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All over the world, a determining factor in people's everyday lives is the extent to which their human rights are respected, protected and upheld. Access to adequate food and safe drinking water is just as much a human right as the right to the highest attainable standard of health, access to education or the right of association, which strengthens participation in civil society. The realisation of human rights as part of development cooperation is therefore key to reducing poverty on a sustainable basis.

That is why, in its Action Plan on Human Rights 2008-2010, the German Ministry for Economic Cooperation and Development has reaffirmed its commitment firmly to incorporate a human rights-based approach in its development policies. This means systematically gearing the entire development policy agenda towards human rights standards and principles. Thus, self-determination, non-discrimination and equal opportunities, empowerment and participation, and transparency and accountability have become the guiding principles for all our development measures.

This human rights-based approach is based on the Universal Declaration of Human Rights, the United Nations human rights conventions, the core labour standards formulated by the International Labour

Organization (ILO) and, in particular, the regional conventions on human rights. These international statements of commitment to human rights establish minimum human rights standards which we and most of our partners have pledged to uphold, and which we must apply in practice in our development activities.

Development policy agendas which follow a human rights-based approach are becoming more prevalent because they focus on reducing poverty in the developing countries in a sustainable way that is geared to the needs of the individual. As a consequence, development cooperation with a human rights-based approach is being implemented in a growing number of sectors as well as countries.

This "BMZ Topics" folder is intended as an aid to that process. The fact sheets it contains on how to apply a human rights-based approach in the priority areas of German development policy will help to provide a guideline for development practitioners in their work. Only if human rights are taken into account at all levels can we achieve sustainable results in our partner countries as well as at regional and international level.

Heidemarie Wieczorek-Zeul

A Human Rights-Based Approach in German Development Cooperation

What does a human rights-based approach offer to German development cooperation?

Human rights offer internationally acknowledged and clearly defined guidelines for the design of development policy. The international human rights treaties have been ratified by Germany and the majority of its development partners, and constitute a legally binding reference for policy dialogue with our partners and other donors. Human rights contain practice-oriented minimum standards for programme design, implementation and evaluation. They enrich quantitative development goals such as the Millennium Development Goals (MDGs) by providing qualitative inputs.

In the Accra Agenda for Action, states have pledged to integrate human rights more consistently and systematically into all policies geared towards greater effectiveness of development cooperation: human rights contribute to harmonization of donor policies, and assist in improving accountability relations between the state and its residents and between partners and donors. They can be used as benchmarks in measuring progress and impact.

With the adoption of a human rights-based approach (HRBA), the German Federal Ministry for Economic Cooperation and Development (BMZ) has pledged systematically to implement all human rights and human rights principles in its sector and country strategies. The HRBA puts the focus on the structural causes of poverty and the underlying unequal distribution of resources and societal power. It thereby promotes the sustainable reduction of poverty, strengthens good governance and contributes to conflict transformation.

What does a human rights-based approach imply for German development cooperation?

The HRBA leads to a paradigm shift: erstwhile “target groups” and “people in need” are now recognized as holders of statutory entitlements, partner states’ institutions as duty bearers. Both groups are strengthened in



Citizens participate in planning, photo: GTZ/Silke Irmscher

their respective role: with more rights awareness, individuals and groups become empowered to claim their human rights successfully. In turn, state actors increase their capacity to accept and fulfil their human rights obligations - access barriers to basic services may be removed or state institutions may submit to more scrutiny and control, thus improving accountability of state action. The BMZ committed to this paradigm shift in its [Development Policy Action Plan on Human Rights 2008-2010](#).

Orientation towards human rights standards and human rights reference documents

Human rights-based development cooperation explicitly refers to international and regional human rights treaties. The United Nations (UN) human rights treaties ratified by Germany are especially important for German development cooperation. They include, among others, the International Covenant on Civil and Political Rights ([ICCPR](#)), the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)) and the treaties on the rights of women, children and persons with disabilities. Their provisions have been interpreted by the respective treaty bodies in the so-called General Comments. The latter delineate the content of human rights and make them practice-oriented, for example by setting specific quantitative and qualitative criteria regarding water supply or education systems.

A Human Rights-Based Approach in the Education Sector

What do human rights offer to the education sector?

