The 12th session of the Expert Mechanism on the Right to Development

Item 5 of the Provisional Agenda
Implementation of the Mandate and Programme of Work –
Focused Thematic Discussions and Interactive Dialogues
Palais des Nations, Room XVI, Geneva

Public participation: a tool for development

Tuesday 28 October 2025, 10:00 – 11:30

Transcript of statement by Mr. Ahmed Badr,
Danish Institute for Human Rights

Please check against delivery

Excellencies,
Distinguished Colleagues and Delegates,

Thank you so much for inviting me for this important panel and discussion. I'm here representing the Danish Institute for Human Rights, which has a dual mandate. So as an NHRI, it has the mandate to monitor the human rights situation inside Denmark, and also an international mandate when it comes to collaboration with other State actors, including NRHIs around the world, and also governmental actors that has a human rights mandate. And I would like to deliver some remarks around the topic of public participation when it comes to the right to development, specifically from the perspective of an NRHI, national human rights institution, and also generally when it comes to a national human rights system.

So, the public participation, let me first stress the fact that public participation, of course, is not decorative principle or just a technical add-on to the development planning. It is a human right and a structural pillar for the right to development because it determines whether the development process is genuinely rights based and people cantered or whether they remain top-down executives and disconnected from those who are affected by this.

In my remarks today, I would like to develop three main arguments. First, participation is a legal and substantive component to the right to development. Second, an effective participatory national human rights system is the architecture that provides this institutional system through which the rights of participation can be realized in practice. And third, that when participation is embedded and safeguarded through such system, it produces the tangible, inclusive, sustainable, tangible outcomes, development outcomes that we all look forward to. And I would like also to present some of the examples specifically from the partner countries that we collaborate with.

First when it comes to as a legal substantive right for participation. So, it's clear that the legal foundation for the right to participation is deeply rooted in the international human rights law. First, because of the Declaration of the Right to Development, which declared that the human person is the central subject of development and should be the active participant and beneficiary of the right to development. Of course, this language in the Declaration is not an aspirational language, but it reflects binding expectations or binding commitments on the State to guarantee active, free, and meaningful participation in all phases of the development process. Also, in Article 25 of the ICCPR, which enshrines that the right to take part in public affairs, also in Article 2, Paragraph 3, which requires it to provide effective remedies when such rights are violated. Also, participation is a central principle of the 2030 Agenda for Sustainable Development. All of these instruments make it very clear that participation is not matter of a goodwill or policy choice, but it is a legal commitment and illegal right, and more than that, it's a defining feature for the right to development itself, And participation

here gives substance to 3 core principles, empowerment by recognizing people as the active actors in shaping development, equality and non-indiscrimination, by ensuring that marginalized groups are heard, and lastly, self-determination by allowing communities to define their priorities and whole decision makers at country.

Now I'd like to delve into the role of the NHRI, the national human rights institution, and also the role of acting or being active in the national human rights system in general, because legal principles itself are not enough. And what turns this into reality is the institutional architecture that we're speaking about, which is the national human rights system, A well-functioning national human rights system typically brings together a set of interconnected actors. First, the national human rights institutions that I'm representing, one of them, which acts as an independent oversight body, receiving complaints, monitoring implementation of human rights recommendation, facilitating a dialogue between State and civil society. Also on another actor is the national mechanism for implementation, reporting, and follow up, famously being defined or abbreviated as NMIRF, which coordinate across ministries, ensuring that the human rights commitments are systematically followed up, implemented, and aligned with development priorities. We have also the line ministries and the local authorities which hold the formal power to shape the policies and allocate resources, and the civil society organization and communities which bring advocacy and pressure for accountability. All of these actors together are forming what's called the national human rights system, which we are hoping that these actors work in kind of an ecosystem together by having a good coordination mechanism.

