

# The ABC of Human Rights for Development Cooperation

## Introduction

In 2011, the German Ministry for Economic Cooperation and Development (BMZ) issued its [Strategy on Human Rights in German Development Cooperation](#) (PDF, 573 KB). The strategy formulates a human rights-based approach to development cooperation and is binding on Germany's official implementing agencies. It pursues a dual approach which focuses, firstly, on the application of a human rights-based approach in all sectors and priority areas of development cooperation, and, secondly, on the promotion of specific human rights projects in partner countries. The latter includes strengthening regional human rights systems and national human rights institutions. The strategy sets human rights as a guiding principle for German development policy and aims to contribute through improved implementation of Germany's and the developing countries' human rights obligations to poverty reduction and sustainable development.

The strategy explicitly refers to the human rights of children and young people, women, and persons with disabilities. Complementary BMZ strategies identify in detail how to respect and support the rights of these vulnerable groups, notably the [Action Plan on Gender 2009–2012](#) (PDF, 285 KB, in German), the [Position Paper on the Rights of Children and Young People of 2011](#) (PDF, 452 KB), and the [Action Plan for the Inclusion of Persons with Disabilities 2013–2015](#) (PDF, 2.2 MB).

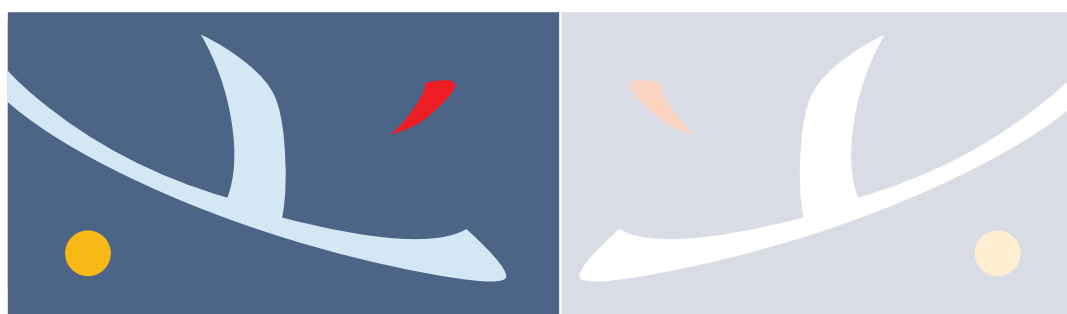
Since 2005, the project '[Realising Human Rights in Development Cooperation](#)', based at the GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), has been supporting the BMZ in introducing and applying a human rights-based approach to its development cooperation. The project works in close cooperation with the [German Institute for Human Rights](#).

This info tool is part of a series. Some of the info tools introduce regional human rights systems, for example the [African Human Rights System](#) (2012, PDF, 429 KB). Others concentrate on a specific topic, for example, the tools on [Indigenous Peoples and Human Rights](#) (2013, PDF, 448 KB) or [Sexual Orientation and Gender Identity as Human Rights Issues in Development Cooperation](#) (2013, PDF, 500 KB).

This tool provides the essentials on the human rights system of the United Nations. It aims to encourage development practitioners to make more use of human rights as a point of reference and as a part of their daily work.

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## 1. Core international human rights treaties

United Nations (UN) human rights treaties form the basis of today's system of international human rights protection. When a state ratifies such a treaty, it becomes legally binding for the country. International human rights treaties are complemented by regional instruments in Europe, the Arab states, Africa, and the Americas. As the box shows, most international treaties have been ratified by a large number of UN member states.

