

# The ABC of Human Rights for Development Cooperation

(Update August 2011)

## Introduction

In May 2011, the German Ministry for Economic Cooperation and Development (BMZ) issued its new strategy on [Human Rights in German Development Cooperation](#). The strategy replaces the Development Policy Action Plans for Human Rights, from 2004 and 2008 respectively. In order to tailor German development cooperation more systematically to the realization of political, civil, economic, social, and cultural rights, the new strategy pursues a dual approach: Human rights will be mainstreamed into cooperation programmes in all sectors; in addition, German Development Cooperation will support human rights projects in partner countries.

Since June 2005, the sector project "[Realising human rights in development cooperation](#)" supports the BMZ in achieving this objective.

This e-info-tool provides essential material on international human rights, to motivate development practitioners to make more use of human rights as a reference framework for their work.

This e-info-tool consists of four parts and deals with

1. The core international human rights treaties and what they contain.
2. Human rights reporting and monitoring mechanisms.
3. UN Human Rights Council and UN special mechanisms.
4. Operationalization of human rights.

## 1. The core international human rights treaties and what they contain

United Nations human rights covenants and conventions are the basis of today's system of international human rights protection. Alongside these, there are also several regional human rights treaties in Europe, Africa and the Americas.

The UN human rights treaties are international and legally binding documents. They have been ratified by most UN member states. The UN human rights protection system is constantly undergoing further development, as illustrated by the adoption of the Convention on the Rights of Persons with Disabilities and the Convention for the Protection of All Persons from Enforced Disappearance by the UN General Assembly in December 2006. Conventions need to be ratified by a minimum number of states before they enter into force.

### The nine core UN human rights treaties (in chronological order) and the number of ratifying states

International Convention on the Elimination of All Forms of Racial Discrimination ( <a href="#">ICERD</a> )	<a href="#">174</a>
International Covenant on Civil and Political Rights ( <a href="#">ICCPR</a> )	<a href="#">167</a>
International Covenant on Economic, Social and Cultural Rights ( <a href="#">ICESCR</a> )	<a href="#">160</a>
Convention on the Elimination of All Forms of Discrimination against Women ( <a href="#">CEDAW</a> )	<a href="#">187</a>
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ( <a href="#">CAT</a> )	<a href="#">149</a>
Convention on the Rights of the Child ( <a href="#">CRC</a> )	<a href="#">193</a>
International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families ( <a href="#">CMW</a> )	<a href="#">45</a>
Convention on the Rights of Persons with Disabilities ( <a href="#">CPD</a> )	<a href="#">103</a>
International Convention for the Protection of All Persons from Enforced Disappearance ( <a href="#">CED</a> )	<a href="#">29</a>

In addition to the international treaties, many states have ratified so-called Optional Protocols, which complement the treaties. Optional Protocols may fulfil different functions.

Optional Protocols may establish a mechanism for individual complaints (as do the [First Optional Protocol to the Covenant on Civil and Political Rights](#), the [Optional Protocol to the convention on women's rights](#), the [Optional Protocol to the Convention on the Rights of Persons with Disabilities](#) and the [Optional Protocol for the Covenant on Economic, Social and Cultural Rights](#) of 2008). Up to this date, the latter protocol has been ratified by 3 states only: Ecuador, Mongolia and Spain. 10 ratifications are necessary for the protocol to enter into force. The UN-General Assembly is going to vote on the [Third Optional Protocol to the Convention on the Rights of the Child](#) by the end of 2011. The protocol will be open for ratification in the aftermath.

There are also Individual Complaint Mechanisms that are directly anchored in the corresponding convention, for example, in the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination.

Other Optional Protocols guarantee additional rights, as does the [Second Optional Protocol to the Covenant on Civil and Political Rights](#), which obliges member states to abolish the death penalty. Likewise, the first two Optional Protocols to the children's rights convention regulate the rights of [children in armed conflict](#) and the [prohibition of child trafficking, prostitution and pornography](#).

