence of civil, political, economic, social and cultural rights. **Rather than subjects of development, poor and marginalized groups become rights holders.** Governments become duty bearers with clear obligations to promote, protect and realize the full range of civil, political, economic, social and cultural rights for everyone.

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[2] http://www.international.gc.ca/media/aff/news-communiques/2016/02/15a.aspx?lang=eng
[3] Human Rights in a Turbulent World: Statement by the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein - http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19978&LangID=E

HRBA provides an alternative lens for identifying the problem and determining appropriate solutions.

As illustrated in the anecdote in the accompanying box about the challenges of teaching a man to fish, HRBA encourages reflection and interventions which **aim at the root causes of inequality, poverty and conflict**. [4]

Furthermore, a rights analysis and approach provides important **tools for addressing gender inequality** (i.e. what would happen if both men and women were taught to fish?).

Adopting the normative frameworks of human rights and the SDGs accepted by all member states of the UN provides an important and effective starting point for **engaging in dialogue** and holding Governments and other actors, including the private sector, armed groups and international institutions, **more accountable** – whether the challenges are voting rights, torture, corruption or access to clean drinking water and quality education.

According to a report by Oxfam USA and Care USA[5], applying HRBA encourage the development of strategies which are better able to bring about fundamental and sustainable change by:

- o   Addressing root causes and effecting changes in policy and practice at multiple levels

- o   Changing power dynamics by strengthening civil society to claim rights and to hold duty-bearers accountable and engendering greater responsiveness, responsibility and accountability on the part of duty-bearers

- o   Reaffirming the dignity of all human beings and strengthening peace and personal security

The World Bank has also stressed that the ''human rights approach provides an analytical tool that makes it possible to identify target groups, problem areas, power relations, and structures, and thereby leads to a more efficient collaboration with cooperation partners and countries. It also provides measuring instruments and indicators that facilitate a clearer scrutiny of gains''.[6]

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[4] FREQUENTLY ASKED QUESTIONS ON A HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT COOPERATION. OHCHR. Accessed at http://www.ohchr.org/Documents/Publications/FAQen.pdf

[5] http://policy-practice.oxfam.org.uk/publications/rights-based-approaches-learning-project-134967

[6] INTEGRATING HUMAN RIGHTS INTO DEVELOPMENT: DONOR APPROACHES, EXPERIENCES, AND CHALLENGES World Bank and OECD, 2nd edition, 2013. Accessed at http://siteresources.worldbank.org/PROJECTS/Resources/40940-1331068268558/IntegratingHumanRights_into_Development-2ndEdition-2013.pdf

Human Rights Based Approach - Specific recommendations

✓ Integrate human rights analysis into Global Affairs Canada (GAC)'s contextual analysis and the development of its programming priorities and objectives

✓ Integrate human rights into the project design and delivery evaluation framework by ensuring all projects require at least one intermediate outcome framed in rights language and establish clear indicators which demonstrate inclusion of marginalized groups

✓ Provide training and capacity building for GAC staff and partners (including civil society organizations and private sector partners)

✓ Begin with a series of pilot projects and document good practices and lessons in implementing HRBA

✓ Develop a community of practice with other donors (i.e. SIDA, DFID and UNDP) who have already adopted HRBA

✓ Ensure human rights also become a central consideration in Canada's political and trade relationships

- II -

The Necessity for Human Rights Education and Capacity Building to Develop Inclusive and Pluralist Societies

As previously stated, Equitas welcomes the Government's emphasis on gender equality and human rights as key priority issues connected to governance, pluralism and respect for diversity. Just as experience has shown that it is crucial to have dedicated programming to advance gender equality even in the context of gender mainstreaming, it will be critical for Canada to have dedicated programming designed to **empower local actors to promote and protect their human rights** (e.g. particularly for women, youth, LGBTQI persons, indigenous peoples, refugees and persons with disabilities). Such human rights programming would complement efforts to integrate a HRBA. In particular, there is a need to support initiatives which emphasize the **implementation** of existing human rights standards and national legislation and policies. Equitas' own experience engaging with civil society, national governments and international organizations has demonstrated that, while many challenges exist, the Universal Periodic Review process and recommendations provide an important opportunity for advancing human rights.

History, most recently the aftermath of the revolutions that made up the once-called *Arab Spring,* has demonstrated that transitions to democratic and rights-respecting societies – including governing authorities – are a long-term process fraught with challenges. Successful political transformations are sustainable only when they address the root causes behind the demands for justice and are accompanied by a cultural shift which builds a constituency for pluralism, respect for diversity and human rights norms.