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

■ International Convention on the Elimination of All Forms of Racial Discrimination ( <a href="#">ICERD</a> ) 1965	176
■ International Covenant on Civil and Political Rights ( <a href="#">ICCPR</a> ) 1966	167
■ International Covenant on Economic, Social and Cultural Rights ( <a href="#">ICESCR</a> ) 1966	161
■ Convention on the Elimination of All Forms of Discrimination against Women ( <a href="#">CEDAW</a> ) 1979	187
■ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ( <a href="#">CAT</a> ) 1984	154
■ Convention on the Rights of the Child ( <a href="#">CRC</a> ) 1989	193
■ International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ( <a href="#">CMW</a> ) 1990	47
■ Convention on the Rights of Persons with Disabilities ( <a href="#">CRPD</a> ) 2006	141
■ International Convention for the Protection of All Persons from Enforced Disappearance ( <a href="#">CED</a> ) 2006	42

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In addition to the international human rights treaties, many states have ratified so-called **optional protocols**, which complement the treaties. Optional protocols fulfil different functions:

Some establish a mechanism for **individual complaints**, such as the First Optional Protocol to the International Covenant on Civil and Political Rights of 1966 ([ICCPR-OP1](#)), the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women of 1999 ([OP-CEDAW](#)), the Optional Protocol to the Convention on the Rights of Persons with Disabilities of 2006 ([OP-CRPD](#)), the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 2008 ([OP-ICESCR](#)), and the Third Optional Protocol to the Convention on the Rights of the Child of 2011 ([OP-CRC](#), PDF, 65 KB, not barrier-free).

Other optional protocols guarantee **additional rights**. The Second Optional Protocol to the Covenant on Civil and Political Rights of 1989 ([ICCPR-OP2](#)), for instance, obliges member states to abolish the death penalty. Likewise, the two optional protocols of 2002 to the Convention on the Rights of the Child stipulates the rights of children in armed conflict ([OP-CRC-AC](#)) and the prohibition of child trafficking, prostitution and pornography ([OP-CRC-SC](#)).

The Optional Protocol to the Convention against Torture of 2002 ([OP-CAT](#)) establishes, among other things, a national prevention mechanism. One of the more recent treaties, the Convention on the Rights of Persons with Disabilities (CRPD), provides for an independent national monitoring mechanism ([Article 33 CRPD](#)).

In some countries [National Human Rights Institutions \(NHRIs\)](#) (2011, PDF, 205 KB) perform the tasks of such **prevention or monitoring mechanisms**. In Germany, for example, the independent national body of the CRPD is based at the German Institute for Human Rights ([German National CRPD Monitoring Body](#)). NHRIs further monitor government performance and advise governmental bodies on how to improve their human rights policy. Thus, NHRIs make a prominent contribution to the promotion and protection of human rights at the national level and serve as a bridge between the national, regional and international dimension of human rights.

## Interpretation of human rights treaties

The rights enshrined in human rights treaties are set out in general terms. They need to be interpreted to be understood and applied in specific contexts. Such interpretations can be found, amongst others, in country-specific [Concluding Observations](#) on state reports to UN Treaty Bodies, which are not to be confused with the [General Comments](#) and Recommendations, prepared and published by these treaty bodies. Generally speaking, the UN Treaty Bodies are committees of independent experts whose tasks include monitoring the extent to which the treaties are implemented by the states parties. In doing so, the UN Treaty Bodies clarify and concretise human rights standards.

Of particular importance are the UN Treaty Bodies' [General Comments](#) (or Recommendations) on important human rights issues which apply to all states parties. General Comments are authoritative interpretations of legally binding human rights norms. They clarify the content of human rights obligations using concrete examples. Recent examples are the Human Rights Committee's [General Comment No. 34 on freedom of expression \(2011\)](#) and the Committee on the Rights of the Child's [General Comment No. 15 on the right of the child to health \(2013\)](#).

General Comments also substantiate the fundamental human rights principles, namely **participation and empowerment, non-discrimination and equality of opportunities, transparency and accountability**, in relation to a specific human right or treaty.

