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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Draft Council Conclusions on a rights-based approach to development cooperation, encompassing all human rights

At its meeting on 19 May 2014, the Council (Foreign Affairs/Development) adopted the Conclusions set out in the Annex to this note.

Council Conclusions on a rights-based approach to development cooperation, encompassing all human rights

1. Recalling its Conclusions on the “Agenda for Change,”¹ the Council notes that the promotion of human rights, democracy, the rule of law and good governance and of inclusive and sustainable growth are the two basic and mutually reinforcing pillars of the EU’s development policy. The Council reaffirms the EU’s commitment to promote all human rights, whether civil and political, or economic, social and cultural, in all areas of its external action without exception, in line with the EU Strategic Framework and Action Plan on Human Rights and Democracy² and the Council Conclusions on Democracy Support in the EU’s External Relations.³
2. In the context of working towards a rights-based approach to development cooperation, encompassing all human rights, the Council welcomes the presentation of the Toolbox by the Commission in May 2014.⁴ As stated in the aforementioned Action Plan, this Toolbox “aims at integrating human rights principles into EU operational activities for development, covering arrangements both at headquarters and in the field for the synchronisation of human rights and development cooperation activities.”⁵ The Council also notes that several Member States are already developing or applying similar approaches for the integration of human rights principles and standards in their development cooperation.

¹ Doc. 9369/12
² Doc. 11855/12
³ Doc. 16081/09
⁴ Doc. 9489/14
⁵ Doc. 11855/12

3. The Council underlines that respect for and protection and fulfilment of human rights is a prerequisite for achieving sustainable development. A rights-based approach to development cooperation can significantly contribute to the realisation of human rights. This approach is premised on human rights principles and standards being both a means for and a goal of effective development cooperation.
4. The Council notes that the implementation of a rights-based approach to development cooperation should be based on the universality and indivisibility of human rights and the principles of inclusion and participation in decision-making processes; non-discrimination, equality and equity; transparency and accountability. The application of these principles should be central to EU development cooperation, thereby also ensuring the empowerment of the poorest and most vulnerable, in particular of women and girls, which in turn contributes to poverty reduction efforts.
5. The Council notes that the implementation of a rights-based approach to development cooperation, supported by the aforementioned Toolbox, requires a context-specific assessment of the human rights situation, examining the capacity gaps of both duty bearers to respect, protect and fulfil human rights and of rights-holders to know, exercise and claim their rights, with a view to identifying the root causes of poverty and social exclusion. This assessment should include a gender analysis and inform the entire project cycle, also making use of EU Human Rights Country Strategies, in order to ensure that the fulfilment of human rights becomes an integral part of the identification, design, implementation, monitoring and evaluation of all development policies and projects. In addition, complementarity, coherence and coordination among all EU external policies and instruments should be further pursued when implementing the rights-based approach.

6. At the same time, the Council stresses that coherent political and policy dialogue with all relevant stakeholders at the country level is a key element of the implementation of the rights-based approach to development cooperation. This approach should be consistent with the Busan principles for effective development cooperation, and should also be integrated in the context of joint programming. In this respect, the Council highlights the importance of continued support for the efforts of partner countries to strengthen their capacity to fulfil their human rights obligations, in adherence to the underlying principles of the rights-based approach.
7. The Council acknowledges the fundamental role of civil society in promoting human rights, notably through their contribution to the empowerment of rights-holders, awareness-raising and fostering accountability and transparency. The Council stresses the need for continued EU support for human rights defenders, capacity-building of local civil society organisations and promoting a safe and enabling environment in both law and practice that maximises their contribution to development. Being closer to citizens and interacting with civil society, local authorities also play a crucial role in the effective implementation of a rights-based approach.
8. Moreover, recognising the key role that the private sector can play in achieving poverty reduction, sustainable development and inclusive growth, the Council underlines that investment and business activities in partner countries should respect human rights and adhere to the principles of corporate social and environmental responsibility and accountability. In this regard, the Council calls on the Commission to step up implementation of its Strategy 2011-2014 for Corporate Social Responsibility and underlines the importance of continuing to carry out human rights impact assessments for trade and investment agreements. In line with the aforementioned Strategic Framework, the EU will continue to encourage and contribute to the implementation of the UN Guiding Principles on Business and Human Rights.

9. The Council also underlines the importance of working in partnership with development partners and relevant multilateral stakeholders, such as UN bodies and international financial institutions, in order to further strengthen efforts to promote a rights-based approach to development cooperation. In this regard, the EU is committed to continue to support the integration of human rights issues in EU policy formulation and advocacy on the global agenda. In particular, the Council underlines the EU's commitment to ensure a rights-based approach encompassing all human rights in the post-2015 framework, in line with its Conclusions on the Overarching Post-2015 Agenda.⁶
10. Building on EU efforts to promote human rights across all areas of its external action and in line with Policy Coherence for Development (PCD), the Council stresses the need to strive for positive impact of EU internal and external policies on the realisation of human rights in partner countries. The Council underlines its commitment to step up its efforts in ensuring the effective implementation of a rights-based approach in order to strengthen the impact of EU's development and cooperation assistance. In this respect, closer coordination at all levels between EU and Member States should be sought. Recognising the key role of EU Delegations, the Council notes the importance of adequate training of staff on the rights-based approach and on the use of the aforementioned Toolbox.
11. The Council calls on the Commission and the EEAS to monitor and continue reporting on a regular basis on progress regarding the operationalisation of a rights-based approach to development cooperation and relevant operational manuals and guidelines, including through relevant analysis in the "Annual Report on the EU's Development and External Assistance Policies and their Implementation" and the yearly "EU Accountability Report on Financing for Development." Finally, the Council looks forward to a first assessment in 2016 of the integration of the rights-based approach in development cooperation and of the implementation of the relevant Toolbox.

⁶ Doc. 11559/13