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Human Rights Manual

*Guidelines for
Implementing a Human Rights
Based Approach in ADC*



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Owner and publisher:

Austrian Development Agency (ADA),
the operational unit of Austrian Development Cooperation
Zelinkagasse 2, 1010 Vienna, Austria
Tel.: +43 (0)1 90399-0
Fax: +43 (0)1 90399-1290
office@ada.gv.at
www.entwicklung.at

The manual was prepared by:

- Austrian Development Agency
- Ludwig Boltzmann Institute of Human Rights

Editorial team: Franziska Walter, Manfred Nowak, Christine Sommer, Helmut Sax,
Georg Huber-Grabenwarter

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Austrian Development Agency
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Contents

List of abbreviations	3
Foreword	5
1. What are human rights?	6
1.1 Fundamental concepts	6
1.1.1 Universal set of values based on law	6
1.1.2 Human dignity and human rights	6
1.1.3 Development of human rights	7
1.2 What does the human rights based approach mean?	8
1.2.1 Paradigm shift based on emancipation and responsibility	8
1.2.2 Protection of human rights as a development policy goal	9
1.3 Major human rights treaties	10
1.3.1 Universal standards	10
1.3.2 Regional standards – Europe, America, Africa, Arab Region, Asia	12
1.4 Who monitors compliance with human rights?	14
1.4.1 Respect, protect and fulfil rights	14
1.4.2 Monitoring task of states	14
1.4.3 International political monitoring and fact-finding	14
1.4.4 International monitoring by human rights treaty bodies	15
1.4.5 Regional human rights courts	16
1.4.6 International Criminal Court	16
2. Human rights as a principle of ADC	17
2.1 Introduction	17
2.2 Human rights as a normative principle	17
2.2.1 Non-discrimination and equal opportunities	18
2.2.2 Participation and empowerment	18
2.2.3 Accountability	20
2.3 Human rights in programming	22
2.3.1 Introduction	22
2.3.2 Human rights assessment as part of country programming	23
2.3.3 Human rights checklist in project cycle management	26
3. Human rights as a sector of ADC	30
3.1 Selected human rights	30
3.1.1 Right to an adequate standard of living/poverty reduction	30
3.1.2 Right to education	32
3.1.3 Right to health	34
3.1.4 Right to free and fair elections	36
3.1.5 Right of equal access to justice and a fair trial	37
3.2 Human rights of specific groups	39
3.2.1 Children's rights	39
3.2.2 Women's rights	41
3.2.3 Rights of persons with disabilities	42
3.2.4 Rights of minorities and indigenous peoples	44

4.	Human rights in policy dialogue	46
4.1	General considerations in policy dialogue	46
4.2	Policy coherence and donor harmonisation	46
4.3	Levels of policy dialogue	47
4.3.1	Bilateral level	47
4.3.2	Multi-Bilateral level	47
4.3.3	Multilateral level	47
5.	Human rights and the Millennium Development Goals in ADC	52
5.1	Introduction	52
5.2	Synergies	53
5.2.1	Goal 1: Eradicate extreme poverty and hunger	53
5.2.2	Goal 2: Achieve universal primary education	54
5.2.3	Goal 3: Promote gender equality and empower women	55
5.2.4	Goal 4: Reduce child mortality	55
5.2.5	Goal 5: Improve maternal health	56
5.2.6	Goal 6: Combat HIV/AIDS, malaria and other diseases	56
5.2.7	Goal 7: Ensure environmental sustainability	57
5.2.8	Goal 8: Develop a global partnership for development	58



List of abbreviations

AAA	Accra Agenda for Action
ADA	Austrian Development Agency
ACHR	American Convention on Human Rights
ADC	Austrian Development Cooperation
ASEAN	Association of Southeast Asian Nations
AU	African Union
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCPR	International Covenant on Civil and Political Rights
CED	Convention for the Protection of All Persons from Enforced Disappearance
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
CFSP	Common Foreign and Security Policy of the EU
CoE	Council of Europe
CPRD	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRC	Convention on the Rights of the Child
CSCE	Conference on Security and Cooperation in Europe
DAC	Development Assistance Committee of OECD
ECHR	European Court of Human Rights
ECPAT International	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
ECRI	European Commission against Racism and Intolerance
ECHR	European Convention on Human Rights
ESC	European Social Charter
ESC rights	Economic, social and cultural rights
EU	European Union
EZA-G	Austrian Development Cooperation Act
FAO	Food and Agriculture Organisation of the United Nations
FGM	Female genital mutilation
FIAN	Food First Information and Action Network
FMEIA	Federal Ministry for European and International Affairs
FMEFY	Federal Ministry of Economy, Family and Youth
HRBA	Human Rights Based Approach
IACHR	Inter-American Court of Human Rights
IAHRC	Inter-American Human Rights Convention
ICC	International Criminal Court
ICJ	International Commission of Jurists
ICRMW	Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
ILO	International Labour Organisation
IPEC	International Programme on the Elimination of Child Labour (ILO programme)
MDG	Millennium Development Goal
NGO	Non-governmental organisation
NORAD	Norwegian Agency for Development Cooperation



ABBREVIATIONS

OAS	Organisation of American States
OAU	Organisation of African Unity
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organisation for Security and Cooperation in Europe
Sida	Swedish International Development Cooperation Agency
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organisation
UNIFEM	United Nations Development Fund for Women
UNITAID	International Drug Purchase Facility (programme of WHO)
UNRIC	United Nations Regional Information Centre
UNSC	United Nations Security Council
UNTOC	United Nations Convention against Transnational Organised Crime
UPR	Universal Periodic Review
WHO	World Health Organisation
WIPO	World Intellectual Property Organisation



Foreword

The policy document on human rights in Austrian Development Cooperation (ADC) published in April 2006 defines and stipulates the goals and principles in this sector. Ongoing practical steps are being taken for its implementation. The present manual is one of them.

Purpose and scope

The manual is primarily aimed at the personnel of the Austrian Development Agency (ADA) both in Vienna and in the coordination offices. Second, it also addresses staff responsible for development cooperation at the Federal Ministry for European and International Affairs (FMEIA), partners of ADC, whether executing agencies or government partners, and consultants who provide advice in implementation. This readership need not and cannot all be human rights experts. They must, however, be informed about ADC's goals with respect to human rights, the significance and status of human rights and the methods and instruments for their inclusion in the various projects and programmes. The selected documents also comprise material that is already available and suitable for implementation in ADC. It is not always necessary to invent new instruments and strategies.