## Relevance for development cooperation

By ratifying human rights treaties, Germany and its partner countries assume certain legally binding obligations which should be part of their development strategies and priorities. In cases where a partner country has yet to ratify a core human rights treaty or

optional protocol, political dialogue is an instrument to encourage ratification. Political dialogue can also serve as a means to address specific shortcomings in implementing human rights norms. Ratifying states commit themselves to implementing the treaties domestically in law and practice. In many areas, this obligation applies immediately, such as the obligation to refrain from using torture or to eliminate discrimination in the access to education or health care. Other human rights obligations may require progressive realization. For instance, governments have to develop strategies and take measures to introduce a fair judicial system, or to set up a sufficient number of educational or health care facilities.

The 2011 BMZ human rights strategy sets out that human rights are addressed in political dialogue as a common legal obligation regarding the realization not only of civil and political rights, but also of economic, social and cultural rights. Human rights should also inform the analysis of development challenges in the respective country and the decisions on strategies, prioritisations and fields of action. The BMZ has issued [guidelines](#) (PDF, 232 KB, not barrier-free, in German) in early 2013 to enable this analysis.

The Treaty Bodies' General Comments specify and clarify the binding human rights standards enshrined in the treaties. At the same time, they refer to the declarations and action plans issued by various world conferences on vital development issues, such as on education (Jomtien 1990, Dakar 2000), sustainability (Rio de Janeiro 1992 and 2012), population and development (Cairo 1994), social development (Copenhagen 1995), and women (Beijing 1995). Linked to development issues, the General Comments can be of great value for elaborating sector concepts and other strategy papers, as well as for designing programmes.

BMZ relies on human rights standards and relevant General Comments in its sector-specific strategies, such as those on [health](#) (2009, PDF, 321 KB), [social protection](#) (2009, PDF, 777 KB), [good governance](#) (2009, PDF, 277 KB), [water](#) (2006, PDF, 872 KB), [education](#) (2012, PDF, 424 KB) and [poverty reduction](#) (2012, PDF, 1.8 MB). As well, the BMZ's 2013 [Strategy on Working with Civil Society](#) (PDF, 2.5 MB) explicitly pursues a human rights-based approach.

## Resources

- [Core UN human rights treaties](#)
- [Human Rights Atlas](#): Interactive word map on ratifications and human rights indicators
- [General Comments](#), by treaty

## 2. Treaty-based monitoring mechanisms

Every state party to a human rights treaty gives its consent to report regularly to the corresponding UN Treaty Body on the measures adopted at national level and the progress made in

respecting, protecting and fulfilling the rights recognised in the respective treaty. The initial state report is due one year after ratification and, subsequently, every four to five years.

State reports are prepared by ministries. Accordingly, these reports often contain optimistic assessments of the human rights situation and measures taken by the government in the respective country. Therefore it is important that NHRIs and civil society organisations submit alternative reports reflecting a more critical point of view to the relevant UN Treaty Bodies. On the basis of the state report and the alternative reports, the Treaty Body in question issues country-specific [Concluding Observations](#). Therein, the Treaty Body comments on progress made and shortcomings encountered; it also recommends practical as well as legal measures to be taken by the respective state party in order to improve compliance with the human rights stipulated in the relevant convention.

## Relevance for development cooperation

The Office of the High Commissioner for Human Rights (OHCHR) and bilateral donors support both, governmental and non-governmental partners, and in particular NHRIs, in their capacity to produce state and alternative reports. Between 2008 and 2012, the OHCHR has supported/provided capacity building in this area in more than 40 countries ([Pillay 2012](#), p. 84, PDF, 2.9 MB, not barrier-free).

Development cooperation can draw upon the treaty-based monitoring system to get important information on a country's human rights situation, and should in particular use the country-specific Concluding Observations. It may refer to them in political dialogue, in regional and country strategies and when designing specific programmes.

Development cooperation can also support partner countries in preparing national human rights action plans which in turn take up recommendations of the UN Treaty Bodies and the Universal Periodic Review by the UN Human Rights Council (UPR, see below) – as the OHCHR has done in Tanzania, Ethiopia and Chad, for instance (OHCHR 2012, [OHCHR in the field: Africa](#), p. 192 and p. 209, PDF, 5.5 MB, not barrier-free).

