**Contribution by the Government of Denmark regarding the questionnaire on the contribution of development to the enjoyment of all human rights, pursuant to Human Rights Council Resolution 35/21.**

The following contains the response of Denmark to the questionnaire received on 28 August 2017 on the contribution of development to the enjoyment of all human rights, pursuant to Human Rights Council Resolution A/HRC/RES/35/21.

*1. How, in the view of your Government, can development plans and programmes be used to promote and realize all human rights including the right to development for all? Please provide examples of policies, action plans and any other best practices in this regard.*

* Development plans and programmes that take a point of departure in the universal period review (UPR) recommendation and monitors the progress and actual implementation of the UPR recommendation (also when it comes to the right to development and a development country’s progressive realization of Economic, Social and Cultural Rights (ESCR)).
* Development plans and programmes that apply a human rights based approach across sectors and ensure inclusion, meaningful participation, transparency and accountability and enforcement of rights. Equal access and equal opportunity not only in a formal sense, but also substantively are crucial. It is important that activities also reach beyond institutions and reach ultimate beneficiaries directly. Ultimate beneficiaries should be empowered by feed-back mechanisms (transparent budgets, user surveys, participation in steering committees, etc.) allowing for project/programmes monitoring to be informed directly by ultimate beneficiaries, project/programme design should explicitly address this aspect.

* When it comes to the right to development and the right to ESCR, development plans and programmes ought to support national legal reforms and policies and sector programmes that explicitly further the realization of ESCR, as development countries are not able to allocate adequate funding to the realization of such rights (e.g. access to clean water, health and education). Support to independent trade unions and implementation of ILO conventions is of paramount importance. The realization of ESCR are generally much more costly than Civil and Political Rights (CPR).
* Development programmes that focus on economic growth ought not only to focus on inclusive growth but also on equitable growth and redistribution of resources which can help advancing the promotion and realization of ESCR
* When it comes to human rights promotion and protection, National Human Rights Institutes (NHRIs) in principle have a key role to play in monitoring progress of the UPR recommendations and bridge the dialogue between duty bearers and rights holders. Development programmes (and GANWRI, the global NHRI coordination body) need to play a stronger role in building these institutions to become fully independent, transparent and accountable. Often, NHRIs in development countries are poorly funded and weak in capacity and at times they are not fully independent and able to fulfil their watchdog role. Often Danida reviews have also witnessed that NHRIs are spending a lot of its human resources on case complaints handling (protection), which often cannot be enforced (due to NHRIs mandates). The effect of this is that NHRIs often have little time left to actual human rights promotion work with relevant Parliament committees, duty bearers and CSOs to advance the UPR implementation.
* In a development context, development programmes need to focus much more on Alternative Dispute Resolution, legal aid and informal justice through CSOs which is often more accessible by the poor and more cost-effective as opposed to formal justice sector reform.

*2. What are, in the view of your Government, challenges or obstacles that countries face, or may face, in promoting and realizing all human rights including the right to development for all due to the lack of development?*

* Key human rights realization challenges in developing countries are mostly linked to corruption, weak governance, state capture by certain segments of the population, weak civil society sector (incl. lack of independent trade unions), impunity/lack of effective rule of law and access to justice and a lack of political will.
* Second, even when states are bound by human rights in international, regional or national legislation, the actual implementation are often lacking or poor due to the above mentioned reasons.
* In principle, it is technically (but not necessarily politically) easier to enforce CPR rights as opposed to ESCR, including collective rights, and other related issues (such as the right to development), as rights holders in development countries typically have little access to remedy when it comes to second and third generation rights.