

The ABC of Human Rights for German Development Cooperation

Introduction

How can development cooperation (DC) promote human rights effectively together with its partners? How can it be ensured that DC activities leverage maximum benefit for the whole population without causing any unintentional harm? And, last but not least: How can human rights help to reduce poverty, inequality and discrimination, and bring about sustainable development as defined in the 2030 Agenda and the Sustainable Development Goals (SDGs)?

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

This publication provides an overview of the role of global human rights instruments in DC. It is complemented by publications on regional human rights systems, such as the Inter-American system.

Content

1. The Human Rights-Based Approach in German DC	2
2. Core International Human Rights Treaties	2
3. Key Human Rights Actors	4
4. The UN Human Rights Council, Special Mandates and Universal Periodic Review	5
5. Human Rights and the SDGs	6

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1. The Human Rights-Based Approach in German DC

Germany has committed to human rights in many international treaties. Human rights are thus a guiding principle and quality criterion of German development cooperation. The **German Federal Ministry for Economic Cooperation and Development (BMZ)** recently set out the human rights-based approach in its 2023 Human Rights Strategy for German development policy for the political, strategic and operational level. It is supplemented by a working aid on the consideration of this concept.

The implementing organisations have devised corresponding assessment systems: The sustainability guidelines (2024) adopted by Germany's two main implementing organisations – **KfW Development Bank** and **GIZ** – require every project to undergo a systematic risk assessment that includes a review of human rights aspects. Other donors follow similar procedures, such as **UNDP with its screening of social and environmental risks** (2021).

The human rights-based approach, on which the BMZ Human Rights Strategy is based, includes:

1. the understanding of individuals as rightsholders and states as duty-bearers;
2. anchoring human rights objectives and principles in bilateral and multilateral policy dialogue;
3. respecting and promoting human rights objectives and principles (participation and empowerment, non-discrimination and equal opportunities, transparency and accountability). This includes cooperation with human rights institutions and the use of human rights instruments.

Ideally, therefore, all projects across all sectors pursue the human rights-based approach (mainstreaming). German DC also supports specific human rights projects in partner countries.

The human rights-based approach focuses on transforming social conditions marked by inequality and mutually reinforcing forms of discrimination, whether this is based on gender, ethnic background, religion, social status, age, sexual orientation or other grounds. It is geared towards ensuring that all rights holders enjoy self-determination and equal participation in the development of society. The human rights-based approach is fundamentally power-critical in that it is designed to protect the individual from violations engineered by the state and private actors.

2. Core International Human Rights Treaties

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



The nine core UN human rights treaties

Treaty	Parties
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD , 1965)	182
International Covenant on Civil and Political Rights (ICCPR , 1966)	174
International Covenant on Economic, Social and Cultural Rights (ICESCR , 1966)	173
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW , 1981)	189
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT , 1984)	175
Convention on the Rights of the Child (CRC , 1989)	196
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW , 1990)	60
Convention on the Rights of Persons with Disabilities (CRPD , 2006)	192
International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED , 2006)	77

The treaties are complemented by 'optional protocols'. Some enable those whose human rights have been violated to lodge a complaint with the competent UN committee. Others guarantee

rights that go above and beyond the scope of the respective treaty; for instance, one of the three optional protocols to the CRC governs the **involvement of children in armed conflict**.

Relevance for German DC

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

In addition, DC can help partner countries to formulate national plans, such as **national disability strategies**, **national action plans on business and human rights** and **plans for implementing UN Security Council Resolution 1325 on Women, Peace and Security**. Such plans can support efforts to realise specific human rights. They can also serve as a basis for taking action on Concluding Observations or recommendations arising from the Universal Periodic Review (UPR, see below chapter 4).

Interpretation of human rights treaties

The rights enshrined in human rights treaties are set out in general terms and need to be interpreted. This is undertaken by the **UN treaty bodies**, committees consisting of independent international experts. They flesh out the content of state obligations in **General Comments or Recommendations**. These General Comments constitute the authoritative interpretations of each human right.

One example relevant to DC is **General Comment No. 26 on land and economic, social and cultural rights** issued by the Committee on Economic, Social and Cultural Rights.

Reporting procedure

Once a state has ratified a human rights treaty, it is obliged to report regularly to the corresponding UN treaty body. All such reports are drawn up by ministries in the state parties. Additionally, human rights actors such as National Human Rights Institutions and civil society organisations compile parallel reports covering their assessments of the human rights situation and submit these to the UN treaty bodies. The treaty bodies then consult these parallel reports and prepare their Concluding Observations after engaging in dialogue with the state in question. These observations set out progress made as well as any shortcomings. The treaty body will also make recommendations on how the rights enshrined in the relevant treaty can be better upheld.

