The ABC of Human Rights for Development Cooperation

Introduction

How can development cooperation promote human rights effectively across all sectors? How can we ensure that infrastructure measures deliver the greatest possible benefits for the population as a whole while avoiding unintended harm? These are the core questions addressed in this paper.

In 2011, the German Federal Ministry for Economic Cooperation and Development (BMZ) adopted a binding strategy paper entitled Human Rights in German Development Policy (PDF, 347 KB). The strategy establishes human rights as a guiding principle of development policy. It aims to help reduce poverty, combat inequality and promote sustainable development through more effective action to meet the human rights commitments of Germany and its partner countries.

The supraregional project Realising Human Rights in Development Cooperation was set up to advise and support BMZ in this key area. The project is run by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) in close collaboration with the German Institute for Human Rights (DIMR).

This paper is one of a series of tools designed to help development cooperation actors put the human rights-based approach into practice. A full list of resources can be found at the end of the document.

The paper is divided into six sections:

Contents

1. The human rights-based approach in German development cooperation

The human rights-based approach can help projects to assess and avoid potential risks and to exert a stronger positive impact in the field of human rights. To this end, in 2013 BMZ issued a set of Guidelines on Incorporating Human Rights Standards and Principles, including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation (PDF, 346 KB, not barrier-free).

The human rights-based approach also includes taking action to:

1) strengthen both rights-holders (i.e. the population) and duty bearers (i.e. government agencies) in their respective roles;

2) make projects more effective and sustainable by applying and promoting the human rights principles of participation and empowerment, non-discrimination and equality of opportunity, transparency and accountability;

3) improve the protection of human rights in partner countries through the use of appropriate human rights instruments.

The dual strategy adopted by BMZ involves i) mainstreaming the human rights-based approach as a cross-cutting theme in all the sectors and priority areas of development cooperation and ii) implementing German development policy in ways that support particular human rights projects in partner countries, e.g. to strengthen regional human rights systems or national human rights institutions.

2. Core international human rights treaties

Today's international system of human rights protection is based on a series of UN human rights treaties. These are complemented by regional treaties, for example in Europe, Africa, the Arab League states and the Americas. States are not legally bound by human rights treaties until they have ratified them. Most international human rights treaties have been ratified by a large number of member states.

The nine core UN human rights treaties (all in PDF) **and the number of states parties**

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965	179
International Covenant on Civil and Political Rights (ICCPR) 1966	172
International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966	169
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979	189
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984	165
Convention on the Rights of the Child (CRC) 1989	196
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) 1990	54
Convention on the Rights of Persons with Disabilities (CRPD) 2006	177
International Convention for the Protection of All Persons from Enforced Disappearance (CED) 2006	59

As at: April 2019

In addition, many states have ratified 'optional protocols' that supplement the treaties.

Optional protocols frequently establish **individual rights of complaint**, e. g. the First Optional Protocol to the International Covenant on Civil and Political Rights (1966, PDF, 42 KB), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999, PDF, 47 KB), the Optional Protocol to the Convention on the Rights of Persons with Disabilities (2008, PDF, 47 KB), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008, PDF, 545 KB, not barrier-free) and the Third Optional Protocol to the Convention on the Rights of the Child (2011, PDF, 65 KB, not barrier-free).

Other optional protocols guarantee **additional rights** beyond those stipulated in the various conventions. For example, signatories to the Second Optional Protocol to the Covenant on Civil and Political Rights (1989, PDF, 33 KB) undertake to abolish the death penalty. The first two optional protocols (2002) to the Convention on the Rights of the Child deal with the rights of children in armed conflict (PDF, 51 KB) and the prohibition of the sale of children, child prostitution and child pornography (PDF, 59 KB).

The Optional Protocol to the Convention against Torture (2002, PDF, 70 KB) establishes a national prevention mechanism. Sometimes, mechanisms such as this are included in the actual human rights treaties. For instance, Article 33 of the Convention on the Rights of Persons with Disabilities stipulates that states parties must set up an independent national monitoring mechanism.

