

Guidelines on incorporating human rights standards and principles, including gender, in programme proposals for bilateral German Technical and Financial Cooperation

Objectives and contents of the Guidelines

The BMZ Strategy Paper 'Human Rights in German Development Policy' (2011) is binding for all institutions involved in bilateral German development cooperation. It provides for the mainstreaming of the human rights-based approach throughout all priority areas and sectors of development cooperation. The human rights-based approach requires that civil and political, economic, social and cultural rights as well as human rights standards and principles are systematically referred to. As prescribed by international human rights law, the human rights-based approach comprises special protection and targeted support for disadvantaged or marginalised groups. Very often these are people living in poverty, women, children and youth, indigenous peoples, sexual minorities and persons with disabilities. All BMZ strategy papers currently in force must be taken into account; position papers and action plans specify in greater detail how the BMZ Human Rights Strategy is applied to specific groups.

Every state bears the primary obligation for ensuring that human rights are respected, protected and fulfilled within its jurisdiction. German development policy supports state entities in partner countries in implementing their human rights obligations. It also strengthens civil society in claiming and monitoring compliance with human rights.

When agencies tasked with implementing official development assistance (ODA) prepare programme proposals it is mandatory that they appraise the relevant human rights risks and impacts before any project, programme or module of bilateral German development cooperation can be commissioned¹. The following shall be analysed at an early stage, if applicable, already in the preliminary appraisal, the "Kurzstellungnahme"):

- The significant human rights risks that the development measure might entail and how these risks can be avoided,
- Whether and how the measure can make a sustainable contribution to the implementation of human rights standards and principles.

Human rights **standards** comprise the human rights themselves (e.g. the right to food) and what is referred to as their core elements. The most important core elements of economic, social and cultural rights are availability, accessibility (i.e. physical accessibility, non-discriminatory accessibility and affordability), quality and cultural acceptability.

Human rights **principles** – participation and empowerment, non-discrimination and equality of opportunity, transparency and accountability – are part of all international human rights conventions.

These guidelines are designed to provide assistance with the mandatory appraisal of human rights risks and impacts. They also translate the 'Guidelines and annotated outline for Programme Proposals for Joint Development Cooperation Programmes' into more specific terms with regard to human rights. The human rights due diligence requirements as laid out in these guidelines are also the basis for reporting, evaluation and accountability mechanisms.

The guidelines illustrate selected human rights risk areas and propose ways of enhancing the human rights orientation of development interventions. Numerous aspects of human

¹ Even in cases where the rapid response procedure is employed (e.g. in cases of natural disasters, crises and conflicts), human rights implications should be analysed. The need to respond swiftly and the difficult conditions on the ground may in most cases make it impossible to conduct an in-depth analysis during project appraisal, but it should, if possible, be carried out once implementation begins, provided this is still expedient in terms of the contents of the measure, the design, and the evidence of results, and provided it does not result in unjustifiable delays.

rights have already been incorporated into existing BMZ guidelines and strategies and in the appraisal procedures of the agencies tasked with implementing ODA. The requirements laid out in these guidelines for human rights appraisals are to be integrated as swiftly as possible into existing instruments (e.g. when these are updated). Until then, these guidelines complement existing documents (in particular the guidelines on the policy markers gender equality, participatory development/good governance, crisis prevention and peace-building and the guidelines on assessing and taking account of environmental and climate aspects in bilateral development cooperation.) Where, in individual instances, contradictions are identified, or questions arise, these have to be clarified with the BMZ Human Rights division (RL304@bmz.bund.de) and, where applicable, with the sector division responsible.

The agencies tasked with implementing ODA must present the human rights issues relevant for the project or programme in a clear and comprehensible way in the programme proposal, going into an appropriate degree of detail, particularly in the following sections:

- A 2.1 (Analysis of problems and potentials)
- A 3.2 and B 3.2 (Target groups and other stakeholders)
- A3.4 (Design of the German development cooperation programme)
- TC Module B3.6.1 or FC Module B3.6.2 (macroeconomic, socioeconomic, sociocultural, political and ecological assessment).

The annex to these guidelines describes potential human rights risks in the priority areas of German development policy and contains relevant human rights reference documents. In order to avoid the human rights risks identified, the agencies tasked with implementing ODA shall devise appropriate measures and incorporate these in the programme proposal. Possible ways of strengthening human rights in the priority areas are laid out in the annex.

If the appraisal rules out risk of human rights violations, the programme proposal can be deemed to be unproblematic (human rights check / "Menschenrechts-TÜV"). If human rights violations cannot be ruled out, the BMZ must be contacted at an early stage.

1. Important human rights risk areas

Human rights risks are **possible, generally unintentional adverse impacts on the human rights** of individuals or groups. Development measures must never contribute to human rights violations. If, in individual cases, it is foreseeable that a development measure that aims to strengthen *one* human right could entail setbacks to or infringe *other* human rights, this must be laid out in the programme proposal along with a suggested course of action in order to avoid the risks identified. Under no circumstances may setbacks or human rights infringements go as far as to undercut certain minimum standards, in particular in terms of essential food, safe drinking water, primary health care, elementary education and housing.

Below, the guidelines look at those risk areas that appear to be the most pertinent. Special care shall be taken to analyse these, in so far as they are relevant for the measure being appraised. Reference documents from the international human rights system are also listed; they shall be used to support the analysis.

| | |
|------------------|--------------------------------------|
| Risk area | Disadvantaging certain groups |
|------------------|--------------------------------------|

Non-discrimination is a fundamental human rights principle and applies directly and in an overarching manner to all human rights. People can suffer disadvantage or exclusion on the basis of, for instance, sex, ethnic background, age, disability, language, religion or belief, sexual orientation and gender identity, geographical and social background, status or other such characteristics. Often individuals suffer disadvantage as a result of several characteristics at once. This significantly aggravates their exclusion.

Disadvantage can be direct or indirect and can include:

- Unjustified formal or de facto restriction or exclusion of particular groups from access to resources, services or participation in decision-making;
- Unjustified preferential treatment extended to particular groups in terms of access to resources or services. There can be justification for preferential treatment for a limited

period, if systemic disadvantage is to be and can be reduced in this way. (Development cooperation measures are usually limited to specific regions or municipalities as a result of the limited funding available or because of donor coordination; this does not per se contravene the prohibition of discrimination.)

Disadvantage can result from barriers to access, for instance

- Where information is not made available in the languages that the people understand or is not available in barrier-free formats;
- Where individuals with no income or with very low income cannot afford basic drinking water supplies, primary health care or other essential basic services provided within the framework of a development measure;
- Where persons with disabilities are confronted with physical barriers that block their access;
- When certain groups are stigmatised by society and thus have no access to health services, education, etc.;
- Where only registered land owners are entitled to agricultural extension services, but women are not allowed to own land and are thus excluded from such services.

Development measures must not exacerbate existing disadvantage, but should as much as possible help reduce it. If state partners specifically aim to exclude members of certain groups or political opponents from services, this must be presented in the programme proposal. The programme will then most likely not be eligible for commissioning.