Structure

- The **manual** essentially looks in more detail at the three levels defined in the policy document (mainstreaming a human rights approach as a principle, human rights as an intervention sector and human rights in policy dialogue). This part of the manual centres on **instruments and methods** with specific directions and aids.
- **More in-depth information** on the theme and a number of additional, major reference documents are appended to the manual in the form of a materials dossier on CD-ROM.

How to use the manual

The manual has been designed so that each part is self-contained. Contents can overlap, though, as no part can be fully separated from the other. It is not, however, necessary to read the whole text; it can be used as a reference book, consulting sections as required in daily work.

The first chapter provides a general outline of the current fundamentals in human rights. The second to fourth chapters provide more details about the three levels of intervention on the one hand and specific directions on the other, on how to deal with the human rights issue in programming or as part of project cycle management, for example. Finally, the materials dossier (CD-ROM) is intended for readers who have to deal with the theme in greater depth and therefore wish to study the relevant international legislation in detail, for example.

Of crucial importance for the application of the manual will be the practical experience gained with this tool in partner countries. We would therefore ask all users to send their comments and suggestions for improvements to the Division for Quality Assurance and Knowledge Management in the Austrian Development Agency.



1. What are human rights?

1.1 Fundamental concepts

1.1.1 Universal set of values based on law

Human rights number among the great philosophical accomplishments of the modern age. By virtue of the moral fascination they exerted and the revolutionary power they unleashed, they have had a formative effect on the course of history in many different, lasting ways over the last 250 years and today they represent the **only system of values that can lay rightful claim to universal validity**. Not only are they effectively embodied as the supreme legal norms in the **constitutions** of all nations in this world, but by adopting – and to a varying extent – ratifying **international human rights treaties**, all nations have committed themselves under international law to respecting, protecting and fulfilling these fundamental rights of human beings.

Human rights define certain **minimum standards and rules of procedure** to which those in power should or must adhere in their treatment of people. This primarily concerns state authorities such as governments, police or armed forces, but increasingly also those wielding non-governmental power, such as international organisations, business enterprises and/or the private sector in general as well as religious communities or individuals that exert power over other people. On the one hand, human rights set limits to the power exercised by government and non-governmental entities and on the other they oblige these within their purview to lay the foundation for enabling people to actually exercise and enjoy their rights through affirmative measures.

As with other legal norms human rights, are violated daily in various, in part, even systematic, ways, but a growing number of national and international courts and other oversight bodies **monitor compliance** with human rights.

1.1.2 Human dignity and human rights

People's lives are affected in many different ways by moral and legal rights and duties, but only few rights are so fundamental that they have been embodied as human rights in national constitutions and international law treaties. Central concerns are human life and **dignity**. Human dignity is violated, for example, when people are tortured, enslaved, bought and sold like property, unlawfully imprisoned, murdered, degraded or discriminated against or otherwise treated in a way that degrades them to the status of mere objects of power wielded by others. Human dignity is also breached if people are forced to live in absolute poverty, that is, without a minimum of food, clothes and shelter and without effective access to education, work, medical care, justice and social security.

From this core of **existential human rights** stem various rights to freedom and equality, political rights, economic rights, social and cultural rights, collective rights, procedural rights and specific rights for disadvantaged and vulnerable groups.

Civil rights and liberties:

Right to privacy, freedom of movement, opinion, conscience, religious worship, of association and assembly; right to life, personal integrity

Rights of equality:

Equality before and under the law, protection against discrimination on grounds of sex, age, race, skin colour, religion, ethnic and social origin or genetic features, political opinion, disability or sexual orientation

**Political rights:**

Right to vote, equal access to authorities, freedom of political parties, right of petition

Economic rights:

Right to property, freedom to conduct business, freedom of establishment, freedom to provide services or trade-union freedom, right to work, right to free choice of employment and to just and favourable conditions of work

Social and cultural rights:

Right to an adequate standard of living, food, water, housing, clothing, health, education, social security

Collective rights:

Right of self-determination of peoples, right to development and a healthy environment

Procedural rights:

Right of equal access to justice and a fair trial, particularly in criminal proceedings

Specific rights for disadvantaged groups:

Children, the elderly, persons with disabilities, foreigners, refugees, minorities, indigenous peoples and other disadvantaged groups

Common to all these rights is that they are **subjective legal rights** enabling people to conduct their lives in conformity with the principles of liberty, equality and human dignity. The recognition of subjective rights in the community, with specific duties and responsibilities on the part of others as a corollary, transforms people from mere passive objects of a legal or social order to active protagonists, from subjects to citizens. It is in this process of emancipation, of **empowerment** that the real revolutionary force of human rights lies, distinguishing them from other systems of values, such as religions in particular, because the subjective right to life or property represents a completely different conception of human beings as active citizens than does the mere prohibition of murder or theft.

1.1.3 Development of human rights

Seen historically, human rights have developed in a dialectical process of various revolutions and 'generations'. It began with the bourgeois revolutions against absolutism, feudalism and the power of the Roman Catholic Church, legitimated by the ideas of the Enlightenment, rationalistic natural law, the social contract, constitutionalism and liberalism in Europe and North America. These culminated in the establishment of **civil and political rights**¹ to life, liberty, property and democratic participation in the constitutions of the nation-states of the 18th and 19th centuries.

The Socialist view of human rights embodied in the constitutions of Socialist people's democracies of the 20th century was diametrically opposed to the civil-political human rights philosophy and stressed the real equality of all people as well as their **economic, social and cultural**² rights to work, education, health, social security and an adequate standard of living. The cold war era was also dominated by an irreconcilable ideological controversy between these two 'generations' of so-called negative and positive rights.

At the same time, a 'third generation' of **collective human rights** took shape in the course of decolonisation in Africa and Asia, centred on the right of the peoples of the South to political and economic self-determination, equality and development.

¹ Also sometimes called the first generation of human rights.

² Also sometimes called the second generation of human rights.



Despite the ideological controversies between East and West and North and South, the United Nations (UN) did finally succeed in developing an extensive set of norms for the protection of human rights, which was drafted through consensus and can therefore be seen as a synthesis of these three different 'generations' or 'dimensions' of human rights. A typical outcome of this synthesis is the **International Charter of Human Rights**, which consists of the Universal Declaration of Human Rights of 1948 and the 1966 International Covenants on Civil and Political Rights on the one hand and Economic, Social and Cultural Rights on the other. Both covenants include the collective right of self-determination of peoples in Article 1.

With the cessation of the Cold War, the ideological debate about different 'generations' of human rights was also formally ended. Despite the mounting North-South conflict, the heads of state and government of more than 170 states reached agreement at the **World Conference on Human Rights** in Vienna in 1993 on the principles of the universality, indivisibility, interdependence and equality of all human rights.