And finally the [Optional Protocol to the Convention against Torture](#) among other things establishes a national prevention mechanism, as does Article 33 of the Convention on the Rights of Persons with Disabilities.

In some countries National Human Rights Institutions (NHRIs) fulfil the functions of such prevention or monitoring mechanisms. Furthermore, NHRIs monitor government performance and advise them with respect to human rights policies. NHRIs thus make a prominent contribution to the prevention of human rights violations at the national level.

## Interpretation of human rights treaties

The rights enshrined in human rights conventions are set out in general terms. Important interpretations of specific rights are to be found in decisions on individual complaints, issued by the [treaty bodies](#), and in the General Comments they publish.

The treaty bodies are committees of independent experts whose tasks include monitoring the extent to which the treaties are implemented. Depending on the nature of their powers, they also take decisions on individual complaints. In doing so, the treaty bodies contribute to a concretisation of human rights standards. The treaty bodies summarise particularly important topics of general significance in the form of General Comments (not to be confused with the country-specific Concluding Observations explained in Section 2, which are comments on state reports). There are [General Comments](#) for all basic human rights treaties. By using concrete examples they clarify the content of human rights obligations, i.e. a state's obligations to respect, protect and fulfil human rights. They also illustrate the central human rights principles: participation and empowerment, non-discrimination and equality of opportunities, transparency and accountability.

## Relevance for development cooperation

By ratifying human rights treaties, Germany and its development partners assume certain legally binding obligations, which should provide the basis for their development strategies and priorities. If the partner country has not yet ratified fundamental treaties or Optional Protocols, for example, on individual complaints, political dialogue can be used as an instrument to urge ratification.

The ratifying countries commit themselves to the implementation of the treaties. In many cases this obligation applies with immediate effect, as in abstaining from torture and ending discrimination, for example, in access to education or health care. Other human rights obligations need to be realised progressively. Governments have to develop strategies and undertake measures to introduce a fair judicial system, for example, or a sufficient number of educational or health facilities.

The [new human rights strategy of the BMZ](#) specifies that the BMZ will regularly address the obligations a partner country has committed itself to by ratifying international human rights treaties, and will use the respective material from the UN human rights protection system. In addition, human rights standards and principles should be used as a reference framework for the analysis of development-policy challenges and for deciding which fields of action and strategies are to be given priority.

The General Comments concretise human rights standards and at the same time refer to the declarations and action plans issued by the respective world conferences on vital development issues, such as the conferences on education (Jomtien 1990, Dakar 2000), sustainability (Rio de Janeiro 1992) or population and development (Cairo 1994), General Comments can be of great value in the elaboration of sector concepts and priority area strategy papers and for designing programmes.

Likewise, the BMZ relies on the General Comments as a guideline for the human rights focus of its new sector concepts on [human rights](#), [health](#), [social security](#), [good governance](#) and [water](#).

## Resources

- [Status of ratification of human rights treaties, by treaty](#)
- [Status of ratification of human rights treaties, by country](#)
- Interactive [world map](#) from the Raoul Wallenberg Institute with ratification status (Java required)
- [Texts of all UN human rights conventions](#)
- [General Comments](#), by treaty

## 2. Human rights reporting and monitoring mechanisms

By ratifying human rights treaties, states are obliged to report regularly to the [treaty bodies](#). Unfortunately, many states report late or not at all.

Local or international non-governmental organisations (NGOs) often produce alternative reports to the state reports and also submit these to the relevant treaty bodies.

Reports by a state party are usually issued by line ministries. Accordingly, these reports

contain, more often than not, euphemistic assessments of the human rights situation in the respective country. The treaty bodies often draw upon the alternative reports to critically examine the state report and issue Concluding Observations or Concluding Comments. In these, the treaty bodies comment on progress and shortcomings, and recommend practical measures to be taken by the respective state party to improve implementation of the convention.