The human right to education offers an internationally acknowledged and legally binding frame of reference. It contains clear guidelines for the focus and design of development cooperation in the education sector. Implementing human rights obligations advances the achievement of the Millennium Development Goals (MDGs) particularly relevant for the education sector, i.e. realization of universal primary education and gender equality (MDGs 2 and 3). The right to education gives a qualitative perspective to activities geared to reaching the MDGs: it shifts the focus to particularly disadvantaged persons and groups and to the quality of education. Empowerment, non-discrimination and accountability are key human rights principles, and thus important for a policy-oriented view towards the education sector. The inclusion of human rights principles in education reforms is essential, and can also be used to reinforce impact in other sectors (such as democratization, peace-building, good governance and economic development).

What is the human right to education?

The human right to education is established in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)). It is also found in other human rights treaties: it is central to the Convention on the Rights of the Child and to the conventions on the rights of women and the rights of persons with



Learning, even under most difficult conditions,
photo: GTZ/Florian Kopp

disabilities. In its [General Comment No. 13](#) of 1999, the United Nations Committee on Economic, Social and Cultural Rights, which monitors the implementation of the ICESCR, established four core elements (see below) as the substance of the human right to education.

Since 1998 the United Nations Special Rapporteur on the Right to Education has further defined the right to education during country missions and in regular reports on the subject.

Essential Features

Availability	Sufficient number of functioning educational institutions with access to safe drinking water and sanitation facilities; adequately trained teachers who receive domestically competitive salaries; adequate teaching and learning materials; free primary education
Accessibility	Access to educational institutions for all without discrimination: <ul style="list-style-type: none"> > geographical and physical accessibility within safe physical reach for all, including disadvantaged persons and groups (such as persons with disabilities or girls from poor families) > affordability for all, particularly for disadvantaged persons and groups
Acceptability	Form and substance of education must be student-centred, relevant, culturally appropriate and of good quality with respect to curricula, teaching methods, teaching and learning materials, and teaching language
Adaptability	Education has to be flexible so it can adapt to the changing needs of societies and respond to the needs of students in their diverse social and cultural settings

A Human Rights-Based Approach in Support of Democracy, Civil Society and Public Administration

Decentralization and Municipal Development

What do human rights offer to decentralization and municipal development?

Human rights provide an internationally acknowledged, precise and practice-oriented frame of reference for decentralization processes and the design of policies on the local level. They set out every citizen's concrete entitlement to participate in political decision-making and to access public services that fulfil human rights-based needs such as water, food, and health. Moreover, human rights provide a qualitative perspective on the Millennium Development Goal to reduce extreme poverty and hunger (MDG 1) – achieving this goal depends not only on the nation state but also on those in power at the sub-national level of government.

Human rights-based decentralization and municipal development strengthens cross-sectoral impact and coherence: the basic tenets of good governance can be deduced from human rights and thus be put in the context of a legally binding framework. The principle of non-discrimination and the right to participate in public affairs are a legal basis for the promotion and inclusion of disadvantaged groups. Hence, they contribute to eradicating poverty and achieving gender equality. Furthermore, human rights help to analyse the root causes of crisis and conflict, and aim for a sustainable, peaceful change of existing unequal power relations and resource allocations.

What human rights aim for specifically is detailed in the General Comments to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. Defined by the UN expert committees that monitor treaty implementation, the General Comments give important suggestions on national and local policy design in different sectors.



Citizens' debate in Nepal, photo: GTZ

What do human rights imply for decentralization and municipal development?

Everyday life in municipalities provides obvious examples for the indivisibility and interdependence of human rights: the human rights to food, adequate housing, health and education contain benchmarks for the design of the respective basic services; freedom of speech and freedom of association entitle persons to gather information and to organize themselves in order to claim these rights from local state institutions. Along with the human rights to participate in the conduct of public affairs and to access administrative and judicial remedial mechanisms, these are the prerequisites for a legal framework that enables the population to control state action effectively.

Under human rights law, the state is obliged to account for the implementation of human rights on all levels. This obligation relates to its lawmaking, administrative measures and judicial decisions. How state institutions implement their obligations is most easily monitored on the local level, since the relationship between citizens and the state is more immediate there than on the national level. Locally, policies can be oriented

A Human Rights-Based Approach in the Energy Sector

What do human rights offer to the energy sector?