Universality means that human rights apply equally for all people particularly in the North and South, while nevertheless taking account of certain cultural differences. The **equality, interdependence and indivisibility** of human rights affirm the conviction of the international community that the right of a people to self-determination as well as economic, social and cultural rights are just as important as civil and political rights and that all human rights are mutually dependent. Without the right to housing, i.e. a decent 'roof over one's head', the right to privacy or the protection of domiciliary rights against random police searches mean little. Effectively guaranteeing the right to education is essential for the meaningful exercise of the right to vote and to freedom of opinion and information and many other human rights. If people are starving and living in dire poverty, they are also largely barred from enjoying other human rights.

1.2 What does the human rights based approach mean?

1.2.1 Paradigm shift based on emancipation and responsibility

On the basis of human rights as codified in international law, so-called human rights based approaches (HRBA) have evolved since the 1980s (see Chapter 2.3.1, Table: Rights-based intervention). This denotes a new approach to specific problems or situations from the human rights perspective. Not infrequently, this has led to a paradigm shift.

Up until very recently, children, for example, have often been regarded as objects of parental control, as the 'property' of their parents so to speak and subject to their discretion. With the adoption of the **UN Convention on the Rights of the Child** in 1989, to which almost all states in the world today have a binding commitment, children are in contrast recognised as independent and competent actors, as subjects and bearers of rights involving many corresponding duties on the part of government, schools, parents and the community (protection against violence, and exploitation, for example, or access to education and health services). Under the influence of this convention, the United Nations Children's Fund (UNICEF) has replaced its rather paternalistic attitude of largely treating children as in need of care with an emancipatory approach geared to their rights (Chapter 3.2.1 Children's rights).

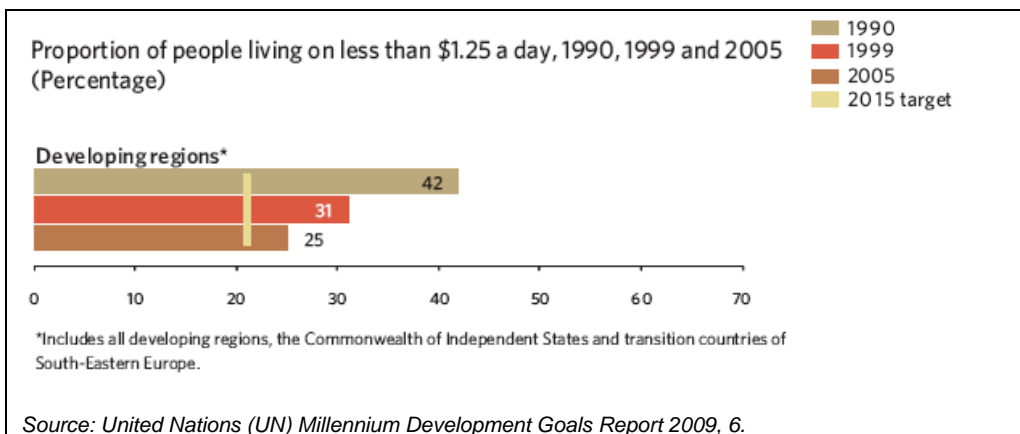
A similar paradigm shift was heralded with the **UN Convention on the Rights of Persons with Disabilities** adopted in 2006. People's physical or mental impairment is no longer seen as the actual disability, but rather the barriers and discrimination against these people by society. Consequently, the aim of the convention is to

remove physical barriers that prevent people in wheelchairs, for example, from equal access to buildings or means of transport and mental barriers and prejudices that discriminate against persons with disabilities in daily life and deprive them of equal social, cultural, economic and political participation. Accessibility, inclusion in all walks of life, non-discrimination and participation are the key concepts of the convention, aimed at empowering persons with disabilities (see Chapter 3.2.3).

1.2.2 Protection of human rights as a development policy goal

The human rights based approach contributes to the emancipation of people who have been traditionally underprivileged and discriminated against, but it also affords a new way of looking at concepts such as development or poverty. Over many decades, the goal of development was primarily seen in economic growth and world industrialisation modelled on the wealthy industrialised nations of the North. Particularly through **economic 'development aid'**, 'developed' industrialised nations sought to convince the 'underdeveloped' peoples in the 'developing countries' of Africa, Asia and Latin America of the benefits of industrialisation and economic growth.

Ultimately, official development aid also benefited the economic interests of the North and often fostered corrupt elites in the South, which perpetuated the neo-colonial dependence of developing countries on the industrialised nations. In combination with an extremely inequitable world trade and financial system, half a century of development aid has been unable (or only occasionally) to contribute to narrowing the rift between rich and poor countries, but also between the rich and poor people in these countries. For far too long, **poverty** worldwide has been on the increase instead of on the decline and can be seen as one of the greatest human rights challenges today. Despite some success stories over the last few years, a billion people still live in absolute poverty, about four billion, almost two-thirds of mankind, in relative poverty.



The consistent application of a human rights based approach³ is also bringing about a gradual paradigm shift here as well. The **goal of development** is no longer seen as industrialisation and economic growth but as the **greatest possible fulfilment of all human rights** for as many people as possible. The central concern of development is therefore no longer the economy but human beings.

The United Nations Development Programme (UNDP) already introduced the term 'human development' in the 1990s, that is, a development philosophy geared to the needs and rights of people. **Poverty** is no longer defined in simple economic categories of income (less than one US\$ a day), but is understood instead as a complex and multidimensional phenomenon that includes lack of equal access to

³ Also other approaches, such as the Capabilities Approach or the Livelihood Approach.



fundamental human rights to food, water, education, health, work, justice, political participation and an adequate standard of living. The Declaration on the Right to Development adopted by the UN General Assembly in 1986 also emphasises development as an inalienable human right, to which all individuals and peoples are entitled and encompasses both the fulfilment of economic, social and cultural rights and civil and political rights.

Since the end of the 20th century, the **reduction of poverty** has been held to be the **overarching goal of development cooperation** and the Millennium Development Goals aim at halving poverty and hunger by 2015. However, only a consistent human rights based approach geared to binding rights and duties as set out in international human rights treaties and based on the pillars of empowerment, enforceable rights, the legal accountability and supervision of duty-bearers and non-discrimination and active participation of the poor can really guarantee that people are able to free themselves from the burden of poverty.

1.3 Major human rights treaties

1.3.1 Universal standards

The United Nations was founded in San Francisco in 1945 in response to the Second World War and the Nazi Holocaust. It conjures today groups 192 member states, that is, almost all the sovereign nations in the world. The three most important tasks and aims of the **United Nations** are peace and international security, development and human rights. In his reform report of 2005, the former UN Secretary General Kofi Annan clearly pinpointed the interdependence of these three goals. There can be no security (freedom from fear and violence) without development and no development (freedom from want and poverty) without security. Both goals can, however, only be achieved through the universal implementation of all human rights.

