**First Regional consultation on the practical implementation of the right to development: Identifying and Promoting good practices.**

**Convened for the African Group from 27 to 29 March 2018 in Addis Ababa**

 **Outcome Document**

The United Nations Special Rapporteur on the right to development, Mr Saad Alfarargi convened the first Regional Consultation on the practical implementation of the right to development from 27 to 29 March 2018 in Addis Ababa pursuant UN Human Rights Council adopted Resolution 36/9.

The Consultation gathered representatives from Member States, civil society, and intergovernmental organisations. The final program of work of the meeting as well as the various presentations and written submissions received are available on the mandate’s webpage.

The discussions held during the two and a half-day meeting were very fruitful. The overarching theme resulting from the various sessions was the need **to promote the effective and meaningful participation of all stakeholders in the development process**. A large number of recommendations were formulated by participants as listed below. The Special Rapporteur hopes to receive further suggestions on implementing these recommendations. He will conduct a global assessment of all the recommendations once he concludes the consultation process in 2019. The special Rapporteur welcomes additional written submissions from all stakeholders.

Three other Regional Consultations are scheduled to take place in 2018, in Europe (Geneva), Latin American and the Caribbean (Panama), and Asia (Bangkok).

**Preliminary List of Recommendations Received during the African Regional Consultation**

**Promoting active, meaningful and informed participation**

*National level*

1. Mobilise various constituencies and empower them to advocate for their own agendas respectively
2. Strengthen youth mobilisation as actors of change and development by leveraging existing national, regional and international youth networks and platforms
3. Promote quality women representation in decision-making positions both at national and local government levels to increase their effective participation in development policy making and planning processes
4. Pay close attention to the intersectionality of various basis of discrimination including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status in targeting development programs.
5. Ensure that gender oriented planning takes into consideration the fact that women are not an homogeneous group and that in an effort to leave no one behind particular attention should be given to those who are subjected to multiple forms of vulnerability and are harder to reach
6. The cost of civil society participation should be duly budgeted into development planning processes both at policy and programmatic levels
7. Capacitate Civil society to develop technical & civic expertise and provide space for coordinated actions with governments
8. Establish mechanisms for easy and effective access to up to date information related to development policies and processes. Define reliable information schemes while designing development plans, and allocate adequate resources to that end
9. Find innovative approaches to bridge capacity gaps in data collection including by encouraging communities themselves, with the engagement of civil society organizations and academic bodies to perform data collection as a complement rather than a substitute to the state, which retains the primary responsibility for such function. In this regard, civil society should work closely with national statistical institutes for capacity building purposes
10. Adopt mixed approaches to collect data in order to capitalize on existing resources. This could include the use of mass media and communication tools as resources; building networks of opinion leaders (eg traditional, religious leaders including women leaders) while ensuring the inclusion and active participation of disadvantaged groups such as indigenous peoples, forest communities, nomadic communities among others, in compliance with human rights principles governing data protection and safeguards
11. Civil society advocacy should also work towards mobilizing existing local expertise and foster a sense of ownership of the process of development which would also contribute to producing less costly outputs
12. Policies at national levels should be coherent and in line with localised development needs to foster synergies and correlation amongst institutions

*International and regional levels*

1. The modality defining the processes of negotiation of international agreements, including international trade agreements, should require the full active, meaningful and effective participation of all concerned stakeholders. This requires capacity building of states and non-states representatives that are engaged in the negotiation processes. Information on upcoming initiatives should be made available at the domestic level so that civil society and concerned communities can engage in multilateral negotiation processes at an early stage.
2. Capitalise on civil society mobilisation at home and on international civil society solidarity networks to support their positions in international negotiations
3. Ex-ante Human rights impact assessments should be included in the modality of the negotiations of international agreements and systematically performed
4. Increase engagement in South-South cooperation to share good practices more regularly and inform the general population of the outcome of such exchanges. This should also include supporting cooperation between non-state actors.
5. The African Union should take a more active stand in the promotion, protection and the fulfilment of the right to development including within the framework of Agenda 2063, which embodies a number of the principles contained in the 1986 Declaration on the right to development
6. Promoting the meaningful and effective participation of all stakeholders in the development processes should be central to the strategic planning between the AU and the UN for the promotion of development processes that aims at fostering the realisation of human rights.

**Financing for development and mobilizing existing resources**

*National level*

1. Reform National Account Evaluation to take into consideration the wealth generated by women informal work including unpaid domestic care work and child caring functions.
2. Establish Gender Equality social protection policies
3. Finance Gender Equality by addressing all forms of violence against women and gender inequality
4. Reduce costly reliance on Official Development Assistance (ODA) by strengthening domestic resource mobilisation;
5. Prioritize domestic resource mobilisation over international debt;
6. Ensure genuinely productive long-term investment & target foreign investors that can fill competence gaps & develop local business;
7. Shift from commodity exports; and revisit the broad liberalisation unnecessarily undertaken by developing countries;
8. Combat sources of Illicit Financial Flows (including tax evasion, aggressive tax avoidance, corruption & criminal activity);
9. Eliminate or reduce tax or fiscal incentives offered to foreign investors;
10. Reform tax systems to make them fairer, more transparent & efficient.