### Relevance for development cooperation

Development cooperation can draw upon human rights monitoring and reporting, and thus gain important information on the human rights situation as assessed by the governments and NGOs. Some donors (for example in [Nepal](#) and the [Maldives](#)) are already supporting both governmental and non-governmental partners in developing their capacity for producing state reports and alternative reports respectively.

Development cooperation can and should make use of the Concluding Observations, not only in political dialogue and when elaborating country strategies or strategy papers for priority areas but also when designing specific programmes. At the UN-level for example, some country strategies refer to the Concluding Observations issued by various treaty bodies. In Vietnam, for example, a joint [UN team working on HIV/AIDS](#) adopted a human rights-based approach to HIV/AIDS and based this inter alia on the Concluding Observations issued by the CEDAW-Committee.

Development cooperation can thus contribute a great deal to supporting partner countries in the implementation of their human rights obligations. This synergy between development cooperation and the country's particular human rights obligations also supports the ownership of partner countries and helps to further donor harmonisation. This is also expressed in the [Accra Agenda for Action from 2008 \(Article 13 c\)](#).

### Resources

- [State reports](#) and their [Concluding Observations](#), the [General Comments](#) and, if applicable, decisions on [individual complaints](#) by the various treaty bodies.

### International Covenant on Civil and Political Rights

[08-26/03/2010](#)

Mexico, Uzbekistan

[12-30/07/2010](#)

Cameroon, Colombia

[11-29/10/2010](#)

El Salvador, Jordan

[11/03-01/04/2011](#)

Ethiopia

[17/10-04/11/2011](#)

Côte d'Ivoire

[Upcoming:](#)

Angola, Armenia, Bosnia and Herzegovina, Dominican Republic, Guatemala, Kenya, Malawi, Mozambique, Paraguay, Philippines, Yemen

### International Covenant on Economic, Social and Cultural Rights

[03-21/05/2010](#)

Algeria, Afghanistan, Colombia

[01-19/11/2010](#)

Dominican Republic, Sri Lanka

[14/11-02/12/2011](#)

Cameroon

[Upcoming:](#) Albania, Azerbaijan, Bosnia and Herzegovina, Peru, Egypt, El Salvador, Ethiopia, Rwanda, Serbia, Uzbekistan

### International Convention on the Elimination of All Forms of Racial Discrimination

[15/02-12/03/2010](#)

Cambodia, Cameroon, Guatemala

[02-27/08/2010](#)

Bosnia and Herzegovina, El Salvador, Morocco, Uzbekistan

[04/02-11/03/2011](#)

Armenia, Bolivia, Cuba, Rwanda, Serbia, Yemen

[08/08-02/09/2011](#)

Albania, Georgia, Kenya, Paraguay, Ukraine

[Upcoming:](#)

Jordan, Laos, Mexico, Senegal, Vietnam

### **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

[26/04-14/05/2010](#)

Cameroon, Jordan, Syrian Arab Republic, Yemen

[01-19/11/2010](#)

Bosnia and Herzegovina, Cambodia, Ecuador, Ethiopia, Mongolia

[09-27/05/2011](#)

Ghana

[31/10-25/11/2011](#)

Madagascar, Morocco, Paraguay, Sri Lanka

**Upcoming:**

Albania, Armenia, Cuba, Mexico, Rwanda, Senegal, Tunisia, Tajikistan

### **Convention on the Rights of Persons with Disabilities**

[11-15/04/2011](#)

Tunisia

[19-23/09/2011](#)

Peru

**Upcoming:**

Azerbaijan, Costa Rica, El Salvador, Paraguay

### **Convention on the Rights of the Child & Optional Protocols**

[11-29/01/2010](#)

Burkina Faso, Cameroon, Ecuador, El Salvador, Mongolia, Paraguay, Tajikistan

[25/05-11/06/2010](#)

Colombia, Nigeria, Serbia, Tunisia

[13/09-01/10/2010](#)

