



The ABC of Human Rights for Development Cooperation (Update February 2009)

Introduction

In March 2008, the German Ministry for Economic Cooperation and Development (BMZ) issued the second [Development Policy Action Plan for Human Rights](#). The BMZ's human rights action plan expresses the political will to focus development cooperation more systematically on the realization of political, civil, economic, social, and cultural rights.

Since June 2005, the GTZ sector project "[Realising human rights in development cooperation](#)" supports the BMZ in achieving this objective.

This e-info-tool provides essential material on international human rights, to motivate development practitioners to make more use of human rights as a reference framework.

This e-info-tool consists of four parts and deals with

1. [The core international human rights treaties and what they contain](#)
2. [Human rights reporting and monitoring mechanisms](#)
3. [UN Human Rights Council and UN special mechanisms](#)
4. [Operationalisation of human rights](#)



1. The core international human rights treaties and what they contain

United Nations human rights covenants and conventions are the basis of today's system of international human rights protection. Alongside these, there are also several regional human rights treaties in Europe, Africa and the Americas.

The UN human rights treaties are legally binding international documents, which have been ratified by most UN member states. Furthermore, the UN human rights system is constantly undergoing further development, as illustrated by the adoption of the Convention on the Rights of Persons with Disabilities and the Convention for the Protection of All Persons from Enforced Disappearance by the UN General Assembly in December 2006. Conventions need to be ratified by a minimum number of states before they enter into force – the Convention on the Rights of Persons with Disabilities has already acquired the minimum number and entered into force in May 2008.

*The nine core UN human rights treaties
(in chronological order) and the number of ratifying states*

International Convention on the Elimination of All Forms of Racial Discrimination ([ICERD](#))
[173](#)

International Covenant on Civil and Political Rights ([ICCPR](#))
[164](#)

International Covenant on Economic, Social and Cultural Rights ([ICESCR](#))
[160](#)

Convention on the Elimination of All Forms of Discrimination against Women ([CEDAW](#))
[185](#)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ([CAT](#))
[146](#)

Convention on the Rights of the Child ([CRC](#))
[193](#)

International Convention on the Protection of the

Rights of all Migrant Workers and Members of Their Families ([CMW](#))

[40](#)

Convention on the Rights of Persons with Disabilities ([CPD](#))

[46](#)

International Convention for the Protection of All Persons from Enforced Disappearance ([CED](#))

[7](#)

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In addition to the international treaties, many states have ratified so-called Optional Protocols, which complement the treaties. Optional Protocols may establish a mechanism for individual complaints (as do the [First Optional Protocol to the Covenant on Civil and Political Rights](#) and the [Optional Protocol to the convention on women's rights](#)). Such an [Optional Protocol](#) was passed on December 10, 2008 for the Covenant on Economic, Social and Cultural Rights (for the position of the German Government, cf. its [Eighth Human Rights Report of the Federal Government, p. 85](#)) ([German only](#)). The [Optional Protocol to the Convention on the Rights of Persons with Disabilities](#) also envisages an individual complaints procedure.

Other Optional Protocols guarantee additional rights, as does the [Second Optional Protocol to the Covenant on Civil and Political Rights](#), which binds member states to abolishing the death penalty. Likewise, the Optional Protocols to the children's rights convention regulate the rights of [children in armed conflict](#) and the [prohibition of child trafficking, prostitution and pornography](#). And finally the [Optional Protocol to the Convention against Torture](#) among other things establishes a national prevention mechanism.

Interpretation of human rights treaties

The rights enshrined in human rights conventions are set out in general terms. Important interpretations of specific rights are to be found in individual decisions by the [treaty bodies](#) and the General Comments they publish.



The treaty bodies are committees of independent experts whose tasks include monitoring the extent to which the treaties are implemented. Depending on the nature of their powers, they also take decisions on individual complaints. In doing so, the treaty bodies contribute to a concretisation of human rights standards. The treaty bodies summarise particularly important topics of general significance in the form of General Comments (not to be confused with the country-specific Concluding Observations explained in Section 2, which are comments on state reports). There are General Comments for all basic human rights treaties. By using concrete examples they clarify the content of human rights obligations, i.e. a state's obligations to respect, protect and fulfil human rights. They also illustrate the central human rights principles: participation and empowerment, non-discrimination and equality of opportunities, transparency and accountability.