Reference documents

General Comment No. 20 on non-discrimination of the UN Committee on Economic, Social and Cultural Rights (CESCR)

General Comment No. 18 on non-discrimination of the UN Human Rights Committee (CCPR)

Yogyakarta Principles. The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity

Joint statement issued by the UN Human Rights Council on 22 March 2011: Joint statement on ending acts of violence and related human rights violations based on sexual orientation & gender identity

Risk area

Interference with participation rights

Development measures can have adverse impacts on individuals who are not involved in decision-making processes as a result of their disadvantaged social status. Development measures must thus ensure that planning and decision-making processes are as inclusive and representative as possible, and all groups affected by the measure can adequately participate.

In line with the provisions of the UN Convention on the Rights of Persons with Disabilities, for instance, persons with disabilities are to be involved in the drafting and planning of strategies, action plans and measures that affect them. Involving them is a way of ensuring that measures are accessible in design.

Members of indigenous peoples have what are termed 'collective rights'. The following rights of indigenous peoples are particularly relevant for development cooperation:

- Right to self-determination and political participation;
- Right to preserve their cultural heritage and traditional knowledge;
- Rights of disposal over commonly administered land and natural resources.

The principle of **free, prior and informed consent** derives from these rights and has come to be widely recognised. It must be respected in development measures that affect the rights of indigenous peoples.

Participation rights are part of all human rights conventions and elaborated on in the relevant General Comments.

Reference documents relating to specific groups

United Nations Convention on the Rights of Persons with Disabilities

ILO Convention No. 169

United Nations Declaration on the Rights of Indigenous Peoples

Human rights conventions and the General Comments of the United Nations treaty bodies usually make no specific reference to development cooperation. Therefore, the 2012 **Performance Standards** of the **International Finance Corporation (IFC)** along with the corresponding **Guidance Notes** should be used for additional orientation, especially in measures involving cooperation with the private sector.

IFC Performance Standards 2012, in particular PS No. 7: Indigenous Peoples and the corresponding Guidance Note 7.

Risk area **Forced eviction and displacement**

Evictions and involuntary resettlement are not always avoidable in the context of development measures. Since these measures can interfere with many human rights, they are only permissible in exceptional circumstances and subject to very strict regulations, in order to ensure that the eviction or resettlement does not violate human rights. In its General Comments No. 7 and No. 4, the UN Committee on Economic, Social and Cultural Rights (CESCR) lays down very specific requirements that must be met in the case of evictions. The UN Basic Principles and Guidelines on Development-based Evictions and Displacement further specify the human rights requirements in cases of eviction and involuntary resettlement and should be used as a reference document.

- States have a duty to adopt and enforce **laws** that protect people from forced eviction by state bodies or third parties.
- **Involuntary resettlement** is to be avoided. This course of action is only permissible if, after a thorough examination of the situation, there is no alternative, if it serves a justifiable purpose, if it is appropriate and proportionate, and if it is ensured that the institutions requiring and conducting the resettlement assume all costs related to the resettlement.
- Where eviction or involuntary resettlement takes place, it must be ensured that there is a guarantee of **appropriate legal protection and fair trial**; this includes comprehensive and intensive consultation with those affected, appropriate and timely notification of all those affected, remedies for those affected, and if possible legal aid to those requiring such assistance.
- Evictions and involuntary resettlement must not leave people **homeless** or violate their human rights. The state must take appropriate measures to assist individuals who are unable to help themselves (e.g. by providing alternative accommodation).
- Those affected have a right to appropriate **compensation** for the loss of their property.
- Legal protection must be guaranteed in the case of evictions and involuntary resettlement **irrespective of the form of housing involved** (rented, leased, owner-occupied, emergency shelter, informal settlement, legal occupation of land, private property, etc.).

Reference documents

General Comment No. 4 on the right to adequate housing of the UN Committee on Economic Social and Cultural Rights (CESCR)

General Comment No. 7 on forced eviction of the UN Committee on Economic, Social and Cultural Rights (CESCR)

UN Basic Principles and Guidelines on Development-based Evictions and Displacement

Since the wording of the conventions and the General Comments of the United Nations treaty bodies usually makes no specific reference to development cooperation, the 2012 **Performance Standards** of the **International Finance Corporation (IFC)** along with the corresponding **Guidance Notes** should be used for additional orientation, especially in measures involving cooperation with the private sector.

Risk area **Interference with labour rights**

Development measures must not contribute to the infringement of fundamental labour rights, i.e.

- the ILO core labour standards

- ban on child labour;
 - ban on forced labour;
 - ban on exclusion and discrimination in occupation and employment;
 - freedom of association and the right to collective bargaining.
- Other labour-related human rights, including decent wages and hours of work, appropriate remuneration of overtime, basic safety provision (occupational health and safety, freedom from violence at the workplace including protection against sexual harassment, protection of pregnant women and nursing mothers, child protection).

Development measures shall, if possible, help counter interference with labour rights. It is, for instance, not acceptable to tolerate child labour or poor working conditions for the sake of making small and medium enterprises more competitive. Fundamental labour rights should also be respected in procurement.

Reference documents

ILO Core Labour Standards

Since the wording of the conventions and the General Comments of the United Nations treaty bodies usually make no specific reference to development cooperation, the 2012 **Performance Standards** of the **International Finance Corporation (IFC)** along with the corresponding **Guidance Notes** should be used for additional orientation, especially in measures involving cooperation with the private sector.

Please also refer to the Children's Rights and Business Principles (2012).

2. Ways of ensuring a greater human rights orientation in development measures

In order to ensure that projects and programmes have a positive impact in terms of human rights, the following approaches can be adopted:

- Capacity development for state institutions, making them more **accountable** to the people, e.g. charters on patients' rights and the duties of health service providers;
- Strengthening civil society organisations to enable them to **demand compliance with human rights and monitor** government policies, e.g. by promoting community-based media including community radio;
- **Empowerment and education on rights**, in particular for people in vulnerable situations and those affected by discrimination, e.g. by integrating human rights education in curricula and teacher training;
- Fostering **participation**, in particular of groups affected by discrimination and their organisations (e.g. children and young people, women, persons with disabilities, ethnic minorities, indigenous peoples, sexual minorities), e.g. by applying the principle of free, prior and informed consent when infrastructure measures are planned that will affect the land of indigenous peoples or their access to natural resources;
- Supporting state institutions in their capacity as **supervisors and regulators** with respect to private service providers (water utilities, clinics, etc.), e.g. by promoting water user groups in poor areas, who systematically assess the availability, quality and accessibility of drinking water;
- Strengthening accountability **and control mechanisms** for the people, and ensuring they are also accessible to particularly disadvantaged groups within society, e.g. by putting in place easily accessible, straightforward grievance mechanisms for water users.

Reference documents

General Comments on the International Covenant on Civil and Political Rights

General Comments on the International Covenant on Economic, Social and Cultural Rights

General Comments on the Rights of the Child (Convention on the Rights of the Child)

General recommendations on women's rights (Convention on the Elimination of All Forms of Discrimination against Women, CEDAW)

[No General Comments have yet been issued on the Convention on the Rights of Persons with Disabilities.]

