

BMZ



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# Human Rights in German Development Policy

Strategy



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## Summary

**Human rights are a guiding principle for German development policy. They play a key role in shaping** Germany's development policy **objectives, programmes and approaches** in cooperation with partner countries and at international level. Human rights are the **universal basis for a life in dignity, equality and freedom**. Every person is equally entitled to these fundamental rights, which safeguard "freedom from fear and want", as expressed in the Universal Declaration of Human Rights, adopted in 1948. But human rights also guarantee individual freedom of choice in respect of lifestyle, culture and religion, as well as participation in economic and social life. Human rights thus form the overarching framework for development policy that is aimed at the strategic promotion of the rights of women, young people, people with disabilities, indigenous peoples and other marginalised social groups. Only in this way can development policy make a contribution to sustainable development.

Germany and the majority of its development partners have ratified the international **human rights conventions** and have thus **recognised the implementation of these conventions as a legally binding obligation**. This also provides the binding frame of reference for Germany's development cooperation with partner countries.

The Strategy adopted by the Federal Ministry for Economic Cooperation and Development (BMZ) pursues a dual approach, based on the promotion of **specific human rights programmes as well as the mainstreaming of a human rights-based approach** in all sectors and priority areas of cooperation.

*"The Federal Government is committed to the universality of human rights, to the lawfulness of state action and to the rule of law in international relations, and regards human rights policy as a task for mainstreaming in all aspects of policy."*

(Source: The Federal Government's Action Plan on Human Rights, 2010 – 2012)

# 1. Introduction

## 1.1 PURPOSE OF THE STRATEGY

This cross-sectoral Strategy affirms the central role of human rights in German development policy and forms the basis for the implementation of the Federal Government's Action Plan on Human Rights, 2010 – 2012 in the field of development policy. It sets out the **development policy guidelines** established by the Federal Ministry for Economic Cooperation and Development (BMZ) for the formulation of Germany's official development assistance (ODA). The Strategy replaces the Development Policy Action Plans on Human Rights adopted in 2004 and 2008, and seeks to promote more systematic alignment of German development policy towards human rights, with the aim of providing effective support for partner countries' efforts to implement these rights.

The Strategy contains binding provisions for the formulation of German development policy, which are relevant to decision-making in this field. It applies to the development of regional strategy papers, country strategy papers and priority area strategy papers for bilateral development cooperation, and to the positioning of German development policy in the international debate and development of our contributions to multilateral cooperation and European development cooperation. It also provides guidance for decision-making in respect of the identification, appraisal, planning, implementation, management and evaluation of development programmes with human rights relevance. It is also relevant to relations with the general public in Germany and to liaison with the German Bundestag and with other federal government departments.

The Strategy contains binding requirements that the agencies tasked with implementing official development assistance (ODA) must adhere to. In addi-

tion, it serves as a frame of reference for the business activities undertaken by KfW Entwicklungsbank and its subsidiary DEG at their own risk, and for Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and its business area GIZ International Services. BMZ will **review compliance with the Strategy on a regular basis**. The Strategy also provides guidance for the work of civil society organisations (the churches, political foundations, private agencies, and agencies concerned with "social structure assistance") and the private sector.

## 1.2 DEFINITIONS AND BASES

**Human rights** are the **universal basis for a life in dignity, equality and freedom**. Every person is equally entitled to these fundamental rights, which safeguard freedom from fear and want. Human rights comprise civil, political, economic, social and cultural rights, and are universal, indivisible, interdependent and inalienable. Human rights are enshrined in the **Universal Declaration of Human Rights**, adopted on 10 December 1948, and are elaborated on a legally binding basis in a number of international and regional conventions and treaties. There are two main human rights covenants: the **International Covenant on Civil and Political Rights** (ICCPR, 1966) and the **International Covenant on Economic, Social and Cultural Rights** (ICESCR, 1966). These are supplemented by a number of other conventions which deal with specific human rights or the human rights of specific groups of persons who are particularly affected by discrimination or other human rights abuses (see Summary below).

## A BRIEF SUMMARY OF THE CORE HUMAN RIGHTS CONVENTIONS

### Main covenants

- International Covenant on Civil and Political Rights (ICCPR, 1966)
- International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)

### Elaboration and systematisation of individual human rights

- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006)

### Elaboration of human rights of groups particularly affected by discrimination

- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) (not ratified by Germany)
- Convention on the Rights of Persons with Disabilities (2006)

In addition, the core labour standards defined by the International Labour Organization (ILO) are of relevance to human rights. There are also other important international human rights conventions and reference documents, as well as regional human rights treaties (see Annex).

Human rights impose obligations on states not only within their own territory but also in relation to their actions in international organisations and in other countries. An intense debate is currently under way in the field of international law about the type and extent of states' **extraterritorial obligations** in relation to human rights implementation. The United Nations Convention on the Rights of Persons with Disabilities (Article 32) is the first human rights convention to refer explicitly to the role of international cooperation in the realisation of the purpose and objectives of human rights and to state that measures in this regard are a task for development policy.

Germany and the majority of its development partners have ratified the international human rights conventions and have thus accepted the implementation of these conventions at the national level as a legally binding obligation.

Human rights primarily regulate the **relationship between the state** and its institutions (**"duty-bearers"**) and the state's populace (**"rights-holders"**). They require duty-bearers to establish appropriate conditions for people to exercise their rights. Thus the objective of human rights is not the provision of total care to passive recipients at no cost, but to promote the free development of individuals as legal subjects with equal rights.

Human rights impose an obligation on the institutions of the state – national governments and their authorities, including the military and police, the local authorities, parliaments and the judiciary – to comply with specific procedures and provide certain services. This includes creating the legal and

practical conditions for fair judicial proceedings just as much as it includes sustainable and universal access to a water supply and sanitation, for example. Bodies such as private companies or banks whose activities influence the enjoyment of human rights also have a responsibility to uphold human rights, although this responsibility does not derive directly from the human rights treaties.

Under the human rights treaties, states undertake a threefold obligation to **respect, protect and fulfil** human rights. The way in which states meet their human rights obligations is a matter for their national policy. However, all the human rights entail core obligations which limit the amount of political and decision-making scope available to states. The Human Rights Treaty Bodies established by the United Nations publish General Comments setting out their interpretation of the content of individual human rights provisions and outlining states' ensuing obligations, which effectively constitute recommendations for states' national policies.

The Treaty Bodies have also elaborated **human rights principles** with which states should comply when fulfilling their obligations:

- Implementation must not take place in a manner which denies people autonomy or results in the de facto exclusion of certain social groups (**non-discrimination and equality of opportunity**).
- Every person should be empowered to articulate their interests freely and effectively in the political sphere and have the chance to participate in the relevant political and economic processes; this applies especially to those groups which lack capacities of their own to demand or assert their human rights (**participation und empowerment**).
- To that end, state action must be transparent and accountable (**transparency and accountability**).