Relevance for development cooperation

By ratifying human rights treaties, Germany and its development partners assume certain legally binding obligations, which should provide the basis for their development strategies and priorities. If the partner country has not yet ratified fundamental treaties or Optional Protocols, for example on individual complaints, political dialogue can be used as an instrument to urge ratification.

The ratifying countries commit themselves to the implementation of the treaties. In many cases this obligation applies with immediate effect, as in abstaining from torture and ending discrimination in access to education or health care. Other human rights obligations need to be realised progressively. Governments have to develop strategies and undertake measures to introduce a fair judicial system, for example, or a sufficient number of educational or health facilities. Country strategies, priority area strategy papers and joint assistance strategies should therefore not merely expressly address which

obligations a partner country has committed itself to by ratifying international human rights treaties. Human rights standards and principles should first and foremost be used as a reference framework for the analysis of development-policy challenges and for deciding which fields of action and strategies are to be given priority.

As the General Comments concretise human rights standards and at the same time refer to the declarations and action plans issued by the respective world conferences on vital development issues, such as the conferences on education (Jomtien 1990, Dakar 2000), sustainability (Rio de Janeiro 1992) or population and development (Cairo 1994), General Comments can be of great value in the elaboration of sector concepts and priority area strategy papers and for designing programmes.

DFID, for example, draws upon the General Comment on the right to health in its programme on [reproductive rights](#) (pp. 44-45). Likewise, the BMZ relies on the General Comments as a guideline for the human rights focus of its new sector concepts on health (not yet published) and [water](#).

The [GTZ sector project "Realising human rights in development cooperation"](#) uses the General Comments as operationalised standards and evaluation criteria in its advisory services for development programmes, for example in [Kenya's water sector](#). A similar approach was taken by a [SIDA evaluation](#) in 2006, which examined the contribution made by Swedish development cooperation to guaranteeing key human rights in Vietnam.

Resources

- a) [Status of ratification of human rights treaties, by treaty](#)
- b) [Status of ratification of human rights treaties, by country](#)
- c) Interactive [world map](#) from the Raoul Wallenberg Institute with ratification status
- d) All General Comments are available online in English [here](#).



2. Human rights reporting and monitoring mechanisms

By ratifying human rights treaties, states are obliged to report regularly to the [treaty bodies](#). Unfortunately, many states report late or not at all.

Local or international non-governmental organisations (NGOs) often produce alternative reports to the state reports and also submit these to the relevant treaty bodies.

Reports by a state party are usually issued by line ministries. Accordingly, these reports contain, more often than not, euphemistic assessments of the human rights situation in the respective country. The treaty bodies often draw upon the alternative reports to critically examine the state report and issue Concluding Observations or Concluding Comments. In these, the treaty bodies comment on progress and shortcomings, and recommend practical measures to be taken by the respective state party to improve implementation of the convention.

Relevance for development cooperation

Development cooperation can draw upon the human rights monitoring and reporting, and thus gain important information on the human rights situation as assessed by the governments and NGOs. Some donors (for example in [Nepal](#) and the [Maldives](#)) are already supporting both governmental and non-governmental partners in developing their capacity for producing state reports and alternative reports respectively.

Development cooperation can and should make use of the Concluding Observations, not only in political dialogue and when elaborating country strategies and priority area strategy papers but also when designing specific programmes.

For example, the UN country strategy for the [Ukraine](#) (pp. 65ff) *inter alia* builds on the Concluding Observations of several treaty bodies. In the Philippines, five UN organisations launched a joint programme to [implement the Concluding Observations on](#)

[the convention on women's rights](#) in May 2007. In Kenya, UNDP organised a [regional seminar](#) on the implementation of recommendations from the treaty bodies for representatives of the Kenyan Government and civil society in 2006.

