



Federal Ministry
for Economic Cooperation
and Development

Human Rights Strategy for German Development Policy

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1 Brief description

All human beings are born free and equal in dignity and rights.

Article 1, Universal Declaration of Human Rights (1948)

Human rights are the universal basis for a life in freedom, dignity and equality. They guarantee that everyone can participate in political, economic, social and cultural life. Human rights and sustainable development are mutually dependent. The goal of German development cooperation¹ is to contribute to realising human rights.

German development policy is guided by values and rights that are enshrined in international law. That in particular applies to human rights, which are universally applicable, inalienable and indivisible. The Federal Ministry for Economic Cooperation and Development (BMZ) has thus established a “quality seal” for its development policy: the quality criterion “human rights, gender equality and disability inclusion”. Like the United Nations (UN), the European Union (EU) and other bilateral donors, German development policy applies a human rights-based approach. It is embedded within the Federal Government’s overarching human rights policy and calls for close cooperation between various government departments, in particular with the Federal Foreign Office. The human rights-based approach encompasses the following:

- The notion that individuals are rightholders and states are duty-bearers.
- The mainstreaming of human rights targets and principles in the bilateral and multilateral policy

dialogue as well as in all development policy projects and programmes and their being explicitly included in measures aimed specifically at them.

- Respect for and the promotion of human rights and human rights principles (participation and empowerment; non-discrimination and equal opportunities; transparency and accountability). These principles guide the actions of the BMZ and governmental implementing organisations – the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), the KfW Development Bank, the Federal Institute for Geosciences and Natural Resources (BGR) and the National Metrology Institute of Germany (PTB).

This Human Rights Strategy (“Quality Criteria Strategy”) explains the relevance and content of the BMZ’s human rights-based development policy approach, including its feminist approaches, and it defines mandatory requirements for official development cooperation. The focus is on feminist approaches, the rights of persons with disabilities, children’s and youth rights, and the rights of other particularly marginalised groups. The Strategy is also intended to offer guidance for non-governmental development cooperation. A monitoring system will be put in place to track implementation of these requirements. This updated Human Rights Strategy replaces previous strategies.²

1 Reference is specifically being made to the Federal Ministry for Economic Cooperation and Development (BMZ) and governmental implementing organisations (KfW Development Bank, the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, the Federal Institute for Geosciences and Natural Resources (BGR) and the National Metrology Institute of Germany (PTB)).

2 In particular the Human Rights in German Development Policy Strategy (2011) and the Inclusion of Persons with Disabilities in German Development Cooperation Strategy Paper (2019).

Genuine equality has not yet been achieved in any country in the world – even though it is a human right. Around the world people face discrimination and oppression on account of their sex, gender identity or sexual orientation, on account of disabilities or their age, ethnic origin or religion. Women and girls are the largest disadvantaged population group. The BMZ’s feminist development policy emphasises fundamental concerns of the human rights-based approach: It is self-reflective, learning-based and power-critical, aspires to be postcolonial and antiracist, and attaches particular importance to cooperation with civil society. By being intersectional, it also contributes to promoting the inclusion of persons with disabilities and to protecting and promoting the rights of other disadvantaged and marginalised groups. Feminist development policy thus spells out the human rights-based approach and focuses in particular on transformative impacts, that is long-term, structural change.

The BMZ’s feminist development policy applies gender-transformative approaches to strengthen rights, eliminate discriminatory legislation, social norms and unequal power structures, guarantee equal access to resources and strengthen the representation, in decision-making processes, of women and marginalised groups in all their diversity.³ The BMZ’s Feminist Development Policy – For Just and Strong Societies Worldwide Strategy sets the strategic policy framework. The BMZ’s Third Development Policy Action Plan on Gender Equality (2023–2027) defines concrete targets and indicators for implementation.

3 The phrase “women and marginalised groups in all their diversity” refers to individuals and groups that face structural discrimination and disadvantages. The addition “in all their diversity” refers to their diverse identities and lived experiences that lead to overlaps between the various forms of discrimination, known as “intersections”. The term “women and marginalised groups” as used here is based on an intersectional and inclusive definition of “gender”.

2 Relevance: What human rights, gender equality and disability inclusion mean for development policy

Our vision is one of a life free from fear and want and of equal social, political, economic and cultural participation for all people – regardless of gender identity, age, disabilities, sexual orientation or any other factors. The fulfilment of human rights, the realisation of gender equality and the inclusion of persons with disabilities are indispensable if that vision is to be achieved, which is why they are a guiding principle of Germany’s value-based development policy. This is based on the fact that

- (1) human rights, gender equality and disability inclusion give concrete expression to human dignity and thus themselves have intrinsic value,
- (2) sustainable development is not possible without them and
- (3) both our partner countries and Germany are under the legal obligation to respect, protect and fulfil human rights.

2.1 Human rights, gender equality and disability inclusion as the manifestation of human dignity

German development policy aims to contribute to enabling all human beings to live a self-determined life in dignity, in safety and in an intact natural environment. Human rights translate human dignity into the specific rights of individuals and obligations on states.

What does a life lived in dignity look like? Universal human rights constitute a “protective umbrella” for living a life in dignity. Each human being must be able to participate in political life. That includes freedom of expression and of the media, a private sphere that is protected against state interference, freedom of religion and equality before the law. To live a dignified life everyone must also be able to participate in economic, social and cultural life on an equal footing, which includes equal and barrier-free access to food, education, health, income, water provision, sanitation and information, as well as access to adequate housing. A dignified life also needs human security and the associated freedom from violence, including all forms of gender-based violence.

People are disadvantaged, discriminated and oppressed the world over, meaning that human rights are violated, in some cases systematically and seriously. This trend is being fuelled by the rise in autocratic tendencies, crises and conflicts, flight and migration, climate change and pandemics, as well as challenges such as the digital transformation (e.g. through the use of digital surveillance technology). Nevertheless, equality before the law does not automatically lead to genuine equality: Discriminatory social norms and power structures and the failure of government institutions to implement legislation are barriers to genuine equality. Being able to claim one’s rights and access to justice are also crucial, as it is not enough for rights to merely be written down. People must know their rights and must be in a position to claim and realise them (“know, claim, realise”).

All human beings have rights that are to enable them to live a life in dignity. They can rightly claim them – not on account of any governmental decision but as a birthright. Human rights are inalienable. That means that no one can lose, forfeit or be denied their human rights.