The Charter of the United Nations does not define human rights in detail. This was done initially in a legally non-binding form in the **Universal Declaration of Human Rights (UDHR)** of 1948. As a second and third step, the adoption of a universal human rights convention was planned with an efficient oversight mechanism, such as an international court of human rights to guarantee the protection and implementation of human rights in practice.

Due to the **Cold War** and the ideological controversies about different 'generations' or dimensions of human rights, these two ensuing steps turned out to be far more difficult than originally expected. Instead of a universal human rights convention, embodying the interdependence and indivisibility of all human rights, the UN General Assembly agreed in 1966 on the adoption of two international covenants with different duties for the states and different monitoring mechanisms.

The **International Covenant on Civil and Political Rights (CCPR)** embodies the Western, civil and political vision of human rights and after its entry into force in 1976 led to the appointment of the Human Rights Committee as a supervisory body made up of independent experts.



The **International Covenant on Economic, Social and Cultural Rights (CESCR)** reflects the Socialist concept of human rights and initially entrusted supervision to one of the main political bodies of the United Nations, the Economic and Social Council, made up of government representatives. Since 1985, supervision has been entrusted to an independent Committee on Economic, Social and Cultural Rights. As already mentioned, the Universal Declaration and the two international covenants together make up the International Charter of Human Rights.

Parallel to the two international covenants, the United Nations and its specialised agencies, such as the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) have framed a large number of **special conventions** for safeguarding human rights with different aims (on maternity protection, equal pay, working conditions). These form part of efforts to prevent **discrimination**, such as the Convention on the Elimination of Racial Discrimination (CERD) of 1965, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 as well as the ILO Convention Prohibiting Discrimination in Employment of 1958 and the UNESCO Convention against Discrimination in Education of 1962.

Particularly **disadvantaged groups** are protected by special conventions. These include the Convention Relating to the Status of Refugees of 1951, the Convention on the Rights of the Child (CRC) of 1989, the ILO Indigenous and Tribal Peoples Convention of 1989, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) of 1990 or the Convention on the Rights of Persons with Disabilities (CRPD) of 2006.

Finally, there are a number of special conventions setting standards for the obligation to **prevent particularly serious violations of human rights**. These include the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) of 1984, the Convention on the Worst Forms of Child Labour of 1999, the UN Convention against Transnational Organised Crime (UNTOC) with the related Protocol on Trafficking in Persons, Especially Women and Children (Palermo Protocol) of 2000 and the Convention for the Protection of All Persons from Enforced Disappearance (CED) of 2006.

List of main international instruments/conventions:

1. International Charter of Human Rights:

- Universal Declaration of Human Rights (UDHR), 1948
- International Covenant on Civil and Political Rights (CCPR), 1966
- International Covenant on Economic, Social and Cultural Rights (CESCR), 1966

2. Major UN conventions (www2.ohchr.org/english/law/index.htm):

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984
- Convention on the Rights of the Child (CRC), 1989
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW), 1990
- International Convention for the Protection of All Persons from Enforced Disappearance (CED), 1990
- UN Convention against Transnational Organised Crime (UNTOC), 2000



- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children - Palermo Protocol, 2000
- Convention on the Rights of Persons with Disabilities, CRPD, 2006

3. ILO conventions, see www.ilocarib.org.tt/projects/cariblex/conventions.shtml

4. UNESCO conventions, see http://portal.unesco.org/en/ev.php-URL_ID=12025&URL_DO=DO_TOPIC&URL_SECTION=-471.html

1.3.2 Regional standards – Europe, America, Africa, Arab Region, Asia

Besides the United Nations, various **regional organisations** have also developed the **protection of human rights**. Founded in 1949, the **Council of Europe (CoE)** has played a certain pioneering role. As early as 1950, the Western, civil-political human rights concept was established in the European Convention on Human Rights (ECHR), which entrusted the European Court of Human Rights in Strasbourg with international oversight. Economic, social and cultural rights (ESC rights) are laid down in the European Social Charter of 1961 (revised in 1996). The adoption of the European Convention for the Prevention of Torture by the Council of Europe in 1987 marked another important step towards extending human rights monitoring. After the end of the Cold War, the former Socialist states of Eastern and Central Europe gradually joined the Council of Europe, including the Russian Federation, with the exception of Belarus.

Although the European Communities were primarily geared towards the economic integration of the European states, human rights have played an increasingly important role since the establishment of the **European Union (EU)** in 1992. They were codified in the European Charter of Human Rights in 2000, which became legally binding on entry into force of the Lisbon Treaty.

The Conference on Security and Cooperation in Europe founded in Helsinki in 1975 (since 1994 - **Organisation for Security and Cooperation in Europe - OSCE**), which besides all European states also includes the USA, Canada and the Central Asian republics, is also concerned with human rights (the 'human dimension'), but instead of legally binding agreements its basic normative provisions are only political declarations of intent.

Emerging from the Pan-American Union, the **Organisation of American States (OAS)** was founded in 1948 and comprises all states of the American hemisphere with the exception of Cuba. Its most important treaty is the American Convention on Human Rights (ACHR) of 1969, which like its European precedent has its own Inter-American Court of Human Rights (IACHR) in San José. Additional binding agreements are the Inter-American Conventions to Prevent and Punish Torture of 1985, on the Forced Disappearance of Persons of 1994 and on the Prevention, Punishment and Eradication of Violence against Women of 1994.

The Organisation of African Unity (OAU) founded in 1963 was transformed into the **African Union (AU)** in 2002, modelled on the European Union. All African states belong to it except for Morocco. Its most important agreement is the African Charter on Human and Peoples' Rights (Banjul Charter) of 1981, supervised by the African Commission on Human and Peoples' Rights and the African Court of Justice and Human Rights established in Arusha. Additional binding agreements are the Convention Governing Specific Aspects of Refugee Problems in Africa of 1969 and the African Charter on the Rights and Welfare of the Child of 1990.⁴

⁴ Cf. also Maputo Protocol on Women's Rights <http://www.gtz.de/de/dokumente/en-fgm-maputoprotocol.pdf>.



The **Arab League** founded in 1945 is also committed to the protection of legally binding human rights through the adoption of the Cairo Declaration on Human Rights in Islam of 1990 and the Arab Charter on Human Rights of 2004. Similarly, the **Association of Southeast Asian Nations (ASEAN)** adopted the ASEAN Charter on Human rights in 2007. The monitoring mechanism is, however, comparatively weak in both charters. Since there is no regional organisation for the whole of Asia, most Asian and Pacific states are not subject to any obligations based on a regional human rights convention or a regional oversight mechanism (in an initial step, however, the **ASEAN Intergovernmental Commission on Human Rights** was adopted in 2009). Besides the nation-states, the United Nations is therefore still mainly responsible for safeguarding human rights in Asia.