Angola, Bosnia and Herzegovina, Burundi, Guatemala, Montenegro, Nicaragua, Sierra Leone, Sri Lanka, Sudan

[17/01-04/02/2011](#)

Afghanistan, Lao People's Democratic Republic, Mexico, Ukraine

[30/05-17/06/2011](#)

Egypt, Costa Rica, Cambodia, Cuba

[19/09-07/10/2011](#)

Syrian Arab Republic

**Upcoming:**

Albania, Algeria, Armenia, Azerbaijan, Bosnia and Herzegovina, Burkina Faso, DRC,

Indonesia, Kyrgyzstan, Liberia, Madagascar, Morocco, Namibia, Nepal, Paraguay, Philippines, Rwanda, Uzbekistan, Vietnam

### **Convention on the Elimination of All Forms of Discrimination against Women**

[18/01-05/02/2010](#)

Egypt, Malawi, Ukraine, Uzbekistan

[12-30/07/2010](#)

Albania

[04-22/10/2010](#)

Burkina Faso, Tunisia, Uganda

[17/01-04/02/2011](#)

Bangladesh, Kenya, Sri Lanka, South Africa

[11-29/07/2011](#)

Ethiopia, Costa Rica, Nepal, Zambia

[03-21/10/2011](#)

Côte d'Ivoire, Montenegro, Paraguay

**Upcoming:** Algeria, Brazil, Indonesia, Jordan, Mexico

### **International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families**

[26-30/04/2010](#)

Algeria

[22/11-03/12/2010](#)

Albania, Ecuador, Senegal, Mexico

[04-08/04/2011](#)

Mexico, Guatemala

[12-23/12/2011](#)

Guatemala, Paraguay, Tajikistan

### **3. UN Human Rights Council and UN special mechanisms**

Another important human rights organ is the [Human Rights Council](#), established on the basis of a UN General Assembly resolution in 2006. Its general mandate is to establish and implement human rights standards. This includes, for example, discussing and agreeing upon [draft resolutions](#) on the human rights situation in a particular country (country resolutions) or specific themes, e.g., [extreme poverty](#) or [access to safe drinking water](#). Furthermore, the Human Rights Council has so-called Special Procedures, among them the Special Rapporteurs. The Special

Procedures currently comprise 8 [country mandates](#) and 33 [thematic mandates](#). Special Rapporteurs base their reports on country missions. In addition, the annual reports by Special Rapporteurs contain specific recommendations on human rights for the Human Rights Council and the UN General Assembly. The Special Rapporteur on the right to water and sanitation, for example, issued an inspiring [report](#) in 2010 on non-state service providers and the related state obligations to protect human rights. The report contains implementable recommendations for cooperation in the water and sanitation sector. Additional reports issued by this Special rapporteur, which are relevant for development cooperation can be found among [Good Practices](#) on the homepage of the UN High Commissioner for Human Rights

The [member states of the Human Rights Council](#) are elected by the UN General Assembly. Germany has been a member of the Human Rights Council for three years (until 2009) and intends to reapply for membership in 2012. Before the election all candidates render a [voluntary pledge](#) in which they set out their core human rights goals and activities. Since 2008 all states with either member or observer status have started to subject themselves to a regular peer assessment under the [Universal Periodic Review Mechanism \(UPR\)](#). Up to today, [175 countries](#) have been reviewed.

### Relevance for development cooperation

Within the framework of the [UPR](#), State Parties, the [UN High Commissioner for Human Rights](#) as well as [civil society organisations](#) report on the progress of the implementation of human rights treaties and voluntary pledges, and on the human rights situation in the country in general. The UPR concludes with recommendations to the respective State Party. Development cooperation can draw upon these [reports](#), especially those of civil society organisations, for capacity development. The recommendations resulting from the UPR and the [voluntary pledges](#) given by the candidates before being voted onto the Human Rights Council can be used at the political level, for example, in government negotiations.