ANNEX

Assessing human rights impacts and risks in the priority areas of German development policy

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1. Democracy, civil society and public administration

- *Judicial reform*

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|---|---|
| Disadvantage to certain groups in access to courts and legal advice, e.g. as a result of linguistic, geographical, cultural, age-related, gender-specific or financial barriers | <ul style="list-style-type: none"> ▪ Support the introduction of a differentiated system of legal fees, possibly with free legal aid so as enable poor people to access the courts; where applicable support of paralegals ▪ Support the provision of information in several languages and translation/interpreting services, e.g. for indigenous peoples, the illiterate, language minorities and the hearing impaired ▪ Support human rights education for disadvantaged groups including women, children and youth ▪ Support inclusive and representative participation in planning and decision making ▪ Support barrier-free construction of court buildings and barrier-free access to information for persons with disabilities |
| An overemphasis on the acceleration of court proceedings adversely affects the rights of the defence | <ul style="list-style-type: none"> ▪ Ensure a comprehensive advisory approach that encompasses all human rights relevant in the justice sector |
| <p>See in particular General Comments Nos. <u>13</u> and <u>32</u> on the International Covenant on Civil and Political Rights</p> <p><u>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on democracy, civil society and public administration, p. 22-23</u></p> | |

Ways to strengthen human rights (a selection)

- Deliver advisory services on how to incorporate international and regional human rights standards into national legislation and into accompanying support measures
- Promote participation in existing (regional) reporting mechanisms on the implementation status of human rights and promote the ratification and incorporation of regional conventions such as the Maputo Protocol
- When projects aim to reform legislation, prioritise the reform of regulations and laws that result in direct or indirect discrimination, e.g. the reform of inheritance law, family law and land law provisions that are discriminatory on the grounds of gender
- Deliver advisory services to reduce discrimination in legal proceedings, as women, young people and members of marginalised groups are often subject to discrimination (e.g. in terms of the rate of convictions, the duration of pre-trial detention, access to legal aid and victim protection)
- Support efforts to reduce violations of children's rights in the judicial system and to promote child- and youth-appropriate standards and procedures (e.g. in terms of the minimum age of criminal responsibility, avoiding pre-trial detention, criminalisation of poverty, etc.)
- Promote the independence, integrity and diversity of the judiciary: put in place legal guarantees against external influence and corruption and ensure financial security to

engage in planning; targeted support for judicial employees who reflect the plurality of society

- Deliver advisory services on legal provisions regulating access to the judiciary and support measures for under-represented groups; promote gender equality in the appointment of judges
- Promote social control, e.g. through surveys asking users to evaluate the services provided by the judiciary and taking account of proposals to remedy shortcomings such as corruption and abuse of power
- Promote the dovetailing of the state judiciary with administrative and traditional grievance mechanisms, taking into account human rights standards
- Recognise traditional forms of dispute settlement, taking into account international human rights standards
- Strengthen civil society human rights organisations and national human rights institutions, enabling them to fulfil their watch dog function and monitor the human rights situation (e.g. by publishing alternative reports)
- Promote understanding of rights and the legal system among disadvantaged groups; develop their capacities to claim their rights
- Promote the application of existing laws to protect women and children from harmful practices such as female genital mutilation and child marriage, e.g. by helping rural women to gain access to legal advice.

- Decentralisation, urban and municipal development

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|--|--|
| <p>Direct or indirect disadvantage to specific groups, including women, children and young people, ethnic minorities, poor people and migrants, when attempting to gain access to municipal services, for instance:</p> <ul style="list-style-type: none"> ▪ Disadvantage to the poor if, after price increases for municipal services, tariff rates are not tiered or lack other social compensation ▪ Disadvantage to persons with disabilities, e.g. when attempting to gain access to public infrastructure and information ▪ Disadvantage to residents without registration or official land title, e.g. in informal settlements | <ul style="list-style-type: none"> ▪ Support inclusive and representative participation and planning (e.g. citizen-responsive urban development planning, dialogue fora, citizens' budgets), to take into account divergent interests and needs and to improve the accountability of sub-national tiers of government ▪ Take specific steps to dismantle barriers to access (e.g. making available information in several languages within the municipality, making participatory mechanisms gender-sensitive and inclusive for persons with disabilities, dismantling formal barriers to access such as a lack of identity papers by strengthening registry offices and citizen registration systems) ▪ Support the introduction of tiered or means-tested tariffs for municipal and social services to ensure that people living in poverty are not worse off, and that they are given access (including when services are privatised) ▪ Promote barrier-free construction of public buildings and barrier-free formats for information materials ▪ Support the establishment and improvement of civil registration and land registry |
| <p>Forced evictions for municipal infrastructure measures (roads, markets, etc.) or commercial development</p> | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply → <u>UN Basic Principles and Guidelines on Development-based Evictions and Displacement</u> as well as <u>IFC Performance Standard No. 5 with Guidance Note No. 5</u> |
| <p>Violation of participation rights of indigenous peoples in the course of municipal infrastructure measures or commercial development of indigenous land</p> | <ul style="list-style-type: none"> ▪ Support the application of the principle of free, prior and informed consent in development cooperation measures that affect the rights of indigenous peoples → <u>IFC Performance Standard 2012 No. 7 & Guidance Note No. 7</u> |
| <p>Health hazards such as pollution of air, water and ecosystems, caused by commercial development or municipal investments</p> | <ul style="list-style-type: none"> ▪ Conduct environmental and climate impact assessments ▪ Support measures designed to prevent as far as possible or at least reduce emissions of pollutants → <u>IFC Performance Standards 2012</u> in particular <u>No. 1 & Guidance Note 1, No. 4 & Guidance Note 4, No. 6 & Guidance Note 6</u> |

| | |
|--|---|
| <p>Failure to respect core labour standards, e.g. in municipal construction projects</p> | <ul style="list-style-type: none"> ▪ Respect and specifically promote core labour standards, in particular to prevent child and forced labour. Take specific measures to promote occupational health and safety and to protect children. Encourage the establishment of bodies that represent the interests of the workforce. <p>→ <u>IFC Performance Standards 2012</u> in particular <u>No. 2</u> & <u>Guidance Note 2</u></p> |
| <p>See the relevant General Comments on the <u>International Covenant on Economic, Social and Cultural Rights</u> and the <u>International Covenant on Civil and Political Rights</u>, e.g. <u>No. 34</u> on the right to freedom of opinion, <u>No. 25</u> on political participation, <u>No. 15</u> on water and <u>No. 14</u> on health.</p> <p><u>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on democracy, civil society and public administration, p. 20-21</u></p> | |

Ways to strengthen human rights (a selection)

- Support the alignment of municipal services to human rights standards and principles laid out in the General Comments, in particular with regard to putting in place uniform quality standards for basic services throughout the country/ in all municipalities/ in all districts of a town or city (including informal settlements)
- Specific focus on the realisation of the rights of women and children, e.g. by reforming the personal status law and the citizen registration system
- Improve gender equality by putting in place gender-sensitive organisational structures in public offices, e.g. putting in place performance incentives to promote gender-sensitive action and adapting working time regulations to the everyday realities of working women
- Inform and educate state partners about freedom of movement and the right to adequate housing
- Take specific steps towards economic and social integration of informal urban districts into formalized (generally better served) urban areas
- Promote local initiatives that represent the interests of particularly disadvantaged groups and other groups in civil society (e.g. child protection committees)
- Deliver advisory services on participatory, human rights-based and gender-responsive budgeting and budget monitoring at municipal level
- Strengthen accountability by putting in place accessible accountability mechanisms at municipal level
- Promote community-based media (e.g. community radio), as one of the means for human rights education
- Promote representation of disadvantaged groups in local parliaments/municipal councils and municipal administrations (e.g. youth committees)
- Support awareness-raising measures to counter the stigmatisation of certain groups, e.g. persons with disabilities, ethnic minorities