The fundamental conviction that, because human beings have equal dignity they also have equal rights that the state must respect, is universal. It is enshrined in the United Nations human rights treaties, regional conventions and national constitutions. Examples include the African Charter on Human and Peoples' Rights adopted by the African Union in 1986⁴ and the Treaty on European Union, which entered into force in 2009.⁵ The fundamental rights set out in Germany's constitution, the Basic Law, are likewise based on the principle of human dignity.

The Treaty on European Union and Germany's Basic Law also refer to the responsibility that states are under in respect of international human rights. Article 1 of the Basic Law, for instance, describes human rights as “the basis of every community, of peace and of justice in the world”.

The EU is guided by the principles that inspired its own creation and that it seeks to “advance in the wider world”, including “democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms” (Article 21 of the Treaty on European Union). In the new European Consensus on Development, adopted in 2017, the EU and its Member States committed to implementing a rights-based approach in their development cooperation that encompasses all human rights (para. 16) and at the core of which is gender equality (para. 15).

2.2 Human rights, gender equality and disability inclusion as the condition for achieving sustainable development

Human rights and sustainable development are two sides of the same coin. The realisation that human rights and development are mutually dependent and mutually reinforcing is given expression in the sustainable development goals (SDGs) set out in the UN 2030 Agenda for Sustainable Development. Nearly all the SDGs and their indicators make direct reference to human rights standards.⁶ The overarching principle of “leaving no one behind” (LNOB) is a core element of the transformative approach of the 2030 Agenda.⁷

Achieving gender quality and empowering all women and girls are a separate goal (SDG 5) of the 2030 Agenda and are also cited as the key precondition for achieving all the SDGs. SDG 5 includes targets such as ending all discrimination and violence against women and girls, universal access to sexual and reproductive rights, and equal access to property ownership and economic resources. Express mention is made of persons with disabilities in five and of children in nine of the 17 SDGs. As part of its feminist development policy, the BMZ has set itself the goal of eliminating the structural causes of inequality and discrimination for all human beings (SDG 10).

4 Article 5 of the Banjul Charter on Human and Peoples' Rights (“right to the respect of the dignity inherent in a human being”).

5 “Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law, ...” (Preamble to the Lisbon Treaty).

6 See, e.g., regarding the link between the SDGs and human rights https://www.ohchr.org/sites/default/files/Documents/Issues/MDGs/Post2015/SDG_HR_Table.pdf.

7 The 2030 Agenda makes explicit reference to women and girls, children and youth, persons with disabilities, Indigenous Peoples, refugees, internally displaced persons and migrants, amongst others. The Leave No One Behind Guidelines also apply to other people and groups that face multidimensional discrimination, for instance LGBTIQ+ persons, people living in extreme poverty and religious minorities. Children and young women and men are expressly referred to as critical “agents of change”.

The human right to inclusion – spotlight on persons with disabilities

Around 16 per cent to the world's population (**more than one billion people**) are living with one or more disability types. A **disability** is not a medical, but a **social category**. In accordance with the UN Convention on the Rights of Persons with Disabilities, persons with disabilities include those “who have long-term physical, mental, intellectual or sensory impairments” that “in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

“Inclusion” refers to the **equal and self-determined participation** of all human beings in all areas of social life. To achieve inclusion, societies must change to enable equal participation for all people in all their diversity. In relation to persons with disabilities, inclusion means

- creating the conditions for persons with disabilities to achieve their full potential (“empowerment”). That includes respecting and actively promoting their right to participation and drawing on their expertise in decision-making processes.
- creating an accessible shared environment (places, spaces, transportation and means of communication) and ending discrimination.

2.3 Human rights, gender equality and disability inclusion as an obligation of the state

Most countries in the world have ratified key international human rights conventions such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Many – including all the Member States of the African Union – have also concluded regional human rights conventions. When German official development cooperation implements development policy measures with its partner governments, protecting and promoting human rights is a collective duty. The same goes for measures in the digital arena.

These obligations of the state are based on international and regional human rights conventions. Particular mention should be made of the following:

- The International Convention on the Elimination of All Forms of Racial Discrimination of 1965,
- The International Covenant on Civil and Political Rights of 1966,
- The International Covenant on Economic, Social and Cultural Rights of 1966,
- The UN Convention on the Elimination of All Forms of Discrimination against Women of 1979,
- The UN Convention on the Rights of the Child of 1989,

The UN Convention on the Rights of the Child and its relevance to development policy

Children and youth account for the **majority of the population** in many of the BMZ's partner countries. For them it is particularly difficult to self-organise and participate in decision-making processes that relate to them.

Children and youth have **legal rights** they can assert vis-à-vis their parents or legal guardians and the state. The UN Convention on the Rights of the Child thus includes **rights relating to provision, protection and participation**. The Convention prohibits distinction of any kind such as sex, religion or other status. It attaches priority to the best interests of the child, the **right to life and development** and the **right to participation**.

German official development cooperation thus not only addresses children and youth because they are an especially relevant target group, it also supports them in asserting their rights to promotion, protection and participation. The rights of children and young people are a key **element of our human rights-based approach** and are incorporated into all action areas.

- The UN Convention on the Rights of Persons with Disabilities of 2006 and
- Convention No. 169 of the International Labour Organization (ILO) on Indigenous and Tribal Peoples of 1989.

The rights of Indigenous Peoples

Indigenous Peoples have internationally guaranteed **collective rights**. These are set out in Convention No. 169 of the International Labour Organization (ILO) of 1989, for instance, and in the UN Declaration on the Rights of Indigenous Peoples of 2007, though the latter is not legally binding. Both texts call for Indigenous Peoples to be consulted on all legislative and administrative measures if those measures will impact them. In particularly relevant cases, that obligation goes beyond mere consultation and requires **free, prior and informed consent (FPIC)**.

Members of Indigenous Peoples are often at **particular risk of discrimination**. They represent six per cent of the global population but around 19 per cent of people living in extreme poverty. Indigenous Peoples and local communities are especially relevant when it comes protecting biodiversity and the climate, since around 40 per cent of all protected areas on land and of all ecologically intact landscapes are under their land management.

German development policy supports partner countries when it comes to fulfilling codified human rights, including gender equality, and guaranteeing the inclusion of persons with disabilities and achieving the goals they have set themselves.