Development cooperation can thus contribute to partner countries' efforts to fulfill their human rights obligations. The systematic alignment of German development policy towards human rights encourages ownership of the partner country and furthers donor harmonisation, as laid out in the 2008 [Accra Agenda for Action](#) (Article 13 c, PDF, 885 KB, not barrier-free) and the 2011 [Busan Partnership for Effective Development Cooperation](#) (Para. 11, PDF, 199 KB, not barrier-free).

## Treaty-based human rights monitoring of selected partner countries, 2012 – 2014

### International Covenant on Civil and Political Rights (1966) (CCPR Committee):

- Burundi ([Oct 2014](#))
- Malawi ([Jul 2014](#))
- Kyrgyzstan, Nepal ([Mar 2014](#))
- Bolivia, Mauritania, Mozambique ([Oct–Nov 2013](#))
- Albania, Indonesia, Tajikistan, Ukraine ([Jul 2013](#))
- Peru ([Mar 2013](#))
- Kenya ([Jul 2012](#))
- Guatemala, Yemen ([Mar 2012](#))

### International Covenant on Economic, Social and Cultural Rights (1966) (CESCR Committee)

- Kyrgyzstan, Mongolia, Uganda ([Dec 2014](#))
- Guatemala, Nepal, Vietnam ([Nov 2014](#))
- Indonesia, Serbia, Ukraine, Uzbekistan ([Apr–May 2014](#))
- Albania, Egypt ([Nov 2013](#))
- Rwanda, Togo ([Apr–May 2013](#))
- Ecuador, Mauritania, Tanzania ([Nov 2012](#))
- Ethiopia, Peru ([Apr–May 2012](#))

### Convention on the Elimination of All Forms of Discrimination against Women (1979) (CEDAW Committee)

- Ghana ([Oct–Nov 2014](#))
- India, Mauritania, Peru ([Jun–Jul 2014](#))
- Cameroon ([Feb 2014](#))
- Benin, Cambodia, Colombia, Tajikistan ([Sep–Oct 2013](#))
- Afghanistan, DR Congo, Serbia ([Jul 2013](#))
- Pakistan ([Feb–Mar 2013](#))
- Togo ([Oct 2012](#))
- Indonesia, Mexico ([Jul 2012](#))
- Brazil ([Feb–Mar 2012](#))

### Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984): (CAT Committee)

- Burkina Faso, Kyrgyzstan, Mozambique, Uzbekistan ([Oct–Nov 2013](#))
- Bolivia, Guatemala, Kenya, Mauritania ([May 2013](#))
- Mexico, Peru, Tajikistan, Togo ([Oct–Nov 2012](#))
- Albania, Rwanda ([May–Jun 2012](#))

### International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990): (CMW Committee)

- Ghana ([Sep 2014](#))
- Mali ([Mar–Apr 2014](#))
- Burkina Faso, Morocco ([Sep 2013](#))
- Bolivia, Colombia ([Apr 2013](#))
- Rwanda ([Sep 2012](#))
- Tajikistan ([Apr 2012](#))

### Convention on the Rights of the Child (1989) & Optional Protocols (2000): (CRC Committee)

- Morocco ([Sep 2014](#))
- Indonesia, India, Kyrgyzstan ([May–Jun 2014](#))
- Yemen ([Jan 2014](#))
- Rwanda, Uzbekistan ([May–Jun 2013](#))
- Burkina Faso ([Jan–Feb 2013](#))
- Albania, Namibia ([Sep–Oct 2012](#))
- Nepal, Vietnam ([May–Jun 2012](#))
- DR Kongo, Togo ([Jan–Feb 2012](#))

## Resources

- [State reports](#), [Concluding Observations](#), and decisions on [individual complaints](#) by the UN Treaty Bodies
- [UN Treaty Body Database](#): search engine by state or treaty (recommended for advanced users)
- N. Pillay (2012) [Strengthening the United Nations Human Rights Treaty Body System](#) (PDF, 2.9 MB, not barrier-free)
- [OHCHR Report 2012](#)