Canada has a key role to play in investing in programs which aim to **transform attitudes and behaviours in support for equality, pluralism, democracy and human rights, as well as building institutions**. Its interventions in this sphere should place a strong priority on human rights education and building the capacity of marginalized groups to protect, promote and fulfill their human rights. Human rights education efforts should be designed to promote gender equality and equip marginalized and excluded groups (e.g. migrants and refugees, LGBTQI persons, Indigenous peoples, ethnic and religious minorities,

The international community has increasingly demonstrated consensus regarding the fundamental contribution of human rights education to the realization of human rights. Human rights education is aimed at developing an understanding of our common responsibility to make human rights a reality in every community and in society at large. In that sense, it contributes to the long-term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and the enhancement of participation in decision-making processes within a democratic system.

Plan of Action for the third phase (2015–2019) of the World Programme for Human Rights Education
https://documents-dds-

people living with a disability) to participate in their communities and societies, and to **become leaders of their own development** instead of only beneficiaries of external interventions. Given the demographic bulge in many countries and risks of radicalization, Canada should focus an important part of its human rights education efforts on **children and youth, particularly young girls and women**. Furthermore, wherever possible Canada should seek to leverage the opportunities provided by **new technologies** to promote education and citizen engagement.

While Canada is far from perfect, we have one of the best records worldwide in creating a pluralist, diverse and human rights-respecting society, valuable practices and lessons to share, and **a leadership role to play in this sphere**. Such efforts take time, but are important investments to ensure that the development progress being sought is sustainable.

Human Rights Education - Specific recommendations

- ✓ Provide support to specific programming focusing on empowering women and the most marginalized and discriminated against groups (including LGBTQI persons, indigenous peoples, people living with disability and ethnic and religious minorities) to know their human rights and be equipped to promote and defend them. Such programs should aim to ensure their meaningful participation in decision-making processes and influence within government institutions

- ✓ Support specific programs to build youth leadership, particularly young women, to engage constructively in promoting positive change in their communities

- ✓ Wherever appropriate support innovative uses of new technologies to promote digital literacy, citizen engagement and counter cyber radicalization. Recognizing the risks also associated with the use of information technology, Canada should support its partners in their capacity to ensure cyber security

- ✓ Encourage partners to integrate civic and human rights education components in all their programming

- ✓ Support strengthening of local and national mechanisms (e.g. National Human Rights Institutions, municipal governments, judicial institutions) and creation of open spaces for citizens to hold their governments accountable

- ✓ Continue to engage with and actively support the UN Office of the High Commissioner for Human Rights as well as other international organizations promoting human rights education such as UNESCO

- III -

Creating an Enabling Environment for Civil Society Organizations to Play their Role as Local Champions

In its *Civil Society Partnership Policy* adopted in 2015, Canada recognized that accountability for development results and democratic governance in developing countries depend on a vibrant civil society and that support for an enabling environment for civil society is a tangible expression of Canada's commitment to freedom, democracy, human rights, and the rule of law, as well as the values of citizenship, equity and environmental sustainability.

The critical role of civil society has also been understood by the UN Human Rights Council which acknowledges that: "Effective avenues for civic participation contribute to societal cohesion and give people, including minorities and those at the margins of society, a way to make their voices heard. Civil society also plays a crucial role in facilitating participation in public life and can allow people to contribute to policy development, and even decision-making. There is also a persuasive business and economic case for a strong civil society. Indeed, business and civil society have a shared interest in an environment that respects the rights to freedom of expression and association, is pluralistic and non-discriminatory, upholds the rule of law and promotes transparency and access to information."[7]

Regrettably, the UN Office of the High Commissioner for Human Rights also recognizes that civil society organizations (CSOs) are increasingly under attack in many parts of the world. In a recent report the OHCHR stated, "Trends to restrict public liberties and curtail the role of civil society actors have been identified around the world, particularly in the context of electoral processes or in reaction to protests against austerity measures, corruption and social injustice."[8] The High Commissioner went on to recommend the following five (5) essential ingredients for creating and maintaining a safe and enabling environment for civil society: a robust legal framework compliant with international standards that safeguards public freedoms and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in decision-making processes; and long-term support and resources for civil society.

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[7] Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned. (A/HRC/32/20), Human Rights Council, 32nd session, 11 April 2016. Accessed at http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/20

[8] **Widening the democratic space. OHCHR. Accessed at** http://www.ohchr.org/EN/AboutUs/Pages/Wideningthedemocraticspace.aspx

The threats to human rights defenders are even more serious. In his 2015 report to the UN General Assembly, Michel Forst, the Special Rapporteur on the Situation of Human Rights Defenders, has noted a deteriorating situation for defenders. He noted that "the threats faced by defenders come in many guises (physical, psychological, economic, and social); reflect the interaction of multiple factors (poor governance or the absence of the rule of law, the surge in religious intolerance and fundamentalisms, and tensions over development issues); and are triggered by a variety of (political, economic, religious, State or private) actors."[9]

Given the important role of civil society in successful development outcomes and the increasingly difficult context in which they operate, **Canada must prioritize the importance of creating and maintaining a safe and enabling environment for civil society**.