Parts of civil society and the independent media play a key role as regards keeping a critical eye on government action and calling for the state to fulfil its obligations. This is a particular challenge when it comes to human rights conventions that are aimed at the rights of discriminated human beings, because those who face discrimination often find it difficult to self-organise and effectively advocate for their rights. Civil societies and the press in a growing number of countries worldwide are not, or no longer, in a position to address human rights violations (known as “shrinking spaces”), and human rights defenders face increasing threats. To be more precise, only around three per cent of the world’s population lives in open societies in which no constraints are placed on civil society’s freedom of action.⁸ Digital technology plays an ambivalent role in this. On the one hand, the number of human rights violations in the digital world and through the use of digital technology is increasing. On the other hand, the internet is a central platform that can be used to expose human rights violations and to enable and coordinate civil society engagement.

The International Bill of Human Rights is by no means static but continually evolving. German development cooperation thus not only seeks to support the implementation of existing legislation. States play a key role when it comes to shaping international law. So does, indirectly, civil society, on account of its being able to influence government action through its engagement, demands and protests. However, any consensus reached within the international human rights system will not necessarily endure. The anti-gender movement, for instance, is undermining progress made on gender equality, especially our shared understanding of gender as a social identity and the sexual and reproductive health and rights of women and marginalised groups, in particular LGBTIQ+ persons.

The BMZ also wants to be involved in the latest revisions of issues addressed within the human rights system. For example, the right to a healthy and clean environment as well as human rights in the digital arena and in connection with the use of digital technology are the subject of ongoing negotiations at the international level. Human rights protection also needs to be guaranteed in these relatively new human rights fields, because they are also part of a life lived in dignity, especially for young and future generations.

8 Brot für die Welt (ed.) (2023): *Atlas der Zivilgesellschaft 2023*, p. 6.

3 Our approach: What does the Human Rights Strategy cover?

3.1 Action areas

The human rights-based approach, as applied in German development policy, determines how the BMZ and governmental implementing organisations shape the content of development cooperation and what goals we set ourselves together with our partners. The human rights-based approach has a decisive influence on working methods applied in German development cooperation. It not only establishes *what* we do but also *how* we do it. That applies to the following action areas of the human rights-based approach:

- **Policy dialogue:** The Federal Government is in ongoing dialogue with partner governments on development policy, and it closely coordinates all strategic planning in respect of development cooperation in and with partner countries. This partnership-based dialogue represents the necessary foundation for implementing a human rights-based development policy. We will only be able to support our partner governments in fulfilling their human rights obligations if we can agree on shared fundamental values. We address our partner countries' strategies, goals and priorities and, wherever possible, enter into dialogue with civil society actors in partner countries.
- Other key elements are multilateral policy dialogue (e.g. with UN organisations) and cooperation with the international community, another important component of the human rights-based approach, in particular through agenda setting at the international and the EU level.
- **Mainstreaming:** Development policy incorporates the quality criterion "human rights, gender equality and disability inclusion" in all German development cooperation projects and programmes (see implementation requirements in section 4).
- **Focused measures:** German official development cooperation implements measures that **specifically** promote human rights, gender equality and disability inclusion as their principal objective. That means selecting measures that are aimed at contributing to the realisation of specific rights, supporting disadvantaged population groups when it comes to claiming their rights or building the capacities of human rights institutions and state duty-bearers.

The human rights-based approach also has to be applied at the intersection with other policy fields (**coherence**), in particular where there are potential conflicts of interests (e.g. with trade and economic interests or resource security). Our human rights-based development policy thus needs to be incorporated into interdepartmental processes and these need to be reviewed in terms of human rights coherence (e.g. when drawing up strategies, when cooperating with business, in joint foreign trade ventures). Coherence between feminist development and foreign policy and the implementation of the Women, Peace and Security Agenda in close cooperation with the Federal Foreign Office and other ministries is key in that respect.

3.2 Human rights principles

Human rights implementation is based on human rights principles, which apply to all government action and are thus of special relevance to a human rights-based development policy. They first and foremost include the following:

- **Non-discrimination and equal opportunities.** Discrimination is a human rights violation. Worldwide, however, power structures that discriminate against certain individuals are still firmly entrenched in society, including people living in poverty, who are more likely to face discrimination and marginalisation than other population groups. That is why human rights, gender equality and disability inclusion are closely linked to other quality criteria of German development policy, in particular those on poverty reduction and inequality reduction and on conflict sensitivity (the “do no harm” principle).
- **Participation and empowerment.** All human beings should be able to access information independently, to freely raise their concerns and be involved in decision-making processes. Development cooperation regards human beings as the holders of rights, as actors and knowledge-bearers. Wherever possible, the human rights principle of participation shapes cooperation at the project and programme planning stage. Cooperation with civil society

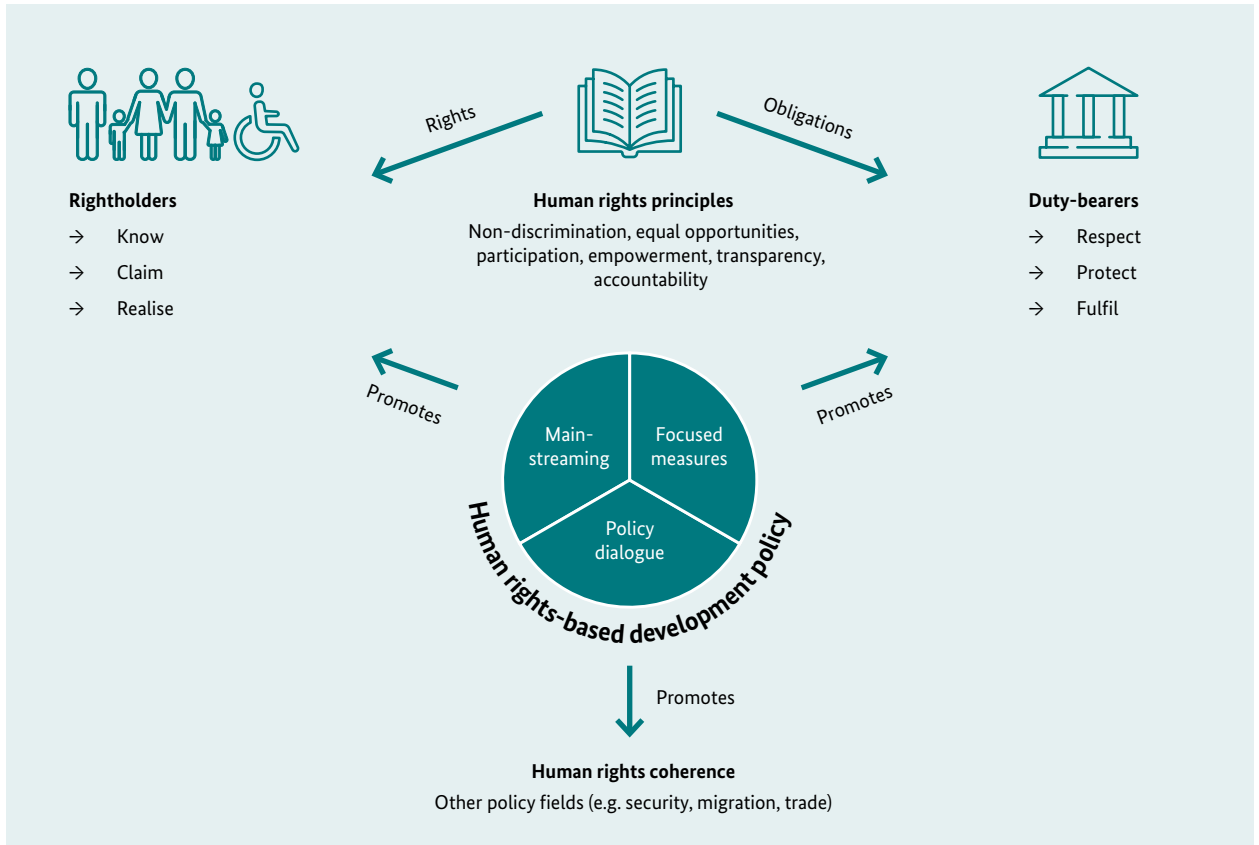
organisations, including self-advocacy organisations, is thus a core element of the human rights-based approach. Being a transformative approach, the particular focus is on addressing structural discrimination to promote the participation of women and marginalised groups.