## 3. UN Human Rights Council, UN Special Procedures and UPR Process

In 2006, the UN member states established the [UN Human Rights Council](#). The Council replaced the Commission on Human Rights and has the general mandate to create and to monitor the implementation of human rights standards. It can review the human rights situation in all UN member states – irrespective of whether or not the country has ratified a specific human rights treaty. The Council's mandate includes discussing and adopting resolutions on the human rights situation in a particular country or on specific human rights issues, such as [violence against women](#) (2013, PDF, 157 KB), [education](#) (2013, PDF, 198 KB) and [human rights of migrants](#) (2013, PDF, 118 KB). The [47 member states of the Human Rights Council](#) are elected by the UN General Assembly. Germany was elected for the second three-year term in 2013.

The work of the Human Rights Council is complemented by independent experts who monitor country situations or specific human rights issues. Generally, these mandates, established by the Human Rights Council, form the [Special Procedures](#). The individual mandate holders are called Special Rapporteur, Special Representative or Independent Expert. Some mandates are assigned to Working Groups. The Special Procedures currently comprise 14 [country mandates](#) and 37 [thematic mandates](#). Reports by the Special Rapporteurs are based on fact finding including country missions. They submit their annual reports with up-to-date information on a particular country or human rights issue and specific recommendations to the Human Rights Council and the UN General Assembly.

An example of a thematic mandate is the work of the [Special Rapporteur on the right to safe drinking water and sanitation](#). Her [2012 report](#) (PDF, 857 KB, not barrier-free) points out that stigma leads to discrimination which in turn may cause the exclusion of entire population groups from access to safe drinking water and sanitation. She outlines in her publication [On the Right Track: Good Practices in Realising the Rights to Water and Sanitation](#) (2012, PDF, 3.6 MB, not barrier-free) how states have already successfully implemented the rights to water and sanitation.

Another example are the [Guiding Principles on Extreme Poverty and Human Rights](#) (PDF, 563 KB not barrier-free), prepared by the Special Rapporteur on extreme poverty in 2012. The principles help states to adopt a human rights-based approach when combatting extreme poverty.

Since 2008, all states with either member or observer status at the UN have been subject to a regular peer assessment under the [Universal Periodic Review \(UPR\)](#). Under this procedure, the human rights situation of individual states is reviewed by the Human Rights Council once every four and a half years. Between 2008 and 2011 the Council reviewed the human rights records of all UN member states. The second cycle started in 2012.

The UPR mechanism is based on a state report, a compilation of information contained in the reports of UN Treaty Bodies and Special Procedures, and a summary of reports submitted by NHRIs, civil society organisations, and other stakeholders. All reports cover the human rights situation in the particular country. In an interactive dialogue, the state under review responds to questions and recommendations by other countries and has the opportunity to accept or reject these recommendations. The recommendations and the reaction of the state reviewed are compiled in an outcome document.

## Relevance for development cooperation

The various reports of the UPR process are useful tools for development cooperation. Firstly, they are mostly brief and concise and a good source for up-to-date information on the human rights situation in a specific country. Secondly, the recommendations accepted (or rejected) by the country in question can be

referred to at political level, such as in government negotiations. Thirdly, development cooperation is well suited to support a country's engagement with the UPR process: all entities and organisations involved may require support to make maximum use of the process. This relates, for example, to dialogue and consultation between government ministries and civil society organisations engaged in the UPR. Development cooperation can also assist partners in establishing follow-up mechanisms of the UPR recommendations.

Haiti, for example, received support from OHCHR in implementing recommendations issued by Special Procedures, UN Treaty Bodies, and the UPR in the areas of rule of law and social policies, including new legislation on the rights of persons with disabilities (OHCHR 2012, [OHCHR in the field: Americas](#), p. 232, PDF, 5.5 MB, not barrier-free).

