

The ABC of Human Rights for German Development Cooperation

Introduction

How can development cooperation (DC) promote human rights effectively together with its partners? What does the human rights-based approach have in common with feminist development policy? How can it be ensured that DC activities leverage maximum benefit for the whole population without causing any unintentional damage? And, last but not least, how can realising human rights help to alleviate poverty, reduce inequality and discrimination, and bring about sustainable development within the meaning of the 2030 Agenda and the Sustainable Development Goals (SDGs)?

This publication provides information on and answers to frequently asked questions. It is one of a series of tools available to help DC practitioners integrate the human rights-based approach into their work.

For readers who are playing back this document via speech output, please note that unfortunately hardly any of the linked PDF documents are fully accessible and have therefore not been marked accordingly.

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Implemented by

1. The human rights-based approach in German DC

German DC projects are expected to deliver positive results for human rights and to assess and avoid risks to human rights. The German Federal Ministry for Economic Cooperation and Development (BMZ) made this a binding requirement in its **'Human Rights in German Development Policy' strategy paper** (no English version available) in 2011 and has reiterated it in its 'human rights, gender equality and inclusion' quality criterion. Implementation guidance is provided by BMZ's **Guidelines on Incorporating Human Rights Standards and Principles, including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation** (PDF, 346 KB).

The implementing organisations have devised corresponding audit systems, while the sustainability guidelines adopted by Germany's two main implementing organisations – **KfW Development Bank** and **GIZ** – require every project to undergo a systematic risk assessment that includes an audit of human rights aspects. Other donors follow similar procedures, such as UNDP with its **screening of social and environmental risks**.

The BMZ strategy paper defines the human rights-based approach as follows:

1. **Strengthening** rights holders (i.e. the population) and duty bearers (i.e. state agencies) in their respective roles;
2. **Promoting participation and empowerment, non-discrimination and equal opportunities, transparency and accountability** as core **principles of human rights** and thus making projects more effective and sustainable;
3. Cooperating with human rights institutions and utilising human rights instruments to ensure better protection for human rights in partner countries.

Ideally, therefore, all projects across all sectors will be pursuing the human rights-based approach. German DC also supports specific human rights projects in partner countries.

The human rights-based approach shares many of the same priorities as feminist development policy. It focuses on transforming social conditions marked by inequality and mutually reinforcing discrimination, whether this is based on gender, background, religion, social status, age, sexual orientation or other grounds. It is geared towards ensuring that all rights holders enjoy self-determination and equal participation in the development of a society. The human rights-based approach is fundamentally critical of power in that it is designed to protect the individual from violations engineered by the state and private actors. As human rights obligations have an impact in all policy areas, the human rights-based approach also requires coherence between the various fields of domestic and foreign policy.





2. The most important international human rights treaties

BMZ’s human rights work is founded on the UN’s human rights treaties, which are complemented by regional human rights agreements, for example in Europe, Africa, the Arab League states and the Americas. When countries ratify these agreements, they undertake to implement them. It is the lack of any coercion-based implementing mechanism for these treaties that makes the political dialogue on and about human rights so critical.

The nine core UN human rights treaties
(as at August 2022)

Treaty	Signatories
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) 1965	182
International Covenant on Civil and Political Rights (ICCPR) 1966	173
International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966	171
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	189
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984	173
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	57
Convention on the Rights of Persons with Disabilities (CRPD) 2006	185
International Convention for the Protection of All Persons from Enforced Disappearance (CED) 2006	68

The treaties are supplemented by ‘optional protocols’. Some enable those whose human rights have been violated to lodge a complaint with the competent UN committee. Others guarantee rights that go above and beyond the scope of the respective treaty; for instance, one of the three optional protocols to the CRC governs **the involvement of children in armed conflict**.

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. This is undertaken by the **UN treaty bodies**, committees made up of independent international experts. They flesh out the content of state obligations in **General Comments or Recommendations**. These General Comments constitute the authoritative interpretations of each human right.

One example relevant to DC is **General Comment No. 24 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. The website of the UN treaty bodies contains an **overview of the General Comments**.

Reporting procedure

Once a state 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 ministries in the state parties. In order to provide a more comprehensive picture of the human rights situation, human rights actors such as National Human Rights Institutions and civil society organisations compile parallel reports covering their assessments of the human rights situation and submit these to the UN treaty bodies. The treaty bodies then consult these parallel reports and prepare their Concluding Observations after engaging in dialogue with the state in question. These observations set out progress made as well as any shortcomings. The treaty body will also make practical recommendations on how the rights enshrined in the relevant treaty can be better upheld.