Canada has a strong history of working with CSOs overseas and in Canada, including as Chair of the Working Group on Enabling and Protecting Civil Society established by the Communities of Democracy[10]. However, a more explicit focus in this area is needed to ensure greater policy coherence and produce even greater results: Canada should combine targeted programs as part of its international assistance interventions as well as robust action at the political level by the Government and Canadian missions overseas when the space for civil society is being threatened.

Canada can play a strategic role in strengthening local civil society organizations to articulate the voices of marginalized groups and advance their demands more effectively.

Equipped with an innovative and experienced civil society of its own, Canada has an important niche to occupy in this area.

Canadian CSOs are already working closely with the Government of Canada to achieve its international assistance objectives and closer collaboration would help to amplify existing results and create opportunities for greater innovation.

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[9] Report "Situation of human rights defenders" (A/70/217) of Michel Forst, the Special Rapporteur on the situation of human rights defenders, page 8. UN General Assembly, 70th Session, 13 July 2015. Accessed at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/217

[10] https://www.community-democracies.org/Working-for-Democracy/Initiatives/Governmental-Bodies/Working-Group-on-Enabling-and-Protecting-Civil-Soc

An Enabling Environment for Civil Society - Specific Recommendations

✓ Adopt an action plan to operationalize the Government's International Development and Humanitarian Assistance Civil Society Partnership Policy

✓ Support the establishment and strengthening of protection mechanisms and measures for civil society actors, particularly at-risk human rights defenders and independent media actors, including the mandate of the *Special Rapporteur on the Situation of Human Rights Defenders*

✓ Engage partner governments in regular dialogues which include the participation of local CSOs

✓ Develop programs which provide ongoing and predictable opportunities for CSOS to obtain financial support and build their capacity to influence local decision-making in line with principles of human rights, pluralism and respect for diversity. Particular emphasis should be paid to strengthening CSO voices working at the local level and with the most marginalized and excluded groups

✓ Provide targeted support for CSOs advancing women's rights and gender equality

✓ Develop a specific Government policy and strategy on supporting Human Rights Defenders, which combines financial support, diplomatic engagement and urgent assistance (including relocation if necessary) in times of crisis. Special attention should be paid to the specific needs of women and LGBTQI human rights defenders

✓ Support implementation of recommendations of the report the UN High Commissioner for Human Rights *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned* [11]

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[11] (A/HRC/32/20), Human Rights Council, 32nd session, 11 April 2016. Accessed at
http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/20

- IV -

Delivering results by promoting innovation and improving effectiveness, transparency and partnerships

Success in international cooperation is often based on relationships which are built upon trust and mutual respect.

Recognizing that there are no easy or quick solutions when it comes to international development, particularly in the field of advancing human rights and governance, it is important that Canada be prepared to **make long-term commitments** once its priorities are developed.

This is particularly true when we are talking about projects that are accompanying the most marginalized groups through a process that helps them take ownership of their rights and responsibilities.

To achieve such results, the Government will need to put in place practices which allow for building long-term partnerships, built upon principles of accountability for results, collaboration, and transparency.

In recent years, unpredictability about funding opportunities and a reliance on competitive calls had a tendency to promote competition and undermine rather than **encourage cooperation and innovation by Canadian CSOs.**

Furthermore, the bureaucratic tendency towards larger projects (as a means of being more efficient) has greatly reduced opportunities for smaller, more agile and more timely interventions that help incubate new ideas and encourage innovation.

Finally, while supporting the need for accountability at all levels, the Government should review its current narrative and financial reporting requirements to ensure that the burden of reporting is not interfering with the delivery of results and innovation.

Results, Innovation, Transparency and Partnerships - Specific Recommendations

- ✓ Put in place programs – particularly for programming related to governance, pluralism, human rights and diversity – that allow time for building trust and relationships. Such programs often require longer-term investments (i.e. beyond a 5-year project cycle). 5-10 year projects should be considered as long as partners are providing appropriate accountability

- ✓ While the principles of competitive processes make sense in some cases, there should be predictability and transparency about the opportunities to seek project funding as financial insecurity can have very negative consequences on innovation and effectiveness