Overall, UPR reports and the country reports by Special Rapporteurs are a valuable source of information for development practitioners with regard to the status of implementation of civil, political, economic, social and cultural rights in a specific country. In addition, thematic reports by Special Rapporteurs reflect contemporary human rights debates and evolving standards. As such they help to fine-tune the thematic focus and the substance of development cooperation programmes. From a systematic perspective, the various reports provide valuable guidance on appropriate methods and measures to support human rights-based sector reforms or to address a particular human rights issue.

For example, in the case of Mexico, in reaction to specific recommendations made by the UN Special Rapporteur on freedom of expression and the respective [Special Rapporteurship of the Organisation of American States](#), the 2012 constitutional amendment extended the mandate to investigate crimes committed against journalists from regional to federal authorities (OHCHR 2012, [OHCHR in the field: Americas](#), p. 224, PDF, 5.5 MB, not barrier-free).

## Resources

- Special Rapporteurs: [thematic mandates](#)
- Special Rapporteurs: [country mandates](#)
- [Universal Periodic Review](#): by country

## 4. Operationalisation of human rights

In order to successfully mainstream human rights, the respective standards not only require to be understood, but also to be applied in specific contexts and thus operationalised. Human rights-based indicators are one important tool to achieve this. Such indicators incorporate specific references to human rights standards and principles and, at the same time, capture structures, results and the quality of processes by means of quantitative and qualitative measurements. Human rights organisations may find such indicators useful for mapping the human rights situation in a country;

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development practitioners need them for project management, including goal setting and monitoring results.

Human rights indicators are continuously being refined. The Special Rapporteur on the right to safe drinking water and sanitation, for example, illustrates in her [2010 report](#) how detailed indicators concerning the availability, accessibility, affordability, acceptability and quality of water and sanitation can help to overcome the gaps associated with current [Millennium Development Goal \(MDG\) 7](#).

Over the last decade, OHCHR has analysed and developed qualitative and quantitative indicators for measuring the implementation of human rights. This resulted in a comprehensive guide providing a conceptual and methodological framework for human rights indicators, and several practical tools and examples (OHCHR 2012, [Human Rights Indicators: A Guide to Measurement and Implementation](#), PDF, 9.4 MB, not barrier-free).

Human rights-based indicators are also employed by German development projects. For example, the BMZ-funded [Programme to Promote Better Education \(PACE\)](#) in Guatemala, implemented by GIZ, has developed such indicators. The goal of the Programme is that children and youths in rural areas obtain education that corresponds with the demands and needs of a multi-ethnic society in the process of modernisation. The indicators comprise:

- At least 70% of staff in the education directorates of the participating departments know about the rights-based approach regarding the human right to education, and are able to put it into practice.
- With the support of civil society organisations, the education directorates implement in at least two of the participating departments non-formal programmes for youths in rural areas who lack or have only limited access to formal education programmes.

- In 30% of the schools in the participating departments, parents' knowledge about nutrition and food security has improved.

PACE assesses with these indicators whether, in cooperation with its partners in the educational sector, it has/achieves the intended positive impact on the implementation of the human right to education in Guatemala.

## Resources

- UN/OHCHR: [Universal Human Rights Index](#): Search engine for decisions and recommendations of UN Treaty Bodies, Special Procedures and UPR
- UN/OHCHR: [Human Rights in the World](#): Information and documents by country
- GIZ (2012) Human Rights in German Development Cooperation: [Examples from the field](#) (PDF, 3.9 MB, not barrier-free)
- GIZ (2013) [Promising Practices](#) of German development cooperation programmes applying the human rights-based approach (compilation, PDF, 2.49 MB)
- BMZ (2010) Human Rights in Practice: [Fact sheets](#) on the human rights-based approach in German development cooperation (PDF, 1.5 MB)
- UNDP/Hurilink: [Strengthening engagement with the international human rights machinery](#): Online guide for development practitioners
- OECD/World Bank (2013) [Integrating Human Rights into Development](#) (PDF, 2.6 MB, not barrier-free)
- UNDP (2013) [Mainstreaming Human Rights in Development: Stories from the Field](#)

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