International human rights instruments provide the mandatory reference framework for the inclusion of governments, as elected representatives of their people, to ensure that “by national and international progressive measures”\(^1\), human rights receive “universal and effective recognition”\(^2\). Such ‘progressive measures’ should promote human rights’ crosscutting role in the life of a nation, which is expressed at an executive level within the planning process and implementation of public policies.

The Office of the UN High Commissioner for Human Rights (OHCHR, 2010)\(^3\) has dedicated significant space to convey the philosophy of including human rights in a State’s intervention by finding that, in the process of expanding citizen participation, the discussion about public policy moves increasingly from the power’s sphere of influence to that of civil society. This proposition is based on the principle of ‘reaffirming the attribute and centrality of the State in developing tools for political planning and economic design regarding public affairs with the aim of achieving general welfare.’ The OHCHR recognizes that “one of the current challenges is to incorporate a human rights perspective as the basis of the conceptual framework and the machinery itself of such processes.”\(^4\)

In addition, the OHCHR highlights a fundamental principle of the interaction between State and Human Rights mentioning that the “inclusion of a human rights’ approach within the executive branches of the State” must go beyond the “legislative harmonization between local and national laws and international human rights standards” and should include “public policies, programs, services and the administrative framework that these processes entail.”\(^5\)

On the other hand, the Paris Principles have given NHRI a fundamental and undeniable role in enabling and supporting States to incorporate and rationalize the perspective of human rights as a crosscutting subject of the planning and implementation of public policies, stating in its Section A.3, sub-paragraph b., that NHRI should “promote and ensure that laws, regulations and practices conform with international human rights instruments to which the State is party and that they’re effectively enforced.”\(^6\)

The OHCHR and UNDP have adopted guidelines that strengthen the participation of NHRI in promoting channels to include human rights in public policy. These guidelines have been designed in response to the perception that NHRI do not accomplish a more important role to ensure the enforcement of the Universal Declaration of Human Rights beyond simple monitoring human rights violations. UNDP and the OHCHR promote a more pro-active role in supporting development processes with a human rights approach, including economic, social and cultural rights, democratic governance, poverty reduction and the achievement of the Millennium Development Goals.\(^7\)

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1. Universal Declaration of Human Rights. At [http://www.unhchr.ch/pdf/revista19/documentos/declaraci%C3%B3ninerzaidelesderechoshumanos.pdf](http://www.unhchr.ch/pdf/revista19/documentos/declaraci%C3%B3ninerzaidelesderechoshumanos.pdf)
2. Id
4. Id
5. Id
CONCEPT NOTE

HUMAN RIGHTS-BASED APPROACH TO DEVELOPMENT PLANNING AND THE ROLE OF NHRI

Side Event
27 Asamblea General del CIC
By Defensoría del Pueblo de Ecuador

The National Secretariat of Planning of Ecuador (SENPLADES), during a presentation at the 22th Ordinary Session of the UN Human Rights Council, in March 2013-8-, states that, in Ecuador, the crosscutting role of human rights as a framework for public policy is legally guaranteed by the Constitution, approved by referendum in 2008. This instrument redefines Ecuador as a Constitutional State of Rights and Justice-9-, and provides the guarantee of the rights set on the Constitution and international instruments as the core of the bond between State and society, ensuring the enjoyment of individual and collective rights and proclaiming the concept of “Good Living” as the primary goal of the State.-10-

One of the biggest challenges that Ecuador has faced in this process is precisely the fulfillment of a wide range of human rights enshrined in the 2008 Constitution. The main instrument to achieve the constitutional goals is the National Development Plan, known as the National Plan for Good Living, mandatory for all institutions. This plan proposes the progressive fulfillment of social, cultural and economic rights, as well as the compliance with and respect of civil and political rights.-11-

In addition to the National Development Plan, Ecuador’s planning system has a number of additional tools that assist in fulfilling the obligations of the State, as far as human rights are concerned. Through the central and subnational governments. Among the most relevant are the “Sector Policy Agendas”, which reinforce policy guidelines in moving towards the inclusion of women, people with special needs, indigenous people and nationalities, children, elderly people and people in situations of mobility, among others.-12-

Despite all the advances in the insertion of human rights as a key component of public policies, Ecuador still has some way to go. In his address to the plenary of the International Coordinating Committee of NHRI in Geneva, in May 2013, the Defensor del Pueblo of Ecuador reviewed the role of NHRI in this regard, recommending, inter alia, that the States consider that: (i) human rights should be part of state planning, (ii) that planning should ensure a development regime that guarantees the good living of the people, (iii) that States should ensure that state officials responsible of the planning process assimilate the concept of human rights as relevant, turning it into concrete actions and making them useful in their daily work, and (iv) at the same time, defenders of human rights in its various forms should learn about the essential components of public policy (national dynamics, responsibilities, governance indicators, budgets, etc.) in order to be able to maintaining a constructive dialogue and speaking the same language with state planning levels.-13-

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-10- Good Living is an innovative development concept under which a State seeks to redefine human beings, both individually and collectively, becoming the center and ultimate goal of the development process and being provided with goods and services in order to satisfy their basic needs (including health, education, drinking water, social security, employment, decent housing and healthy environment, etc.). To this extent, the "Good Living" reflects a practical implementation of public policy designed essentially on a basis of the principles enunciated in the Universal Declaration of Human Rights and other instruments of matter.
-12- Id.
CONCEPT NOTE

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The Defensoría del Pueblo of Ecuador (DPE) shares the views and concerns about the inclusion of human rights in public policy expressed, among others, by the OHCHR and the UNDP, and considers that the issue requires further discussion at the level of NHRI.

On the occasion of the 27th ICC General Assembly, the DPE has proposed a discussion between NHRI interested in exchanging experiences regarding to this topic. Among others, the DPE considers essential to know and share:

· Expert’s vision on public policies for the fulfillment of economic, social and cultural rights;

· Criteria and positions about the validity of promoting the role of NHRI beyond simple monitoring, to give them a more proactive role in state planning as well as in the enforcement of public policy and design of human rights indicators, within the frame of its powers and responsibilities set out in the Paris Principles;

· Stories about the achievements and inaccuracies other NHRI have experienced in their respective contexts in relation to their participation in the design and implementation of public policies;

· Main obstacles encountered, solutions that have (or not) been applied, the degree of success of these solutions and lessons learned;

· The response given by governments and civil society, according to the sociocultural context of each of the regions and/or countries, to the proposed or actual intervention of NHRI in the design and implementation of public policy with a human rights-based approach;

· Recommendations to move forward, and thoughts on the potential applicability of the ‘Good Living’ as a vehicle for the insertion of human rights in the planning process and the implementation of public policy.