List of main regional conventions:

1. Europe

- European Convention on Human Rights (ECHR), 1950: www.echr.coe.int/ECHR/EN/Header/Basic+Texts/The+Convention+and+additional+protocols/The+European+Convention+on+Human+Rights/
- European Social Charter (ESC), 1961 (revised 1996): <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=163&CM=8&CL=ENG>
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987: <http://www.cpt.coe.int/en/documents/ecpt.htm>
- Charter of Fundamental Rights of the European Union, 2000: http://www.europarl.europa.eu/charter/pdf/text_en.pdf

2. America

- American Convention on Human Rights (ACHR), 1969: <http://www.cidh.org/basicos/english/Basic3.American%20Convention.htm>
- Inter-American Convention to Prevent and Punish Torture, 1985: <http://www.oas.org/juridico/English/treaties/a-51.html>
- Inter-American Convention on Forced Disappearance of Persons, 1994: <http://www.oas.org/juridico/english/treaties/a-60.html>
- Inter-American Convention on Violence against Women, 1994: <http://www.oas.org/cim/english/convention%20violence%20against%20women.htm>

3. Africa

- African Charter on Human and Peoples' Rights (Banjul Charter), 1981: <http://www1.umn.edu/humanrts/instree/z1afchar.htm>
- Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969: http://www.africa-union.org/root/au/Documents/Treaties/Text/Refugee_Convention.pdf
- African Charter on the Rights and Welfare of the Child, 1990: http://www.africa-union.org/official_documents/Treaties_%20Conventions_%20Protocols/a.%20C.%20ON%20THE%20RIGHT%20AND%20WELF%20OF%20CHILD.pdf

4. Asia

- ASEAN Charter on Human Rights, 2007: www.aseansec.org/AC.htm

5. Arab-speaking world

- Arab Charter on Human Rights, 2004: <http://www1.umn.edu/humanrts/instree/loas2005.html?msource=UNWDEC19001&tr=y&aid=3337655>



1.4 Who monitors compliance with human rights?

1.4.1 Respect, protect and fulfil human rights

As the outline of the major universal and regional human rights treaties shows, in the last 65 years all sovereign states in the world (to differing extents, see also Chapter 1.1.1) have made **legally binding** commitments to respect the human rights of the population under their sovereign jurisdiction and effectively guarantee these against violations by private entities through positive legislative, administrative, judicial and political measures. The codification process is largely completed today: This comprehensive set of norms guarantees all people a broad range of civil, political, economic, social, cultural and collective rights.

A broad array of political, judicial and expert bodies have been appointed for supervising State compliance with human rights, so that it is no longer difficult to assess the actual human rights situation in all countries of the world. There is an enormous gap between the ambitious aims and legal obligations on the one hand and the sad reality on the other, because in most states of the world human rights continue to be violated, often in a systematic way. The great challenge of the 21st century thus consists in narrowing the **gap between theory and practice** through effective measures for the actual implementation of human rights, also against the will of the respective states and non-governmental power groups, and help human rights to achieve a breakthrough in real life as well. Before making practical proposals on improving the implementation of human rights, we need to draw up a short inventory of the current mechanisms for monitoring them.

1.4.2 Monitoring task of states

As a rule, treaties under international law are concluded among states and contain mutual rights and duties that are binding under international law and are overseen by the **states parties** themselves as a matter of principle. This generally also holds true for human rights treaties, although the beneficiaries, i.e. the rights holders are in this case not states but individuals. Governments are not only responsible for ensuring that human rights are respected and ensured on their sovereign territory but that other states parties do this as well through appropriate monitoring measures.

For this purpose, the State Department of the United States even publishes annual reports, which precisely analyse the human rights situation in all countries in the world. The EU also issues internal reports to assess compliance with human rights from its partner countries as part of its external and development policy geared to human rights. Generally, however, this monitoring by certain states is not enough, because many countries are not seriously interested in human rights compliance by other member states and governments subjected to this kind of criticism still consider it as inadmissible interference in their internal affairs.

1.4.3 International political monitoring and fact-finding

Governments consequently mandate international bodies to supervise human rights **such as political bodies**, for example. These are made up of government representatives. Probably the most well known is the **United Nations Human Rights Council**, which replaced the former Commission on Human Rights in 2006. It consists of 47 states elected by the General Assembly, convenes several times a year in Geneva and assesses the human rights situation in all nations of the world. The most important method it has at its disposal is the **Universal Periodic Review** (UPR), which entails all states being subjected to a periodic review by their peers, that is, other government representatives. Not surprisingly, these monitoring procedures are not free of political motives. This also applies of course to other political bodies, such as the General Assembly of the UN or OAS, the Assembly of

the African Union Heads of State and Government, the Committee of Ministers of the Council of Europe, the EU Council or the OSCE Permanent Council that meets in Vienna every week.

To minimise the politicisation of human rights, the political bodies partly assign **independent experts** who contribute to an objective appraisal of human rights through fact-finding and similar monitoring measures. The Human Rights Council of the United Nations, for example, appoints special procedures for specific countries or themes, that is, special rapporteurs, special representatives, working groups, other independent experts and an advisory board.

Country-specific special rapporteurs to North Korea, Myanmar, Burundi, Sudan or Israel, for example, are tasked with reviewing the overall situation in these countries and reporting to the Human Rights Council.

Thematic special rapporteurs and working groups are assigned to assess and report on compliance with individual human rights, such as freedom of opinion, religious freedom, the rights to food, education or health or specific violations of human rights, such as torture, enforced disappearance, poverty, summary executions, violence against women or arbitrary detention, in all countries in the world. These reports are then discussed in the Human Rights Council with the governments concerned and also provide the basis for the Universal Periodic Review.

Reports by non-governmental organisations, such as Amnesty International, Human Rights Watch, the International Commission of Jurists (ICJ) or the International League of Human Rights also play an important role for the monitoring and assessment of human rights.

Regional organisations also entrust independent supervisory bodies with suitable fact-finding competencies, such as the Inter-American Commission on Human Rights, the European Commission against Racism and Intolerance (ECRI), the OSCE Representative on Freedom of the Media or the OSCE High Commissioner on National Minorities. Also the Council of Europe Commissioner for Human Rights and the UN High Commissioner for Human Rights can be considered as independent experts, although they are part of the secretariat of the respective inter-governmental organisations.