Relevance for German DC

By ratifying human rights treaties, Germany and its partner countries made binding commitments to implement them. These commitments can be discussed as part of policy dialogue, in every sense as a dialogue between equals. For this purpose, German DC can draw on the recommendations made by the UN treaty bodies or the Universal Periodic Review (UPR), can agree to support priorities for human rights reform in various sectors and, if possible, can address shortcomings in realising human rights as well as **corruption risks** (PDF, 755 KB). German DC can also make use of information from the parallel reports by civil society in the partner countries.

In addition, DC can help partner countries to formulate national plans, such as **national disability strategies and action plans**, **national action plans on business and human rights** and **plans for implementing UN Security Council Resolution 1325 on Women, Peace and Security**. Plans of this kind support efforts to realise specific human rights in all or specific policy areas. They can also serve as a basis for taking action on Concluding Observations or recommendations arising from the **Universal Periodic Review**.

Furthermore, the General Comments adopted by the UN treaty bodies can be useful in elaborating strategies for BMZ's core themes, which have been formulated since late 2020. Prior to this, they were incorporated in the so-called sector concepts.

Resources provided by the Office of the High Commissioner for Human Rights (OHCHR)

- The **most important UN human rights treaties**
- **World map of ratification status**
- **Universal Human Rights Index**: search engine providing quick navigation to Concluding Observations, their links to the SDGs and much more
- **UN Treaty Body Database**: General Comments, Concluding Observations and other documents. Searchable by state and treaty

3. Key human rights actors

When they ratify a human rights treaty, states undertake to implement it and to adopt corresponding legislation, policies and programmes. Legislatures, ministries and their subordinate authorities and institutions are therefore actors responsible for protecting human rights.

Civil society actors – both those of adults and of children and young people – play a wide variety of roles in terms of protecting human rights. They record human rights violations, apply human rights standards to new fields (e.g. human rights in the digital space) and make demands of human rights policy. As the annual **State of Civil Society Report** from CIVICUS shows, the freedom of civil society organisations to participate in policy-making or hold their government to account is hugely restricted in many countries. This means that new risk-sensitive instruments for supporting civil society organisations need to be developed for authoritarian contexts.





National Human Rights Institutions (NHRIs)

There are independent **National Human Rights Institutions** in 129 countries (2018, PDF, 490 KB), which are charged with promoting and protecting human rights. They perform the role of preventive, complaints or monitoring mechanisms in many countries. For instance, the German Institute for Human Rights hosts the **independent national monitoring bodies for the Convention on the Rights of Persons with Disabilities (CRPD)** (no English version available) and the **Convention on the Rights of the Child (CRC)**. 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. In addition, they bridge the gap between the national, regional and international levels of human rights protection, in which capacity they are also supported by their regional networks in **Africa, Asia, Europe** and **Latin America** as well as by the **Global Alliance of National Human Rights Institutions (GANHRI)**. Most non-European NHRIs also deal with human rights complaints made by individuals.

4. Other UN bodies and procedures: the UN Human Rights Council, special mandates and UPR

The United Nations has a large number of specialist institutions for individual policy areas, such as the World Health Organization (WHO) and the Food and Agriculture Organization (FAO). Some of the institutions and UN bodies that are engaged specifically in protecting human rights are introduced below.

UN Human Rights Council

The UN member states established the UN Human Rights Council in 2006. It serves as the member states' central global body for human rights policy and is tasked with further developing, implementing and monitoring human rights standards. For instance, the Human Rights Council votes on resolutions on the human rights situation in a certain country or on specific issues. The **47 member states of the Human Rights Council** are elected by the UN General Assembly. Germany will be a member until 2022.

Special Procedures

In **Special Procedures**, the Human Rights Council grants specific mandates for investigating the human rights situation in certain countries or topics relevant to human rights. The individual mandate holders are known as special rapporteurs, special representatives or independent experts. Some mandates are assigned to working groups. There were **13 country mandates** and **45 thematic mandates** as at the end of 2021. The annual reports by the mandate holders contain up-to-date information on human rights issues and developments as well as recommendations to the UN Human Rights Council and the UN General Assembly.

