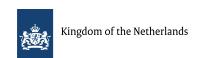# OSLO+DIGITAL

**Report of the informal meeting of development partners on :
'How can a human rights-based approach to development help the world 'build back better?''**

9 - 10 June 2020, WebEx

UNIVERSAL RIGHTS GROUP

Kingdom of the Netherlands

PERMANENT MISSION OF DENMARK TO THE UNITED NATIONS IN GENEVA

Introduction

On 9 and 10 June 2020, the Ministries of Foreign Affairs of Denmark and The Netherlands, in cooperation with the Universal Rights Groups (URG), organised a first digital meeting of the Oslo+ platform to look at how international development partners might use human rights-based approaches (HRBA) to development assistance to respond to, and build back better from, the COVID-19 crisis - thereby helping to build a more sustainable, inclusive and equitable post-COVID world.

It is now well understood that COVID-19 has highlighted and reinforced existing structural inequalities between and within societies. However, encouraged by important interventions from, amongst others, the UN Secretary-General and High Commissioner for Human Rights, there is a growing sense amongst governments and civil society that the global pandemic also represents an opportunity – an opportunity to leverage States' obligations and commitments under, inter alia, international human rights law, the 2030 Agenda, and the Paris Climate Change Agreement, to 'build back better.'

The Oslo+ meetings aim to bring together bilateral development partners, international organisations and other relevant stakeholders, to exchange information and good practices in the elaboration of human rights-based approaches (HRBA) to development.

The first meeting of the series, hosted by the Ministry of Foreign Affairs of Norway and supported by the URG, was held in Oslo in 2018. In 2019, URG coordinated a second meeting (Oslo+1) hosted by the Ministry of Foreign Affairs of Sweden and the Swedish International Development Cooperation Agency (SIDA), in Stockholm. A third meeting (Oslo+2), hosted by the Swiss Federal Department of Foreign Affairs (EDA) and the Swiss Agency for Development and Cooperation (SDC), in partnership with URG, is expected to take place in the spring of 2021 in Montreux, Switzerland.

The Oslo+ digital meeting brought together over 20 bilateral development partners, including representatives of development agencies[1] and foreign ministries[2], as well as officials from relevant multilateral organisations[3], and representatives from civil society, including the Coalition for Human Rights in Development, the International Human Rights Network and URG. It aimed to provide these actors with a platform for a frank and open exchange of expertise and experiences with placing human rights upfront in international COVID-19 response and recovery efforts.

The meeting was held over two one-and-a-half hour sessions, with the first session (9 June) focused on the work of multilateral development partners, and the second session (10 June) focused on bilateral partners. This report mirrors the format of the meeting, with two sections devoted to these two distinct sessions, and a concluding section offering key points and recommendations generated through the discussions.

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1   The European Commission's Directorate-General for International Cooperation and Development (DG DEVCO); Swiss Agency for Development and Cooperation of the Federal Department of Foreign Affairs (SDC); Department for International Development (DFID); Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GiZ); Swedish International Development Cooperation Agency (SIDA)
2   Foreign Ministries of Finland, Ireland, France, The Netherlands, Norway, Denmark; Switzerland; Permanent Missions of Poland, US, Belgium, Singapore, Australia, Canada, Austria, and The Netherlands.
3   UN Development Programme (UNDP); UN Development Coordination Office (UNDCO); the Office of the High Commissioner for Human Rights (OHCHR); the United Nations Population Fund (UNFPA); International Development Law Organization (IDLO); UNICEF; UNEP; the World Bank Group

I. Opening remarks

The meeting began with brief introductory remarks by Marc Limon, Executive Director of URG. This was followed by a welcome address by Kitty van der Heijden, Director-General for International Cooperation at the Ministry of Foreign Affairs of The Netherlands.

In her address, Ms van der Heijden recognised the terrible toll placed on societies by the COVID-19 pandemic. Notwithstanding, the crisis could also represent an opportunity to reinvigorate multilateralism and build new momentum behind the international human rights agenda. She then asked the question: 'How can States and the [wider] international community capitalise on this [opportunity] to bring about lasting change?' In that regard, Ms van der Heijden emphasised the importance of effective coordination between and among bilateral and multilateral actors.

She noted that multilateral organisations such as the UN and the World Bank must necessarily play a leading role in responding to what is a truly global crisis. Bilateral actors should support them in this regard, but also hold them accountable – critically evaluating their work for inclusivity, efficiency and effectiveness, including by ensuring that a HRBA is integrated throughout multilateral action. She added that response efforts rooted in a HRBA need to be both global and local, tailored to fit context-specific needs. This can only be achieved through close coordination between multilateral and bilateral partners.

> " People in vulnerable positions ... and faced with difficult human rights situations simply require us to ... set the bar as high as we can. "

Ms van der Heijden further underlined the importance of establishing a clear division of labour between member States – to ensure effective coordination and avoid competition for resources. While maintaining that the current multilateral structure allows for more collective fundraising and distribution to meet human rights needs, she acknowledged the challenges posed by the historic underfunding of the UN human rights pillar.

Turning to the nature of international responses to the pandemic, Ms van der Heijden underscored the need to pay increased attention to marginalised groups and their specific vulnerabilities. In that context, for example, responses should focus not only on unemployment, but also on mental health and social support. She also highlighted the importance of human rights data collection – to objectively prove that supporting improvements in the domestic enjoyment of human rights leads, in turn, to more inclusive and sustainable development, stronger democratic institutions, and long-term security.

The Director-General concluded her opening statement with a quote from Michelangelo: 'The greater danger for most of us lies not in setting our aim too high and falling short; but setting our aim too low and achieving our mark.' 'People in vulnerable positions [...] and faced with difficult human rights situations,' she explained, 'simply require us to [...] set the bar as high as we can,' when planning and implementing our crisis response-recovery measures.