The BMZ's [governance assessment](#) rates the human rights policy of partner countries i.a. based on the regular submission of state reports and the implementation of the Concluding Observations.

Development cooperation can thus contribute a great deal to supporting partner countries in the implementation of their human rights obligations. This synergy between development cooperation and the country's particular human rights obligations also supports ownership by the partner countries and helps to further donor harmonisation.

Resources

a) [State reports](#) and their [Concluding Observations](#), the [General Comments](#) (see below for more information about these) and, if applicable, decisions on [individual complaints](#) by the various treaty bodies.

International Covenant on Civil and Political Rights

[12.03.-30.03.2007](#)

Madagascar, Chile

[9.07.-27.07.2007](#)

Zambia, Sudan

[15.10.-02.11.2007](#)

Georgia, Costa Rica, Algeria

[17.03.-04.04.2008](#)

Tunisia, Macedonia

[13.10.-31.10.2008](#)

Nicaragua

[16.3.-3.04.2009](#)

Rwanda, Chad

[13.-31.07.2009](#)

Azerbaijan, Republic of Moldova, Tanzania

[October 2009](#)

Ecuador



International Covenant on Economic, Social and Cultural Rights

[30.04.-18.05.2007](#)

Nepal

[5.11.- 23.11.2007](#)

Costa Rica, Ukraine, Paraguay

[28.04.-16.05.2008](#)

Benin, India, Bolivia

[3.11.-21.11.2008](#)

Philippines, Angola, Kenya, Nicaragua, Kosovo/UNMIK

[4.-22.05.2009](#)

Brazil, Cambodia

[2.-20.11.2009](#)

Chad, Madagascar, Democratic Republic of Congo

[May 2010](#)

Algeria, Afghanistan, Colombia, Tanzania

[November 2010](#)

Dominican Republic, Sri Lanka, Mali

International Convention on the Elimination of All Forms of Racial Discrimination

[19.02.-09.03.2007](#)

India, Macedonia, Democratic Republic of Congo, Ethiopia, Nicaragua, Congo

[30.07.-17.08.2007](#)

Republic of Moldova, Indonesia, Kyrgyzstan, Costa Rica, Mozambique, Democratic Republic of Congo, Malawi, Namibia, Pakistan

[18.02.-7.03.2008](#)

Dominican Republic, Nicaragua, Republic of Moldova

[28.07.-15.08.2008](#)

Ecuador, Namibia, Peru

[16.02.-6.03.2009](#)

Congo, Montenegro, Pakistan, Tunisia

[03.08.-21.08.2009](#)

Colombia, Azerbaijan, China, Philippines

Convention on the Elimination of All Forms of Discrimination against Women

[15.01.-02.02.2007](#)

Tajikistan, Azerbaijan, Colombia, India, Namibia, Nicaragua, Peru, Vietnam

[14.05.-01.06.2007](#)

Mauritania, Mozambique, Niger, Pakistan, Serbia, Sierra Leone, Syrian Arab Republic

[23.07.-10.08.2007](#)

Brazil, Guinea, Honduras, Indonesia, Jordan, Kenya

[14.01.-01.02.2008](#)

Bolivia, Burundi, Lebanon, Morocco

[30.06.-18.07.2008](#)

Nigeria, Tanzania, Yemen

[20.10.-07.11.2008](#)

Ecuador, El Salvador, Kyrgyzstan, Madagascar, Mongolia

[19.01.-06.02.2009](#)

Armenia, Cameroon, Guatemala, Haiti, Rwanda

[20.07.-07.08.2009](#)

Azerbaijan, Lao Peoples' Democratic Republic, Liberia, Timor-Leste

[Januar 2010](#)

Egypt, Malawi, Ukraine, Uzbekistan

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

[30.04.-18.05.2007](#)

Ukraine

[05.-23.11.2007](#)

Benin, Uzbekistan

[28.04.-16.05.2008](#)