- Public finance and administrative reform

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|---|--|
| Disadvantage to certain groups through the tax system, e.g. by a disproportionate increase in indirect taxation, disproportionately high taxes imposed on small and micro enterprises, or implicit gender specific imbalances in the tax system | <ul style="list-style-type: none"> ▪ While it is, in principle, expedient to increase tax revenue and incorporate as many sections of society as possible in the tax system, poor households and small and micro entrepreneurs shall not be disproportionately taxed: the tax burden (direct and indirect) should not jeopardise the fundamental human right to an adequate standard of living and other fundamental human rights ▪ Advise partners on appropriate tax bases, tax-free allowances and tax relief, and where applicable, on cash transfers to poor households |
| Disadvantage to ethnic minorities, the illiterate and persons with disabilities as a result of linguistic barriers which prevent them from accessing information published by the authorities, e. g. information on fiscal law | <ul style="list-style-type: none"> ▪ Provide generally comprehensible information, if necessary in several languages, and encourage the use of audio-visual media |
| In the case of privatisation: Basic public services deteriorate in terms of access, quality and affordability, especially for poor and disadvantaged groups | <ul style="list-style-type: none"> ▪ Advise partners on appropriate regulation and supervision of private service providers, in particular by establishing pro-poor tariffs and quality standards |
| Disadvantage to women, youth, persons with disabilities and ethnic minorities through the human resources policy of public administration | <ul style="list-style-type: none"> ▪ When delivering advisory services on human resources policy for public administration (including remuneration, welfare benefits, career paths, training): take existing barriers and divergent needs into account |
| <p><u>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on democracy, civil society and public administration, p. 20-21 and p. 24-25</u></p> | |

Ways to strengthen human rights (a selection)

- Advise partners on how to reduce discrimination in taxation law, with the involvement of affected groups
- Involve and strengthen civil society organisations, and where applicable national human rights institutions in the monitoring of public finance
- Support participatory, child-friendly, gender-responsive and human rights-based budgeting, e.g. in sector budgets or municipal budgets
- Advise partners on appropriate budget allocation for basic social services (health, education, etc.) and for child protection
- Promote non-discriminatory access to review and appeal mechanisms against administrative decisions, e.g. in disputes over taxes, as well as access to the courts (see also section on judicial reform)

- Support the prevention of corruption in public administration in order to achieve non-discriminatory access to services
- Support efforts to ensure that concession agreements in the extractive sector take into account major human rights issues, including fair benefit sharing, compliance with human rights standards in any resettlement measures, the use of security staff, and compliance with child protection guidelines
- Advise partners on guaranteeing barrier-free access to public buildings
- Advise partners on specific support to women, persons with disabilities, members of ethnic minorities and indigenous peoples in public service (in terms of access to public service and human resources development)

2. Peace-building and crisis prevention

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|---|---|
| Disadvantage to certain groups: If some conflict-relevant actors are given preferential treatment in policy-making and mediation, other groups are disadvantaged through the entrenchment of social and economic disparities often assumed to be based on gender or ethnic origin; likewise: failure to tackle inequality if it caused or contributed to conflict | <ul style="list-style-type: none"> ▪ Conduct a human rights-based and gender-sensitive conflict analysis which not only takes account of the conflict's symptoms and any potentially violent actors, but also looks at the historic roots of the conflict, at gender roles that exacerbate conflict and at systematically neglected groups ▪ Support steps to involve all sections of society in policy-making and resource distribution; take specific steps to strengthen civil society bodies representing the interests of disadvantaged groups |
| Forced evictions in the context of a reorganisation of land ownership/land use rights in post-conflict situations, e.g. as a result of the failure to respect common law ownership or where individuals lose the title to their land through no fault of their own (a situation that most frequently affects women) | <ul style="list-style-type: none"> ▪ Develop and fine-tune documentation and legitimation procedures for informal land rights ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply <ul style="list-style-type: none"> → <u>UN Basic Principles and Guidelines on Development-based Evictions and Displacement</u> → <u>UN Principles on housing and property restitution for refugees and displaced persons.</u> |
| <p><u>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on conflict prevention and peace-building, p. 26-27</u></p> | |

Ways to strengthen human rights (a selection)

- Take specific steps to involve women (taking into account United Nations Security Council Resolution 1325 and subsequent relevant resolutions), children and youth (taking into account the resolutions of the United Nations Security Council and the United Nations General Assembly on children in armed conflicts) as well as marginalised groups in all peace, reconciliation and reconstruction processes and in crisis prevention
- Take special account of women, young people and marginalised groups in preventive measures and resource distribution during reconstruction
- Take specific gender-differentiated measures to prevent (youth) violence, also outside crises and conflicts
- Put in place systems to protect groups that are disproportionately affected by the negative impacts of the crisis/conflict (e.g. children and young people)
- Dismantle discrimination and overcome barriers to accessing basic services, and enhance political participation of marginalised groups
- Promote dispute resolution mechanisms within society as well as non-discriminatory, gender- and conflict-sensitive participation, grievance and accountability mechanisms, also at decentralised level
- Take into account human rights standards when judging violent crimes and in other forms of transitional justice, both for victims (adequate compensation, etc.) and for perpetrators (in particular the right to a fair trial and resocialisation measures); take women's rights standards into account in the criminal investigation of gender-based violence

- Support civil society organisations representing the interests of victims of violence and human rights violations and their families
- Consistently align advisory services for security staff to human rights and gender-specific standards (e.g. United Nations Security Council Resolution 1325 and subsequent relevant resolutions)
- Promote non-discrimination and respect for human rights standards in the security sector, inter alia through human rights and peace education, recruitment of members of minority groups and women, strengthening internal and independent external oversight bodies

3. Education

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|--|--|
| Disadvantage to people living in poverty as a result of the introduction or increase of fees | <ul style="list-style-type: none"> ▪ No support for the introduction or increase of fees charged for education (states must progressively realise free education, also beyond primary education). ▪ In addition to guaranteeing free primary education, the dismantling of any other barriers impeding access to education, including the costs of learning materials, school uniforms, transport, etc. is to be supported, where appropriate promote social benefits for children from poor households ▪ Support grants systems for poor children throughout all school types ▪ Support inclusive and representative participation in education policy, in particular the right of school pupils, trainees and students to have their say |
| Disadvantage to persons with disabilities in accessing education when existing barriers are disregarded | <ul style="list-style-type: none"> ▪ Promote inclusive pre-school, school and vocational training ▪ Support barrier-free construction of education facilities ▪ Support barrier-free formats for teaching and learning materials |
| Disadvantage to women and girls as a result of inappropriate infrastructure in education facilities | <ul style="list-style-type: none"> ▪ Promote gender-sensitive and participatory planning of construction measures, e.g. in terms of separate sanitary facilities, changing rooms, etc. |
| Disadvantage to ethnic minorities and indigenous peoples when social-cultural and linguistic characteristics are disregarded | <ul style="list-style-type: none"> ▪ Promote culturally sensitive content matter and services in education in the learners' mother tongue, e.g. using bilingual or multilingual approaches and providing in-service training for teaching staff |
| Failure to respect core labour standards and occupational health and safety standards in the construction of education facilities | <ul style="list-style-type: none"> ▪ Respect core labour standards, in particular to prevent child labour; take specific measures to promote occupational health and safety and to protect children → IFC Performance Standard 2012 in particular No. 2 & Guidance Note 2 |
| <p>See General Comment No. 13 on the International Covenant on Economic, Social and Cultural Rights on the right to education</p> <p>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on education, p. 6-7</p> | |