II. Multilateral perspective

PANEL PRESENTATIONS

Following the welcome address, the meeting turned to a panel discussion moderated by Mr Limon of URG. Following short presentations by Stefan Priesner, UN Resident Coordinator in Malaysia; Alejandro Alvarez, Chief of the Rule of Law Unit at the Executive Office of the UN Secretary-General (EOSG); Eva Grambye, Deputy Executive Director at the Danish Institute for Human Rights (DIHR); Antonio Cisneros de Alencar, Human Rights and Normative Adviser at the UN Development Coordination Office (UNDCO); and Siddharth Akali, Director of the Coalition for Human Rights in Development; all participants were given the opportunity to comment and/or ask questions.

importance of linking, and leveraging the synergies between, human rights and SDGs. He drew attention to the significant overlap between international human rights law and the 2030 Agenda. This, he argued, 'provides very significant entry points' to advance human rights, including in countries where this would otherwise 'not be possible' due to the difficulty of initiating human rights dialogues with certain governments.

He said that pursuing the integrated implementation of human rights and the 2030 Agenda in this way can help deliver the SDGs in a manner that remains true to the ethos of 'leaving no-one behind.'

Stefan Priesner, UN Resident Coordinator in Malaysia, began by presenting a case study showcasing the UN's response to the pandemic in Malaysia. He explained that while Malaysia had (at the time of speaking) not been hit as hard as many European countries in health terms, the socio-economic repercussions had been quite severe. He noted that the crisis had 'unveiled' the 'gaps' in Malaysia's progress towards sustainable development and the full enjoyment of human rights.

In order to close these gaps, Mr Priesner described how, even prior to the pandemic, the UN Country Team (UNCT) in Malaysia has consistently underscored the

Mr Priesner then explained how, practically speaking, the UNCT in Malaysia has sought to combine human rights and SDG implementation. In particular, they have worked to link Universal Periodic Review (UPR) recommendations to the State with the relevant SDG targets, and then mainstream these into the UN Sustainable Development Cooperation Framework (UNSDCF) for Malaysia. This helps ensure that human rights can be integrated into every dimension of UN support for the country's socio-economic development.

Mr Priesner then turned to the specific question of how

the UNCT has worked to support the integration of human rights (and the linked concept of 'leaving no one behind') into Malaysia's response to and recovery from the COVID-19 pandemic. In this regard, he outlined a number of key steps that have been taken. First, the UN undertook a 'vulnerability analysis,' which identified nine particularly vulnerable groups in Malaysian society. It then attempted to gauge the unique impacts of the pandemic on each of these groups based on their different vulnerability profiles. That analysis concluded that migrants and refugees, many of whom are undocumented, have been hit especially hard due to their exclusion from social support and economic stimulus packages. In addition, the UNCT has sought to engage with the UN human rights mechanisms (e.g. by submitting detailed alternative reports) so that those mechanisms can then, in turn, 'deliver strong human rights advocacy messages' to Malaysia, and has sought to mobilise international assistance. As a result of these various steps, the UNCT was able to pull together a series of human rights-based policy recommendations to the Malaysian Government, including that non-nationals should be included in COVID-19 response efforts, that national response and recovery policies should take particular account of the situation of vulnerable groups, including women, that freedom of media must be protected, and that steps should be taken to improve social cohesion, including by tackling hate speech.

In his presentation, Alejandro Alvarez, Chief of the Rule of Law Unit at the Executive Office of the UN Secretary-General (EOSG), described the link between the UN Secretary-General's 'Call to Action' for human rights, delivered during the 42nd session of the Human Rights Council, and his later 'We are all in this together' policy paper on human rights and the COVID-19 pandemic. Mr Alvarez began by laying out the context in which the Call to Action was released and which motivated the message itself — namely, the significant contemporary challenges currently faced by multilateralism more broadly, and the human rights system in particular. He then outlined the seven key areas of human rights action mentioned in the Call,

namely: human rights and sustainable development, rights in times of crisis, gender equality, public participation and the protection of the civic space, rights for future generations, collective action, and 'new frontiers.'

In describing the first area of action outlined in the Call to Action – human rights and sustainable development – Mr Alvarez emphasised the importance of placing human rights at the centre of development work, and echoed Mr Priesner's view that working with UN human rights mechanisms (e.g. the UPR, Special Procedures and Treaty Bodies), and then leveraging the recommendations they generate, is the best way of securing such an integrated approach to human rights and sustainable development. Mr Alvarez also reaffirmed the Secretary-General's commitment to achieving gender equality at the UN, as well as his commitment to 'intergenerational solidarity' on issues such as climate justice.

> " ... the significant overlap between international human rights law and the 2030 Agenda provides 'very significant entry points' to advance human rights, including in countries where this would otherwise not be possible due to the difficulty of initiating a human rights dialogue with certain governments. "

Elaborating upon action area four – public participation and civic space – Mr Alvarez described the danger posed by 'laws and regulations to reduce the space of NGOs and civil society organisations,' and emphasised the importance of protecting journalists and human rights defenders from prosecution and reprisals. With regard to action area six – collective action – he discussed the importance of improving coherence between the work of different UN multilateral mechanisms including the Human Rights Council, the General Assembly (GA) and the Security Council. He additionally emphasised that 'the human rights agenda needs a new global

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alliance amongst member States,' on the grounds that we cannot rely on 'a handful of donor countries' to defend and uphold the system but need 'countries from all regions to lead and to champion human rights.' Alvarez also laid out a range of new (frontier) human rights challenges, including those posed by the governance of digital space, data privacy, data identity, and issues related to artificial intelligence.

Coming to action area two– rights in times of crisis – last, Mr Alvarez explained that COVID-19 is clearly 'more than just a health crisis' – it is also a human rights crisis. Indeed, the 'number of human rights issues' that have been revealed or exacerbated by the crisis required the Secretary-General's voice to be heard – hence his policy paper entitled 'We are all in this together.' He concluded by summarising some of the key human rights themes covered, including the right to health, various socio-economic issues such as income and employment, access to information, civic participation, and freedom from discrimination.