## RESPECT, PROTECTION AND FULFILMENT OF HUMAN RIGHTS

Obligation	Definition	Examples of non-fulfilment
<b>Respect</b>	The state and its institutions must not violate human rights.	Exclusion of certain social groups (e.g. women and girls) from access to education
<b>Protection</b>	The state should take action to prevent third parties (e.g. private-sector companies) from curtailing human rights directly or indirectly.	Failure to monitor environmental pollution caused by private companies
<b>Fulfilment</b>	The state should adopt appropriate and targeted measures aimed at the full realisation of human rights.	Access to justice or health services is only available for high-income groups in urban areas.

## 2. The importance of human rights in German development policy

German development policy aims to contribute to poverty reduction and sustainable development by improving the implementation of the human rights obligations undertaken by Germany and the developing countries. To that end, German development policy provides country-specific support with a view to building the capacities of state institutions to recognise and implement their human rights obligations while also empowering civil society to assert and monitor human rights. In places where it is not possible to engage in constructive cooperation with state duty-bearers, development policy pursues its objectives primarily through strategic cooperation with human rights organisations and the protection of human rights defenders. Human rights **conditionality** is then applied to official development assistance (ODA) if state actors in partner countries perpetrate major and systematic human rights abuses.

### 2.1 THE HUMAN RIGHTS-BASED APPROACH IN GERMAN DEVELOPMENT POLICY

In development policy, the systematic integration of human rights obligations, standards, interpretations and principles is known as the **human rights-based approach**. This approach entails a shift of perspective in the strategic focus of cooperation: **partner states' institutions are now duty-bearers**, who must be enabled to fulfil their human rights obligations, while erstwhile “target groups” and “people in need” become **rights-holders**, who must be empowered to claim their rights effectively. The human rights-based approach **puts the focus on the structural causes of poverty and social exclusion**. It helps to make power relations within society more equitable, and contributes to sustainable poverty reduction.

The funding area includes all measures which contribute to the implementation of the rights enshrined in the human rights treaties. This includes the provision of support for state institutions as duty-bearers and the empowerment of rights-holders and civil society at local and regional level. It also includes contributions to institutional capacity-building and awareness-raising. Efforts to establish a coherent development-oriented and human rights-based approach in the international context are also promoted. Besides measures adopted in relation to human rights as a separate area of action, this funding area also covers a wide range of activities in all the other development policy sectors of relevance to respect, protection and fulfilment of human rights.

The human rights-based approach is already embedded in numerous BMZ sector strategies, such as those relating to the water sector, health, social security and the social and ecological market economy. The present Strategy supplements the following cross-sectoral strategies: “Promotion of Good Governance in German Development Policy” (2009), “Development-Oriented Transformation in Conditions of Fragile Statehood and Poor Government Performance” (2007) and “Crisis Prevention, Conflict Transformation and Peace-Building in German Development Cooperation” (2005) as well as the poverty reduction strategy, now in preparation, entitled “Creating Opportunities, Reducing Poverty!” and the new strategy paper entitled “Ten Objectives for Education: BMZ Education Strategy 2010-2013”. There is also close linkage with the strategy on “Development Cooperation with Indigenous Peoples in Latin America and the Caribbean” (2006). For the practical implementation of the rights of individual rights-holders such as young people, indigenous peoples and persons with disabilities, guidelines will be produced to supplement the present Strategy.

## 2.2 HUMAN RIGHTS AND THE GUIDING VISION OF SUSTAINABLE DEVELOPMENT

German development policy is geared towards the aim of global sustainable development, which is concerned with safeguarding the development opportunities of the present generation without curtailing those of future generations. The establishment of decent and sustainable conditions of life in partner countries will make a major contribution towards securing the future of our world. Respect, protection and fulfilment of human rights are key characteristics of **good governance** and are therefore important prerequisites for effective poverty reduction, sustainable development and peace. Conversely, the curtailment and violation of human rights impede development. Human rights are an instrument of development policy, and their realisation is one of its goals.

The human rights situation in many countries clearly demonstrates that for many people, freedom from fear and want is far from being a reality. Every day, people's rights are being severely curtailed or violated as a result of repressive measures by governments, war and conflict, or misguided economic and social policies. Although most developing and emerging countries have ratified the human rights conventions, the **practical implementation of human rights obligations** still poses a **major challenge** for countries and the international community as a whole.

**The causes of human rights violations** in developing countries can be found at various levels and have their roots within society and in the international context. In terms of development policy, the following are of particular relevance:

- **Governance deficits**, whether at national, regional or local level, lead to poor performance in relation to states' fulfilment of their human rights obligations. At political level, governance deficits may be caused by factors such as inadequate democratic structures, armed conflicts, limited opportunities for political participation, a lack of accountability or control mechanisms, corruption, or deficits in relation to freedom of speech or freedom of association. Weak state institutions and/or a lack of development orientation are often the cause of poor performance in implementing economic, social and cultural rights or of shortfalls in the regulation or oversight of economic actors.
- **Discrimination** against individuals and groups begins in the immediate family or local community, but in many countries it is also institutionalised and prevents people from participating in society on the basis of equality. In many countries, this affects people living in poverty as well as ethnic or religious minorities, for example. Social norms, traditions or practices are often invoked in an effort to justify discrimination, particularly against women and girls, but also against many other social groups. Some social groups are affected by multiple forms of discrimination; women with disabilities are one example.
- **Global developments** often curtail respect, protection and fulfilment of human rights. The situation is exacerbated by new challenges: armed conflicts, climate change, globalisation of economic and financial relations, the destruction of natural resources and food crises deprive people of their livelihoods, thus undermining the basis for the realisation of human rights.



### 2.3 HUMAN RIGHTS AND THE MILLENNIUM DEVELOPMENT GOALS

The overarching frame of reference for this Strategy is established by the **human rights conventions ratified** by Germany and its partner countries, as well as the **Millennium Declaration** adopted by the heads of state and government at the UN Millennium Summit in 2000, and the Millennium Development Goals (MDGs) developed on this basis. Albeit without making explicit reference to them, the Millennium Development Goals relate to key aspects of the economic and social rights. Human rights and human rights principles should, however, play a greater role in MDG implementation. As human rights are geared towards ending discrimination, the realisation of these rights is essential for the attainment of all the MDGs. Human rights focus attention on marginalised groups and their effective participation. Compliance with human rights principles improves MDG-oriented development processes through the provision of information, targeted empowerment, and participation by civil society. Furthermore, human rights are legally binding and therefore provide additional legitimisation and political leverage.

#### MDG 1

→ MDG 1 aims to reduce extreme poverty and hunger. The **right to an adequate standard of living** (Article 11 ICESCR), including the **right to adequate food**, is key to the attainment of this Goal. Many of the world's poorest people are dependent directly or indirectly on agriculture; they need to have the opportunity to produce food on a reliable and legally secure basis or to earn income in other sectors to enable them to purchase the food they need. Human rights-based development strategies for rural regions can thus make an important contribu-

tion to poverty reduction and hence, inter alia, to combating hunger.