Ways to strengthen human rights (a selection)

- Strengthen groups who have hitherto had no access to education, or at best limited access, e.g. girls, linguistic minorities, persons with disabilities, poor people, refugees, working children, children without identity papers, nomads
- Strengthen the supervisory and regulatory role of the state to monitor private education providers in terms of availability, non-discriminatory access, affordability, acceptability and adaptability of educational services

- Strengthen student councils and parents' associations at national and decentralised level, especially in terms of demanding accountability
- Cooperate with and strengthen teachers' trade unions
- Promote measures to protect girls and women from gender-based violence in education facilities and on the way to and from these facilities
- Support measures to advance girls and women, e.g. their education due to its importance in tackling child marriage, genital mutilation and other harmful practices
- Promote multilingual instruction (where appropriate) or targeted language promotion and consideration of cultural diversity in curricula and on the part of teaching staff
- Promote inclusive pre-school and early childhood learning, as well as awareness-raising measures to help reduce the stigmatisation suffered by persons with disabilities
- Integrate human rights education in curricula and teacher training, e.g. with a focus on sexual and reproductive rights and human rights violations including female genital mutilation and other harmful practices
- Promote non-formal (out-of-school) education services and all forms of informal learning
- Promote the quality of instruction by ensuring pre- and in-service teacher training and appropriate remuneration for teachers
- Promote innovative forms of instruction that support children as rights holders
- Enhance the range of advisory services available for disadvantaged groups with respect to the transition to another stage of education, or to vocational education or the labour market
- Advise partners on dismantling discriminatory administrative regulations, e.g. those that deny people with no identity papers access to education.

4. Health, family planning, HIV/AIDS

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|--|--|
| Disadvantage to people living in poverty as a result of the introduction or increase of fees for health services. | <ul style="list-style-type: none"> ▪ Support differentiated, i.e. tiered fee systems, which ensure that poor people are not worse off than they were before and that they are not required to pay disproportionately high fees; where appropriate promote benefits for poor households (e.g. vouchers, subsidised insurance, cash transfers, etc.). ▪ Promote health insurance systems that include coverage for people living in poverty ▪ Foster inclusive and representative participation which also involves persons with disabilities and sexual minorities |
| Lack of quality assurance in health services; failure to respect patients' rights to freely choose (e.g. from among different treatment options) and to make informed medical decisions | <ul style="list-style-type: none"> ▪ Educate and sensitise health service staff and patients about their respective rights and obligations, based on human rights ▪ Support the introduction of patients' rights charters |
| Disadvantage to certain groups of patients with respect to health services and health-related information (e.g. sexual minorities, people living with HIV/AIDS, ethnic minorities, indigenous peoples) due to disregard for social stigmatisation and/or sociocultural characteristics | <ul style="list-style-type: none"> ▪ Involve these groups in the design and implementation of measures ▪ Conduct differentiated target group analyses and take into account different life situations in the design of health services and health-related information ▪ Promote culturally sensitive communication strategies and information materials |
| Disadvantage to persons with disabilities in access to health services and health-related information | <ul style="list-style-type: none"> ▪ Support the barrier-free construction of health facilities ▪ Promote barrier-free formats for information materials ▪ Educate and sensitise health service staff on the causes and consequences of disabilities and on dealing with persons with different disabilities. ▪ Foster inclusive participation |
| Disadvantage to linguistic minorities and the illiterate due to disregard for linguistic barriers | <ul style="list-style-type: none"> ▪ Support the provision of multilingual or alternative information materials and provide assistance with translation |
| Failure to respect core labour standards and occupational health and safety standards in the construction of health facilities | <ul style="list-style-type: none"> ▪ Respect core labour standards, in particular to prevent child labour; take specific measures to promote occupational health and safety. → <u>IFC Performance Standards 2012 in particular No. 2 & Guidance Note 2</u> |
| <p>See</p> <ul style="list-style-type: none"> - <u>General Comment No. 14 on the International Covenant on Economic, Social and Cultural Rights on the right to health</u> - <u>General Comment No. 19 on the International Covenant on Economic, Social and</u> | |

- Cultural Rights on the right to social security
- General Comment No. 3 on HIV/AIDS and the rights of the child
- General Comment No. 4 on adolescent health and development in the context of the UN Convention on the Rights of the Child
- General Recommendation No. 24 on the UN Convention on the Elimination of All Forms of Discrimination against Women relating to women and health
- BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on health, p. 8-9

Ways to strengthen human rights (a selection)

- Promote the sexual and reproductive health and rights of young people with a special focus on empowering girls and young women (e.g. with emergency obstetric care and measures to eradicate harmful traditional practices such as female genital mutilation)
- Support measures to combat harmful traditional practices (including female genital mutilation), with a special focus on children and young people, especially girls
- Support hygiene education measures for children and young people
- Promote health and development checks for children and young people to reduce and prevent impaired growth and ensure adequate vaccination coverage
- Support sensitisation measures for health service staff to engage in gender-sensitive, age-appropriate and culturally appropriate communication
- Prioritise integrated primary health care with preventive and curative services, in particular in geographically remote, under-served areas
- Expand social security systems to make primary health care available to poor and/or disadvantaged groups, taking special account of children
- Strengthen the state's supervisory and regulatory role so as to monitor private service providers in terms of availability, non-discriminatory access, affordability, acceptability and quality of health services provided
- Strengthen local health committees and advocacy NGOs, especially in terms of demanding accountability with respect to patients' rights
- Support awareness-raising measures to reduce the stigmatisation within society of individuals living with specific diseases (e.g. HIV/AIDS, leprosy) and persons with disabilities
- Integrate traditional healing practices and medicine into the health care system
- Promote high-quality comprehensive training for health services staff; take into account cultural and linguistic diversity
- Train medical staff in relevant rights (e.g. sexual and reproductive rights) and their implications for their medical work (e.g. refusing to "medicalise" harmful practices such as female genital mutilation), strengthen the capacity of the state to conduct these training measures.