In her presentation, Eva Grambye, Deputy Executive Director at the Danish Institute for Human Rights (DIHR), shared the conclusions of a recent DIHR publication on the interlinkages between human rights and the SDGs and explained how those interlinkages should inform human rights-based approaches to pandemic response and recovery. She opened by emphasising that the COVID-19 crisis 'is not just a health crisis,' but rather implicates the entire range of interrelated and interdependent human rights, as well as the SDGs. She illustrated this point through a graphic showing that pandemic-related human rights recommendations issued to States make references not only to SDG3 on health and wellbeing, but also to almost every other one of the seventeen SDGs, including SDG1 on ending poverty and SDG2 on ending hunger and achieving food security.

She used these findings to raise a 'warning flag' for the donor responses. She emphasised, first, that response efforts must maintain a long-term outlook and 'not lose sight of the underlying systemic dysfunctions'

revealed by the pandemic. Second, she warned against 'reorient[ing] all assistance towards the health sector,' by keeping other rights and SDGs affected by the pandemic firmly in mind.

Echoing Mr Priesner's presentation, she argued that human rights-based approaches to the crisis should 'not reinvent things,' but rather make use of existing frameworks – namely, the obligations laid out in the various human rights treaties and the commitments set out in the 2030 Agenda.

She then provided further evidence of the overlap between human rights recommendations and SDGs relevant to the pandemic, specifically SDG3 concerning universal health coverage, which has 6,344 related human rights recommendations (i.e. generated by the UN human rights mechanisms); SDG16 concerning rule of law, the reduction of corruption and the promotion of non-discrimination, which has 36,596 related human rights recommendations; and SDG17 concerning partnerships based on public oversight, transparency, and responsible business conduct, which has 5,388 related human rights recommendations. She pointed out that since 'these are recommendations that have already been accepted by governments,' they can be used as a 'consensus starting point' for getting governments on board with a human rights-based pandemic response, especially in contexts of limited political will. With regard to SDGs 16 and 17 specifically, Ms Grambye highlighted how relevant targets and recommendations must play a central role in informing human rights-based responses so that we do not 'build back worse.'

Antonio Cisneros de Alencar, Human Rights and Normative Adviser at the UN Development Coordination Office (UNDCO), discussed the key characteristics of the 'Immediate Socio-Economic Response to COVID-19' framework, launched by the UN. The central promise of the initiative was to 'leave no one behind,' ensuring that everyone was protected and included in its efforts. A list of twelve groups known to be especially affected by the pandemic

was compiled to inform response efforts by UNCTs worldwide. On that basis, UNCTs were expected to conduct mapping exercises to identify 'which of these groups are more relevant' in each particular country-context and 'how they are being affected.' This focus on addressing the needs of marginalised and vulnerable groups informed the five guiding questions in the paper, questions 'that should be driving how we respond to COVID-19,' namely:

1. Who were the intended targets of the country's health and socio-economic response?
2. Where are there gaps in this response?
3. Which barriers have kept people beyond the reach of national response measures?
4. How can response measures better accommodate these persons, and how can these persons be made more resilient to future crises?
5. How can responses contribute to the removal of structural drivers of exclusion, inequality and discrimination?

He also presented the five key focus areas of the UN's national-level response to COVID-19: health, social protection, economic response and recovery, macroeconomic response and multilateral collaboration, and social cohesion and community resistance. Mr de Alencar then considered how specific UN initiatives across these five areas seek to integrate human rights within international responses. The effectiveness of this approach is being measured by tracking State-by-State progress via a set of ten human rights indicators. Mr de Alencar stressed how the UN's strategy is premised on preventing a return to the 'old normal' by working to 'overcome structural drivers of exclusion, inequality and discrimination,' with 'the 2030 Agenda and human rights as our guiding light.'

Mr de Alencar's presentation concluded with two final recommendations regarding the realisation of a HRBA to pandemic response and recovery actions: the importance of multi-donor trust funds (such as the Human Rights Mainstreaming TF) for successful

implementation, and the importance of UN Human Rights Advisers in integrating human rights into effective COVID-19 responses.

The final presentation of the day was provided by Siddarth Akali, Director of the Coalition for Human Rights in Development, who focused on community-led COVID-19 responses. He began by introducing his organisation, the Coalition for Human Rights in Development, which 'work[s] to ensure that development is community-led and upholds human rights' and to 'make sure that communities have the information, power and resources they need to hold development finance institutions, governments and other actors accountable.' He then drew attention to two of the Coalition's recent projects that are reflective of these goals and principles. The first – the Community Engagement Partnership – is based on the 'premise that communities are the experts on development,' and works to establish links between communities and Civil Society Organisations (CSOs) worldwide as a means of creating support networks. The second – the Defenders in Development Campaign – 'works to safeguard the rights of human rights defenders.'

Mr Akali explained how these two projects have led to the development of strong ties between the Coalition, communities and human rights defenders. Given that international financial institutions (IFIs) provide billions of dollars in loans and other support to governments and corporations, these three stakeholder groups recently released a statement demanding that IFIs 'uphold human rights and ensure their support leads to economic justice for those who are most vulnerable.' With this statement in mind, Mr Akali said that 'COVID-19 is both a test and an opportunity for development finance institutions to align their policies and practices with relevant laws, policies and standards in human rights and responsible business conduct.'

Mr Akali concluded by listing examples of reprisals against human rights defenders in the context of the pandemic. He explained how the pandemic has led to the loss of livelihoods amongst many defenders, which

The human rights agenda needs a new global alliance amongst member States, ... we cannot rely on 'a handful of donor countries' to defend and uphold the system but need countries from all regions to lead and to champion human rights.

has in turn 'impact[ed] their ability to raise their voice.' He further referred to the impacts of the suspension of courts and other institutions of public accountability, which have reduced defenders' access 'to recourse in cases of arbitrary detention,' and the impacts of limitations on freedom of expression and assembly, which have 'affect[ed] their ability to organise and monitor what is happening on the ground.' To illustrate these points, he drew particular attention to heightened reprisals faced by journalists in Bangladesh as a result of the pandemic; and referenced the COVID-19 Emergency Response and Pandemic Preparedness Project, organised through a partnership between Bangladesh and the World Bank, as an example of the responsibility IFIs bear for COVID-related reprisals.