#### MDG 2

→ This MDG focuses on the realisation of the right to universal primary education. It is closely linked to the **right to education** enshrined in Articles 13 and 14 ICESCR and Articles 28 and 29 of the Convention on the Rights of the Child. Denying people access to education, or failing to facilitate such access, deprives them of a fundamental human right. The right to education is therefore particularly important in relation to the attainment of MDG 2. It justifies the claim to primary education which is free to all, as well as to better educational quality.

#### MDGs 3, 4 and 5

→ The **prohibition of discrimination** enshrined inter alia in Article 2 of the ICESCR is closely linked with these MDGs. MDG 3 concerns the promotion of gender equality and the empowerment of women. It is estimated that nearly 70 per cent of the world's poorest people and two-thirds of the world's illiterate are women; women are also massively underrepresented in politics and the economy. Every year, around 350,000 women in developing countries die from complications related to pregnancy and childbirth. Despite the progress made in some areas, it does not include improvements in maternal health (MDG 5). This is partly due to the widespread discrimination against women throughout the world, which gravely impedes their access to health care. MDG 5 and MDG 4 (reduce child mortality) cannot be achieved without real – not merely formal – equality. German development policy is based on the prohibition of discrimination enshrined in all the human rights conventions, and in particu-

lar in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

#### MDGs 4, 5, 6

→ These health-related MDGs are closely linked to the **right to health** enshrined inter alia in Article 12 ICESCR and in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). There is also a close relationship between health and other human rights. The high morbidity and mortality rates in developing countries are mainly caused by malnutrition and undernourishment, inadequate access to clean drinking water and sanitation (see section on MDG 7 below), health-endangering living and working conditions, a lack of knowledge and information, and the exclusion of many poor and marginalised people from access to essential health services. These abuses are also caused by states' failure to fulfil their human rights obligations. The realisation of the relevant human rights can thus help to improve the health status of the society concerned, especially its marginalised groups. At the same time, health is a fundamental prerequisite for the enjoyment of other human rights and for participation in society, the economy and political life.

#### MDG 7

→ This MDG focuses inter alia on improving access to safe drinking water and basic sanitation and on achieving improvement in the lives of slum-dwellers. This is closely associated with the **rights to water and sanitation**, enshrined in Article 11 ICESCR and Article 24 (2) c of the Convention on the Rights of the Child. Without access to clean water and sanitation, the health-related MDGs 4, 5 and 6 are

unattainable. At present, around 880,000 million people lack access to safe drinking water. Inadequate quantity and quality of drinking water are among the main causes of child mortality, poverty, disease and environmental degradation. This situation is not primarily a result of water scarcity; in many countries, safeguarding access to water and sanitation for people living in poverty or in remote rural regions is not a priority for political leaders. The rights to water and sanitation do not give rise to an entitlement to a water supply that is free of charge for everyone, but they do require drinking water to be affordable for all social groups, with this taking priority over other forms of water use. Furthermore, the **right to adequate housing** (Article 11 ICESCR) establishes the basis for legally safeguarded access to living space and hence to municipal services.

#### MDG 8

→ This MDG relates to the establishment of a global partnership for development. Besides the UN Charter (Articles 1, 55 and 56), the human rights treaties (including Article 2 (1) ICESCR, Article 4 of the Convention on the Rights of the Child, and Article 32 of the Convention on the Rights of Persons with Disabilities) contain binding **provisions for international cooperation that is aimed at the realisation of human rights**. For example, developing countries are required to use the maximum of their available resources, including funds from international cooperation, for the implementation of human rights obligations and hence, inter alia, for the attainment of the MDGs. The targets defined for MDG 8 give rise to human rights-related obligations for the donor countries as well. These include, for example, their participation in further developing an open,

rule-based, predictable, non-discriminatory trading and financial system and providing access to affordable essential drugs in developing countries. This accords with the joint obligations undertaken in the **Accra Agenda for Action** (paragraph 13 c) to ensure that development policies and programmes are consistent with agreed international commitments on human rights.

#### 2.4 POVERTY REDUCTION, SUSTAINABLE-ECONOMIC DEVELOPMENT AND PEACE AS A FRAME OF REFERENCE

The realisation of civil, political, economic, social and cultural rights is the key to successful **poverty reduction** – for poverty can be understood as a denial of human rights; in effect, it means exclusion from access to basic resources and social services such as water and sanitation, health care, energy services, primary education, justice and political participation. Poverty leads to other curtailments of human rights, such as the forcible expulsion of the poor from informal settlements or their own land, the physical insecurity and violence to which women and girls are subjected in these situations, and the appalling conditions in many factories and plantations, where people – usually the young – work without any form of social security.

There is a correlation between **sustainable economic development** and the protection and fulfilment of human rights. It is a matter for the state to ensure that human rights are upheld in economic activity and that economic development measures do not cause any curtailment of human rights. The opportunity to acquire property and the right to non-discriminatory access to an adequate income from decent work are basic prerequisites for eco-

nomie development and poverty reduction. The prohibition of discrimination and the principle of equality promote the abolition of development-impeding inefficiencies in relation to access to markets and resources. The ILO's core labour standards (basic trade union rights, the prohibition of discrimination, and a ban on child and forced labour) and the "decent work" agenda are intended to create fair and equitable conditions in the labour markets.

**Peace-building and conflict prevention** are inconceivable without respect, protection and fulfilment of human rights. Human rights violations, especially the systematic oppression and structural discrimination of social groups and unresolved conflicts over access to scarce resources, often exacerbate violent crises, or trigger these crises in the first place. Armed conflicts and wars, for their part, result in massive human rights violations, both as a result of direct action by the state and the violation of its duty to protect citizens. Provision of the **humanitarian aid** that is essential in such situations prioritises those people who face particular difficulties in exercising their human rights, such as refugees and internally displaced persons.

## 3. Experience gained with the human rights-based approach

### 3.1 GERMAN BILATERAL COOPERATION TO DATE

German bilateral cooperation in the field of human rights is based on the recognition that Germany has a legal obligation to play an active role in making human rights a reality. Accordingly, measures aimed at protecting human rights have been a significant element of German development cooperation for many years. They include programmes which focus on **empowering specific marginalised groups**, such as women, young people and indigenous peoples, or which build the capacities of national and regional human rights institutions. In order to take account of the **growing significance of regional human rights protection systems**, the BMZ provides support for the African Court of Justice and Human Rights, for example.

In some of Germany's partner countries, the human rights situation may be problematical or may suddenly deteriorate. In some cases, this has led to the suspension of cooperation. Although this may be necessary in some cases, the development commitment has continued, as far as possible, by other means, such as development-oriented emergency and transitional aid, targeted support for civil society organisations, or measures to protect the safety and security of human rights defenders.