Human rights offer an internationally acknowledged, legally binding and practice-oriented frame of reference for energy programming. They focus on persons without access to energy services, and on their human rights-based basic needs such as food and water. Human rights standards require that energy programming consider the social aspects of energy provision along with the pertinent ecological, economic and technical issues. Implementation of human rights principles such as non-discrimination, participation, transparency and accountability is the foundation for positive impacts: the principle of non-discrimination supports the targeted use of energy programmes to combat poverty and to achieve gender equality; the right to participate ensures that disadvantaged groups are included in such programmes; transparency and accountability are necessary to avoid and combat corruption.

What do human rights imply for the energy sector?

The most important human rights targets for the energy sector are contained in the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR). The human rights perspective to energy derives from the human right to adequate housing, established in article 11 of the ICESCR. According to the UN Committee monitoring the ICESCR, this right includes inter alia “sustainable access to ... energy for cooking, heating and lighting...”. In addition, the ICESCR guarantees in article 15 (1b) “the right of every person to enjoy the benefits of scientific progress and its applications”. In the 21st century, such benefits include not only access to electricity produced by conventional means but also renewable energies.



Cooking on firewood in Uganda,
photo: GTZ/Karin Desmarowitz

Access to energy services is the prerequisite for the realization of other human rights: about 80 percent of food is only edible if cooked; many forms of medical treatment and the storage of essential medicines depend on reliable energy provision; lighting in households facilitates evening learning and, hence, may contribute to the realization of the right to education.

Energy needs to be produced and provided in a cost-effective, ecologically sustainable and climate-friendly way; in addition, the rights of current residents and of future generations must be taken into account.

Human rights standards also pertain to some aspects of service delivery with regard to energy policy and programmes. The most crucial rights are: the right to be heard and to participate in public decision-making, the right to information, the right to a judicial remedy and the right not to be discriminated against when accessing energy services.

A Human Rights-Based Approach in the Health Sector

What do human rights offer to the health sector?

The human right to “the highest attainable standard of health” (in short: right to health) offers a legally binding, internationally acknowledged frame of reference. It contains clear guidelines for the focus and design of development cooperation in the health sector. The right to health gives a qualitative perspective to activities geared to improving mothers’ and childrens’ health (MDGs 4 and 5), and to the fight against HIV/AIDS and other diseases (MDG 6). It does so by focusing on persons and groups particularly affected by poverty and discrimination. In addition, the implementation of human rights principles such as transparency and accountability contributes to improved governance in the health sector.

What is the right to health?

The right to health is established in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Moreover, it is found in other human rights conventions that spell out the rights of women, children and persons with disabilities.

The UN Committee on Economic, Social and Cultural Rights monitors the implementation of the ICESCR. In its [General Comment No. 14](#) of 2000, the Committee has defined four core elements (see below) as the substance of the right to health.



Visiting young patients at home, India,
photo: GTZ/Richard Lord

Since 2002, the UN Special Rapporteur on the Right to Health has further monitored and defined this right. His annual reports are based on research and country missions, and show how to design and monitor a health system that builds upon the right to health.

Core elements

Availability	Sufficient number of functioning health facilities and services as well as essential medicines; availability of safe drinking water and adequate sanitation facilities
Accessibility	Accessibility of health facilities and services for all, without discrimination: <ul style="list-style-type: none"> > physical accessibility and safe reach for all, including women and girls and disadvantaged persons (for example with disabilities) and groups > affordability for all, in particular for disadvantaged persons and groups > the right to seek, receive and impart health information, whilst respecting the confidentiality of personal data
Acceptability	Respect for medical ethics and confidentiality, cultural appropriateness, consideration of gender and age-specific needs in service delivery
Quality	Scientifically and medically appropriate quality, including trained staff, quality-proven medicines and adequate medical equipment

A Human Rights-Based Approach in Support of Democracy, Civil Society and Public Administration

Judicial Reform

What do human rights offer to the judicial sector?

The overriding goal of judicial reform in a given country is firmly to embed the rule of law. This requires a functioning, independent judiciary and transparent and effective legislation and administration. Human rights contain minimum requirements for the judicial sector and offer an internationally acknowledged and legally binding framework for its design. Human rights-based judicial reform strengthens cross-sectoral impacts: accountability is a crucial human rights principle, and fosters good governance; dispute settlement relying on human rights-based mechanisms contributes to crisis prevention and peace-building; and legal certainty facilitates economic development. The human rights principle of non-discrimination and the right to participate promote access to justice for disadvantaged persons and groups, and therefore contribute to combating poverty and achieving gender equality.