- **Transparency and accountability.** People should be able to monitor and evaluate government action, including development policy. That action thus has to be transparent, comprehensible and accountable. To be transparent, information must be readily understandable and easily accessible. To be accountable, state institutions must be measured against a particularly high standard in relation to respecting, protecting and fulfilling human rights. Transparency and accountability cannot be achieved without free media and without free access to information. The BMZ cooperates with its strategic partner the Deutsche Welle Academy to promote freedom of information and of the press, and it supports the work of non-governmental organisations (NGOs).

Our understanding of these principles means that our development policy must be shaped accordingly, and it also calls for inclusive and democratic governance and full access to justice. That is why cooperation with our partner countries in respect of democracy and the rule of law also makes a key contribution to the protection and promotion of human rights. This is closely linked to measures in the core thematic area of “peace and social cohesion” as well as to work done in relation to freedom of information.

Figure 1 illustrates the action areas and principles of the human rights-based approach as applied in German development policy.

Figure 1: The human rights-based approach



3.3 Transformative approach

A human rights-based development policy must actively tackle all types of human rights violations. The following two aspects are key in that regard:

1. A development policy that seeks to contribute to ending discrimination and eliminating inequality in a society must be transformative. It must also cover the digital arena, in which distorted algorithms, for instance, replicate prejudices, disinformation and inequalities.

Gender-transformative approaches

Gender-transformative approaches raise social awareness of gender inequalities and actively and permanently change the underlying causes. Examples include discriminatory legislation, unequal social norms and practices, discriminatory attitudes, and gender roles and stereotypes that are rooted in patriarchal power dynamics. Gender-transformative projects and programmes critically examine traditional images of maleness, for example, and call gender roles and binarities into question. They involve male stakeholders, too. Where patriarchal and discriminatory power structures are broken down together, all human beings can participate equally and based on self-determination in the life of their community. According to the “do no harm” principle – the minimum standard applied to all German development policy measures – the safety of all stakeholders has top priority.

A gender-responsive approach, by contrast, only addresses specific gender needs (providing childcare facilities during training events, for instance) but does not seek to actively transform existing gender-specific inequalities.

2. Various categories of discrimination such as gender, age, disability, sexual orientation, ethnic origin and (extreme) poverty are mutually reinforcing (referred to as “intersectionality”). Women living with disabilities, for instance, are 10 times more likely to experience gender-based violence than women with no disabilities.⁹ Children and youth can also face intersectional discrimination (e.g. children with disabilities on account of barriers to education).

To understand discrimination, it is thus necessary to do more than simply address one category or one group in isolation. Instead, a broad-based approach is needed to address the underlying power relations – such as sexism, the patriarchy, racism, ableism¹⁰ and classism – that foster such discrimination. That includes a critical analysis of and shift in power structures that are based on colonial continuities and racist patterns of thought. It is the goal of human rights-based development policy to break down such power structures.¹¹

Lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ+) persons face structural discrimination almost everywhere in the world – which in many partner countries is often a legacy of the colonial era. They are more likely to be living in poverty and are at especial risk of suffering (in some cases state-tolerated or -approved) violence. That can include forced medical procedures, so-called conversion therapies and hate crimes (e.g. so-called corrective rape or hate speech in both the digital and the analogue world). Many countries criminalise consensual same-sex sexual relations between adults, with some imposing draconian penalties.

These forms of discrimination go against human rights requirements, in particular the principle of non-discrimination.

In its **LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation** (2021) the Federal Government committed to providing structurally sustainable support to the LGBTI human rights work undertaken by civil society. The Strategy emphasises the development policy principles of “**leave no one behind**” and “**do no harm**”, which are to be geared to the specific needs of LGBTIQ+ persons.

9 UN Women 2021, p.1 and the Brief on Violence against Women and Girls with Disabilities, p. 3: [vawg_resource_disability_formatted_v6.pdf](#) ([vawgresourceguide.org](#)), (17.11.2021).

10 The term “ableism” refers to prejudices and/or discrimination against persons with disabilities. Those prejudices can take on a variety of forms, including defining persons with disabilities solely by their physical or cognitive abilities, specifically emphasising a person’s potential “despite” their disability, ignoring specific needs and conveying a feeling of superiority vis-à-vis persons with disabilities. The term is a compound made up of the adjective “able” and the suffix “-ism”, which describes a particular attitude or belief.

11 “For a feminist development policy, cooperation with civil society organisations, particularly women’s rights, LGBTIQ+ and other human rights organisations, is key. They are drivers of change. They mobilise social engagement and work to dismantle power structures and gender roles.” BMZ: *Feminist Development Policy – For Just and Strong Societies Worldwide*. March 2023, p. 18.

3.4 Taking stock, potential and challenges

German development policy has more than a decade's worth of experience of applying the human rights-based approach and can build on many years of promoting both gender equality and the inclusion of persons with disabilities. It has already been the subject of various external evaluations and assessments¹² that are particularly relevant when it comes to updating this Human Rights Strategy.