5. Drinking water, water resources management, sanitation/solid waste management

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|--|---|
| Disadvantage to people living in poverty as a result of the introduction or increase of water, sewage and sanitation tariffs | <ul style="list-style-type: none"> ▪ Support the introduction of differentiated, i.e. tiered, consumption-dependent tariff systems, which ensure that poor people are not worse off than before and which give them access to services. As a benchmark, the costs of water and sanitation should not account for more than 5% of income available to the household; where appropriate, encourage public subsidies or a system of cross-subsidisation ▪ Promote inclusive and representative participatory processes |
| Forced evictions to tap water sources or as a result of infrastructure measures to improve water resources management and sanitation services (dams, sewage treatment plants) | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply → UN Basic Principles and Guidelines on Development-based Displacement and Evictions as well as IFC Performance Standard No. 5 & Guidance Note No. 5 |
| Violation of indigenous peoples' participation rights in conjunction with the management of water supplies/water resources on indigenous lands | <ul style="list-style-type: none"> ▪ Apply the principle of free, prior and informed consent in development cooperation measures that affect the rights of indigenous peoples → IFC Performance Standard 2012 No. 7 & Guidance Note 7 |
| Retgression in access to water for certain groups, e.g. as a result of the destruction or damage to ecosystems relevant for the (regional/supraregional) water balance or as a result of the unsustainable use of water resources, for instance for irrigation | <ul style="list-style-type: none"> ▪ Within the scope of water resources management, resolve conflicts over the use of water by fairly reconciling interests and by ensuring as much as possible that vulnerable groups (e.g. subsistence farmers, internally displaced persons) are not unduly burdened ▪ Where minimum drinking water supply standards are jeopardised, ensure compensatory measures to protect the drinking water supply of vulnerable groups |
| Hazards for children and women or restricted access for people with limited mobility due to inappropriate water or sanitation infrastructure | <ul style="list-style-type: none"> ▪ Support appropriate safety at wells, water retention basins, wastewater channels, toilets (e.g. in schools), etc. ▪ Take account of security risks on the way to water sources or sanitation facilities and take steps to reduce these risks ▪ Support accessibility for people with limited mobility |
| Failure to respect core labour standards in infrastructure measures | <ul style="list-style-type: none"> ▪ Respect core labour standards, in particular to prevent child labour; take specific measures to promote occupational health and safety → IFC Performance Standard 2012 No. 2 & Guidance Note 2 |
| See General Comment No. 15 on the International Covenant on Economic, Social and Cultural Rights on the right to water | |

Ways to strengthen human rights (a selection)

- Enhance affordable water supplies and sanitation for poor and disadvantaged sections of the population in hitherto unserved or underserved areas (especially peri-urban settlements) with specific supply approaches, combining e.g. special financing options for poor areas with the use of cost-effective technologies and safe access (e.g. water kiosks, standpipes, public toilets)
- Strengthen the supervisory and regulatory function of state bodies vis-à-vis both public and private water and sanitation utilities to improve availability, affordability and drinking water quality as well as ensuring non-discriminatory access to water and sanitation facilities. Put in place incentives mechanisms (e.g. in the form of tax relief) for non-state actors in these sectors
- Support monitoring systems, especially in poor areas
- Expand the focus on water supply to include sanitation
- Systematically involve all affected groups, especially women and young people, in decision-making relating to water policy
- Strengthen the rights of users vis-à-vis water utilities and institutional structures of water user groups, in particular in terms of demanding accountability and transparency
- Strengthen the negotiating abilities of disadvantaged groups in conflicts over water use
- Establish effective and straightforward grievance mechanisms for water users
- Promote awareness-raising measures and hygiene education to prevent waterborne diseases, e.g. in schools or via water kiosks

6. Food security, agriculture

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid risks |
|--|---|
| <p>Pastoralists, small farmers and subsistence farmers are at a disadvantage or lose their relative competitiveness and suffer greater poverty</p> | <ul style="list-style-type: none"> ▪ Foster inclusive agricultural development which ensures that vulnerable groups also benefit from economic development ▪ Do not support activities that will have a negative impact on poor people ▪ Strengthen small and micro farmers, e.g. by incorporating them in value chains and giving them access to extension, advisory and financial services, with a special focus on women. ▪ Inclusive and representative participation → <u>FAO Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security</u> |
| <p>Decline in food security if food production for local consumption is replaced by other forms of land use</p> | <ul style="list-style-type: none"> ▪ Ensure full compliance with the rights to food and water, i.e. no cropland may be put to other uses without giving those affected adequate alternative land or compensation ▪ Support inclusive business models → <u>6 principles of the BMZ strategy paper 'Biofuels'</u> |
| <p>Decline in access to drinking water and water for agricultural production</p> | <ul style="list-style-type: none"> ▪ Promote irrigated agriculture in line with the tenets of sustainability ▪ Resolve conflicts over the use of resources by fairly reconciling interests and by ensuring as much as possible that vulnerable groups (e.g. subsistence farmers, pastoralists, internally displaced persons) are not unduly burdened |
| <p>Disadvantage to marginalised groups (e.g. women, minorities, pastoralists, young people, members of indigenous peoples) in the course of land reform, the issuing of land titles or land use planning</p> | <ul style="list-style-type: none"> ▪ Support equal access to land and water and strengthen legal certainty. ▪ Respect the traditional land and water rights of indigenous people and common law land rights, especially women's rights ▪ Take steps to counter the structural disadvantages suffered by women and young people (especially orphans) → <u>FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security</u> |
| <p>Deterioration of labour and safety standards on farms</p> | <ul style="list-style-type: none"> ▪ Respect and specifically promote core labour standards, also in projects and programmes aimed at increasing competitiveness and exports: in particular take steps to prevent child labour and forced labour, foster occupational health and safety, support bodies that represent the interests of workers; promote decent wages → <u>IFC Performance Standard 2012 No. 2 & Guidance Note</u> |

| | |
|--|--|
| | <u>2</u> |
| Sale or lease of land without those affected being informed, or involved, and without their approval | <ul style="list-style-type: none"> ▪ Involve the local population as early as possible in planning and negotiations ▪ Land should only be sold or leased with the free, prior and informed consent of the people |
| Forced evictions and displacement as a result of the sale or leasing of land, or failure to pay compensation | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply → <u>UN Basic Principles and Guidelines on Development-based Evictions and Displacement</u> as well as <u>IFC Performance Standard No. 5</u> and <u>Guidance Note No. 5</u> |
| <p>See especially General Comments on the International Covenant on Economic, Social and Cultural Rights on the <u>right to food (No. 12)</u> and the <u>right to water (No. 15)</u></p> <p><u>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on food security and agriculture, p. 12-13</u></p> | |

Ways to strengthen human rights (a selection)

- Prioritise food security for the people, especially in situations of increased vulnerability. The appropriate support measures in the given circumstances (raising the income of small local farmers by gearing production to the market or export, or raising their level of self-sufficiency) should be selected in line with the conditions on the ground.
- When promoting agricultural production, ensure that as many jobs as possible are created also for poor people, people with few qualifications, women and young people
- When land titles are issued, promote the acquisition of land titles by women, young people (with a special focus on orphans), members of indigenous peoples, and individuals threatened by resettlement
- Strengthen the negotiating capacities of disadvantaged groups in land-use conflicts; promote equal participation of women
- Promote productivity gains in small farming by distributing innovations, technologies and management approaches adapted to the local circumstances, while protecting agrobiodiversity and ensuring the sustainable management thereof
- Promote post-harvest protection along the entire value chain in small-scale farming production systems as well as in efforts to put in place an enabling policy environment
- Take into account measures to increase resilience in high-risk and vulnerable contexts
- Strengthen organisations of agricultural labourers and small farmers to enable them to represent their interests and demand their rights
- Elaborate and monitor gender-sensitive food security strategies with the active involvement of civil society organisations and at-risk groups
- Promote access to justice, fair trials and equal protection before the law, as well as basic and further training for lawyers and judges with respect to the right to food
- Put in place early warning systems to prevent famines, including food storage and appropriate distribution systems
- Take steps to reduce child labour, forced labour and hazardous working conditions (e.g. resulting from the use of pesticides) in agriculture

- Promote ethical and efficient state administrative structures to implement framework agreements including fundamental human rights, such as the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