QUESTION AND ANSWER SESSION

The presentations were followed by a brief question and answer session with other participants.

One participant recognised and applauded the 'strong, timely and much-needed' commitment to the integration of human rights in development, including in the context of the COVID-19 response, 'displayed at the upper levels of UN leadership.' The participant, however, questioned whether this commitment is being translated into country and regional-level action, and whether UN agencies are really 'acting as one.' 'Human rights and gender are still often seen as soft issues' they said, and are thus side-lined within overall pandemic response efforts. Perhaps this suggests, that 'there is too much focus on the political upstream of the global COVID-19 response,' which may divert resources away from service delivery.
Building on the previous intervention, another speaker noted that the COVID-19 crisis can be used to demonstrate, at country level, why focusing exclusively only on service delivery can never be an effective long-term strategy. In this regard, they brought up

the example of Singapore, where a once-praised pandemic response has proven to be unsustainable due to a lack of focus on vulnerable groups like migrant communities. The participant argued that successfully emphasising the central role that human rights must play in 'building back better' will in turn help to make the case for integrating human rights more holistically into development work in the years to come.

Another participant asked whether there is 'a risk that by focusing UN human rights efforts on securing the SDGs' 'leaving no one behind,' which is not a legally-defined concept,' we will inadvertently 'weaken momentum towards building back better and towards the fulfilment, promotion and protection of human rights obligations.' In reply, one of the panellists suggested that 'the risk is there if we do not succeed in making the linkages between the SDGs and human rights.' In other words, the risks can be mitigated by expressly and consistently referring to the direct links between human rights obligations and the commitments of the SDGs. Another panellist referred to the human rights indicators included in the framework of the UN's socio-economic response, as an example of the efforts that have been made to maintain the strength and authority of human rights principles in the face of their integration with the 'leave no one behind' concept.

A final speaker asked about 'the specific role of rule of law and justice, within a broader human rights-based approach' to the pandemic. The audience member referenced concerns about not being able to 'resolve disputes' as a result of the suspension of judicial systems. He specifically asked about the advantages, disadvantages and risks involved in a transition to e-justice. The responding panellist acknowledged the significant negative impacts of the pandemic on judicial institutions. Notwithstanding, the emergence of e-justice solutions points to the opportunities that have been brought to light by the pandemic – in this case, the opportunity to introduce much-needed innovations in the fields of rule of law and access to justice.

III. Bilateral perspective

INTRODUCTORY REMARKS

The second day of the meeting began with a message from that day's moderator, Professor Rolph van der Hoeven of the International Institute of Social Studies, and member of the UN Committee for Development Policy. His introduction began with reflections on the previous day's discussions, and considered how key points might inform discussions on the role of bilateral development partners. Professor van der Hoeven then considered a number of key questions for bilateral donors, including:

- how might they use 'their positions on the boards of multilateral organisations and [their] funding of UN agencies' to help ensure that we build back better from the COVID-19 pandemic;'
- how to ensure that ODA to developing countries serves to strengthen human rights and encourage progress towards the SDGs – in addition to short-term emergency relief;
- how to ensure that 'debt relief is applied quickly' so that the most vulnerable in society are protected; and
- how to ensure that human rights standards are applied across all aspects of COVID-19 response and recovery.

Professor van der Hoeven's address was followed by a video message from UN High Commissioner for Human Rights, Michelle Bachelet. The High Commissioner opened by referring to the Secretary-General's 'We are all in this together' policy paper, noting that the paper emphasises the importance of not treating human rights as an 'afterthought in times of crisis.' She followed by arguing that 'in many ways, the COVID-19 pandemic and its consequences present one of the biggest global crises in our lifetime' as a 'public health emergency, an economic crisis, a social crisis, a development crisis' and also, 'a human rights crisis.' As such, she warned that the impacts of the pandemic 'pose a far-reaching threat to human rights

and sustainable development across the globe,' with 'an alarmingly disproportionate impact on the most marginalised groups.' She added that the pandemic has 'exposed weaknesses in countries' political, economic and social systems' and that 'its impacts are likely to continue creating unprecedented pressure on the social compact in developed and developing countries alike.'

The High Commissioner argued that a human rights-based approach to the crisis is essential because it 'put[s] people front and centre and lead[s] to better outcomes' by 'preserving social cohesion, human dignity, and ensuring that everyone, especially the most vulnerable, have a say in, and benefit from, the responses put in place.' In other words, a human rights-based approach 'provides us with clear guideposts' in 'uncharted territory.' For example, governments must be reminded that restricting fundamental freedoms through emergency response measures is not only wrong, but also counter-productive given that 'speaking out about difficulties is crucial to resolving them.' Overall, she conveyed the message that 'human rights principles make policies more effective not less.'

In terms of specific recommendations, the High Commissioner emphasised the importance of increasing public spending and encouraging sustainable investments in healthcare, social protection, and access to water and sanitation, with a particular focus on the most vulnerable members of society. In this regard, countries should be encouraged to 'prioritise goals and targets that aim to reduce inequalities' in all COVID-19 response and recovery measures, because 'we cannot afford to return to the systems that created our vulnerability to the pandemic.'

Additionally, the High Commissioner stressed the importance of recognising the interlinkages between

the Secretary-General's 'Call to Action' on human rights, the UN's Immediate Socio-Economic Response to COVID-19 framework, and the 2030 Agenda, in order to 'help amplify outcomes.' The High Commissioner shared some examples of the work of OHCHR in this regard, including the issuance of 'detailed and concrete guidance on states of emergencies,' and its work protecting the rights of vulnerable groups including migrants, women, the LGBTI community, older persons, and persons with disabilities, during the pandemic. On the topic of data collection and analysis, the High Commissioner drew attention to the creation of ten key human rights indicators by her Office 'aligned with existing data frameworks for the SDGs.'