What do human rights imply for the judicial sector?

The human right to “be equal before courts and tribunals ... and to a fair and public hearing by a competent, independent and impartial tribunal established by law” is enshrined in article 14 of the International Covenant on Civil and Political Rights (ICCPR). The Human Rights Committee monitors the implementa-



An Appeals Court in Afghanistan, photo: GTZ/Travis Beard

tion of the ICCPR, and has defined four core elements (see below) as the substance of this human right in its [General Comment 32](#) of 2007. Other human rights immediately relevant to the justice sector are established in articles 9 and 10 of the ICCPR. These are human rights guarantees in case of arrest or detention, pre-trial custody and imprisonment.

In addition, article 2 ICCPR obliges the state to take whatever steps are necessary to ensure effective judicial remedy in criminal, civil and administrative law.

Basic guarantees

Equality before courts and tribunals	Legal and factual access to justice without discrimination for all persons living within the state’s territory, regardless of gender, income, legal status, etc.; free legal assistance (and, if needed, interpretation services) for persons who cannot afford legal counsel or who cannot read
Fair and public hearing	As a matter of principle, hearings are to be public, without political or personal exertion of influence; trial proceedings are to be concluded within a reasonable amount of time
Competent, independent and impartial court or tribunal established by law	Separation of powers between parliament, public administration and judiciary; establishment of all courts and tribunals by law; judicial impartiality through clear and objective requirements regarding appointment, qualification, and execution of powers as well as through corresponding disciplinary rules; judicial decisions must be based on law
Special requirements for criminal trials	Right to be presumed innocent must be upheld; access to judicial remedies and to legal counsel as additional guarantees in criminal trials

A Human Rights-Based Approach to Food Security and Agriculture

What do human rights offer to food security and agriculture?

The promotion of the human right to adequate food (in short: right to food) facilitates sustainable food security. The right to food and the FAO Voluntary Guidelines to implement it can be used by all players in the sector as an internationally acknowledged and practice-oriented frame of reference. Implementing human rights obligations advances the achievement of the Millennium Development Goal (MDGs) particularly relevant for the sector - the reduction of extreme poverty and hunger (MDG 1). The right to food gives a qualitative perspective to activities geared to reaching the MDGs; key human rights principles – among them participation, non-discrimination and accountability - help to focus on disadvantaged regions and groups and require all players to act accountably at the national and international level. Overall, human rights-based food security and policy in agriculture strengthen impact across other sectors, inter alia in sustainable economic development and protection of the environment and natural resources.

What does the human right to food imply?

The human right to adequate food is enshrined in article 11 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). Moreover, it is embodied in other conventions such as the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination



Woman in Peru offering Maca roots, photo: GTZ

against Women. The latter puts a particular focus on realizing equal rights for women in rural development. In its [General Comment 12](#) of 1999, the UN Committee on Economic, Social and Cultural Rights, which monitors the implementation of the ICESCR, established three core elements (see below) as the substance of the right to food.

Core elements

Availability	Sufficient quantity of nutritious food; ecologically sustainable availability of food through subsistence agriculture or functioning systems of food production and distribution/marketing
Accessibility	Accessibility of food for all without discrimination, in particular for persons and groups especially affected by food insecurity, such as the landless, small farmers, and the urban poor: <ul style="list-style-type: none"> > physical accessibility for all, including persons living with disabilities or diseases; > financial accessibility, that is affordability for all, in particular for disadvantaged persons and groups (for example the landless and the poor); food costs should not reduce a household's income to the extent that other goods important for survival can no longer be purchased
Adequacy and Quality	Cultural adequacy of food and foodstuffs; food safety (with respect to ingredients and influences of production and storage); minimum quality requirements for sufficient and varied food with nutritional values and substances that are in accordance with the needs of differing groups of persons

A Human Rights-Based Approach to Protecting the Environment and Natural Resources

What do human rights offer to the protection of the environment and natural resources?