National Human Rights Institutions

In many countries National Human Rights Institutions (NHRIs) (2018, PDF, 490 KB) act as prevention or monitoring mechanisms. In Germany, for example, the independent national monitoring bodies for the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child are based at the German Institute for Human Rights (DIMR). NHRIs also advise on and monitor government policy to ensure compliance with human rights commitments. In this way, they make an important contribution to the monitoring of government policies and the prevention of human rights violations at national level. They also serve as a bridge between the national, regional and international levels of human rights protection and, in most countries, deal with human rights complaints lodged by individuals.

Interpretation of human rights treaties

The rights enshrined in human rights treaties are set out in general terms. They need to be interpreted in such a way that they can be applied in different policy contexts. The human rights treaties are interpreted by UN treaty bodies. These 'expert committees' are made up of independent international specialists. As part of their remit, the committees monitor the progress made by states parties towards implementing the treaties. They do so by analysing the reports produced by individual states. On this basis, they then issue recommendations (known as concluding observations) for more effective implementation. In some cases, they also make decisions on complaints brought by individuals. In addition, the treaty bodies can address issues of particular importance in the form of general comments. These are used to clarify national human rights obligations and provide authoritative interpretations of specific human rights and treaties.

With regard to development cooperation, recent examples include: General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities issued by the Committee on Economic, Social and Cultural Rights; and General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change (2018) issued by the Committee on the Elimination of Discrimination against Women.

Relevance for development cooperation

Human rights are set out in a common **reference framework of standards and laws**. By ratifying human rights treaties, Germany and its partner countries assume certain legally binding obligations which should then play a major role in their policy strategies and priorities. This also applies to development policy. In cases where a partner country has yet to ratify a core human rights treaty or optional protocol, Germany should use its political dialogue with that country as an opportunity to encourage ratification. Political dialogue is also a means to address shortcomings in the implementation of human rights standards based on the recommendations issued by UN treaty bodies, and to discuss support for reform priorities.

When drawing up programme proposals, official implementing organisations must assess any relevant human rights impacts in advance for all projects. Such assessments can also draw on the country-specific recommendations of the UN treaty bodies. As part of this process, official implementing organisations should analyse all potential human rights risks from the development measure in question as early as possible and consider how those risks can be avoided. They should also assess whether, and if so how, the measure can make a lasting contribution towards the implementation of human rights standards and principles. To this end, BMZ has introduced a binding set of **guidelines** (PDF, 346 KB, not barrier-free). Furthermore, the sustainability guidelines adopted by Germany's two main implementing organisations, **KfW** Entwicklungsbank (2016, PDF, 317 KB) and **GIZ** (2017, PDF, 195 KB) stipulate that each project must undergo a systematic risk assessment that includes the issue of human rights.

The general comments issued by UN treaty bodies are a useful aid when elaborating sector strategies and other strategy papers. BMZ refers to human rights in many of its sector strategy papers, including those on health (2019, PDF, 220 KB), social protection (2017, PDF, 750 KB), water (2017, PDF, 325 KB), trade (2017, PDF, 590 KB) and education (2015, PDF, 315 KB). In this context, it is worth mentioning the BMZ position paper entitled Religious communities as partners for development cooperation (2016, PDF, 5.9 MB) as it makes frequent reference to human rights. Human rights are also a key issue in various regional position papers on cooperation with Africa (2014, PDF, 1,2 MB), Asia (2015, PDF, 2 MB), Latin America (2015, PDF, 207 KB) and with Brazil, China, India, Indonesia, Mexico and South Africa as global development partners (2015, PDF, 550 KB).

Resources

– The core UN human rights treaties
– OHCHR Interactive dashboard on the status of ratification
– UN treaty body database: general comments, concluding observations and other documents. Searchable by state and treaty (recommended for those with existing knowledge of human rights issues)

3. Procedures for reporting on the implementation of human rights treaties

Once a state party has ratified a human rights treaty, it is obliged to report regularly to the corresponding UN treaty body.