Besides projects that specifically aim to strengthen human rights, more and more country programmes implemented within the framework of German development cooperation, as well as sector programmes (e.g. in the education, health and water sectors) are adopting a human rights-based approach. This orientation towards human rights standards and principles results in a **stronger focus on activities to benefit marginalised groups**, e.g. people with disabilities, ethnic minorities or people

living in extreme poverty. The human rights toolbox is being deployed successfully not only in country and sector strategies but also in the context of **policy advice**. One example is the Water Sector Development Programme in Kenya, where better access to affordable water services has been achieved, especially for the urban poor. The human rights-based approach focuses particular attention on **improving governance structures in the sectors** and on **empowering rights-holders** to exercise control functions (e.g. through the provision of information to the public about complaints mechanisms). In this way, it helps to improve the interaction between civil society and state structures, thus enabling better development policy outcomes to be achieved in these sectors.

### 3.2 GOAL CONFLICTS

The task of making human rights a reality is often not given sufficient priority in national and international policies. Often, other interests prevail, with the result that the policies adopted may well conflict with states' human rights obligations and may potentially curtail human rights.

Examples of policy areas in which such conflicts have arisen – and continue to arise – are **trade, agricultural and fisheries policy, economic, security, resource, refugee and migration/integration policy**. Achieving human rights coherence here is often a challenge at international and national level for donors and partners alike. In the partner countries, the contradictions that are inherent in international policy can impede development. The same applies to national policies that are incompatible with human rights obligations – such as forcible expulsion of communities to make way for infrastructural projects that boost economic growth,

or the brutal crushing of legitimate peaceful protests.

The issue of human rights violations must be addressed in **political dialogue**. However, this always requires a high degree of sensitivity: some partner countries refuse to discuss the human rights situation, while others play off the principle of ownership of development processes, enshrined in the Paris Declaration on Aid Effectiveness, against their human rights obligations. Among donors, despite violations of human rights occurring in partner countries, other, often conflicting interests may prevail, with the result that a coordinated and targeted approach is rarely achieved. Furthermore, donors often do not agree on which action is most likely to end the abuses to which objection is made, and they may also disagree on the likely impacts of a continuation or suspension of cooperation on the general public. These issues continue to pose challenges which cannot be resolved even with an explicit human rights-based approach in German development policy. However, mainstreaming the human rights-based approach in a country strategy or in joint donor strategies, together with the pro-active use and further development of political dialogue as well as dialogue with human rights organisations at the local level and via country discussions, can at least help to foster a debate about appropriate strategies.

### 3.3 DEVELOPMENT COOPERATION BY OTHER DONORS AND MULTILATERAL ORGANISATIONS

Many bilateral and multilateral donors and development organisations are now developing a stronger human rights orientation in their work. Among **bilateral donors**, Germany, along with various other European countries, shows a particularly high

level of commitment in this respect. An important basis was established by the OECD DAC's "Action-Oriented Policy Paper on Human Rights and Development" (2007), in which all DAC member countries committed, for the first time, to the systematic promotion and integration of human rights as an essential part of development cooperation. The UN organisations decided to adopt a human rights-based approach in their development programmes as early as 2003, in order to provide more effective support for the developing countries' efforts to fulfil their human rights obligations, as well as their development endeavours. At **multilateral level**, UNDP, UNICEF, UN Women (formerly UNIFEM) and UNFPA are regarded as pioneers of a human rights-based approach. The **World Bank**, the IMF and the regional development banks consider an explicit human rights-based approach to be problematical, but these institutions are now increasingly turning their attention to the issue of human rights compliance as well. The BMZ endorses, promotes and advocates for this approach.

The explicit human rights orientation of the **European Union's** development cooperation is derived directly from the Lisbon Treaty and the European Consensus on Development, and is enshrined in the agreements that provide the framework for the EU's development cooperation (e.g. the Cotonou Agreement). The EU also applies a variety of instruments and provides substantial funding for the direct promotion of human rights. The EU is increasingly working towards better operationalisation of human rights mainstreaming within the individual sectors of EU development cooperation.

## 4. Approaches and strategies for future development-oriented human rights activities

The internationally agreed human rights are crucially important for sustainable development. With the ratification of the human rights treaties, donor and recipient countries have committed to respect, protect and fulfil human rights. German development policy will in future increase its support for human rights implementation through the mainstreaming of a human rights-based approach in all sectors and priority areas as well as through specific human rights programmes and projects (dual approach). Only in this way can effective and durable institutions and structures for human rights protection be established and supported in the partner countries.

### 4.1 MAINSTREAMING THE HUMAN RIGHTS-BASED APPROACH

The following strategies, which have been developed on the basis of the experience gained to date, are intended to increase awareness and the willingness to implement human rights obligations in the partner countries and should be taken into account in the formulation of development policy measures and in political dialogue:

→ **Policy coherence**, in the interests of sustainable development, is a key factor, in Germany and its partner countries, for the realisation of human rights. Only if a **whole-of-government** approach to human rights is adopted (e.g. in trade, agricultural, education and foreign trade policy and in poverty reduction strategies) at **both national and international level** will it be possible to implement and fulfil human rights obligations over the long term. In the partner countries and during the formulation of development policy support measures, efforts must be made to **orient all policies**,

**plans and programmes more strongly towards human rights**, for example in the MDG-related Poverty Reduction Strategy Papers (PRSPs) and reform strategies for individual sectors (especially water and sanitation, education, social security, rural development and health). This must – not least in the interests of credibility – be accompanied by a significant improvement in the human rights policy coherence of German, European and international policies of relevance to developing countries (e.g. economic, trade, agricultural and fisheries policy, security and migration policy, but also donor policies).

→ *German development policy will work within the relevant bodies for substantially improved human rights policy coherence in relation to all measures that have impacts on developing countries.*

→ Human rights implementation requires **action by state and society**. The prerequisites must be established as part of general reform processes (promotion of democracy and the rule of law, decentralisation, development of social and market economic structures) and through appropriate empowerment of civil society. This can do much to facilitate substantial civil society participation in planning, decision-making and implementation processes. Depending on the partner country's specific situation, appropriate measures and instruments must be identified to broaden the knowledge of human rights, raise awareness of the respective roles of duty-bearers and rights-holders and promote institutional capacity-building.

→ *German development policy will support human rights education, information and*

*lobbying activities on human rights standards and principles, with a focus on state actors as well as on civil society-based human rights groups.*

- Human rights require – and help to strengthen – structures in justice and administration which support **transparency and accountability**. Human rights-oriented development measures must recognise the need to be accountable and must work with relevant institutions, or support the establishment of, and capacity-building for, these institutions, as appropriate. On the duty-bearers' side, these include parliaments, the judiciary, local councils and courts of auditors; on the civil society side, they mainly include non-governmental organisations and national human rights institutions, but also the independent media. The publication of details of government revenue and monitoring by local civil society can help to safeguard the traceability of the revenue entering the national budget and ensure that it is put to effective use for the purpose of poverty reduction.