Human rights offer an internationally acknowledged and legally binding frame of reference for designing development cooperation. A human rights-based approach opens a new, qualitative perspective on ensuring environmental sustainability (MDG 7). The human rights standards and principles - including those of participation, non-discrimination and accountability - constitute a legal basis for the population's participation in formulating environmental strategies. They also serve as a framework for focusing programmes on providing positive impacts for disadvantaged groups, and on establishing environment-related monitoring and complaints mechanisms. Integration of human rights principles into environmental programming will increase cross-sectoral impact with respect to poverty reduction, gender equality and good governance.

What do human rights imply for protecting the environment and natural resources?

The most relevant human rights for the sector are contained in the International Covenant on Civil and Political Rights ([ICCPR](#)) and the International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)). The UN Committees monitoring the implementation of the Covenants have interpreted the substance of the human rights guaranteed in the treaties, inter alia through their so-called General Comments. These Comments spell out that a clean environment is indispensable for the realization of many other human rights, in particular the rights to health, food and water. In addition, they interpret access to, and use of, natural resources as an important aspect of the socio-cultural identity of indigenous minorities, and worthy of protection. Currently, there are a number of debates on how to approach the establishment of an independent human right to a clean environment.

A human rights-based approach focuses on persons and groups that are particularly affected by environmental pollution and the degradation of their natural



Bicycling in Cambodia, photo: GTZ/Richard Lord

livelihoods: in many countries, they are the poor and poorest population – who are often women and children. Often they live and work in precarious or dangerous environmental conditions. This illustrates how important is the principle of non-discrimination, in particular for women and the poor.

A human rights-based approach underlines the legal and material responsibility of the state to hold those to account who pollute the environment and to adopt effective measures in this respect. Within the community of states, international environmental treaties spell out a number of human rights obligations. The Kyoto Protocol, for example, obliges states to finance climate protection measures for economically weaker countries.

The UN Special Rapporteur on the Adverse Effects of the Movement and Dumping of Toxic and Dangerous Products and Wastes on the Enjoyment of Human Rights regularly publishes reports on his country visits as well as on current challenges. In addition, the Office of the UN High Commissioner on Human Rights is currently carrying out a study on the impact of climate change on human rights.

A Human Rights-Based Approach to Sustainable Economic Development

What do human rights offer to sustainable economic development?

Human rights are rooted in international treaties and can be used to design policies for sustainable economic development. When such an approach is adopted, persons and their human rights-based needs become central and require the state to design an economic policy oriented towards broad-based, pro-poor employment and decent work for women and men. Human rights such as the right not to be discriminated against contribute to policy measures designed to achieve equality of opportunities and access to economic activity. These are basic prerequisites for reducing poverty and achieving the Millennium Development Goals

What do human rights imply for sustainable economic development?

The binding character of human rights defines a legal framework for state action with regard to participants in the economic process. Human rights regulate the relationship between rights and obligations between citizens and the state. Among others, they provide for the legal protection of property (for example, protection from forced evictions), and for the freedom to choose one's occupation and the freedom of association. Furthermore, the International Covenant on Economic, Social, and Cultural Rights ([ICESCR](#)) establishes the right of all persons to pursue an income-generating activity ("the right to work").

In its [General Comments to the ICESCR](#), the respective UN Committee has defined the substance of specific human rights and the corresponding state obligations. The state needs to respect the right to work, meaning for example that it must not, without legitimate grounds, adopt laws that exclude persons from freely choosing their occupation. Moreover, the state has an obligation to protect human rights. This requires state institutions to regulate and monitor third parties, so that they do not violate the human rights of residents and consumers. Thirdly, the state must adopt economic and social policy measures in order progressively to realize human rights such as the right to work.



Sorting coffee beans in Peru, photo: GTZ/Richard Lord

Human rights can also entail some constraints for economic activities whenever the latter may compromise the human rights of others. This is particularly relevant with regard to the right to health as well as with regard to the principle of non-discrimination, the right to participate and the right to physical integrity. The [ILO core labour standards](#) spell out in detail some of these rights for workers and prohibit, among others, forced labour.

Private corporations have considerable influence on the realization of human rights. Thus, human rights do affect private relationships, for example in employment. However, there are still significant gaps in the regulatory legislation which would ensure that the activities of transnational corporations conform with human rights. Therefore, in 2005, the UN appointed a Special Representative of the Secretary-General on Human Rights and Transnational Corporations.