All such reports are drawn up by government ministries. They often seek to put a gloss on the country's human rights situation and the measures taken by the government. It is therefore important that NHRIs and civil society organisations submit 'parallel' reports which provide the relevant UN treaty bodies with alternative points of view. The treaty body in question will often draw on parallel reports to comment on the official state report and issue concluding observations. These are used to identify the progress made by the reporting state as well as any shortcomings. The treaty body may also recommend legal and practical steps to improve compliance with the human rights enshrined in the relevant convention.

Relevance for development cooperation

Development policy actors can use these reports as a **source of information** on the human rights situation in a partner country. In particular, they can refer to the country-specific concluding observations in the political dialogue, in regional and country strategies and when designing specific programmes. Development cooperation actors can also help partner countries to prepare national human rights action plans with a view to implementing either the concluding observations or the recommendations issued following a universal periodic review (UPR) before the UN Human Rights Council. In Uganda, for example, GIZ was commissioned by BMZ to advise on the drafting of a national human rights action plan. In Burundi, Senegal and Mozambique, this advisory role was performed by OHCHR (OHCHR Report 2016, OHCHR in the field: Africa, p. 162, p. 170, p. 189, PDF, 1.9 MB, not barrier-free).

As we have seen, development cooperation actors can support the efforts of partner countries to **fulfil their human rights obligations**. The systematic alignment of German development policy with human rights treaties that have been ratified by partner countries encourages ownership by those countries and furthers donor harmonisation. The Principles for Effective Development Cooperation advocated by the multi-donor Global Partnership for Effective Development Cooperation are based on a shared commitment to human rights.

Selected partner country reports to UN treaty bodies, 2017–2020 (February 2019)
(February 2019)

Human Rights Committee (CCPR)

Colombia, Bangladesh, Serbia, Morocco (Mar 2017)
Honduras, Mongolia, Pakistan (Jul 2017)
DR Congo (Oct–Nov 2017)
Laos (Jul 2018), Niger, Vietnam (Mar 2019)
Tajikistan, Mauritania (Jul 2019)
Mexico (Okt–Nov 2019)

Committee on Economic, Social and Cultural Rights (CESCR)

Pakistan (May–Jun 2017)
Colombia, Mexico (Sep–Oct 2017)
Niger, Mexico, Bangladesh (Mar 2018)
Mali, South Africa (Sep–Oct 2018)
Cameroon (Feb–Mar 2019)
Benin, Ecuador (Sep–Oct 2019)

Committee on the Elimination of Discrimination against Women (CEDAW)

Rwanda, Ukraine (Feb–Mar 2017)
Niger (Jul 2017)
Burkina Faso, Kenya (Oct–Nov 2017)
Mexico, Palestinian territories (Jul 2018)
Nepal, Tajikistan, Laos (Oct–Nov 2018)
Ethiopia, Colombia, Serbia (Feb–Mar 2019)
DR Congo, Mosambique (Jul 2019)
Pakistan (Oct–Nov 2019)

Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW)

Bangladesh (Apr 2017)
Mosambique (Sep 2018)
Albania, Tajikistan (Apr 2019)
Colombia (Sep 2019)

Committee on the Rights of the Child (CRC)

DR Congo, Malawi, Serbia (Jan 2017)
Cameroon, Mongolia (May–Jun 2017)
Ecuador, Tajikistan (Sep 2017)
Guatemala (Jan–Feb 2018)
Laos, Niger (Sep–Oct 2018)
Mosambique (Sep 2019)
Rwanda, Palestinian territories (Jan 2020)
Afghanistan, Cambodia (May 2020)

Committee on the Rights of Persons with Disabilities (CRPD)

Honduras (Mar–Apr 2017)
Morocco (Aug–Sep 2017)
Nepal (Feb–Mar 2018)
South Africa (Aug–Sep 2018)
Niger, Rwanda (Mar–Apr 2019)
Albania (Aug–Sep 2019)

Committee on the Elimination of Racial Discrimination (CERD)

Kenya (Apr–May 2017)
Ecuador, Tajikistan (Jul–Aug 2017)
Serbia (Nov–Dec 2017)
Peru, Nepal, Kyrgyzstan, Mauretania (Apr–May 2018)
Honduras, Albania (Nov–Dec 2018)
Guatemala (Apr–May 2019)
Mexico, Palestinian territories (Aug 2019)
Colombia, Mongolia, Uzbekistan (Nov–Dec 2019)

Resources

– Search engine for countries and themes. The results include concluding observations, recommendations from the universal periodic review process and the SDGs.