Finally, Ms Bachelet gave concrete examples of how all of this work is being taken forward at national and local levels. For example, in Honduras the country's state of emergency regulations were amended following consultations between OHCHR and the Government.

PANEL PRESENTATIONS

The second panel discussion of the Oslo+ digital meeting included presentations from: Peter Bøgh Jensen, Chief Advisor at the Danish Ministry of Foreign Affairs; Chiara Adamo, Head of the Gender, Human Rights, and Democratic Governance Department at the EU International Cooperation and Development Office (EU DEVCO); Birgitta Weibahr, Lead Policy Specialist on Human Rights and Democracy at the SIDA Policy Support Unit; Marcella Favretto, Chief of the Sustainable Development Section at OHCHR; and Patrick Twomey, Director of the International Human Rights Network.

Peter Bøgh Jensen, Chief Advisor at the Danish Ministry of Foreign Affairs, described Denmark's experience with COVID-19 response and recovery initiatives. He began by introducing a Danish International Development Agency (DANIDA) project, implemented in partnership with UNDP, that has

focused on the situation of indigenous groups in the border region between Bangladesh and Myanmar. These groups had already been cut off from their land and from social service provision due to prolonged conflict in the region, and this already difficult situation was made worse by the COVID-19 pandemic. In particular, Mr Bøgh Jensen spoke of efforts to reach out to indigenous women, for example to help them sell their crops at market to help offset the impacts of the removal of local government support.

Building on interventions made during the first day of the meeting, and Professor van der Hoeven's introduction, Mr Bøgh Jensen underscored the importance of using the opportunity presented by the COVID-19 pandemic to critique and 'redesign development aid,' including to ensure that it is fully aligned 'with the 2030 Agenda 'leaving no one behind,' and the full enjoyment of human rights.'

The presentation by Chiara Adamo, Head of the Gender, Human Rights, and Democratic Governance Department at the EU International Cooperation and Development Office (EU DEVCO), outlined the EU's approach to pandemic response, emphasising that 'for the EU, respect for human rights remains must be central to, and lay at the heart of, the global response and recovery efforts, and to building back better.'

She described the twenty billion euro 'Team Europe' package, adopted by EU member States and financial institutions in April to support partner countries in their fight against the pandemic. The package prioritises 'strengthening health systems,' but also 'mitigating the socio-economic impacts of the crisis' by 'giving priority to vulnerable countries, people and groups.' Ms Adamo said that this last point reflects the EU's understanding that the pandemic is 'deepening existing inequalities.' Thus, international support must take care not to exacerbate inequalities further, through the application of the 'do no harm' principle, and must specifically seek to address long-term inequalities through a human rights-based approach

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to crisis recovery. She acknowledged that such long-term thinking is challenging when health crises, like the COVID-19 pandemic, require 'very efficient and quick aid delivery.'

Ms Adamo also drew attention to the impacts of COVID-19 on 'all aspects of governance.' She listed a number of these impacts including: the 'undermining of checks and balances;' the suspension of elections; increased risks of corruption; disinformation 'used for malicious purposes in some instances;' and 'digital surveillance.' She explained that, in recognition of these risks, the 'Team Europe' package contained provisions on the need to 'uphold core values such as good governance, human rights, rule of law, and gender equality.'

Turning to human rights, Ms Adamo explained that the EU's response prioritises, inter alia, gender equality, freedom of expression, and the role of human rights defenders and civil society.

Regarding the former, she described the particular challenges the pandemic has created for women, including a heightened risk of gender-based violence and a heightened vulnerability to contracting the disease due to their particular roles in society. Ms Adamo described how the EU is using the EU-UN Spotlight Initiative to help eliminate violence against women and girls, to 'address risk factors related to the COVID-19 context,' and to 'redirect funding to support shelters and health centres.'

Regarding freedom of expression, Ms Adamo described EU efforts 'to support independent media outlets and [...] independent journalists.' For example, she described an EU initiative in cooperation with a network of NGOs and various media outlets designed

> …. strengthening human rights data and evidence helps put a spotlight on invisible populations, and increases the price of inaction.

to provide 'life-line support to investigative journalists and independent media in Africa and Latin America.'

Lastly, Ms Adamo presented information on EU support for human rights defenders and civil society organisations. For example, one project aims to understand and respond to 'the specific long-term needs of CSOs' during the pandemic, especially in the context of 'shrinking civic and democratic space.' Related to this point, she referred to the need to 'counter the roll-backs' in human rights protection created by emergency response measures, by monitoring such measures over time to ensure their proportionality, necessity, and non-discriminatory intent and impact.

Ms Adamo concluded her presentation by informing colleagues about the launch of a new 'one-stop-shop' portal that will allow human rights and democracy indicators to be monitored country-by-country, throughout the world. The portal is designed to promote 'public accountability' in the area of human rights during the pandemic, and allow for human rights trends to be tracked in the 'post-COVID world.'