These evaluations positively rate the conceptualised objectives of the human rights-based approach and confirmed that it “provided a boost and sent a signal”.¹³ They also confirm that the strategies have led to concrete progress being made in a number of ways in German development cooperation.

However, they also established that German development policy has not yet sufficiently implemented its conceptualised objectives. That was the conclusion drawn in evaluations of the Action Plan on the Inclusion of Persons with Disabilities (2013–2017), of gender mainstreaming instruments to support gender equality in post-conflict contexts (2021), of the Human Rights Strategy (2021) and of the Action Plan Agents of Change – Children's and Youth Rights in German Development Cooperation (2017–2019).

Our feminist development policy has significantly increased our ambition to contribute to the equal participation of all people and systematically apply our human rights-based approach.¹⁴ Against that backdrop, the goal of this Strategy is to close the gap between ambitious objectives and actual implementation – and to be able to transparently and measurably evaluate whether we are being successful in that. We therefore also need to ensure coherence between our feminist development policy, the National Action Plan on the Women, Peace and Security Agenda, the Federal Government LGBTI Inclusion Strategy and this quality criterion.

12 Including the following: Evaluation of the BMZ's Action Plan on Inclusion of Persons with Disabilities (2017); Evaluation of Gender Equality in Post-Conflict Contexts (2021); Evaluation of Human Rights in German Development Policy (especially Part 1: The Human Rights Strategy and Its Implementation) (2021); Review of the BMZ Action Plan Agents of Change – Children's and Youth Rights in German Development Cooperation Activities 2017–2019 (2023).

13 DEval: Evaluation of the Action Plan for the Inclusion of Persons with Disabilities (2017), p. 104.

14 The BMZ has adopted a growth path to increase, by 2025, the share of newly committed project funding for measures whose primary objective is gender equality to eight per cent and for measures whose secondary objective is gender equality to 85 per cent.

4 Implementing the Human Rights Strategy: The quality criterion “human rights, gender equality and disability inclusion” in practice

The quality criterion addresses overarching issues and measures (4.1) and is applied at various levels: at the strategy and policy level (4.2), in the German development cooperation portfolio (4.3) and at the internal, institutional level. The human rights-based approach, as applied by official development cooperation institutions, not only applies to the work of our partner countries, but also covers ongoing learning and adaptation processes that relate to our own structures, processes and working methods.

4.1 Overarching issues and measures

a) Human rights complaints mechanisms

Human rights and human rights principles such as participation and accountability also apply to development cooperation itself. That means that people must have the possibility of drawing attention to problems, risks or any damage caused that, in their opinion, are linked to measures commissioned, financed and/or implemented in the context of German development policy. They have the right to have such information transparently reviewed by a body that will, where necessary, take remedial action.

That in particular applies to human rights violations. Local access to justice in partner countries is of particular importance in this regard.

All governmental implementing organisations have set up human rights complaints mechanisms that are based on internationally established standards,¹⁵ including accessibility, for instance. Complaints mechanisms need to be accessible for marginalised and disadvantaged individuals as well, such as persons with disabilities or people living in poverty.

Complaints mechanisms are especially relevant when it comes to ensuring the transparency and accountability of German development policy. The BMZ and its implementing organisations will continue to develop these complaints mechanisms by

→ launching systematic dialogue between the BMZ, implementing organisations and representatives of civil society, the academic community and/or other institutions. The task of that dialogue will be to support the ongoing development of existing complaints mechanisms, to draw attention to any potential need for action or adaptation and to guarantee information sharing and shared learning across institutions. That dialogue should also address the option of creating new structures or bodies;

¹⁵ See, in particular, No. 31 of the UN Guiding Principles on Business and Human Rights (2011).

- reviewing existing complaints mechanisms based on the UN Guiding Principles on Business and Human Rights (including as regards accessibility, transparency and legitimacy);
- optimising existing complaints mechanisms based on the results of those reviews.

As part of that process, attention must also be paid to providing protection against sexual exploitation, abuse and harassment (SEAH) in the context of development cooperation. Besides effective, accessible complaints mechanisms, that requires targeted measures – both in the context of development cooperation in partner countries and within institutions in Germany. These are to be based on the relevant OECD DAC Recommendations (2019).¹⁶

b) Child safeguarding policies

Another issue that is of particular relevance is protecting children and youth against all forms of violence (emotional, physical, sexual). Children and youth have the right to protection against violence and exploitation. That especially applies to children with disabilities, who are at particular risk. It is the task of development policy to guarantee this right in the context of its own work, to be aware of the potential risks and to address them accordingly. There is no reason to assume that development cooperation measures and institutions are immune to violence against or the exploitation of minors. Our work environment is generally characterised by a number of significant power imbalances between staff members in development policy projects and their beneficiaries.

Against that backdrop, the BMZ and governmental implementing organisations will introduce measures to protect children more effectively against violence and exploitation in their respective work environments. The nature and scope of those measures will depend on each specific context, since institutions interact to various degrees with children and youth in accordance with their remit and tasks. In the BMZ's view, manda-

tory child protection policies that meet international standards are best suited to guaranteeing such protection. They include codes of conduct and voluntary commitments that apply to staff, guidelines on personnel policy and complaints mechanisms that children can easily access. The BMZ will draw up the corresponding minimum standards and draft an institutional child safeguarding policy. Those minimum standards for child protection policies are also to serve as guideposts for civil society organisations supported by the BMZ, in particular the organisers of placement and exchange programmes. Wherever legally possible and monitorable, those policies should be mandatory. Child safeguarding policies are particularly relevant in relation to placement and exchange programmes because their focus is on children and youth and because children and youth are (1) placed as volunteers and (2) live in sponsored institutions (e.g. children's homes) and seek protection and safety there.

¹⁶ DAC Recommendation on Ending Sexual Exploitation, Abuse, and Harassment in Development Co-operation and Humanitarian Assistance, available at <https://www.oecd.org/dac/gender-development/dac-recommendation-on-ending-sexual-exploitation-abuse-and-harassment.htm>.

4.2 Application at the strategy and policy level

a) Drawing up BMZ strategies

Human rights-based development policy strategies are based on the rights of individual right-holders and on the human rights obligations on states, as well as on the insight that discrimination is founded on deeply entrenched power structures that need to be eliminated. That is why the BMZ will take account of human rights, gender equality and disability inclusion in all its strategy papers.