4. UN Human Rights Council, special mandates and the Universal Periodic Review (UPR) process

In 2006, the UN member states established the **UN Human Rights Council**. The role of the Council is to further develop, implement and monitor human rights standards. This includes discussing and adopting resolutions on the human rights situation in particular countries or on specific human rights issues such as safe drinking water and sanitation (2018, docx, 56.5 KB) and the elimination of all forms of discrimination against women and girls (2018, docx, 62 KB, not barrier-free).

The 47 member states of the Human Rights Council are elected by the UN General Assembly. Germany was a member from 2013 to 2018 and has applied for renewed membership in 2020.

The Human Rights Council can use **special procedures** to issue mandates to investigate particular situations in a given country or individual issues. The persons mandated to conduct such investigations are known as special rapporteurs, special representatives or independent experts. Some mandates are assigned to working groups. There are currently 12 country mandates and 44 thematic mandates. All reports are based on comprehensive fact-finding, including country missions. Mandate holders also produce annual reports that contain up-to-date information on human rights issues and developments, as well as specific recommendations to the UN Human Rights Council and the UN General Assembly.

The work of two special rapporteurs in particular has had a major and lasting impact on the global debate about development policy and instruments: the UN Guiding Principles on Business and Human Rights (2011, PDF, 1.1 MB) and the Basic Principles and Guidelines on Development-Based Evictions and Displacement (2007, Annex 1, PDF, 131 KB, not barrier-free).

Some of the tools developed by other special rapporteurs are particularly useful in the field of development cooperation. A handbook published by the then special rapporteur on the human right to safe drinking water and sanitation contains examples of good practice and checklists covering areas such as financing, services and monitoring. These can be of great practical use when implementing development cooperation projects in the water sector. The 2017 report of the current special rapporteur highlights more effective ways in which development cooperation actors can ensure access to safe drinking water and sanitation.

In 2018, the Special Rapporteur on human rights and the environment published a report clarifying human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. The report examines how environmental damage can prevent children from enjoying their human rights and highlights the duty of states to protect children against such damage.

The report of the Special Rapporteur on the rights of indigenous peoples (2018) deals with attacks on and the criminalisation of indigenous human rights defenders, and recommends a series of preventive and protective measures. As such, it links to the numerous reports of the Special Rapporteur on the situation of human rights defenders, who has reported continuously on the growing threat to this group.

Since 2008, all states with either member or observer status at the UN have been subject to a regular peer assessment of the human rights situation in their respective countries under the **Universal Periodic Review (UPR)** process. To date, most states have undergone three such reviews.

The UPR mechanism is based on a state report, a compilation of information contained in the reports of UN treaty bodies and special procedures, and a summary of the reports submitted by NHRIs, civil society organisations and other stakeholders. All reports cover the human rights situation in a particular country. In a dialogue broadcast live online, the state under review responds to questions and recommendations by other UN member states and has the opportunity to accept or reject those recommendations. The recommendations and the state's response are compiled in an outcome document. The following review round will generally identify which recommendations have been implemented or not implemented so that the recommendations can be followed up.

Relevance for development cooperation

The various reports produced during the UPR process are useful tools for development cooperation. Firstly, they are relatively concise and provide an overview of the human rights situation in a specific country from different perspectives. Secondly, the recommendations accepted (or rejected) by the country in question can be raised in the political dialogue. Thirdly, development cooperation is well placed to support a country's active engagement with the UPR process, for example by advising on effective multi-stakeholder consultation platforms and on the involvement of civil society organisations. Fourthly, development cooperation actors can advise partner countries on follow-up mechanisms to implement those UPR recommendations which they have accepted. In Zambia, for example, GIZ's Civil Society Participation Programme helped various civil society organisations to produce their own report for submission to the UPR process (2014, PDF, 305 KB).