When this system functions effectively and with participation at its core, it forms the bridge between these legal commitments and the lived realities, and it creates an enabling environment by embedding the participatory rights into laws, policies, consultation frameworks, and planning process. It ensures also timely and understandable information which is the foundation of meaningful participation. It can institutionalize participation throughout the policy cycle, from needs assessment to implementation, and monitoring and evaluation. And also, it provides oversight and remedies through the NHRI and other accountability bodies to ensure that participation is not symbolic but also consequential. NHRIs and other actors also use practical tools to support participation, such as consultation sessions, community workshops, capacity building programs, human rights training for local officials, and awareness campaigns to help individuals understand their rights and engage effectively. These tools have been crucial in turning formal spaces into meaningful participation. And also, another important element that, one of the main capacities of the NMIRFs, the national mechanism for implementation, reporting and follow up, which is different and naturalized, is the consultation capacity.

We have four capacities that define a good national mechanism. The first one is the engagement with international mechanism. Second is the coordination across the national system with other governmental and non-government actors, and information management. The fourth is the consultation capacity.

Let me quickly give some examples from our partners that have operationalized or effectively applied public participation in their work. So, we gave an example first on Morocco with the NHRI of Morocco, which is the CNDH—the Conseil National des Droits de l'Homme, which provide an example of how a national human rights institution can make participation a sustained practice rather than a one of event or an ad hoc kind of practice. The CNDH operates not only as a national human rights body or a national human rights institution, but it works through a network of 12 regional commissions that acts as a permanent platform for dialogue. These commissions bring together local authorities, civil society, communities to deliberate on development priorities, particularly in regions that are historically marked by economic disparities and social marginalization. This infrastructure, this participatory infrastructure, emerged from the country's transitional justice process, led by the Truth and Reconciliation Commission, which linked the preparations with local development and

marginalized region. As a result, the development interventions were designed through community consultation, ensuring that they addressed local grievances and needs. Also, the Morocco's NMIRF, the national mechanism for implementation, reporting, and follow up, has been engaged extensively with the NHRI and also the civil society, in kind of an ecosystem that we are talking about, that they have a good coordination between the three of them in a kind of a sustained consultation process.

Let me quickly jump to the second example, which is Mexico, which is also the Comisión Nacional de los Derechos Humanos of Mexico, and the NHRI in Mexico, which played a critical role in protecting the participatory rights in the context of development and extractive projects. This is more related to business and human rights. As an example, in the indigenous communities faced large scale wind energy developments with limited consultation. The NHRI at some point intervened as a neutral and credible intermediary between the companies or the private sector and the communities, and also the State actors or the ministries that's being involved. It ensured that the community consultation was organized, that the information was made available in indigenous languages, and that the communities had space to articulate their concerns and expectations and to be formally documented. The commission, the NHRI, issued public recommendations urging authorities to respect the principle of free, prior and informed consent, and to provide fair compensation where appropriate. These interventions led to the adjustment in the project design and stronger safeguards and greater community trust in the whole process.

Last example, which is very similar as well, is from Kenya. The Kenya NHRI, the National Commission on Human Rights, which also played a role in a similar project, also under the business and human rights, when large energy and road projects were planned in indigenous territories, the Commission facilitated a structured community consultation that ensured that the information was available in local language and documented community concerned. It issued also recommendations to emphasize the free, prior and informed consent, and fair compensation, and community engagement throughout the project lifecycle.

If we look at this example together, Morocco, Mexico, and Kenya, they differ, of course, greatly in the context. But the participation we can see as a common lesson is being structured, is being institutionalized and safeguarded. And of course, it leads at the end eventually to better development outcomes. And here is also focusing on the role of NHRI that played this kind of mediating role or convening also role between the different actors. We see that the policies here are more closely aligned with the real community needs. The projects that are being implemented, development projects face less resistance and also more implemented more smoothly. The resource allocation became more equitable and transparent. The trust between the State and society grows, and importantly, also the conflict is often prevented or mitigated because communities are not simply consulted at the margin, but they are involved in the whole process from the outset.

To conclude, an effective participatory national human rights system, therefore, is not only a guardian of rights, but also a driver of the right to development. It provides that channels through which the international human rights norms are translated into meaningful engagement on the ground. And I will end my statement here.

Thank you so much.

* * * * *