The units responsible for the quality criterion “human rights, gender equality and disability inclusion” are to be systematically involved as early as possible in the process of drawing up strategy papers so that they can provide support and advice in a timely manner to those units that are responsible for strategy planning.

The prerequisite for human rights-based development cooperation is as comprehensive an understanding of the local situation as possible – that means, in particular, as regards the realisation of human rights and the nature and causes of human rights violations. Strategies, projects and programmes are based on human rights analyses that also incorporate available external expert opinions, reports by German foreign missions or the work of other donors (in particular the EU). The EU has, for instance, drawn up a large number of country-specific gender analyses. The BMZ has already made it mandatory to conduct a gender analysis at the project or programme level for all measures. It is also recommended that regional divisions commission more extensive human rights analyses and country-specific, portfolio-wide gender analyses, since this helps streamline the gender analyses at the project or programme level.

The processes and procedures that German development cooperation uses to prepare such analyses are reviewed to establish whether they meet the requirements made of a human rights-based development policy. The BMZ and its implement-

ing organisations systematically draw on evidence from effective approaches when designing its policies and measures.

b) Bilateral and multilateral policy dialogue

Cooperation with civil society organisations, including self-advocacy organisations, is of particular relevance to human rights-based, feminist and inclusive development policy. Where possible and depending on the country context, civil society, in particular in the Global South, is to be consulted in the context of strategy and planning processes as well as in the run-up to intergovernmental talks with partner countries.

When implementing a human rights-based approach it is crucial to use the bilateral policy dialogue to appropriately and sensitively, given the country context, address a state’s obligations in relation to the realisation of human rights and the goals of feminist development policy. In intergovernmental negotiations, the BMZ champions its objectives and values and reaches agreement, as part of a partnership-based dialogue, on the concrete shape cooperation is to take in the partner country. Based on existing international obligations (e.g. human rights treaties, the Women, Peace and Security Agenda), reaching concrete agreement on how these obligations are to be implemented as part of development cooperation forms an important basis for implementation itself.

Policy dialogue plays an especially important role where serious human rights violations are systematically committed in a partner country. Human rights standards are a key basis of and condition for official development cooperation. If that basis is called into question, that will have consequences for cooperation. These consequences need to be negotiated and agreed in close cooperation with the Federal Foreign Office on a case-by-case basis in each respective context. It is important that local civil society is incorporated into that dialogue as best as possible, in particular those individuals and population groups whose rights are at risk. The decision as to which response is most appropriate must not be taken over the heads of those concerned. Possible

responses can be to realign the portfolio (e.g. by strengthening focused human rights measures) or to step up cooperation with NGOs at the sub-national level where this can be agreed with the partner government. Suspending or terminating official development cooperation is another option, possibly linked to expanding non-governmental cooperation.

The goals of a human rights-based development policy can only be achieved when official development cooperation actors cooperate with partner countries and at the multinational level. That is why the BMZ will step up its cooperation with a number of UN organisations, other bilateral donors, civil society initiatives and multilateral financial institutions to work together to put an end to discrimination, fulfil human rights and counter the anti-gender movement. We are committed to the use of progressive language within international processes to face up to the anti-gender movement, defend established women's rights in international negotiations and boost feminist approaches.

The BMZ fosters international discussion forums (feminist alliances) and supports account being taken of human rights, gender equality and disability inclusion

- in the multilateral policy dialogue, in multilateral working groups and forums,
- in multistakeholder initiatives and discussion forums,
- when drawing up strategies and instruments in multilateral organisations (the EU, UN, multilateral development banks, multiactor partnerships, the OECD and international forums such as the G7 and G20),
- in multilateral funds (e.g. the Climate Fund),

- in EU processes and instruments, including NDICI Global Europe, the EU Gender Action Plan III, EU trade agreements, policy-based approaches and (sector) budget support,
- as shareholders in the supervisory bodies of regional development banks and the World Bank.

The BMZ is also committed to the equal representation of women in the governing bodies of multilateral institutions and in EU and multilateral climate and environmental funds, as well as in their electoral groups and climate policy alliances.

Within the scope of its competence, the BMZ is working within the German government to promote policy coherence with regard to human rights, gender equality and disability inclusion. Close dovetailing with foreign, foreign trade and security policy is particularly relevant in that regard.¹⁷ The BMZ cooperates closely with the Federal Foreign Office as regards implementation in partner countries, in particular with the relevant contacts in German embassies (e.g. as regards women, peace and security).

¹⁷ Including instruments such as the Federal Government's Preventing Crises, Resolving Conflicts, Building Peace Guidelines and interministerial strategies founded on those Guidelines, the Federal Government's Action Plan for the Women, Peace and Security Agenda (NAP III, 2021–2024) and joint analysis and coordinated planning (GAAP).

4.3 Application in the German development cooperation portfolio

a) Planning and design

When planning and designing individual measures, the BMZ and its implementing organisations must take account of the requirements at the strategic level set out in the previous section. That means that

- local civil society, including self-advocacy organisations, are to be incorporated where possible and depending on the country context in order to strengthen participation and increase the quality and sustainability of measures by drawing on their local know-how;
- account must be taken of the quality criterion “human rights, gender equality and disability inclusion” when assessing the impact of a measure (including synergies and conflicts of interest) and identifying any potential need for action;
- implementing organisations are to conduct mandatory gender analyses for all projects and programmes that form the basis for the assignment of the gender equality policy marker (GE marker). It is also recommended that regional divisions commission country-specific, portfolio-wide gender analyses to obtain recommendations regarding the portfolio’s strategic alignment and to streamline gender analyses at the project and programme level accordingly. Gender analyses investigate the specific power relations, gender dynamics, discriminatory gender norms and intersectional forms of discrimination within the respective context and sector, using those analyses to explore inherent **potential**, including in respect of gender-transformative approaches. Account is also to be taken of interactions between conflict dynamics and gender roles (referred to as the “gender-conflict nexus”). The results of and recommendations presented in such gender analyses are then incorporated into the project or programme design. Wherever possible, account

should be taken of gender-transformative and intersectional approaches when planning and designing projects and programmes in order to end discrimination. The BMZ’s Gender Action Plan also addresses how to implement feminist approaches in various sectors.

- the minimum requirement made of each measure implemented in the context of a human rights-based development policy is that it must address existing discriminatory power relations and social norms and not worsen the human rights situation or safety of anyone (the “do no harm” principle). To meet that minimum requirement, an analysis of human rights risks must be carried out (see the BMZ Human Rights Guidelines). That analysis has to document conflicts and conflict potential and examine a measure’s potential impact on human rights in order, where necessary, to take appropriate countermeasures and implement alternatives.