Resources

– Special Rapporteurs: thematic mandates
– Special Rapporteurs: country mandates
– Universal Periodic Review, by country: UPR.info

5. Human rights and the SDGs

In 2015, the UN member states adopted the 2030 Agenda and its Sustainable Development Goals. The SDGs are based on human rights principles and standards. In fact, 90 % of the specific targets are linked to the human rights treaties. The SDGs apply to all countries and are closely interlinked. The overarching principle of the 2030 Agenda is to 'leave no one behind'. As such, the SDGs seek to reduce discrimination and inequality and to 'reach the furthest behind first'. In a formal statement, the Committee on Economic, Social and Cultural Rights (2019, doc, 55.9 KB, not barrier-free) makes clear that this will require a human rights-based approach to the SDGs. The 2030 Agenda stipulates that the SDGs should be implemented 'in a manner consistent with the human rights obligations of each State'. Accordingly, nearly all the SDGs and their indicators make reference to human rights standards such as the availability, accessibility, affordability and quality of public services. For example, SDG 6 is about ensuring access to safe and affordable drinking water for all, while SDG 16 aims to strengthen accountable institutions.

Relevance for development cooperation

When it comes to implementing, financing and reviewing progress towards the SDGs using methods compatible with the human rights-based approach, German development cooperation supports partner countries in a number of areas. This includes helping to:

- draft human rights-based development strategies and indicators for the SDGs and their respective targets (e. g. by advising the National Planning Authority in Uganda);

- align project objectives and indicators with human rights, SDG indicators and the principles of the 2030 Agenda, e. g. by improving the quality and accessibility of social services for disadvantaged groups in the Western Balkans, or promoting the effective participation of disadvantaged groups in the Palestinian territories in line with the 2030 Agenda principle of leaving no one behind;

- develop the statistical capacity of local actors for disaggregating and analysing data so that they can highlight progress and set-backs for particularly marginalised groups and on this basis draw up strategies to reach the furthest behind first;

- establish or expand participatory national SDG review mechanisms (e. g. the Danish NHRI is a member of Partners for Review, a multi-stakeholder network that German development cooperation works with to promote a transnational dialogue between actors from the realms of government, civil society, the private sector and the academic community on national review processes linked to implementation of the 2030 Agenda);

- focus on disadvantaged persons and groups when allocating SDG funding (e. g. German development cooperation supports the national review and monitoring process in Guatemala by analysing the impact of the government's budget plans on disadvantaged persons and groups).

Resources

- Human Rights Guide to the SDGs and SDG – Human Rights Data Explorer
- UN (2019): Leaving No One Behind: A UNSDG Operational Guide for UN Country Teams (interim draft)
- OHCHR (2018): A Human rights-based approach to data – leaving no one behind in the 2030 Agenda for Sustainable Development (PDF, 292 KB, not barrier-free)

6. Additional resources on human rights in development cooperation

- DIMR: Self-Paced E-Learning Course 'Human Rights in Development Cooperation' (2019)

- DIMR/GIZ: A compilation of promising practices applying the human rights-based approach in official German development cooperation

Other tools in this series:

- ABC of Human Rights for Development Cooperation: The African Human Rights System (2015, PDF, 288 KB)

- ABC of Human Rights for Development Cooperation: The Arab Human Rights System (2017, PDF, 289 KB)

- ABC of Human Rights for Development Cooperation: Human Rights in Asia (2017, PDF, 1.44 MB)

- ABC of Human Rights for Development Cooperation: The Inter-American Human Rights System (2014, PDF, 325 KB)

- Sex, gender and sexuality – Human rights issues in development cooperation (2019, PDF, 389 KB)

- Das Menschenrecht auf Meinungsfreiheit und Zugang zu Information in der Entwicklungszusammenarbeit (2014, German, PDF, 200 KB)

BMZ policy papers on related topics:

- Action Plan for the Inclusion of Persons with Disabilities (2013–2015) (2013, PDF, 2 MB)

- Gender Equality in German Development Policy (2014, PDF, 1.3 MB)

- Agents of Change – Children and youth rights in German development cooperation activities (2017, PDF, 666 KB)