7. Environmental policy, conservation and sustainable management of natural resources

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|--|---|
| <p>Disadvantage to groups living in poverty, e.g.</p> <ul style="list-style-type: none"> - through state imposed environmental and climate change mitigation measures that entail a financial burden - through restrictions imposed on the use of natural resources that are the resource base on which they depend | <ul style="list-style-type: none"> ▪ Foster inclusive and representative participation ▪ When environmental or climate change mitigation measures impose a financial burden on households, promote subsidies for poor and disadvantaged households ▪ Ensure adequate compensation and/or promote alternative income-generating options when restrictions are placed on the use of natural resources so that people living in poverty are not worse off |
| <p>Forced evictions in the wake of the creation of protected areas</p> | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement, where resettlement proves to be unavoidable, apply → <u>UN Basic Principles and Guidelines on Development-based Displacement and Evictions</u> as well as <u>IFC Performance Standard No. 5</u> and <u>Guidance Note No. 5</u> |
| <p>Violation of indigenous peoples' participation rights through environmental and natural resource conservation measures, including REDD activities on indigenous land</p> | <ul style="list-style-type: none"> ▪ Support the application of the principle of free, prior and informed consent in development cooperation measures that affect the rights of indigenous peoples → <u>IFC Performance Standard 2012 No. 7</u> & <u>Guidance Note 7</u> |
| <p>Health hazards for the population caused by waste disposal</p> | <ul style="list-style-type: none"> ▪ Avoid establishing landfill sites close to settlements ▪ Establish landfill sites in a way that minimises the threat to human health and the environment ▪ Support appropriate protective measures to prevent unauthorised access to landfill sites ▪ Support education measures for the population |
| <p>Violation of core labour standards and occupational health and safety in solid waste disposal</p> | <ul style="list-style-type: none"> ▪ Respect core labour standards, in particular to prevent child and forced labour, take specific measures to promote occupational health and safety and to protect children → <u>IFC Performance Standard 2012 No. 2</u> & <u>Guidance Note 2</u> |
| <p>Exclusion of the local population from profits generated from the sustainable management of natural resources</p> | <ul style="list-style-type: none"> ▪ Develop models for the fair sharing of benefits accruing from the sustainable management of natural resources |
| <p>See in particular the General Comments on the International Covenant on Economic, Social and Cultural Rights on the <u>rights to health (No. 14)</u>, <u>food (No. 12)</u> and <u>water (No. 15)</u> <u>BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on protecting the environment and natural resources, p. 18-19</u></p> | |

Ways to strengthen human rights (a selection)

- Strengthen state supervisory and regulatory roles, including in terms of private businesses and their human rights responsibilities
- Respect the economic and intrinsic value of biodiversity and ecosystems, and their importance for the human rights to health, education, water and food in development planning (especially when planning infrastructure measures), and encourage private businesses to take these into account in decision-making
- Examine the specific problems faced by children and young people in conjunction with development measures and take these into account, since children under the age of 18 are more at risk from various environmental hazards and pollutants and their growing organism is more vulnerable
- Promote protective measures for those coming into contact with hazardous substances and toxins in their work, e.g. in solid waste disposal or processing (often women, children and young people)
- Ensure that environmental protection is transparent and participatory in design, in particular where conflicts over use exist; environmental protection should also be pro-poor and gender-sensitive
- Gear climate change mitigation measures to human rights standards and principles, e.g. strengthen the bodies representing the interests of groups particularly affected by climate change, including internally displaced persons, promote accountability and civil society monitoring of climate financing instruments
- Strengthen the negotiating skills of relevant groups and the bodies that represent their interests
- Strengthen or put in place effective and accessible grievance mechanisms for those affected by environmental impacts and those who see their rights violated by environmental protection measures

8. Sustainable economic development

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|---|--|
| Side-lining of local micro, small and medium enterprises | <ul style="list-style-type: none"> ▪ Conduct ex-ante analyses that contain information on potential adverse impacts on disadvantaged and poor groups ▪ Identify and agree on compensatory measures, transitional periods, exceptions etc. for those affected ▪ Organise multi-stakeholder dialogues with civil society groups ▪ Facilitate the dialogue between investors and local businesses about productive cooperation ▪ Promote inclusive business models in which businesses address people living in poverty because it is in their own interest |
| Excessive financial burdens for disadvantaged groups caused by fiscal reform | |
| Excessive financial burdens for people living in poverty caused by irresponsible awarding of loans | <ul style="list-style-type: none"> ▪ Develop appropriate and gender-sensitive financial services to meet the needs of disadvantaged groups and sectors ▪ Use responsible finance approaches, in particular to promote financial literacy and state regulated consumer protection |
| Deterioration of occupational health and safety in private businesses | <ul style="list-style-type: none"> ▪ Respect and specifically promote core labour standards, also when supporting measures aimed at making private businesses more competitive (in particular to prevent child labour and forced labour, promote measures to ensure occupational health and safety and support bodies that represent the interests of the workforce) → IFC Performance Standard 2012 No. 2 & Guidance Note 2 ▪ Support education on workers' rights in particular for disadvantaged groups |
| Increased pollution and destruction of ecosystems that are important for humankind | <ul style="list-style-type: none"> ▪ Incorporate environmental protection and environmental law standards in the support to individual branches/businesses ▪ Support the integration of industrial environmental protection in advisory services directed at businesses ▪ Advise partners on environmental impact assessments and the implementation of environmental standards in investment projects → IFC Performance Standards 2012 in particular No. 1 & Guidance Note 1; No. 4 & Guidance Note 4; No. 6 & Guidance Note 6 |
| Forced evictions in the context of investment projects | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply → UN Basic Principles and Guidelines on Development-based Evictions and Displacement as well as IFC Performance Standard No. 5 and Guidance Note No. 5 |
| Violation of indigenous peoples' participation rights in the course of infrastructure measures on indigenous land | <ul style="list-style-type: none"> ▪ Support the application of the principle of free, prior and informed consent in development cooperation measures that affect the rights of indigenous peoples → IFC Performance Standard 2012 No. 7 & Guidance Note 7 |

See General Comment No. 18 on the International Covenant on Economic, Social and Cultural Rights relating to the right to work, ILO core labour standards and human rights responsibilities of private businesses:

Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework

BMZ: Human rights in practice. Fact sheets on a human rights-based approach in development cooperation, Fact Sheet on sustainable economic development, p. 16-17

Ways to strengthen human rights (a selection)

- Support economic legislation and regulations that comply with and protect human rights, and strengthen the abilities of the state to monitor compliance and enforce these regulations vis-à-vis private businesses
- Foster the involvement of micro, small and medium enterprises in sustainable value chains; promote access to advisory and financial services tailored to their needs
- Promote consumer protection by providing advice on laws and their enforcement and support consumer protection organisations
- Promote market-based systems that provide for equality of opportunities and equal participation in processes of economic growth; empower disadvantaged groups and support taxation policy tailored to the different capacities of citizens
- Link economic and social policy measures, e.g. for appropriate and gender-sensitive systems of social protection, also for people working in the informal sector and migrant workers
- Support steps to ensure non-discriminatory access to vocational training, the labour market and productive resources, such as land and financial services.
- Promote the quality, not only the quantity, of jobs in both the formal and informal sectors, especially in terms of implementation of the ILO core labour standards
- Promote a partnership between the two sides of industry (e.g. arbitration units to resolve disputes over collective bargaining, promotion of a dialogue inside companies and suppliers); support bodies that represent the interests of the workforce
- Support bodies representing the interests of micro and small enterprises and cooperatives
- Support environmentally sound and fair production and marketing processes as well as ecologically sound branches of industry; support pro-poor business models
- Promote rule-of-law principles and institutions, e.g. by improving (non-)judicial accountability mechanisms, including access to compensation should companies infringe human rights
- Help achieve enhanced voluntary commitments on the part of private businesses and promote corporate social responsibility; cooperate with the private sector on developing procedures and methods to meet human rights responsibilities
- Disseminate the UN Guiding Principles on Business and Human Rights
- Promote inclusive and representative dialogue fora (public-private dialogue) on economic and social policy challenges, e.g. ensuring fair benefit sharing in the extractive sector or promoting youth employment
- Promote the application of environmental, social and governance criteria in the financial sectors