The BMZ Human Rights Guidelines contain important information and work aids for human rights-based project planning and design. They place a specific focus on sector-specific risks and impacts and take account of the specific rights and concerns of certain population groups in relation to the concrete design of development policy projects and programmes.

b) Data management

The BMZ collects and increasingly uses disaggregated data that map the lived realities of various groups of people. Where possible, the relevant partner institutions’ statistical and data analysis capacities are boosted to more widely embed data recording and use in inclusive policy design.

Monitoring and reporting and steering capacities are largely dependent on the quality of the data recorded. When planning specific measures, particular attention is to be paid to their correct and comprehensive assignment to the relevant CRS codes (under the OECD’s Creditor Reporting System) and cross-sectoral markers (markers on gender equality, inclusion and empowerment of persons with disabilities, and democratic and inclusive governance).

Measures aimed at protecting or promoting human rights, gender equality and disability inclusion are to be assigned to the relevant CRS codes based on the applicable specifications. Consistent use is to be made of available input options (assignment to several CRS codes) in order to provide as comprehensive a picture as possible of a measure's conceptual orientation.

Taking account of human rights, gender equality and disability inclusion when monitoring project progress is also crucial. Data aggregated by gender are to be recorded for each marker in the logframe, where relevant, and are also, where possible, to be disaggregated by other factors such as age, disability and migration status.

c) Implementation, reporting and evaluation

The principles of transparency, participation, non-discrimination and accountability apply to the entire project cycle. That means that civil society is also to be included, where possible, at the implementation stage and its possibilities for participation strengthened. Gender (conflict) competence is an important criterion when choosing implementation partners. Where necessary, an offer can be made to help strengthen that competence. Projects and programmes that contribute to ending (sexualised) gender-based violence and female genital mutilation (FGM) and/or that work with survivors in their respective target group, pursue a survivor-centred approach that focuses on the rights and needs of survivors.¹⁸

In their annual reports, implementing organisations document how they take account of this Human Rights Strategy. That reporting must, in particular, give an account of measures and needs for action to avoid negative impacts on human rights, gender equality and disability inclusion and to boost their potential. Reporting can serve as a key basis for pinpointing the need for action and concrete points of reference for updating a development cooperation programme or the relevant country strategy (where necessary including as regards mainstreaming or focused measures).

Account is likewise to be taken of human rights, gender equality and disability inclusion when evaluating a measure – regardless of whether that evaluation is conducted at the project, sector or portfolio level.

¹⁸ Under the UN Women, Peace and Security Agenda, Resolution 2467 (2019), submitted by Germany, calls for a survivor-centred approach (SCA) to support the survivors of sexualised violence. Germany included a commitment to implement an SCA in its National Action Plan on the Women, Peace and Security Agenda (NAP III, 2021–2024). SCAs place the focus on the rights and needs of survivors. Survivors are to be given non-discriminatory access to services such as medical and psychosocial care, and their active participation in the processes of coming to terms with the past and transitional justice is to be guaranteed. Account is to be taken of the safety and needs of survivors and of the principles of confidentiality and informed consent when documenting and investigating sexualised violence.

5 Measuring progress and monitoring

5.1 Monitoring

German development policy will implement its human rights-based approach through the requirements described in this Human Rights Strategy. The BMZ will conduct random qualitative evaluations of the relevant documents (including BMZ strategies, brief assessments (*Kurzstellungnahmen*), the minutes of intergovernmental negotiations, programme and module proposals). The goals of those evaluations are

- to assess implementation of the Strategy (Is account taken of the Strategy and individual requirements as regards implementation in the respective decision-making phases?),
- to evaluate experience gained and institutional learning (What proved effective? What did not prove effective?),
- to provide advice and support during strategy-building and, in some cases, during portfolio design (Is there any need for action and are there any concrete points of reference as regards updating the portfolio?). That is why the decision as to which (country- or sector-specific) portfolio is to be evaluated, and when, is to be taken jointly with the responsible work units.

Measures that are geared specifically to human rights, gender equality and disability inclusion are currently only partially being subjected to systematic and IT-based recording (the markers on gender equality and inclusion and empowerment of persons with disabilities and, to a certain extent, the democratic and inclusive governance marker). The BMZ will establish a monitoring system that, within this framework, extensively records the extent to which this Strategy is being implemented and its impact on operative development cooperation and that ideally also facilitates the generation of insights regarding specific portfolios. The BMZ will transparently present the methodology and results of the monitoring. The goal of the monitoring system will be to monitor implementation of this Quality Criteria Strategy and to identify the potential need for action.

5.2 Mandatory requirements and recommendations

Successful implementation of this Human Rights Strategy is dependent on the extent to which the BMZ and its implementing organisations take account of the requirements explained in the above in development policy practice. An implementation plan will be drawn up for some of these requirements.

The requirements and recommendations are summarised in the following.

| No. | Section/level | Requirements and recommendations |
|-----|---------------------------------|---|
| 1 | 4.1 (Overarching) | Improve the complaints system available in the context of German official development cooperation (including in relation to sexual exploitation, abuse and harassment, or SEAH) on the basis of existing complaints mechanisms in the implementing organisations. |
| 2 | 4.1 (Overarching) | The BMZ draws up minimum child protection standards for implementing organisations and drafts a child protection policy for the BMZ. These standards are also to serve as guideposts for civil society organisations supported by the BMZ. The BMZ will liaise with Engagement Global and VENRO regarding the extent to which these can be both translated into mandatory requirements and monitored. |
| 3 | 4.1 (Overarching) | <p>The BMZ organises training courses on human rights, gender equality and disability inclusion</p> <ul style="list-style-type: none"> → as part of its introductory lectures for new staff (“EZ-Kolleg”, mandatory for all new staff members), → in e-learning modules (voluntary, with training certification), → in other training courses on select feminist development policy topics (needs-based). |
| 4 | 4.2 (Strategy and policy level) | The BMZ takes account of human rights, gender equality and disability inclusion in its country-, region- and topic-specific strategies . Information and conclusions in relevant reports and analyses available to the BMZ are to be incorporated when drawing up those strategies. |
| 5 | 4.2 (Strategy and policy level) | <p>The BMZ addresses human rights, gender equality and disability inclusion in the framework of policy dialogue, depending on the country context, and aims to reach concrete agreement, wherever possible, with partners on implementing these obligations in the context of development cooperation – based on existing international obligations (e.g. ratified human rights treaties, Women, Peace and Security Agenda) and shared fundamental values.</p> <p>Project- and programme-specific agreements, especially as regards gender equality and disability inclusion, as a project’s or programme’s primary or secondary objectives, form an important basis for negotiations between the implementing organisation and the respective partner institutions.</p> |
| 6 | 4.2 (Strategy and policy level) | The BMZ is promoting feminist principles and human rights, gender equality and disability inclusion through international partnerships and at the multilateral level by focusing processes and discussions on individual rights and state obligations and on eliminating discriminatory power structures. |