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

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

3. Key Human Rights Actors

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

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

National Human Rights Institutions (NHRIs)

There are currently 126 independent National Human Rights Institutions which are charged with promoting and protecting human rights. 118 of them are accredited with the umbrella organisation **Global Alliance of National Human Rights Institutions (GANHRI)**. They perform the role of preventive, complaints or monitoring mechanisms in many countries. For instance, the German Institute for Human Rights hosts the independent national monitoring bodies **for the Convention on the Rights of Persons with Disabilities (CRPD)** and the **Convention on the Rights of the Child (CRC)**, as well as independent national rapporteurs **on gender-based violence** and on **trafficking in human beings**. NHRIs also advise on and observe government policy to ensure compliance with human rights commitments. In this way, they make an important contribution to the monitoring of government policies and the prevention of human rights violations at the national level. In addition, they bridge the gap between the national, regional and international levels of human rights protection. In this capacity they are also supported by their regional networks in **Africa, Asia, Europe** and **the Americas** as well as by the global network GANHRI.



4. The UN Human Rights Council, Special Procedures and Universal Periodic Review

The United Nations has a large number of specialist institutions. Some of the institutions and UN bodies that are engaged specifically in protecting human rights are introduced below.

UN Human Rights Council

The UN member states established the UN Human Rights Council in 2006. It serves as the member states' central global body for human rights policy and is tasked with further developing, implementing and monitoring human rights standards. For instance, the Human Rights Council votes on resolutions on the human rights situation in a certain country or on specific issues. The **47 member states of the Human Rights Council** are elected by the UN General Assembly. Germany is currently a member until the end of 2025.

Special Procedures

In **Special Procedures**, the Human Rights Council grants specific mandates for investigating the human rights situation in certain countries or topics relevant to human rights. The individual mandate holders are known as special rapporteurs, special representatives or independent experts. Some mandates are assigned to working groups. There are currently **14 country mandates** and **46 thematic mandates**. The annual reports by the mandate holders contain up-to-date information on human rights issues and developments as well as recommendations to the UN Human Rights Council and the UN General Assembly.

Universal Periodic Review

Since 2008, all UN member states have been subject to a regular peer assessment of the human rights situation in their respective countries under the Universal Periodic Review (UPR) process. By now, all states have already undergone at least

three such reviews. The UPR mechanism is based on three reports: a state report, a compilation of information contained in the reports of UN treaty bodies and Special Procedures, and a summary of the reports submitted by NHRIs, civil society organisations and other stakeholders. In a dialogue that is broadcast live online, the state under review responds to questions and recommendations by other UN member states and can accept or note those recommendations. The recommendations and the state's response are compiled in an outcome report. The following review cycle examines which recommendations have been implemented.

Relevance for German DC

The UN bodies have repeatedly emphasised the importance of state development cooperation for strengthening human rights, most recently in the Human Rights Council **resolution on human rights and international solidarity** (2024).

Some of the Special Procedures have a continuous focus on state development cooperation, such as the **Working Group on Business and Human Rights**, the **Special Rapporteur on the Right to Development** and the **Special Rapporteur on Water and Sanitation**.

In German DC, the **UN Guiding Principles on Business and Human Rights** of 2011) and the **Basic Principles and Guidelines on Development-Based Evictions and Displacement** of 2007 are essential.

Other Special Procedures have produced useful tools for DC as well. In 2022, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity presented a report detailing the **impact of criminalising and discriminating against LGBTIQ persons** in respect of their right to health and the SDGs. Similarly, a **report** (2024) by the Special Rapporteur on the rights of persons with disabilities focuses on participation and inclusion in the context of the SDGs.

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

Resources

- **UN thematic mandates**
- **UN country mandates**
- **Universal Periodic Review by country**

5. Human Rights and the SDGs

The UN member states adopted the 2030 Agenda with its Sustainable Development Goals (SDGs) in 2015. The SDGs are based on human rights. They apply to all countries and are closely interlinked. The overarching principle of the 2030 Agenda – 'leave no one behind' – is all about reducing discrimination and inequality. The 2030 Agenda requires all the SDGs to be implemented 'in a manner consistent with the human rights obligations of each State'. Accordingly, nearly all the SDGs and their indicators refer to human rights standards such as the availability, accessibility, affordability and quality of public services.

Relevance for German DC

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

- devising human rights-based development strategies and indicators for the SDGs and their targets. To this end, German DC practitioners are **advising the National Planning Authority in Uganda;**
- aligning project objectives and indicators with human rights. German DC practitioners in the **Western Balkans** are supporting quality improvements and access to social services for disadvantaged population groups, while in **Palestine** they are helping disadvantaged groups to participate effectively in society;
- focusing on disadvantaged individuals and groups in terms of financing efforts to achieve the SDGs. In Namibia, German DC supports the strengthening of sustainable financing for SDG implementation in line with the LNOB principle (Leave No One Behind). This includes enhancing domestic resource mobilization through the Namibia Revenue Agency (NamRA) and increasing private sector involvement in SDG financing.

Resources

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



Other tools in this series

- **ABC of Human Rights for Development Cooperation: The African Human Rights System** (2022)
- **ABC of Human Rights for Development Cooperation: The Arab Human Rights System** (2017)
- **ABC of Human Rights for Development Cooperation: Human Rights in Asia** (2024)
- **ABC of Human Rights for Development Cooperation: The Inter-American Human Rights System** (2024)

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