9. Energy

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|--|---|
| Disadvantage to people living in poverty | <ul style="list-style-type: none"> ▪ Promote tariff systems and modes of payment that take into account the needs of and options open to poor households: no group should be worse off than before, enable access for the poor (e.g. through a consumption-based, tiered tariff system, where appropriate: public subsidies, including for power for cooking and heating). ▪ Support inclusive and representative participation which also involves persons with disabilities |
| Forced evictions resulting from energy-related infrastructure measures (dams, hydro-power plants, mines, power transmission cables) | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply → UN Basic Principles and Guidelines on Development-based Evictions and Displacement In addition: IFC Performance Standard No. 5 and Guidance Note No. 5, World Commission on Dams: 'Dams and Development. A new framework for decision-making' |
| Violation of indigenous peoples' participation rights in the course of energy-related infrastructure measures and fuel extraction on indigenous land | <ul style="list-style-type: none"> ▪ Support the application of the principle of free, prior and informed consent in development cooperation measures that affect the rights of indigenous peoples → IFC Performance Standard 2012 No. 7: Indigenous Peoples & Guidance Note 7 |
| Pollution of air, water and ecosystems caused by the extraction or consumption of fuels which poses a health hazard | <ul style="list-style-type: none"> ▪ Conduct an environmental impact assessment ▪ Take steps to avoid as far as possible or reduce emissions of pollutants into the air, water and ecosystems → IFC Performance Standards 2012 in particular No. 1 & Guidance Note 1, No. 4 & Guidance Note 4, No. 6 & Guidance Note 6 |
| Violation of core labour standards and occupational health and safety in the extraction of energy resources, plant construction and/or the maintenance of power infrastructure | <ul style="list-style-type: none"> ▪ Respect and specifically promote core labour standards, in particular to prevent child labour and forced labour; take specific measures to enhance occupational health and safety and support bodies representing the interests of the workforce → IFC Performance Standard 2012 No. 2 & Guidance Note 2 |
| <p>See in particular the General Comments on the International Covenant on Economic, Social and Cultural Rights on the right to appropriate housing (No. 4 and No. 7 on forced evictions) BMZ: Human rights in practice. Fact sheets on a human rights based approach in development cooperation. Fact Sheet on energy, p. 14-15</p> | |

Ways to strengthen human rights (a selection)

- Improve affordable access to sustainable, environmentally sound energy supplies (including power for cooking and heating) for poor and underserved households, including energy-saving measures
- Strengthen the supervisory and regulatory role of the state in the energy sector in order to monitor energy producers, energy plant operators and suppliers in terms of

compliance with minimum human rights standards, and in terms of ensuring the availability and affordability of energy

- Support pro-poor, gender-sensitive energy sector reforms
- Prioritise energy supply that has a positive impact on realising human rights (e.g. the power supply to essential facilities such as hospitals)
- Strengthen or establish effective and readily accessible accountability mechanisms for power users and those affected (e.g. by pollution, health hazards, resettlement)

10. Transport and communication

Potential human rights risks in conjunction with development cooperation measures

| Risks | How to avoid the risks |
|---|---|
| Disadvantage to certain groups, e.g. people living in poverty, persons with disabilities, when people are forced out of their homes or off their land where new roads are built, or when the costs of public transport rise | <ul style="list-style-type: none"> ▪ Support inclusive urban planning and transport planning: respect the way settlement structures and transport routes interact; avoid urban sprawl and forcing poorer groups out to the periphery and/or to inaccessible locations ▪ Promote means of transport that are most important to disadvantaged groups: footpaths and cycle paths that run parallel to roads, and that are well built, barrier-free and comply with the latest safety standards, local public transport ▪ Support inclusive and representative participation in traffic and transport policy, e.g. in the prioritization of transport projects ▪ Help design local public transport in line with the imperatives of reducing poverty and ensuring access to work and social services, etc.; this includes promoting affordable local public transport, where appropriate using targeted subsidies for poor and disadvantaged households |
| Hazards to the local population, especially children, caused by increased traffic | <ul style="list-style-type: none"> ▪ Support appropriate road design to minimise hazards in settlements ▪ Support the use of suitable protective structures along roads; broad pavements, pedestrian crossings, speed limits inside settlements, street lighting, etc. ▪ Promote road safety education especially for children and for occupational groups like taxi drivers, bus drivers, truck drivers, etc. |
| Forced eviction as a result of transport and communication infrastructure measures (highway construction, cable-laying) | <ul style="list-style-type: none"> ▪ Examine and exhaust all alternatives to resettlement; where resettlement proves to be unavoidable, apply → <u>UN Basic Principles and Guidelines on Development-based Evictions and Displacement</u> as well as <u>IFC Performance Standard No. 5</u> and <u>Guidance Note No. 5</u> |
| Violation of indigenous peoples' participation rights in the course of infrastructure measures on indigenous land | <ul style="list-style-type: none"> ▪ Support the application of the principle of free, prior and informed consent in development cooperation measures that affect the rights of indigenous peoples → <u>IFC Performance Standard 2012 No. 7</u> & <u>Guidance Note 7</u> |
| Violation of core labour standards, and occupational health and safety in highway construction or other infrastructure measures | <ul style="list-style-type: none"> ▪ Respect and specifically promote core labour standards, in particular to prevent child and forced labour. Take specific measures to promote occupational health and safety → <u>IFC Performance Standard 2012 No. 2</u> & <u>Guidance Note 2</u> |
| Damage to ecosystems caused by increased volumes of traffic and | <ul style="list-style-type: none"> ▪ Respect ecosystems and the valuable role they play when planning routes and identifying needs; conduct |

Ways to strengthen human rights (a selection)

- Develop holistic approaches in the transport sector, integrating expertise in the fields of urban development, urban planning, energy policy and industrial policy so as to avoid undesirable developments such as urban sprawl and increased emissions
- Promote labour-intensive rather than machine-intensive highway construction to provide work for poor and disadvantaged groups, including women and young people
- Extend and protect barrier-free footpaths, cycle paths and pedestrian crossings as well as safe and affordable public transport, including railway and bus stations, etc. taking special account of the need to protect women and children
- Prioritise transport infrastructure and means of transport that benefit poor groups while being environmentally and economically sustainable
- Promote transparency and the establishment of effective and accessible accountability mechanisms for those adversely affected, e.g. by infrastructure measures
- Ensure that the risks involved in promoting biofuels are carefully weighed up to make sure that any purported contributions to energy security and climate change mitigation in the transport sector do not negatively impact on food security and the environment
- Improve access to information and communication technology, especially for poor and disadvantaged groups lacking it, e.g. by promoting internet access in schools, establishing community and youth centres with free internet access