Universal Periodic Review

Since 2008, all UN member states have been subject to a regular peer assessment of the human rights situation in their respective countries under the Universal Periodic Review (UPR) process. Most states have already undergone three such reviews. The UPR mechanism is based on three reports: 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 on the human rights situation in a particular country. In a dialogue that is broadcast live online, the state under review responds to questions and recommendations by other UN member states and has the opportunity to accept or note those recommendations. The recommendations and the state's response are compiled in an **outcome report**. The following review round will examine which recommendations have been implemented and which have not.

Relevance for German DC

The results of the work conducted in two UN Special Procedures in particular have had a major and lasting impact on the global debate about development policy and instruments: **the UN Guiding Principles on Business and Human Rights of 2011** (PDF, 1080 KB) and **the Basic Principles and Guidelines on Development-Based Evictions and Displacement of 2007** (Annex 1, PDF, 80 KB).

Some of the other Special Procedures have also produced useful tools for DC. For example, the then **UN Special Rapporteur on the human right to safe drinking water and sanitation** published a **handbook** containing examples of good practice and checklists covering financing models, services and monitoring that can be of practical use to DC water projects. 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 proposes a series of preventive and protective measures. As such, it links up with the numerous reports produced under the **mandate for human rights defenders**, which provide ongoing documentation of the growing threat. The **Special Rapporteur on extreme poverty** is analysing the social protection measures that countries have adopted following the outbreak of the COVID-19 pandemic and demonstrates how these should be designed to ensure a human rights-based approach. In June 2022, the mandate for protection against violence and discrimination based on sexual orientation and gender identity presented a report detailing the **impact of criminalising and discriminating against LGBTIQ persons** (DOCX, 96.5 KB) in respect of their right to health and SDG 3.

The various reports produced under the UPR process are useful tools for DC. Firstly, the relatively brief reports on the respective countries provide an overview of the human rights situation from different perspectives. Secondly, the recommendations accepted (or noted) by the country in question can be raised in the policy dialogue – since they are worded in very general terms, however, they are not suitable for the sector dialogue. Thirdly, DC is well placed to support a partner country's active engagement with the UPR process, for instance by advising on effective multi-stakeholder consultation platforms and on the involvement of civil society organisations. Fourthly, DC practitioners can advise partner countries on follow-up mechanisms to implement those UPR recommendations that they have accepted. German DC has done this in Zambia, for example, where GIZ's Civil Society Participation Programme has helped various civil society organisations to **contribute to the UPR process with their own report** (2014, PDF, 305 KB).

Resources

- **UN thematic mandates**
- **UN country mandates**
- **Universal Periodic Review by country: UPR.info**



5. Human rights and the SDGs

The UN member states adopted the 2030 Agenda with its Sustainable Development Goals (SDGs) in 2015. The SDGs are based on human rights principles and standards: 90 per cent of the goals are firmly entrenched in the human rights treaties. They apply to all countries and are closely interlinked. The overarching principle of the 2030 Agenda – ‘leave no one behind’ – is all about reducing discrimination and inequality and ‘reaching the furthest behind first’. The 2030 Agenda requires all the SDGs to 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.

Relevance for German DC

German DC supports partner countries in a number of ways with implementing, financing and reviewing progress towards the SDGs in line with the human rights-based approach. This includes:

- devising human rights-based development strategies and indicators for the SDGs and their targets. To this end, German DC practitioners are advising the **National Planning Authority in Uganda**, among others;
- aligning project objectives and indicators with human rights, SDG indicators and principles of the 2030 Agenda. **German DC practitioners in the Western Balkans are supporting** quality improvements and access to social services for disadvantaged population groups, while **in Palestine** they are helping disadvantaged groups to participate effectively in society;
- focusing on disadvantaged individuals and groups in terms of financing efforts to achieve the SDGs. In **Guatemala**, German DC is supporting the national review and monitoring process by analysing how the government’s budget planning impacts on disadvantaged individuals and groups.

Resources

- **UN, SDG indicators website**
- **OHCHR, SDGs**
- Danish Institute for Human Rights, **Human Rights Guide to the SDGs** und **SDG – Human Rights Data Explorer**

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)

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Registered offices
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Friedrich-Ebert-Allee 32 + 36
53113 Bonn, Germany
T +49 228 44 60-0
F +49 228 44 60-17 66

E sv-menschenrechte@giz.de
I www.giz.de

Programme
Sector Programme on Human Rights

Responsible
Juliane Osterhaus, Bonn, Germany
juliane.osterhaus@giz.de

Layout
Agnes Weegen, Cologne, Germany

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