- ✓ In the area of governance, pluralism, human rights and diversity, there should be a variety of mechanisms available to support projects:
    - o In addition to long-term investments, shorter-term and more flexible funds should be available to encourage timely responses to emerging issues and pilot innovative new solutions
    - o Specific mechanisms should be established to support human rights programming outside of the countries of focus
    - o Given the importance of building relationships and trust to be effective in this area, there is an even greater need for responsive programming and, when relevant, to institutional support (core funding)
    - o Building on the success of previous sub-regional funds like SEAFILD, there should be opportunities for sub-regional and regional programming to maximize sharing of lessons learned and good practices
    - o Build on lessons of the Canada Fund for Local Initiatives to provide local sources for emerging local groups who are involved in innovative work, but may not have the same capacity as international or national organizations to administer funds

- ✓ Ensure funding mechanisms that encourage collaboration and sharing of lessons learned rather than competition between actors, in Canada, in developing countries as well as at the international level

- ✓ Invest in research and the building of credible evidence-based data banks to support targeted interventions in different thematic areas

- ✓ Streamline and simplify accountability mechanisms to ensure accountability requirements are being met, but that greater emphasis is placed on documenting and sharing experiences as well as meaningful discussions regarding lessons learned from projects

Summary of 25 recommendations for a human rights approach to Canada's International Assistance Policy

Human Rights Based Approach	1. Integrate human rights analysis into GAC's contextual analysis and the development of its programming priorities and objectives
	2. Integrate human rights into the project design and delivery evaluation framework by ensuring all projects require at least one intermediate outcome framed in rights language and establish clear indicators which demonstrate inclusion of marginalized groups
	3. Provide training and capacity building for GAC staff and partners (including civil society organizations and private sector partners)
	4. Begin with a series of pilot projects and document good practices and lessons in implementing HRBA
	5. Develop a community of practice with other donors (i.e. SIDA, DFID and UNDP) who have already adopted HRBA
	6. Ensure human rights also become a central consideration in Canada's political and trade relationships
Human Rights Education	7. Provide support to specific programming focusing on empowering women and the most marginalized and discriminated against groups including LGBTQI persons, indigenous peoples, people living with disability and ethnic and religious minorities to know their human rights and be equipped to promote and defend them
	8. Support specific programs to build youth leadership, particularly young women, to engage constructively in promoting positive change in their communities
	9. Wherever appropriate support innovative uses of new technologies to promote digital literacy, citizen engagement and counter cyber radicalization
	10. Encourage partners to integrate civic and human rights education components in all their programming
	11. Support strengthening of local and national mechanisms and creation of open spaces for citizens to hold their governments accountable
	12. Continue to engage with and actively support the UN Office of the High Commissioner for Human Rights as well as other international organizations promoting human rights education such as UNESCO
An Enabling Environment for Civil Society	13. Adopt an action plan to operationalize the Government's International Development and Humanitarian Assistance Civil Society Partnership Policy
	14. Support the establishment and strengthening of protection mechanisms and measures for civil society actors, particularly at-risk human rights defenders and independent media actors, including the mandate of the *Special Rapporteur on the Situation of Human Rights Defenders*

	15. Engage partner governments in regular dialogues which include the participation of local CSOs
	16. Develop programs which provide ongoing and predictable opportunities for CSOs to obtain financial support and build their capacity to influence local decision-making in line with principles of human rights, pluralism and respect for diversity
	17. Provide targeted support for CSOs advancing women's rights and gender equality
	18. Develop a specific Government policy and strategy on supporting Human Rights Defenders, which combines financial support, diplomatic engagement and urgent assistance. Special attention should be paid to the specific needs of women and LGBTQI human rights defenders
	19. Support implementation of recommendations of the report the UN High Commissioner for Human Rights *Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned*
Results, Innovation, Transparency and Partnerships	20. Put in place programs that allow time for building trust and relationships, particularly for programming related to governance, pluralism, human rights and diversity
	21. While the principles of competitive processes make sense in some cases, there should be predictability and transparency about the opportunities to seek project funding as financial insecurity can have very negative consequences on innovation and effectiveness
	22. In the area of governance, pluralism, human rights and diversity, there should be a variety of mechanisms available to support projects (i.e shorter-term and more flexible funds to encourage timely responses to emerging issues and pilot innovative new solutions; support human rights programming outside of the countries of focus; core funding; opportunities for sub-regional and regional programming; provide local sources for emerging local groups)
	23. Ensure funding mechanisms that encourage collaboration and sharing of lessons learned rather than competition between actors, in Canada, developing countries as well as at the international level
	24. Invest in research and the building of credible evidence-based data banks to support targeted interventions in different thematic areas
	25. Streamline and simplify accountability mechanisms to ensure accountability requirements are being met, but that greater emphasis is placed on documenting and sharing experiences as well as meaningful discussions regarding lessons learned from projects

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