→ *German development policy will increase its support for organisations, institutions and human rights defenders who advocate for transparency and accountability.*

- **During the preparation of all bilateral development programmes**, especially those relating to infrastructural measures, an **assessment of human rights risks and impacts** must be carried out, focusing, for example, on any resettlements or expropriations that may be deemed necessary, local community involvement, or accessibility for people with disabilities. The same should apply to infrastructural projects in which KfW Entwicklungsbank and its sub-

sidiary DEG are engaged on an autonomous basis. BMZ will bring its influence to bear accordingly on these organisations. The human rights impacts must be monitored and reported by the relevant executing agencies during implementation. During decision-making on major development programmes, stakeholder communities will be actively involved in the assessment in parallel to the dialogue with the partner, and the outcomes will be shared with these communities. Relevant guidelines will be drawn up or amended.

→ *German development policy will ensure that bilateral development programmes and projects are compatible with human rights standards and will further develop the requisite instruments, such as appropriate procedures for a human rights risk assessment. It will work within the relevant bodies to ensure that KfW Entwicklungsbank and DEG undertake an appropriate voluntary commitment in respect of human rights.*

- **Investment and business activities are important for inclusive growth and sustainable development**. They can contribute to the fulfilment of many human rights – such as the right to engage in income-generating activity or the rights to health, water and social security. On the other hand, companies can also infringe human rights, for example by imposing poor working conditions, suppressing trade unions, discriminating against specific social groups, producing health-damaging emissions, or carrying out forced evictions. It is therefore important to strengthen the **state's duty to protect** with a view to **compliance with international human rights conventions and the ILO's core labour standards** – through better legislation

and regulations and more effective enforcement of the law. Rule-of-law structures are essential if companies are to maximise their potential to promote development in the partner countries.

→ *German development policy will intensify its efforts to support legal and institutional frameworks for effective state regulation and oversight of corporate activity with a focus on human rights compliance.*

→ In development partnerships with the private sector, the aim is to strengthen the corporate responsibility to respect human rights. Action in this context is guided by UN Special Representative John Ruggie's policy framework for better managing business and human rights challenges, which has been endorsed by the international community. The framework rests on the following pillars: the State duty to *protect* against human rights abuses by third parties; the corporate responsibility to *respect* human rights, which means to act with due diligence to avoid infringing on the rights of others; and greater access by victims to effective *remedy*, judicial and non-judicial, in the event of violations. In cooperation with the private sector and other stakeholders, a dialogue must be conducted about complementary roles and responsibilities between the state, the market and civil society.

→ *German development policy will support the further development of the international legal framework for responsible corporate action and, in addition, the development of standards, guidelines and voluntary initiatives by companies and economic sectors (Corporate Social Responsibility).*

#### 4.2 EXPANSION OF SPECIFIC HUMAN RIGHTS PROGRAMMES

The lack of focus on human rights in partner countries' sector policies often reflects a lack of willingness to engage in dialogue with civil society and a lack of enforcement capacities on the part of the competent institutions. Measures undertaken within the framework of German development cooperation therefore aim to **build the capacities of civil society** and the key **human rights structures established by the state**, and also seek to promote dialogue capacities, e.g. through human rights education. To that end, besides mainstreaming the human rights-based approach as a cross-cutting theme, BMZ will increasingly promote specific human rights programmes in the following areas of action:

→ **Human rights defenders** are persecuted in many developing countries due to their commitment to political, economic, social and cultural rights. This applies especially to those human rights defenders who advocate for the rights of discriminated minorities, such as lesbian, gay, bisexual, transgender and intersex people (LSBTI). Human rights defenders often act in an individual capacity and are therefore particularly vulnerable. However, organisations are also affected: many countries place constraints on civil society by means of legislation that restricts the activities of associations, non-governmental organisations (NGOs), trade unions or the media. With programmes that focus specifically on human rights, German development cooperation will seek to improve the legal frameworks for civil society and support measures to protect human rights defenders. Human rights NGOs and national and regional networks will be given targeted



support by German civil society organisations. This includes support for advocacy work and associated capacity development for particularly marginalised groups, such as self-advocacy organisations for people with disabilities. A systematic involvement of human rights defenders in development programmes sends a clear signal to partner countries' governments and the public alike that the commitment to human rights is an integral element of development.

- Measures to strengthen the **rule of law** focus on the stabilising and peace-promoting function of the law, strengthen its role as a steering mechanism within society, and protect the individual. In this context, the aim is not only to improve the organisational structures of the justice system and the professionalism of relevant judicial actors, but also to assist parliaments and the administration to develop, implement and apply the law with due consideration for human rights. Effective separation of powers and the associated system of mutual checks and balances involving the state's institutions are also crucially important for human rights compliance and legal protection from human rights abuses. Furthermore, access to justice must be promoted for all social groups.

### 4.3 THE MULTI-LEVEL APPROACH

The approach pursued within German development policy, **which works towards human rights protection at various levels**, has proved successful and will be continued.

- In the **partner countries**, state actors at all administrative levels will be given support in order to enable them to establish the requisite

frameworks and to engage in practical sector-based activities to implement the international human rights conventions. It is essential, in this context, to build the capacities of duty-bearers and rights-holders simultaneously, and to work at a decentralised level (multi-level approach), as this is where transparency and accountability can be established with greatest ease and where there is closest interaction between state structures/services and the population. Priority will be given to increasing the human rights orientation in key social sectors (water, health, education, agriculture, etc.), to making systematic contributions to promote the rights of young people, and to intensifying measures aimed at realising the right to adequate housing. Furthermore, capacity-building will be provided for organisations which advocate for an end to discrimination, prejudice and criminalisation of LSBTI people, as well as for self-advocacy structures established by people with disabilities. With regard to women's rights, the economic empowerment of women, the protection of women in armed conflicts, their empowerment as agents of peace in conflict resolution and peace processes, gender-specific challenges and responses to climate change, and sexual health and rights, including effective action to end female genital mutilation, will be the focus of attention.

- In view of the increasing importance of **regional integration**, German development policy will promote regional human rights protection systems which are **complementary** to the international system of human rights protection, with a focus on the further development of human rights standards in Africa and the accessibility of the African Court of Justice and Human Rights. In parallel, innovative regional

networks of human rights organisations and institutions will be given increased support via programmes which focus specifically on human rights.