1.4.4 International monitoring by human rights treaty bodies

While the expert bodies cited so far are assigned on the basis of the statutes of the respective international organisations by the responsible political bodies and are generally in charge of all member states of these organisations, there are also expert bodies that have been set up under human rights treaties by the respective signatory states to supervise compliance with specific treaty duties. Such **treaty bodies** have been set up for the nine core conventions of the United Nations, for example.

The most well known treaty bodies are the Human Rights Committee entrusted to monitor the International Covenant on Civil and Political Rights, and the Committee on Economic, Social and Cultural Rights set up by ECOSOC in 1985 to supervise the Covenants. The other core UN treaties are monitored by similar independent expert bodies, such as the Racial Discrimination Committee, the Committee on Discrimination against women or the Committee on the Rights of the Child. Various monitoring procedures are available, such as examining state reports, inter-State complaints and individual complaints. The committees against torture, enforced disappearance and discrimination against women can also conduct inquiries ex-officio.



Similar expert committees have been assigned under the Council of Europe to supervise the European Social Charter or the Framework Convention for the Protection of National Minorities. The European Committee for the Prevention of Torture and the Subcommittee of the United Nations Committee against Torture can carry out preventive visits to all detention centres. The African Commission on Human and Peoples' Rights and the Inter-American Commission on Human Rights are vested with wide-ranging powers to monitor the two most important regional conventions in Africa and America. Although these treaty bodies have **quasi-judicial status**, their decisions and recommendations are **not binding under international law**.

1.4.5 Regional human rights courts

Binding decisions under international law, particularly on complaints by victims of human rights violations against the states in question, can only be taken by regional **human rights courts**. To date, these courts have only been set up in pursuance of the three main regional human rights conventions in Europe, America and Africa.

While the **Inter-American Court of Human Rights** in San José and the **African Court on Human and Peoples' Rights** in Arusha can only rule in final appeal, that is, after preliminary hearings by the respective regional commissions, the permanent **European Court of Human Rights** in Strasbourg, which was founded in 1998 on the basis of the 11th Protocol to the European Convention on Human Rights (ECHR) and consists of permanently appointed judges, is responsible for directly deciding on alleged violations of the ECHR in all 47 member states of the Council of Europe and awarding adequate compensation to victims. The Strasbourg court decides every year on many thousands of individual complaints. Unfortunately, no World Court of Human Rights has been established so far at United Nations level, although this had already been called for in the 1940s.

1.4.6 International Criminal Court

The United Nations has, however, set up a number of ad-hoc criminal tribunals (for the former Yugoslavia, Rwanda, Sierra Leone or Cambodia) as well as a permanent **International Criminal Court** (ICC) in The Hague. These also consist of independent, permanently appointed judges and their task is to call to account and pass judgement on those who have committed the most serious crimes under international law, such as war crimes, genocide and crimes against humanity. Crimes against humanity are the most grievous and systematic violations of human rights.

Further information

- United Nations High Commissioner for Human Rights: www.ohchr.org
- Materials dossier on CD-ROM

2. Human rights as a principle of ADC

2.1 Introduction

In its policy document on human rights, ADC stipulates that all ADC activities are to be based on the United Nations human rights conventions and to contribute to their actual implementation. The integration of a human rights based approach (or mainstreaming of human rights) extends across all areas and sectors of ADA's operations.

The integration of a human rights-based approach is geared both to the **results** of development cooperation programmes as well as the **process** leading to these. A number of instruments are already available:

- **Analytical tools**, such as the Guide for Country Analysis from a Democratic Governance and Human Rights Perspective (Swedish International Development Cooperation Agency – Sida), the UNDP Indicators for Human Rights Based Approaches to Development in UNDP Programming or the UN Guidelines for Common Country Assessment, which help to identify the **causes of poverty** and determine discrimination and inequalities and, with that, social power relations,
- **Strategies and action plans**, such as the action plan of the United Nations for halving extreme poverty drawn up in 2000, which set out a human rights based approach to poverty reduction and lay the foundation for the sustainable integration of human rights,
- **Studies on** international and regional **human rights obligations** and constitutions of the respective countries and the identification of gaps in legislation, containing measures and programmes for remedying these shortcomings.

Monitoring and **evaluation** of human rights issues is still comparatively undeveloped. An example here is the Human Rights Impact Assessment 2001 of the Norwegian Agency for Development Cooperation (NORAD).

The greatest difficulty, however, is that governments in partner countries are often **averse or even opposed** to dialogue based on human rights. On the one hand, the reason for this may be the poor human rights reputation of a government that feels threatened by the attention directed to this issue and on the other the fear some governments have of another form of conditionality.

2.2 Human rights as a normative principle

Human rights as endorsed by a broad majority of states and embodied in international law are a guiding principle of ADC activities. The indivisibility, universality and interdependence of all human rights (see Chapter 1.1) must be the consensus view of all ADC actors. The ensuing obligations provide the frame of reference for the various activities and operations of ADC.

On the one hand, this means compliance and particularly the duty to promote human rights in ADC projects and programmes (see above all Chapter 3). On the other, all areas and sectors must be aligned with the three fundamental normative principles of human rights, that is, **non-discrimination and equal opportunities, participation, empowerment** and **accountability**. The relevance of these principles in ADC fields of activity and their linkages with ADC policy documents are dealt with below.



2.2.1 Non-discrimination and equal opportunities

The Charter of the United Nations of 1945 and the first two articles of the Universal Declaration of Human Rights of 1948 set out what all nations had agreed on at that time: All people have equal rights and each person must be able to exercise and enjoy these rights without discrimination.

The commitment to non-discrimination and equal opportunities entails taking special account of discriminated and marginalised persons and groups who are thus hindered in exercising and enjoying their rights. Statistical figures from the partner countries frequently only provide information on the national average and can therefore conceal that certain groups are deprived of access to essential rights and services. For development cooperation, this means paying attention in situational analyses and needs studies, for example, to **which groups suffer most from poverty, discrimination and vulnerability** and working towards identifying and removing all legal, economic, political, social and cultural barriers that impede the equal exercise of rights.

Especially discriminated against and marginalised are frequently members of indigenous populations, ethnic, religious or linguistic minorities, children and youth or persons with disabilities, but also socially marginalised groups and - within these groups - particularly women. The equality of men and women and special consideration for the needs of children and persons with disabilities are therefore guiding principles of ADC. This is why the ADC policy document on gender equality and empowerment of women adheres to the principle of non-discrimination and equal opportunities for women. It is aligned with CEDAW and the Beijing Platform for Action and cites intervention points in different sectors of ADC, such as education, where the focus is placed on the education of girls and women with the aim of reducing the high female illiteracy rate (see also Chapter 3.1.2).