Indonesia, Zambia, Algeria, Costa Rica, Macedonia

[03.11.-21.11.2008](#)

China (Macao and Hong Kong), Kenya, Serbia, Montenegro

[27.04.-15.05.2009](#)

Honduras, Nicaragua, Philippines, Chad

[02.11.-20.11.2009](#)

Azerbaijan, Colombia, El Salvador, Republic of Moldova, Yemen

Convention on the Rights of the Child & Optional Protocols

[15.01.-02.02.2007](#)

Chile, Honduras, Kenya, Mali, Costa Rica, Kyrgyzstan

[21.05.-08.06.2007](#)

Bangladesh, Guatemala, Sudan, Ukraine

[17.09.-05.10.2007](#)

Syrian Arab Republic



[14.01. - 01.02.2008](#)

Dominican Republic, Timor Leste

[19.05.-06.06.2008](#)

Eritrea, Serbia, Georgia, Sierra Leone, Philippines

[15.09.-03.10.2008](#)

Tanzania, Uganda

[12.01.-30.01.2009](#)

Democratic Republic of Congo, Malawi, Republic of Moldova, Chad, Tunisia

[25.05.-12.06.2009](#)

Bangladesh, Mauritania, Niger

[14.09.-02.10.2009](#)

Bolivia, Mozambique, Pakistan, Philippines, Yemen

[Januar-Februar 2010](#)

Burkina Faso, Ecuador, El Salvador, Paraguay, Tajikistan

[Upcoming:](#)

Angola, Burundi, Cameroon, Colombia, Egypt, Macedonia, Guatemala, Mongolia, Montenegro, Nicaragua, Nigeria, Tunisia, Azerbaijan, Bosnia and Herzegovina, Serbia, Sierra Leone, Sri Lanka, Sudan

International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families

[24.04.-28.04.2006](#)

Mali

[23.04.-27.04.2007](#)

Egypt

[26.11.-30.11.2007](#)

Ecuador

[14.04.-25.04.2008](#)

Bolivia, Syrian Arab Republic

[24.11.-28.11.2008](#)

El Salvador

[20.04.-01.05.2009](#)

Azerbaijan, Colombia, Bosnia and Herzegovina, Philippines

Convention on the Rights of Persons with Disabilities

[No Sessions until now](#)

International Convention for the Protection of All Persons from Enforced Disappearance

[Not yet into force](#)

3. UN Human Rights Council and UN special mechanisms

Another important human rights organ is the [Human Rights Council](#), established on the basis of a UN General Assembly resolution in 2006. Its general mandate is to establish and implement human rights standards. This includes for example discussing and agreeing upon [draft resolutions](#) on the human rights situation in a particular country (country resolutions) or specific themes (e.g. [extreme poverty](#) or [water](#)). The Human Rights Council also deploys Special Rapporteurs. This mechanism currently comprises 12 country mandates and 28 thematic mandates. Special Rapporteurs base their reports on country missions. In addition, the annual reports by Special Rapporteurs contain specific recommendations on human rights for the Human Rights Council and the UN General Assembly.

The [member states of the Human Rights Council](#) are elected by the UN General Assembly; Germany, for example, was elected for three years in May 2006. Before the election all candidates render a [voluntary pledge](#) in which they set out their core human rights goals and activities. From 2007/2008, all states with either member or observer status will subject themselves to regular mutual assessment under the [Universal Periodic Review Mechanism \(UPR\)](#).

Relevance for development cooperation

Within the framework of the [UPR](#), State Parties, the [UN High Commissioner for Human Rights](#) as well as [civil society organisations](#) report on the progress of implementation of the voluntary pledges and on the Human Rights situation of the country in general. The UPR concludes with recommendations to the respective State Party. Development cooperation can draw upon these [reports](#), especially those of civil society organisations, for capacity development.



The [voluntary pledges](#) given by the candidates before being voted onto the Human Rights Council can be used at the political level, for example in government negotiations.