- In the **international financial institutions such as the World Bank and the regional development banks**, BMZ is working to ensure that these institutions gear their operational activities and guidelines more strongly towards human rights. Besides continuing the dialogue with the World Bank (e.g. in the health and water sectors, or on the issue of disability), the experiences gained with the Nordic Trust Fund, an internal knowledge and learning programme for World Bank staff on human rights, will be utilised to that end. At the **OECD DAC** level, BMZ is working to make the relevant guidelines human rights-compliant and improve their practical application.
- Within the **EU** framework, Germany is working for better implementation of human rights guidelines adopted by the Council of the European Union, and is supporting the further systematic operationalisation of the human rights-based approach in the European Union's development activities. BMZ will work for the continuation and further development of the European Instrument for Democracy and Human Rights (EIDHR) which provides support for civil society organisations working in the fields of democracy and human rights. At political level, Germany is working with other Member States to make the fulfilment of minimum standards of political governance (including those relating to respect for human rights) one of the criteria for the granting of budget support by the EU, as well as for the EU-wide harmonisation of these criteria, and to make

human rights a regular topic in the EU's policy dialogue in the context of budget support.

- In the **UN system**, BMZ continues to support the elaboration and practical implementation of the right to development and the work of the Special Rapporteurs. BMZ will also participate in the negotiations about a United Nations Declaration on Human Rights Education and Training and in the second phase of the World Programme for **Human Rights Education**.

#### 4.4 PROMOTING INCLUSIVE DEVELOPMENT

Human rights covenants afford special protection to the **rights of groups and individuals particularly affected by discrimination** and aim to promote inclusion of these groups. People living in poverty, women, members of indigenous communities, religious or ethnic minorities, people with disabilities and sexual minorities are confronted with barriers which obstruct their equal participation in society or make such participation impossible. This approach also includes a focus on young people, who in many societies are marginalised and have no opportunity for participation. Development policy solutions are only sustainable if they take account of local cultures and conditions. The task, then, is to work towards the abolition of discrimination against **ethnic or religious minorities** in a culturally sensitive manner. In contrast to target-group-oriented development cooperation, which focuses on (supposed) group identities, human rights aim to dismantle **barriers within society** which exclude individuals or groups from equal participation. If several of the group characteristics described above converge, the barriers are often multiplied. Human rights-based development cooperation requires **a more targeted focus on the dismantling of**

**access barriers as well as specific measures to realise the rights of discriminated or marginalised groups:**

- Gender equality is a core human right and is key to sustainable development. However, the respect, protection and fulfilment of **women's rights** are often curtailed by socially and culturally determined gender roles and patriarchal social structures. The unequal status of the sexes is perpetuated when girls and women are denied access to education. In some countries, women who hold political office are subjected to coercion or may even be forced to step down. The level of women's participation in peace processes is also inadequate. In order to change this situation, BMZ, in close consultation with other relevant ministries, is supporting the implementation of UN Security Council Resolution 1325. In many places, women are denied access to financial services, often because they have no right to own land or property and are therefore unable to offer any loan security. Women are still the main victims of domestic and sexual violence. Violence against women (which also includes female genital mutilation – FGM) is, in many countries, still regarded as a private matter, not as a human rights problem.
- **Young people's rights** are of particular significance. Making up as much as 70 per cent of the population in some developing countries, young people – upon reaching adulthood – will be chiefly responsible for political decision-making and social development in their countries in years to come. Promoting young people and their rights therefore has a key role to play in future-oriented development policy. Even now, many people are living in extreme poverty with no prospects for the future and

no recognition of their rights, without access to appropriate services or opportunities to participate in society and its decision-making processes. Implementing the rights of young people means, for example, reducing child mortality and undernourishment through access to health systems, taking account of the best interest of the child in the relevant policies, guaranteeing education for young people, and involving young people systematically in decision-making processes that affect their interests. Framework conditions must also be improved in order to achieve positive impacts on the rights of the young generation through measures adopted in sectoral cooperation. Otherwise, young people's potential will not be tapped, and their exclusion may cause frustration and hopelessness and perhaps even violence.

- Protecting the human rights of **indigenous people** on all continents remains a challenge for the future. In most countries, indigenous people are still largely excluded from political, economic and cultural life. Their continued exclusion curtails not only their development prospects but also harbours conflict potential with implications for political stability. The active participation of indigenous peoples in public life is one of the rights enshrined in ILO Convention No. 169 and is essential for the realisation of their human rights. Conflicts over natural resources can only be resolved and sustainable development achieved if indigenous peoples are directly involved in decisions which affect them. The United Nations Declaration on the Rights of Indigenous Peoples defines standards to protect their individual and collective rights. In order to ensure that programmes and projects have no adverse effects on indigenous peoples ("do no harm" principle) and to

improve their conditions of life, the principle of free, prior and informed consent must be adhered to in the planning of measures which affect indigenous peoples and local communities.

- For many years, **people with disabilities** were largely ignored in development cooperation or were considered solely in relation to their medical needs. In the meantime, an understanding of disability has developed in accordance with the social model of disability, which identifies systemic barriers and negative attitudes as a main contributory factor in disabling people. The Convention on the Rights of Persons with Disabilities (Article 32) obliges all States Parties to ensure that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities so that they too can access services and programmes and their rights are promoted. Accessibility is particularly important in all sectors, as is the participation of people with disabilities in all decisions affecting them. In order to make a sustainable contribution to mitigating the poverty risk for people with disabilities, inclusive approaches are supported on a cross-sectoral basis (e.g. in the education, health and social security sectors and the labour market).
- Gay or lesbian **sexual orientation or a gender identity which does not conform with majority norms (LSBTI)** is a taboo subject in many societies. Same-sex activity between consenting adults is still criminalised in many countries and often incurs harsh punishment. Even in countries without specific legislation, LSBTI people are often subjected to massive abuses by the institutions of the state or fall victim to hate crime involving paramilitary groups.

The violence inflicted on LSBTI people even includes brutal murder, and in many cases, the perpetrators are never brought to justice. In future, more targeted support will therefore be provided for LSBTI people through initiatives relating to health, human rights protection and advocacy, especially by civil society organisations. More intensive measures will also be taken to sensitise development professionals and staff to this issue and promote dialogue on this topic with other donors.

#### 4.5 EXPANDING THE DEVELOPMENT TOOLBOX

- **Political dialogue** is a key instrument in formulating and steering development cooperation with partner countries. From a human rights perspective, it is essential to address human rights as a shared legal obligation and to focus especially on the economic, social and cultural rights as well as on the political and civil rights. Current recommendations from the human rights system (such as the recommendations made by the UN Treaty Bodies or the outcomes of the UN Human Rights Council's Universal Periodic Reviews of UN member states) can make the political dialogue with some countries more objective. Regular evaluation of political dialogue against human rights criteria enables this particular instrument to be deployed more effectively, especially in relation to more challenging partners.
- The **Catalogue of Criteria** is used on an annual basis to assess the governance and human rights situation in partner countries in terms of five criteria, partly on the basis of information derived from the UN human rights system. The criterion on human rights assesses the extent to

which the human rights conventions are being transposed into national law, the establishment of relevant institutions and procedures, and the outcomes of efforts to implement key civil, political, economic and social rights. The results of this assessment form the basis for the formulation of development cooperation, and should be considered when planning and implementing country programmes and projects, thus guaranteeing their alignment with human rights.