As intervention points for non-discrimination and equal opportunities for women in rural development, the ADC policy document identifies the following:

“A major component in rural development policy is the equality of women when it comes to access to and use of land, social services and agricultural consultancy, and also loans adapted to their needs and possibilities and to the markets.”

ADC policy document, Gender Equality and Empowerment of Women, p.12.

Other relevant ADC documents on non-discrimination and equal opportunities are the focus papers on Persons with Disabilities in ADC, Children as Partners in ADC, Women, Gender and Armed Conflicts and HIV/AIDS in ADC. These are strictly based on the international legal framework set out by the UN Convention on the Rights of Persons with Disabilities, the Convention on the Rights of the Child or the Declaration of Commitment on HIV/AIDS respectively.

2.2.2 Participation and empowerment

The principle of participation and empowerment attests to the central importance that international human rights accord the individual as a rights holder. This calls for the **participation of citizens in organising private and public life** and is inextricably linked to the implementation of a number of other human rights. Freedom of assembly, freedom of association and freedom of expression without fear of repression are essential for the development of participation.

As part of development cooperation based on human rights norms and values, the principle of participation and empowerment means that the poor are not just treated as victims but also as actors. They have the right to be involved in the fight against poverty, voice their needs and take part in implementing measures. It is in fact the

duty of development cooperation to create an environment that facilitates participation. To do this, a process of support is needed to enable persons who are marginalised and discriminated against to escape from the vicious circle of poverty and discrimination, to speak for themselves and articulate their own needs to society as legal rights.

On the one hand, empowerment is thus a process of enablement, in the course of which knowledge or specific skills are imparted, such as information on international human rights commitments of the respective government and on rights deriving from national law, helping to identify actual injustice. On the other hand, empowerment is also effected by the change in perspective of a human rights-based approach, which must ultimately lead to overcoming relations of dependency: through the focus on rights inherent to each person and the related accountability of the respective state (donor and partner countries).

Without concurrent measures for implementing the rights of freedom of assembly and association mentioned above, for example, or the right to information, etc., the poor cannot participate in and contribute to poverty reduction in an active and informed way.

The ADC policy document, Poverty Reduction, ascribes major importance to political participation and empowerment:

“Poverty is generally associated with powerlessness and defencelessness, and with exclusion from public life and political decision-making processes. This situation is reinforced by the factor of spatial distance [...] The exclusion and isolation of specific social and ethnic groups consequently means that their interests hardly make it onto the political agenda. [...] ADC promotes the integration of poor, disadvantaged and discriminated population groups into existing socio-economic systems and ongoing political processes. Empowerment plays an important role in this respect. The people concerned are thus enabled to participate in processes of social consensus and problem-solving approaches.”

ADC policy document, Poverty Reduction, p.8

For work in peace building and conflict prevention, the principle of participation and empowerment, for example, means that decisions are not taken solely at diplomatic or military level, but also call for the **participation** of civil society, of minorities, regional and local levels etc. - particularly the involvement of both men and women. Examples are **UN Security Council Resolutions 1325**, 1820 as well as 1888 and 1889, which address the specific role of women in conflict situations, the effects of armed conflicts on women and girls and their major role in peace processes and peacekeeping measures.

The ADC policy document on Good Governance cites participation, ownership and empowerment as central principles of good governance and provides for promoting the empowerment of civil society as a major precondition for participation in decision-making processes of social and political relevance.

As an example of the practical meaning of the principle of participation and empowerment, reference is made to the ADC policy document, Water Supply, Sanitation, Water Resources:

“Programmes in the water sector can have a positive effect on the development of democratic structures and set an example by promoting participative decision-making processes, by organising and mobilising the population and integrating civil society. Specifically, this takes place by setting up elected committees and boards, by introducing transparent



procedures, regulations and accountability, as well as through an equitable reconciliation of user interests.”

ADC policy document, Water Supply, Sanitation, Water Resources, p.13

2.2.3 Accountability

Though not always with an explicit reference to the normative human rights framework, the two fundamental human rights principles of non-discrimination and equal opportunities as well as participation and empowerment cited so far have been on the development cooperation agenda for a long time. The integration of human rights into the work of development cooperation also includes greater emphasis on the principle of accountability. This sets out the rights of discriminated groups (and with that the target group of development cooperation) in relation to duty bearers, usually the government and its representatives, but also enterprises (in social rights, for example).

Of crucial importance therefore is that all rights holders, particularly the most severely discriminated and disadvantaged persons and groups, are informed about their rights and can claim these from the relevant duty bearers. Similarly, the duty bearers must evaluate their capacities for implementing the respective duties and support the relevant institutions to be able to meet their obligations.

The international treaties, resolutions and declarations are the normative reference system. Accordingly rights have to be defined in an enforceable manner. States and their institutions have the duty to meet their international and national legal obligations and take the necessary steps to **respect, protect and fulfil** the rights of all persons under their jurisdiction, for example through legislation, policies and programmes. Without accountability, any right would be devoid of content. Duty bearers must therefore be made legally, financially and politically accountable to rights holders.

Complaints mechanisms

Accountability entails complaints mechanisms, comprising means of legal redress but also all other mechanisms and strategies that help guarantee that governments account for the rights of the population, such as national human rights institutions, ombudspersons, parliaments, civil society and the media as well as other relevant bodies and (also informal) political platforms. At international level, human rights treaty bodies monitor compliance with the various human rights conventions, although except for regional human rights courts, their decisions and recommendations are not legally binding and enforceable. Furthermore, numerous tools, such as participatory budgeting and budget execution (i.e. allocation of funds), can help improve accountability.

An essential prerequisite for accountability is the **transparency** of all government affairs, i.e. **unhindered, free access to understandable information** and efficient accountability mechanisms in and out of court. This also highlights the direct connection to the rule of law principle binding all governance to the law.

The capacities of independent institutions or platforms for efficient monitoring are of central importance. Disaggregated statistical information on compliance with respective rights is frequently lacking or unavailable. Comprehensive monitoring and analysis are only possible with funding from international donors. These should therefore receive specific support.

In policy dialogue and/or in framing conditions for budget support, a human-rights accountability assessment is made of the human rights obligations of the respective government institutions and their implementation and the **capacities of the state and its institutions for widest possible human rights protection**. Lack of capacity for compliance with accountability on the part of duty bearers should be



remedied through support for capacity development in the relevant institutions to enable them to meet their obligations and increase transparency and accountability in the delivery of public services (cf. ADC strategy paper, Budget Support).