| No. | Section/level | Requirements and recommendations |
|-----|-----------------------------------|--|
| 7 | 4.2 (Strategy and policy level) | <p>The BMZ uses external (other donors', institutions') and internal analyses and embassy reports on human rights, gender equality and disability inclusion in its strategy-building and for project and programme design. Gender analyses provide the basis for the assignment of markers and are already mandatory for all projects and programmes. The BMZ is developing a country-specific, portfolio-wide gender analysis format. Both should also identify transformative and intersectional approaches. Conducting such analyses is recommended and is to be tested. In instances where such analyses have been conducted, it should be possible to use a streamlined form of project-related gender analyses.</p> |
| 8 | 4.2 (Strategy and policy level) | <p>Recommendation:</p> <p>The BMZ consults civil society – where possible and depending on the country context – in particular in the Global South, on strategy and planning processes as well as in the run-up to intergovernmental talks with partner countries.</p> |
| 9 | 4.2 (Strategy and policy level) | <p>The BMZ and its implementing organisations use systematic evidence on effective approaches to implementing human rights-based development policy in their policy and programme design.</p> |
| 10 | 4.2 (Strategy and policy level) | <p>The BMZ is committed, within its interministerial steering group, to policy coherence with a view to human rights, gender equality and disability inclusion, as well as to feminist foreign and development policy. That means the following:</p> <ul style="list-style-type: none"> → Close dovetailing with foreign, foreign trade and security policy, including in relation to instruments to boost policy coherence, such as the Federal Government's Preventing Crises, Resolving Conflicts, Building Peace Guidelines and joint departmental strategies, the Federal Government's Action Plan (NAP) for the Women, Peace and Security Agenda, and joint analysis and coordinated planning (GAAP). → The BMZ coordinates with the Federal Foreign Office, among others with those contact persons responsible for feminist foreign policy and for women, peace and security in the respective embassy. |
| 11 | 4.2 (Strategie- und Politikebene) | <p>The BMZ is committed to the use of progressive language in international processes to counter the anti-gender movement, defend established women's rights in international negotiations and further promote feminist approaches.</p> |
| 12 | 4.2 (Strategy and policy level) | <p>The BMZ is committed to human rights, gender equality and disability inclusion being incorporated into EU processes (including NDICI Global Europe, the EU Gender Action Plan III, EU trade agreements) and instruments (policy-based approaches and budget support).</p> |

| No. | Section/level | Requirements and recommendations |
|-----|---------------------------------|--|
| 13 | 4.2 (Strategy and policy level) | The BMZ is committed to incorporating human rights-based approaches into multilateral policy dialogue , multistakeholder initiatives and discussion forums, as well as when it comes to drawing up strategies and instruments within multilateral organisations (the EU, UN organisations, multilateral development banks, multiactor partnerships, the OECD and international forums such as the G7 and G20). |
| 14 | 4.2 (Strategy and policy level) | The BMZ works towards the equal representation of women at the executive level in multilateral institutions, the EU and multilateral climate and environmental funds, as well as in their electoral groups and climate policy alliances. |
| 15 | 4.3 (Portfolio) | <p>Implementing organisations take account of the quality criterion “human rights, gender equality and disability inclusion” when planning and designing measures. Where possible, the potential for transformative and intersectional approaches is to be identified and tapped into during such planning and design processes.</p> <p>Attention is, where possible, to be paid to the following:</p> <ul style="list-style-type: none"> → Conducting more in-depth analyses that identify both risks (the “do no harm” principle) and the potential for promoting human rights, gender equality and disability inclusion. Particular attention is to be paid to children’s and youth rights. → Strengthening the quality of gender indicators as well as recording disaggregated data at the implementation level by gender as well as, where possible, other factors (e.g. age and disabilities), taking account of the data subjects’ (data) security. → Using local know-how and involving civil society, where possible. |
| 16 | 4.3 (Portfolio) | During the implementation and monitoring phases , implementing organisations implement those measures relating to the quality criterion identified at the planning and design phase. |
| 17 | 4.3 (Portfolio) | Implementing organisations provide information as part of annual reporting on the quality criterion by reporting on progress made on projects and describe measures and the need for further action. |

| No. | Section/level | Requirements and recommendations |
|-----|------------------|---|
| 18 | 4.3 (Portfolio) | <p>Monitoring of portfolio development by the BMZ</p> <ul style="list-style-type: none"> → Monitoring the gender equality portfolio, → Monitoring the general human rights portfolio based on the OECD's Creditor Reporting System, → Monitoring the target group-specific human rights portfolio (especially children and youth, persons with disabilities, LGBTIQ+ persons, Indigenous Peoples) depending on available technical options and resources, including the OECD DAC inclusion marker. |
| 19 | 4.3 (Portfolio) | <p>Data entry requirements</p> <ul style="list-style-type: none"> → Reference to procedural guides on assigning markers (gender equality, disability inclusion) and the standard indicator "No. of children supported in relation to protection against or experience of violence, abuse and exploitation", → Reference to the importance of CRS codes, especially human rights (OECD purpose code 15160), women's rights organisations and movements, and government institutions (OECD purpose code 15170), ending violence against women (OECD purpose code 15180) and the obligation to make use of input options (up to four CRS codes), → Reference to relevance and quality assurance. |
| 20 | 5.1 (Monitoring) | <p>Evaluation of the mainstreaming of the quality criterion based on representative samples of preliminary appraisals, programme and module proposals, the minutes of intergovernmental negotiations, dialogue with international institutions/organisations, country strategies, core area strategies and initiative area strategies.</p> <p>In addition:</p> <p>Where needed, a selective analysis of country portfolios in agreement with regional departments, with a view to</p> <ul style="list-style-type: none"> (1) evaluating the application of this Quality Criteria Strategy and learning from experience, (2) advising the division with responsibility for a project (e.g. on strategy-building/portfolio design). |

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