- **Peace and Conflict Assessments** with a human rights dimension are important tools in affording a deeper insight into the structural causes of conflicts, which often include discrimination and human rights abuses. All the human rights are considered, and the findings can then be channelled into the development of prevention strategies and programmes.
- The instrument of **budget support** offers opportunities to promote rule-of-law structures and human rights in partner countries. Budget support is only applied in those countries which achieve an adequate score in relation to governance and development orientation when measured against the Catalogue of Criteria. Stable macroeconomic conditions and adequate transparency in public finances are other key prerequisites for budget support. Human rights issues are discussed with partners within the framework of the political dialogue about budget support. Major human rights abuses will result in the reduction and even the suspension of budget support until conditions have improved. The resources freed up in this way can continue to be used for programme aid, in order to mitigate possible adverse impacts of the cessation of budget support on the population at large.
- In the partner countries, a **robust civil society which can operate without impediment** has an indispensable role to play in the implementation of human rights. It is intended that more support be provided within the framework of development cooperation for advocacy work and for institutional capacity-building for civil society organisations engaged in human rights activities, including the national human rights institutions. Cooperation with civil society human rights groups helps to improve the dialogue with state structures and, overall, facilitates stronger alignment of development cooperation towards human rights.
- **Mechanisms of accountability** which can be accessed by individuals or groups if they consider that their human rights have been infringed play an important role in human rights implementation. This applies in the context of development cooperation in the partner countries as well as in Germany. For that reason, and also drawing on experience gained by other donors, the possibility of setting up a human rights complaints mechanism is being considered by BMZ. The assessment will focus on strengthening ownership by the partner countries and safeguarding access for civil society organisations.
- The **implementing organisations** of German development cooperation must continue to develop strategies and instruments with a view to systematically mainstreaming human rights as a cross-cutting theme within the framework of project management, with a focus on the preparation, implementation and evaluation of programmes and the relevant reporting to BMZ. It must include targeted training schemes for professionals working for the implement-

ing organisations as well as for BMZ staff. All the development policy actors will collate and share the positive experience they have gained.

- The implementation of the human rights-based approach in development cooperation, the increase in the number of projects and programmes which focus specifically on human rights, more intensive support for civil society

activities in the partner countries, and the contributions made within the Federal Government and at international level to increase human rights-based policy coherence will be **monitored and evaluated more systematically** by BMZ in future, if possible in conjunction with partners. An appropriate monitoring system will be developed for this purpose.

# Annex

## HUMAN RIGHTS AT A GLANCE

(unofficial summarised version)

### International Covenant on Civil and Political Rights (ICCPR)

The ICCPR came into force in 1976 and is legally binding for the States party to it. A Human Rights Committee, set up in accordance with Article 28 of the Covenant, monitors its implementation. The rights guaranteed by the ICCPR include:

- Article 2:** The right to effective remedy for any person whose rights or freedoms as recognised in the Covenant are violated
- Article 3:** The equal rights of men and women
- Article 6:** The right to life
- Article 7:** The prohibition of torture and of cruel, inhuman or degrading treatment or punishment
- Article 8:** Freedom from slavery and servitude; prohibition of compulsory labour
- Article 9:** The right to liberty and security of person; protection against arbitrary arrest or detention
- Article 12:** The right to liberty of movement and freedom to choose one's residence
- Article 14:** The right to equality before courts and tribunals; the right to be presumed innocent until proven guilty and the right to a fair hearing before an independent tribunal
- Article 17:** The right to privacy and to protection from arbitrary or unlawful interference in one's privacy
- Article 18:** The right to freedom of thought, conscience and religion
- Article 19:** The right to hold opinions without interference, and the right to freedom of expression
- Article 20:** The prohibition of any propaganda for war and of advocacy of national, racial or religious hatred
- Article 21:** The right of peaceful assembly
- Article 22:** The right to freedom of association with others
- Article 23:** The right to marry and found a family
- Article 24:** The right of children to receive protection by the State without discrimination
- Article 25:** The right to take part in the conduct of public affairs; the right to vote and to be elected
- Article 26:** The right to equality before the law and to equal protection of the law
- Article 27:** The rights of ethnic, religious or linguistic minorities

### International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR came into force in 1976 and is legally binding for the States party to it. The Committee on Economic, Social and Cultural Rights, founded on the basis of Resolution 1985/17 of the United Nations Economic and Social Council, monitors its implementation. The rights guaranteed by the ICESCR include:

- Article 1:** The right of all peoples to self-determination
- Article 2:** The right to enjoy the rights enunciated in the Covenant without discrimination, and the progressive full realisation of the rights recognised in the Covenant
- Article 3:** The equal rights of men and women

- Article 6:** The right to work
- Article 7:** The right to enjoy just and favourable conditions of work
- Article 8:** The right to form trade unions and join a trade union of choice; the right to go on strike
- Article 9:** The right to social security
- Article 10:** The right to family and married life; the protection of children and young people
- Article 11:** The right to an adequate standard of living, including adequate food, clothing and housing
- Article 12:** The right to the highest attainable standard of physical and mental health
- Article 13:** The right to education
- Article 14:** The principle of compulsory primary education free of charge for all
- Article 15:** The right to take part in cultural life and enjoy the benefits of scientific progress

*Adapted from: Compass – A Manual on Human Rights Education with Young People, website: <http://www.eycb.coe.int/compass/>*

#### **OTHER HUMAN RIGHTS TREATIES AND REFERENCE DOCUMENTS AT UN LEVEL:**

##### **Optional Protocols:**

Some of the treaties and covenants are supplemented by additional (optional) protocols. Some protocols establish an individual complaints procedure (examples include optional protocols to the ICCPR, ICESCR, Convention on the Rights of Persons with Disabilities, and CEDAW). Other protocols guarantee rights beyond those enshrined in the conventions. For example, the Second Optional Protocol to the International Covenant on Civil and Political Rights is aimed at the abolition of the death penalty, and Optional Protocols to the Convention on the Rights of the Child regulate the rights of children in armed conflict and prohibit the sale of children, child prostitution and child pornography. And finally, among other things, Optional Protocols to the Convention against Torture and to the Convention on the Rights of Persons with Disabilities establish national preventive mechanisms.

##### **General Comments of the Human Rights Treaty Bodies:**

The UN's human rights treaty bodies publish their authoritative interpretation of the content of human rights provisions in the form of general comments, which provide guidance for the implementation of human rights obligations. General comments have been published on all the main UN human rights conventions.

##### **Reports of the UN Special Rapporteurs:**

Special Rapporteurs are independent experts who are appointed by the United Nations Human Rights Council to address specific country situations or thematic issues of relevance to human rights. Many of them also respond to individual complaints.

##### **Recommendations of the UN Human Rights Council in the Universal Periodic Review (UPR):**

The Universal Periodic Review (UPR) is carried out under the auspices of the Human Rights Council and involves a periodic review of the human rights records of all UN member states. The process also includes reports by civil society. At the end of the process, the states declare whether they accept or reject



the recommendations made to improve the human rights situations in their countries.