Birgitta Weibahr, Lead Policy Specialist on Human Rights and Democracy at the SIDA Policy Support Unit, presented SIDA's approach to COVID-19, specifically in the context of its work on human rights and democracy. In 2019, the Swedish Government assigned SIDA the task of developing the country's work on democracy, including human rights, rule of law and governance, as part of the 'Drive for democracy' campaign, launched in response to a 'global trend of democratic backsliding.' In response, SIDA issued a number of reports outlining how it could strengthen its democracy work, and in early 2020 'defined how to start the implementation of these proposals.' Ms Weibahr explained that many of these proposals 'focus on strengthening [SIDA's] work on human rights-based approaches,' as well as on improving its 'political economy and power analyses.'
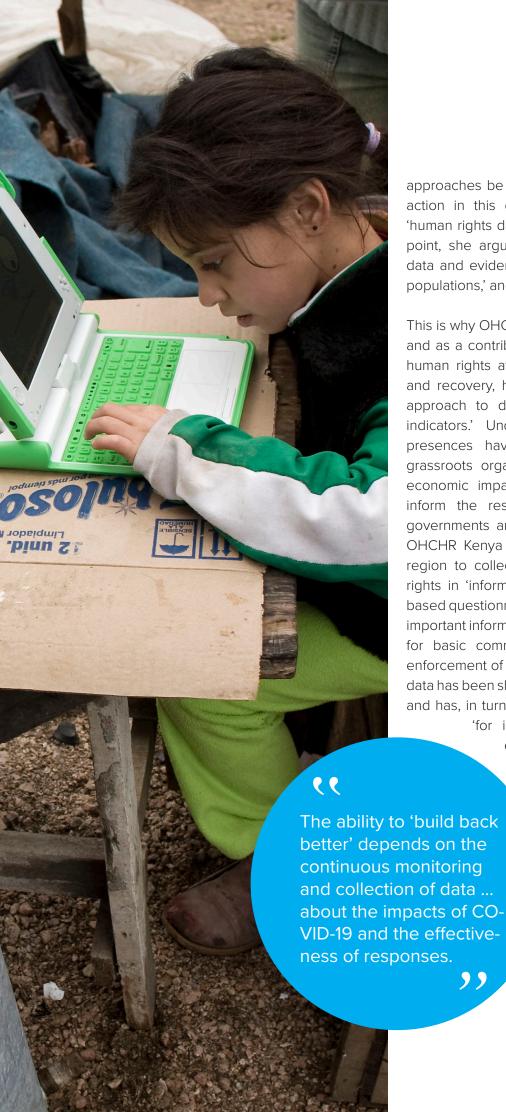
Ms Weibahr said 'the pandemic clearly underlines the need for a human rights-based approach' to international development policy. She described how, during the early stages of the pandemic, SIDA received numerous reports from development partners on rising 'discrimination and inequality;' on difficulties in 'accessing information about the pandemic,' including as a result of the 'digital divide;' on disinformation; on restrictions to the right of political participation due to 'stay-at-home' orders; and related 'challenges regarding freedom of expression, association, and assembly.' This worrying human rights situation was further exacerbated, in many cases, by restrictions on 'access to justice' because, for example, of the suspension of court hearings.

Ms Weibahr then moved on to describe an example of SIDA good practices in this context. As a 'flexible donor,' SIDA has allowed its partners (e.g. those working on human rights and democracy) to make 'justified adjustments to their plans and budgets.' SIDA has also encouraged its partners 'to be creative and innovative' in how they have operated during the COVID-19 crisis. For example, some had transitioned to 'digital meetings, trainings and seminars,' some had switched their focus to the 'human rights challenges thrown up by the pandemic,' and some had created platforms to counteract 'fake news' or misinformation about COVID-19. Across all of these partnerships, SIDA has consistently applied a HRBA.

Marcella Favretto, Chief of the Sustainable Development Section at OHCHR, focused her presentation on the need to build-up human rights data and evidence. She echoed previous presenters by suggesting that the pandemic 'is creating awareness and strengthening the case for a human rights-based approach to development by exposing the realities of discrimination and inequality.' She also argued that the pandemic has shown the speed and effectiveness with which human rights-based policymaking can be operationalised where there is political will.

Ms Favretto then posed a rhetorical question: how can this recognition of the value of human rights-based

approaches be translated into long-term, sustainable action in this direction? The answer, she said, is 'human rights data and evidence.' Elaborating on this point, she argued that 'strengthening human rights data and evidence helps put a spotlight on invisible populations,' and 'increases the price of inaction.'

This is why OHCHR, together with other UN agencies, and as a contribution to the UN's strategy of placing human rights at the heart of international response and recovery, has promoted 'a human rights-based approach to data, via the application of the ten indicators.' Under this framework, OHCHR field presences have been required to partner with grassroots organisations to collect data for 'socio-economic impact assessments' – which can then inform the response and recovery strategies of governments and UN Country Teams. For example, OHCHR Kenya has worked with civil society in the region to collect data on the enjoyment of human rights in 'informal settlements,' using a smartphone-based questionnaire. This exercise has brought to light important information on the impacts of price increases for basic commodities, on police conduct in the enforcement of curfews, and on forced evictions. This data has been shared with the UN and the Government and has, in turn, influenced policy recommendations, 'for instance, suspending utility bills, or enforcing a moratorium on forced-evictions.'

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> The ability to 'build back better' depends on the continuous monitoring and collection of data ... about the impacts of CO-VID-19 and the effective-ness of responses.
> "

Ms Favretto also stressed that 'it is not only about collecting data and making it available [...] but also about protecting those who collect this data, and making sure that they can participate in decisions affecting them and groups left behind.' She provided some examples, in this regard, of how OHCHR has supported 'the ability of civil society and national

human rights institutions (NHRIs) to operate and collect data' during the pandemic, including in Honduras and Liberia. In conclusion, she said, the ability to 'build back better' depends on the 'continuous monitoring and collection of data […] about the impacts of COVID-19 and the effectiveness of responses.' She explained that in the absence of these initiatives 'it would be very difficult to ensure that human rights are factored into policy responses,' including through the implementation of UN human rights recommendations.

In the last presentation, Patrick Twomey, Director of the International Human Rights Network, compared the challenges posed by the COVID-19 crisis with those that emerged in the wake of the 'so-called War on Terror' and 'the economic downturn of the last decade.' He listed several similarities including the detrimental impacts of the economic downturn on donor-dependent civil society organisations and their subsequent downsizing or abolishment – leading to diminished civil society space. He also spoke of a comparable, mounting 'political pressure to prioritise domestic situations over partner countries and international development.' Mr Twomey warned that when it comes to human rights-based approaches to development, these political pressures are exacerbated by a perception that 'human rights-based approaches are more demanding on human and other resources than are traditional approaches to development.'