The regular thematic and country reports from Special Rapporteurs via country missions are a valuable source of information

for development practitioners with regard to the status of implementation of civil, political, economic, social and cultural human rights in individual countries. Their reports also reflect contemporary human rights debates and evolving standards, and can thus be a useful source when shaping programmes of development cooperation. For example, the country office of the UN High Commissioner for Human Rights in [Guatemala](#) advises the Guatemalan government on implementing the recommendations of the UN Special Rapporteur on the rights of indigenous peoples. Following a visit by the UN Special Rapporteur for internally displaced persons, UNDP supported the Turkish government in developing a [programme for internally displaced persons](#). This programme, too, is based on the [recommendations of the Special Rapporteur](#).

### Resources

- Voluntary pledges by the candidates for the UN Human Rights Council in [2009](#), [2010](#) and [2011](#)
- Universal Periodic Review: [reports](#), by country
- Special Rapporteurs: [thematic mandates](#)
- Special Rapporteurs: [country mandates](#)
- The [Universal Human Rights Index](#) facilitates access to the observations and recommendations from the treaty bodies and the Special Rapporteurs.

### 4. Operationalization of human rights

UN specialised agencies have made important contributions to the operationalization of human rights. The [FAO](#) developed the [Voluntary Guidelines on the Right to Food](#). The [WHO](#) – with support from GIZ (formerly [InWEnt](#)) – is systematically training its employees in integrating the right to health into [poverty reduction strategies](#).

In 2007, the then Special Rapporteur on adequate housing developed [Guidelines on development-based evictions and displacement](#). A recent focus of the FAO is land-grabbing; FAO has been negotiating [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests](#) since 2011.

Human rights indicators are another useful tool for operationalization. They incorporate a specific reference to human rights standards and principles and capture structures, results

and the quality of processes with a view to the protection and promotion of human rights. Such indicators are useful for mapping the human rights situation in a country, but also for project management. Advising the [Multidisciplinary HIV/AIDS Programme in Bangladesh](#), the GIZ sector project supported the programme in developing such human rights indicators. Among the indicators suggested for the quality of processes moving towards the implementation of human rights of HIV patients were:

- Public Health providers treat HIV-patients in a non-discriminatory manner like all other patients – to be measured by interviewing a sample of such patients in intervals of one year.
- Within selected neighbourhoods of vulnerable groups, local opinion leaders assist vulnerable groups in denouncing social discrimination – measured by interviewing samples of vulnerable groups in their living quarters.

A pertinent result indicator related to the increased use of STI (Sexual Transmitted Infection) and HIV/AIDS-related services by high risk and vulnerable groups.

Work on improved human rights indicators is currently in progress at several levels under the auspices of the United Nations.

The Office of the United Nations High Commissioner for Human Rights has developed a methodical approach for [quantitative human rights indicators](#). A research programme at the University of Mannheim in cooperation with FIAN has elaborated a [set of indicators](#) for the right to food. The indicators devised by individual Special Rapporteurs (see below) are also useful for development cooperation.

## Resources

- Information portal of the German Institute for Human Rights: "[Development policy and human rights](#)".
- Indicators for specific human rights are found in the reports by the Special Rapporteur on the right to health on [child survival](#) and [reproductive rights](#), the Special Rapporteur on [violence against women](#), and the reports by the Special Rapporteur on the [right to adequate housing](#) and the [right to safe drinking water and sanitation](#).
- "Promising Practices" of [German development cooperation programmes applying a HRBA](#).
- Applying a HRBA on different levels: Cooperation with the Human Rights system for [UN-organisations](#), experiences of UNESCO and UNDP in the [Asia-Pacific region](#).
- This publication by the Office of the High Commissioner for Human Rights employs a [Human Rights-based approach to the MDGs](#) and UNDP outlines the [added value of a HRBA for the MDGs](#).
- A study evaluates the [impact of human rights-based approaches](#) in British development cooperation in Bangladesh, Malawi and Peru.

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