**Resolution 1325 (S/RES/1325):**

Resolution 1325 was adopted by the UN Security Council in October 2000. The resolution reaffirms the important role of women in the prevention and resolution of conflicts and in peace-building. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence.

**Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/RES/8/7):**

The UN Commission on Human Rights established this mandate in 2005. The UN Special Representative John Ruggie's policy framework for better managing business and human rights challenges was endorsed by the Human Rights Council in June 2011.

**United Nations Declaration on Human Rights Defenders (A/RES/53/144):**

This Declaration, adopted in 1999, affirms that everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights.

**United Nations Declaration on the Rights of Indigenous Peoples (2007):**

In September 2007, the United Nations General Assembly adopted Resolution 61/295, which forms the basis for this Declaration, with 143 votes in favour.

**The right to water and sanitation (A/RES/64/292):**

The General Assembly formally recognised the right to water and sanitation by adopting a resolution in July 2010. The UN Human Rights Council reaffirmed this decision in a resolution adopted in September 2010.

**UN Declaration on the realization of the right to adequate housing (A/RES/41/146):**

The UN General Assembly adopted its Resolution on the realization of the right to adequate housing in 1986. At the second United Nations Conference on Human Settlements in 1996, the UN member states adopted the Habitat Agenda and the Istanbul Declaration. In 2001, the Commission on Human Settlements and the United Nations Centre for Human Settlements were transformed into the United Nations Human Settlements Programme (UN-HABITAT).

**SELECTED REGIONAL HUMAN RIGHTS TREATIES:**

**African Charter on Human and Peoples' Rights (1981):**

The African Charter on Human and Peoples' Rights ("Banjul Charter") was adopted unanimously by the members of the Organization of African Unity (now the African Union). It entered into force in 1986. To date, 51 countries have acceded to the Charter.

**American Convention on Human Rights (Pact of San José) (1969):**

The American Convention on Human Rights of the Organization of American States (OAS) entered into force in 1978 and, to date, has been ratified by 24 member states. Its monitoring bodies are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

**SOME OTHER INTERNATIONAL REFERENCE DOCUMENTS OF RELEVANCE TO HUMAN RIGHTS:**

**ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998):**

The Declaration establishes Members' obligation to respect the core labour standards (freedom of

association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; equal pay; the effective abolition of child labour; and the elimination of discrimination).

**ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (1989):**

ILO Convention No. 169 is a legally binding international instrument concerning the rights of indigenous and tribal peoples. Germany has not ratified this Convention.

**Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (2006):**

The Principles were developed by a distinguished international group of human rights experts in Yogyakarta, Indonesia. They interpret and enhance existing human rights standards and protection mechanisms for lesbian, gay, bisexual, transgender and intersex people.

**SELECTED EUROPEAN REFERENCE DOCUMENTS:**

**Treaty of Lisbon of 13 December 2007, especially the Treaty on European Union (TEU), Article 21:**

This establishes general provisions on the European Union's external action and makes explicit reference, inter alia, to the universality and indivisibility of human rights and respect for human dignity. Article 21 requires the EU to work for a high degree of cooperation in all fields of international relations, in order to consolidate and support democracy, the rule of law and human rights.

**European Union Guidelines on Human Rights Defenders (2004/2008):**

These offer guidance for the EU's efforts to protect human rights defenders in the context of political dialogues between the EU and third countries and in multilateral forums. They also assist staff at EU missions in third countries in their approach to human rights defenders at the local level.

**EU Guidelines for the Promotion and Protection of the Rights of the Child (2007):**

The Guidelines establish the principles and objectives of EU policy for the protection of children, especially from violence.

**Update of the EU Guidelines on Children and Armed Conflict (2003/2006/2008):**

The Guidelines provide assistance and identify tools to protect children in armed conflicts.

**EU Guidelines on Violence against Women and Girls and Combating all Forms of Discrimination against them (2008):**

The Guidelines serve as the basis for the development of coordinated strategies to promote gender equality and to combat discrimination against women and the impunity of perpetrators of violence against women.

**EU Guidelines on Human Rights Dialogues with Third Countries – Update (2001/2009):**

The Guidelines aim to achieve more coherence and consistency in the European Union Member States' approach towards human rights dialogues with third countries and, to that end, set out the European Union's principles and objectives in this context. They also offer guidance on approaches, coordination among the EU Member States, and assessment of dialogue outcomes.

**Joint declaration by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on the development policy of the European Union (2006):**

The European Consensus on Development establishes, for the first time, common principles for development cooperation, on the basis of which the EU and its Member States will implement their development policies in a spirit of complementarity, cooperation, coordination and coherence. The fundamental objective is poverty reduction, which is closely associated with the complementary objectives of promotion of good governance and respect for human rights.

**Toolkit to Promote and Protect the Enjoyment of all Human Rights by Lesbian, Gay, Bisexual and Transgender People (2010):**

This is a toolkit for the promotion and protection of the rights of LSBTI people in the context of development cooperation.

**Guidance Note on Disability and Development (2004):**

The Guidance Note provides assistance to EU staff on mainstreaming disability issues successfully across all relevant development programmes and projects.

**ABBREVIATIONS****BMZ**

Federal Ministry for Economic Cooperation and Development

**DEG**

Deutsche Investitions- und Entwicklungsgesellschaft mbH

**EIDHR**

European Instrument for Democracy and Human Rights

**EU**

European Union

**GIZ**

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH

**HABITAT**

United Nations Human Settlements Programme

**ICCPR**

International Covenant on Civil and Political Rights

**ICESCR**

International Covenant on Economic, Social and Cultural Rights

**ILO**

International Labour Organization

**IMF**

International Monetary Fund

**LSBTI**

Lesbian, Gay, Bisexual, Transgender and Intersex

**MDG**

Millennium Development Goal

**NGO**

Non-governmental organisation

**ODA**

Official Development Assistance

**OECD DAC**

Organisation for Economic Co-operation and Development – Development Assistance Committee

**PRSP**

Poverty Reduction Strategy Paper

**UN**

United Nations

**UNDP**

United Nations Development Programme

**UNFPA**

United Nations Population Fund

**UNICEF**

United Nations Children's Fund

**UNIFEM**

United Nations Development Fund for Women

**UN Women**

United Nations Entity for Gender Equality and the Empowerment of Women

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Addresses of the BMZ offices

Bonn Office  
Dahlmannstraße 4  
53113 Bonn  
Germany  
Tel. + 49 (0) 228 99 535 - 0  
Fax + 49 (0) 228 99 535 - 3500

Berlin Office  
Stresemannstraße 94  
10963 Berlin  
Germany  
Tel. + 49 (0) 30 18 535 - 0  
Fax + 49 (0) 30 18 535 - 2501

poststelle@bmz.bund.de  
www.bmz.de