Mr Twomey also spoke to a number of other challenges to the further expansion of human rights-based approaches during the pandemic, including social distancing requirements and travel restrictions – making it more difficult to plan and implement effective on-the-ground development programming. He echoed previous participants in highlighting the risk that this will create a situation in which 'those who have historically been left behind, will be left further behind because, for example, they do not have access to technology or information.' Moreover, despite the pandemic, the 'pressure to deliver results on schedule' will remain.

Mr Twomey relayed a number of other civil society concerns. A first is that an 'emphasis on COVID-19 as a 360-degree human rights issue' may risk distracting attention from support for 'service delivery focused on health care and social welfare.' Second, he explained that the UN's ability to monitor States' emergency measures has been limited by the failure of most governments to inform the UN of these measures. This lack of information is exacerbated by a situation in which 'the media and civil society is affected by those same restrictions, as well as by the related economic downturn, and thus are less able to assume their accountability role.'

In light of these challenges, he underscored the importance of a response 'premised on development objectives that are accurately framed in human rights terms' and on 'the highest attainable standard of health.' He also spoke of the 'need to reiterate the core principles of HRBA' and to 'bear in mind that HRBA is a work-in-progress – something we are only ever working towards.' 'In the absence of indicators measuring the process as well as the results,' he said, 'we cannot just presume that we are working towards it.'

In conclusion, Mr Twomey described some of the 'positives' that may arise from the pandemic. COVID-19 may, for example, serve to 'enhance local ownership; lead to 'more flexibility from some donors;' lead to 'an increase in community solidarity;' and 'foster a healthy critique of the old ways of doing things.'

QUESTION AND ANSWER SESSION

As on the first day, the panel presentations were followed by a question and answer session with other participants. A first intervention argued that without addressing the meaning of the 'common good' and the place of human rights within that common good (including their connection with sustainable development), the international community will not be able to advance the idea of a HRBA to development.

Another audience member, while acknowledging the importance of reflecting on the progress that has been made in advancing a HRBA, argued that it is nonetheless important 'not to create an overly rosy picture on where we are with this.' Specifically, he referred to a number of 'worrying trends' such as the 'inadequate, long-term support offered to those working on human rights accountability,' which suggests a potential 'backsliding' in commitment to HRBAs. Another responded that the pandemic has brought important injustices to light, which might be used to advocate for a HRBA 'in a non-threatening way,' for example, by linking it to 'curbing inequalities.' Another speaker challenged the assertion by one panellist that HRBAs should be perceived as more 'costly' — when in fact, in the long-term, they lead to more sustainable outcomes. Moreover, HRBAs to development utilise existing human rights and development tools (for example, UN human rights recommendations, the SDGs and UN Sustainable Development Cooperation Frameworks) — and thus do not represent an added cost but rather a better use of existing resources. Another participant agreed and suggested the issue, perhaps, is that HRBAs involve an upfront cost, but are clearly beneficial in the long-term.

The remaining questions focused on the topic of monitoring, data collection and analysis. One speaker expressed concern about the current lack of systemic

human rights data collection. Addressing this concern, a panellist argued that there was, in fact, a trend toward more systematised data collection. For example, OHCHR has developed 'ten standard human rights indicators that commit the UN to monitor the impact of COVID response and recovery measures.' Moreover, recent efforts to better link human rights and SDG data – which often draw on the same indicators – should also serve to promote human rights measurement. Another speaker agreed and spoke of the importance of NHRIs as independent gatherers of human rights indicator data.

Finally, one participant said that further progress with HRBAs to development will requires a thorough 'documentation of best practices' and 'mapping – not just of results but also of the quality of the process – of development interventions.' 'We must make the case,' she said 'that HRBAs to development are critical to ensuring that COVID-19 response and recovery initiatives result in long-term and sustainable changes in line with both the SDGs and human rights standards.'

A number of important, recurring points and recommendations were made during the Oslo+ digital meeting, including the following:

• It is now well understood that COVID-19 has highlighted and reinforced existing structural inequalities between and within societies. However, there is a growing sense amongst governments and civil society that the pandemic also represents an opportunity – an opportunity to leverage States' obligations and commitments under, inter alia, international human rights law, the 2030 Agenda, and the Paris Climate Change Agreement, to 'build back better.'

• A key question then, as posed by Ms van der Heijden, is: 'How can States and the [wider] international community capitalise on this [opportunity] to bring about lasting change?'

• The UN Secretary-General's 'We are all in this together' policy paper emphasises the importance of not treating human rights as an 'afterthought in times of crisis.' As the High Commissioner for Human Rights said during the meeting: 'in many ways, the COVID-19 pandemic and its consequences present one of the biggest global crises in our lifetime' as a 'public health emergency, an economic crisis, a social crisis, a development crisis' and also, 'a human rights crisis.' The pandemic 'poses a far-reaching threat to human rights and sustainable development across the globe,' with 'an alarmingly disproportionate impact on the most marginalised groups.'

• The adoption of a HRBA during this crisis is, quite simply, essential, because it 'put[s] people front and centre and lead[s] to better outcomes' by 'preserving social cohesion, human dignity, and ensuring that everyone, especially the most vulnerable, have a say in, and benefit from, the responses put in place.' In other words, a human rights-based approach 'provides us with clear guideposts' in 'uncharted territory.'

• In terms of how to do so, speakers repeatedly underscored the importance of using the structures, mechanisms and policies we already have in place, rather than 'reinventing the wheel' or overcomplicating the concept of HRBAs to development. For example, the High Commissioner stressed the importance of recognising the interlinkages between the Secretary-General's 'Call to Action' on human rights, the UN's Immediate Socio-Economic Response to COVID-19 framework, and the 2030 Agenda, in order to 'help amplify outcomes.'

- Multilateral organisations such as the UN and the World Bank must necessarily play a leading role in responding to what is a truly global crisis. Bilateral actors should support them in this regard, but also hold them accountable – critically evaluating their work for inclusivity, efficiency and effectiveness, including by ensuring that a HRBA is integrated throughout multilateral action. Response efforts rooted in a HRBA need to be both global and local, tailored to fit context-specific needs. This can only be achieved through close coordination between multilateral and bilateral partners.