The regular thematic and country reports from Special Rapporteurs via country missions are a valuable source of information for development practitioners with regard to the status of implementation of civil, political, economic, social and cultural human rights in individual countries. Their reports also reflect contemporary human rights debates and evolving standards, and can thus be used to formulate development cooperation targets, benchmarks and indicators in different sectors. For example, the country office of the UN High Commissioner for Human Rights in [Guatemala](#) advises the Guatemalan government on implementing the recommendations of the UN Special Rapporteur on the rights of indigenous peoples. Following a visit by the UN Special Rapporteur for internally displaced persons, UNDP supported the Turkish government in developing a [programme for internally displaced persons](#). This programme, too, is based on the [recommendations of the Special Rapporteur](#).

Resources

- a) Voluntary pledges by the candidates for the UN Human Rights Council in [2006](#) and [2007](#) and [2008](#)
- b) Universal Periodic Review: Access to the [reports](#) sorted by country
- c) Special Rapporteurs: [thematic mandates](#)
- d) Special Rapporteurs: [country mandates](#)
- e) The [Universal Human Rights Index](#) developed by the United Nations facilitates access to country-specific information and reports from the treaty bodies and the Special Rapporteurs.

4. Operationalisation of human rights

UN specialised agencies have made important contributions to the operationalisation of human rights. The FAO developed the [Voluntary Guidelines on the Right to Food](#), and the WHO - with [support from InWEnt](#) - is systematically training its employees in integrating the right to health into [poverty reduction strategies](#) (PRS). The [Office of the High Commissioner for Human Rights](#) has conducted a [study on the right of access to safe drinking water and sanitation](#) and another on human rights strategies employed for achieving the [Millennium Development Goals](#).

Human rights indicators are another useful tool for operationalisation. They incorporate a specific reference to human rights standards and principles and capture structures, results and the quality of processes with a view to the protection and promotion of human rights.

In an agriculture programme in [Kenya](#), the GTZ sector project supported the programme in developing such human rights indicators. Structural improvements, e.g., were measured by taking account of gender justice in draft legislation presented by the government for agricultural reform. One indicator suggested for the quality of processes moving towards implementation of human rights was the income trends in agricultural production (broken down according to sex) within a certain period. A pertinent result indicator related to the improved access to food for subsistence farmers.

In [Guatemala](#), another pilot country for the GTZ sector project, human rights indicators were developed for a basic education programme that focuses on improving access to basic education for the indigenous population. In this case, one indicator for structural progress was a legal provision on education administration, which is characterised by a decentralised structure and firmly established participatory decision-making processes involving parent and pupils. A process indicator for implementation of the right to education was the satisfaction among teachers, pupils and parents with the quality of

education, to be determined by independent opinion polls or score cards. An important result indicator was improved access to education, measured for example by a rising number of available schools offering bilingual intercultural education.

Work on improved human rights indicators is currently in progress at several levels under the auspices of the United Nations.

The Office of the United Nations High Commissioner for Human Rights has developed a methodical approach for [quantitative human rights indicators](#). A research programme at the university of Mannheim/Germany in cooperation with FIAN is currently elaborating a [set of indicators](#) for the right to food. The indicators devised by individual Special Rapporteurs (see below) are also useful for development cooperation.

Resources

a) Information portal of the [German Institute for Human Rights](#) on [Human Rights and Development Cooperation](#)

b) Indicators for specific human rights are to be found in the reports by the Special Rapporteur on the right to health on [child survival](#) and [reproductive rights](#), the Special Rapporteur on [violence against women](#) and the reports by the Special Rapporteur on the [right to adequate housing](#).

c) Lessons learnt by applying a HRBA in practice and on different levels: Cooperation with the Human Rights system for [UN-organisations](#), experiences of UNESCO and UNDP in the [Asia-Pacific region](#), UNDP on the [added value of a HRBA for the MDGs](#).

d) This publication by the Office of the High Commissioner for Human Rights employs a [Human Rights-based approach to the MDGs](#).

e) A study evaluates the [impact of Human Rights-based approaches](#) in British development cooperation in Bangladesh, Malawi and Peru.

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