*International and regional levels*

1. Promote the Shift from ‘donor-recipient’ paradigm to genuine partnership as envisaged under Sustainable Development Goal 17;
2. Promote the establishment of a multi-lateral financial monitoring mechanism
3. Promote the establishment of an international debt workout mechanism
4. Promote greater intra-regional trade while ensuring that regional trade agreements are subjected to Human Rights Impact Assessments. Promote equitable integration of developing countries into the global trading system;
5. Increase international cooperation for exchange of tax information & to ensure that financial intermediaries do not accept illicit assets
6. Engender the Financing for Development Process: Infuse Gender Budgeting and Gender mainstreaming within developmental programs and policy formulation; Take into consideration unpaid care and other domestic work when implementing development programs;

**Monitoring and Evaluating**

*National level*

1. Build the capacities of institutions, civil society as well as communities in realising evaluations and foster the production of independent parallel reports. Local authorities should be capacitated to conduct and submit to evaluations
2. Promote research and development on evaluation processes; and mainstream Human rights principles in evaluation trainings
3. Promote a culture of evaluation at all levels of government in the context of implementation of development policies and programs. This should be a multi-stakeholders initiative and should be implemented ex-ante, during and post with a view to promoting a culture of accountability
4. Build capacities in performing Human Rights Impact Assessment locally both for state and non-state actors
5. Promote access to information by mandating the production and disclosure of information by various government institutions
6. Establish reliable Complaint mechanisms and promote the appropriation of monitoring and evaluating mechanisms by communities and other actors
7. Provide follow-up information to communities consulted during assessment or field research exercises done for the purpose of evaluation and monitoring related to development projects and programmes.
8. Establish national mechanisms to monitor and evaluate the impact of the exploitation of natural resources as well as the impact of development investments projects
9. Monitor and evaluate the promotion and implementation of the right to development at all levels of government, including in subnational governments
10. Promote quality women representation in decision-making positions related to planning and implementing monitoring and evaluation schemes both a national and local levels. Systematically integrate a gender approach to evaluation processes.
11. Ensure that evaluation and monitoring policies and activities takes into account discriminated and historically excluded groups including ethnic and religious minorities or supressed majorities, indigenouse peoples, persons with disabilities, deep rural communities, forest communities, transument communities, emancipated youth, those who may be unaccounted for including stateless peoples, peopels deprived of liberty, internally displaces persons, refugees and asylum seekers among others
12. Request countries to produce periodic reports on the level of realisation of the right to development while documenting cross-cutting human rights indicators. Empower civil society to actively participate in this process including through the submission of shadow reports. Said reports may be presented before the Working Group on the right to development.

*International and regional levels*

1. Promote effective collaboration of United Nations and the African Union bodies to tackle issues related to the right to development including at the strategic planning level.
2. Encourage international organisations to use local capacities to conduct evaluation.
3. Policies of IFIs should systematically be subjected to Human Rights Impact Assessments (HRIA), monitoring, and evaluation. In particular, HRIA should be conducted on austerity measures and structural adjustments. Stakeholders should support the mandate of the Independent Expert on the effects of foreign debt and human rights' development of guiding principles for assessing the human rights impact of economic reform policies.
4. Encourage the Working Group on the right to development to promote the expertise developed by African civil society organisations networks specialised in evaluation.
5. Include the right to development perspective while reporting on the implementation of commitments made in relation to the 2015 international agreements including the Paris Agreement on Climate change, the Sendai Framework on disaster risk reduction, the Addis Ababa Action Agenda and the 2030 Agenda for sustainable development.
6. Promote South-South cooperation in capacity building in evaluation. Exchange good practices in evaluation processes, including through reporting these practices in periodic reports and developing an online repository of such good practices.
7. Systematically include an assessment on the level of realisation of the right to development in their periodic reports related to their international and regional human rights commitments including to relevant UN Treaty Bodies
8. The African Union should consult with the Office of the High Commissioner for human rights while developing a peer-review mechanism to monitor progress made in relation to the implementation of the 2063 Agenda. This mechanism could be inspired by the good practice developed through the Universal Periodic Review mechanism
9. The mandates of regional review and monitoring mechanisms, such as the African Peer Review Mechanism, should be strengthened. Reporting to these bodies should be mandatory rather than voluntary. States of the region should consider mainstreaming a right based approach into the operative framework of regional review mechanisms such as the African Union Advisory Board on Corruption

**Promoting Accountability and Access to remedy**

*National Level*

1. Provide access to information to ensure people know and understand the processes of accountability and are aware of existing mechanisms
2. Adopt legal provisions making social and economic rights and the right to development justiciable
3. Provide additional avenues to claim economic and social rights through courts and /or quasi- judicial mechanisms. Empower NHRI to address violations and grievances related to the violations of Economic, Social and Cultural rights
4. Consider introducing other mechanisms of accountability, such as inquiries and public hearings.
5. NGOs, human rights defenders, and other stakeholders supporting the realisation of all human rights and in particular the right to development should be strengthened by states, donors and development partners with the provision of adequate financial and other means;
6. States should provide a safe and an enabling environment that protects human rights defenders and civil society organisations to enable them to freely play their role in the protection and promotion of the right to development;
7. In furtherance of their obligation to protect the right to development, all States where transnational corporations and other business enterprises or the parent or controlling companies are registered or domiciled or have substantial business activities, should take the necessary measures, including administrative, legislative, investigative and adjudicatory, to ensure that such entities do not nullify or impair the enjoyment of all human rights and, in particular, ensure the availability of prompt, accessible and effective remedies before independent authorities, including as appropriate judicial authorities, for violations of human rights by such entities;

*International and regional levels*

1. In order to enhance protection of the right to development in Africa, Member States of the African Union should ratify the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights and, in particular, recognise the competence of the Court to receive cases from individuals and non-government organisations,
2. Where a state has ratified the international treaties on social and economic rights, the Treaty Bodies should require in the reporting process information regarding the impact of the state’s detailed programme on advancing the realisation of the right to development;