- All speakers agreed on the central importance of paying particular attention to marginalised groups and their specific vulnerabilities.

- Many also warned of the danger that bilateral and multilateral agencies will naturally focus on short-term emergency response. Although difficult, it is vital that response and recovery efforts maintain a long-term outlook and do 'not lose sight of the underlying systemic dysfunctions' revealed by the pandemic.

> " … the pandemic is 'deepening existing inequalities.' Thus, international support must take care not to exacerbate inequalities further, through the application of the 'do no harm' principle, and must specifically seek to address long-term inequalities through a human rights-based approach to crisis. "

IV. Key points and recommendations

MULTILATERAL DEVELOPMENT PARTNERS

- The UN's 'Immediate Socio-Economic Response to COVID-19' framework is premised on preventing a return to the 'old normal' by working to 'overcome structural drivers of exclusion, inequality and discrimination,' with 'the 2030 Agenda and human rights as our guiding light.'

- A central premise of the policy is to 'leave no one behind' by identifying groups known to be especially affected by the pandemic. On that basis, UNCTs are expected to conduct mapping exercises to identify 'which of these groups are more relevant' in each particular country-context and 'how they are being affected.'

- The UN has also identified five key focus areas for its national-level responses to COVID-19: health, social protection, economic response and recovery, macroeconomic response and multilateral collaboration, and social cohesion and community resistance. UNCTs are expected to integrate human rights recommendations into its strategies and actions across all these five areas.

- A UN Resident Coordinator explained that, even prior to the pandemic, the UNCT in Malaysia had consistently sought to link, and leverage the synergies between, human rights and SDGs. The 'significant overlap between international human rights law and the 2030 Agenda,' provides 'very significant entry points' to advance human rights, including in countries where this would otherwise 'not be possible' due to the difficulty of initiating a human rights dialogue with certain governments. Moreover, 'pursuing the integrated implementation of human rights and the 2030 Agenda […] can help deliver the SDGs in a manner that remains true to the ethos of 'leaving no-one behind.'

- Turning to the question of how to do this at an operational level, participants repeatedly emphasised the importance of using existing structures and systems. For example, in Malaysia, the UNCT has worked to link UPR recommendations with the relevant SDG targets, and then mainstream these into the UN Sustainable Development Cooperation Framework (UNSDCF) for the country.

- Moreover, in order to take forward the 'Immediate Socio-Economic Response to COVID-19' framework, UNCTs have undertaken 'vulnerability analyses' to identify particularly vulnerable groups in a given society, and understand unique impacts of the pandemic on each of those groups, based on their different vulnerability profiles.

- A number of speakers drew attention to the importance of data in order to support the application of HRBAs to development, as a key pillar of the world's efforts to 'build back better.' For example, one posed the rhetorical question: how can this recognition of the value of human rights-based approaches be translated into long-term, sustainable action in this direction? The answer, she said, is 'human rights data and evidence.' Another agreed, arguing that the world's ability to 'build back better' depends on the 'continuous monitoring and collection of data […] about the impacts of COVID-19 and the effectiveness of responses.' An EU official also explained that data can help development partners adopt a longer-term approach, by focusing on factors that determine the resilience of societies – such as the strength of democratic institutions and the rule of law.

BILATERAL
DEVELOPMENT PARTNERS

- According to a Danish representative, it is vital that bilateral donors use the opportunity presented by the COVID-19 pandemic to critique and 'redesign development aid,' by ensuring that it is fully aligned 'with the 2030 Agenda 'leaving no one behind,' and the full enjoyment of human rights.'

- There was wide agreement that the pandemic has underscored 'the need for a human rights-based approach to international development policy'. For example, one speaker suggested that the pandemic 'is creating awareness and strengthening the case for a HRBA to development by exposing the realities of discrimination and inequality.'

- One part of this is heightened awareness, among development partners, of the human rights impacts of COVID-19. Speakers noted that during the early stages of the pandemic, their agencies had received numerous reports about rising 'discrimination and inequality;' on difficulties in 'accessing information about the pandemic,' including as a result of the 'digital divide;' on disinformation; on restrictions to the right of political participation due to 'stay-at-home' orders; and related 'challenges regarding freedom of expression, association, and assembly.'

- Others raised concerns about the impacts of COVID-19 on 'all aspects of governance.' One speaker listed a number of these impacts including: the 'undermining of checks and balances;' the suspension of elections; increased risks of corruption; disinformation 'used for malicious purposes in some instances;' and 'digital surveillance.'

- A number of participants spoke of the particular challenges the pandemic has created for women, including a heightened risk of gender-based violence and a heightened vulnerability to contracting the disease due to their particular roles in society.

- A civil society speaker also highlighted the detrimental impacts of the economic downturn caused by COVID-19 on donor-dependent NGOs and their subsequent downsizing or abolishment – leading to diminished civil society space. He also spoke of a comparable, mounting 'political pressure to prioritise domestic situations over partner countries and international development.'

- Turning to the importance of 'building back better,' a representative of the EU argued that 'respect for human rights remains must be central to, and lay at the heart of, global response and recovery efforts.'

- A key aspect of, and starting point for, that effort, as is the case with multilateral partners, must be to understand the differentiated impacts of the crisis on 'vulnerable countries, people and groups.' This reflects a growing understanding that the pandemic is 'deepening existing inequalities.' Thus, international support must take care not to exacerbate inequalities further, through the application of the 'do no harm' principle, and must specifically seek to address long-term inequalities through a human rights-based approach to crisis recovery.

- If it is to succeed in helping countries 'build back better,' development assistance must also aim to address long-term fragilities in governance. For example, many of the bilateral pandemic recovery strategies presented during the meeting are explicitly designed to 'uphold core values such as good governance, human rights, rule of law, and gender equality.'

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