Further information

Basic relevant ADC documents (www.entwicklung.at)

- ADC policy document, Good Governance, 2006
- ADC policy document, Gender Equality and Empowerment of Women, 2006
- ADC policy document, Preventing Conflict and Securing Peace, 2006
- ADC policy document, Water Supply, Sanitation, Water Resources, 2008
- ADC policy document, Poverty Reduction, 2009
- Focus paper, Children as Partners of ADC, 2007
- Focus paper, Parliaments and Poverty Reduction, 2007
- Focus paper, Gender Equality and Empowerment of Women, 2007
- Focus paper, Persons with Disabilities in ADC, 2008
- Focus paper, Health in ADC, 2009
- Focus paper, HIV/AIDS in ADC, 2009
- Focus paper, Women, Gender and Armed Conflict, 2009
- Focus paper, Combating Corruption, 2009
- Focus paper, Food Security – International Goal and Human Right, 2009

Other relevant documents

- UN Practitioners Portal on Human Rights-Based Approaches (detailed website with practical examples and experience gained in the human rights based approach): <http://hrbaportal.org/>
- Rights-Based Programming (website on the human rights based approach in programming): <http://www.crin.org/hrbap/>
- Integrating Human Rights into Development. Donor Approaches, Experiences and Challenges, OECD/DAC, 2006
- DAC Action-Oriented Policy Paper on Human Rights and Development, OECD DAC, 2007: <http://www.oecd.org/dataoecd/50/7/39350774.pdf>
- UNDP, Indicators for Human Rights Based Approaches to Development in UNDP Programming: A Users' Guide, 2006:
- http://www.undp.org/oslocentre/docs/HR_guides_HRBA_Indicators.pdf
- Principles and Guidelines for a Human Rights Based Approach to Poverty Reduction, 2006:
http://www2.ohchr.org/english/issues/poverty/docs/poverty_strategies.doc
- The ABC of Human Rights for Development Cooperation (updated July 2009), GTZ: <http://www.gtz.de/de/dokumente/en-abc-2009-07.pdf>
- NZAID Guideline on Mainstreaming Human Rights, 2008:
<http://nzaidtools.nzaid.govt.nz/mainstreaming-human-rights>
- HURIST: The Human Rights Strengthening Programme:
http://www.undp.org/governance/topics_human_rights_strengthening.shtml
- The Human Rights-Based Approach to Development Cooperation: Towards a Common Understanding among the UN Agencies:
http://www.hreoc.gov.au/social_justice/conference/engaging_communities/un_common_understanding_rba.pdf
- Frequently asked questions on a human rights-based approach to development cooperation, OHCHR, 2006:
<http://www.ohchr.org/Documents/Publications/FAQen.pdf>
- Human Rights Impact Resource Centre: <http://humanrightsimpact.org/>
- SDC Human Rights Policy: Towards a Life in Dignity. Realising rights for poor people. Swiss Agency for Development and Cooperation (SDC), Federal Department of Foreign Affairs (FDFA), Bern, 2006:
http://www.erweiterungsbeitrag.admin.ch/ressources/resource_en_25225.pdf
- Neuhold, Brita & Henökl, Birgit, Women's Rights – Human Rights: from Dream to Reality, ÖED, Austrian Service for Development Cooperation, 2000



- Neuhold, B., Pirstner, R., Ulrich, S., Menschenrechte – Frauenrechte. Internationale, europarechtliche und innerstaatliche Dimensionen (Human Rights – Women’s Rights. International, European and national dimensions), Studienverlag, Innsbruck, 2003

2.3 Human rights in programming

2.3.1 Introduction

ADC also takes account of human rights as a component of programming by conducting a thematic assessment of the human rights situation in the respective partner or priority country in the region and including the priorities accordingly in the intervention sectors. If the analysis (see Chapter 2.3.2) in a country, for example, reveals that there are severe deficits in the protection of minorities, the country programme should address this as a cross-sectoral theme in all future programmes or could attach sectoral priority to it.

There are common procedures in the human rights approach to programming:

- A dual strategy is often adopted and two prospective target groups are chosen for a programme, i.e. people as rights holders (i.e. improving their access to the right to food)⁵ and people as duty bearers obliged to ensure these rights (i.e. those bearing particular government responsibility, in local administration, for example).
- This starts with a broad analysis of the setting, the relevant actors and their scope of influence. Added to this is an analysis of the human rights framework (ratifications of human rights treaties, basic national, legal and political framework, etc.).
- A comparison is then made between this normative framework and the specific responsibilities in the particular context, i.e. who should be entrusted with which task; who, for example, is responsible for the integration of Roma children into the school system, who assesses the impact of a tourism project on the local population and so on.
- Based on this, approaches are developed to bridge the gap between mandate and execution, for example, strategies for cooperation among certain actors to help those affected to be better able to claim their rights and the duty bearers to perform their tasks more effectively.

The extent to which human rights are implemented (the actual participation of women, for example) can also provide an indicator for the success of a programme or project. The human rights situation in a country, however, is also an important indicator of national development. Selecting appropriate or meaningful indicators often poses a challenge, particularly when it comes to human rights. There are, however, continuous useful new developments in this area, such as the work of the Office of the High Commissioner for Human Rights - OHCHR and UNDP at UN level (see materials dossier) or the country rankings by the non-governmental organisation Freedom House.

As already pointed out, mainstreaming a human rights based approach in development cooperation programmes and projects ultimately aims at making interventions in a given context as effective and sustainable as possible, i.e. at reaching the target groups and initiating and supporting changes. The following, very rough, comparison between older, needs-based approaches and a procedure based on human rights will illustrate this:

⁵ The concern is the availability of and access to sufficient food as well as ensuring an adequate quality of food supply in keeping with cultural conditions.



Needs-based intervention	Rights-based intervention
Focus on services	Focus on rights
Those affected 'deserve' support	Those affected have a right to assistance
Passive aid recipients	Active participants
Most of the previously underprivileged also remain so after the interventions	Aid for all, specific identification and removal of disadvantages
Tend to respond to short-term, current issues and events, personal concern, charitable approach	Planned for the long term, as it addresses the responsibilities of actors and institutions
Local needs	Rights are universal, implementation tailored to the context
Hierarchy of needs, basic supply services first of all, for example	Indivisibility and interdependence of rights, i.e. ensuring health <u>and</u> participation
Addresses symptoms, does not question social structures, works pragmatically with prevailing power relations	Examination of causes/Interdisciplinary approaches, social structures analysed, power relations changed
Heavily dependent on support from outside	Centred on empowerment and capacity development
Responsibilities often confined to programme implementation	Responsibility of all relevant actors as a theme, monitoring essential
Fragmented objectives	Holistic/Multi-dimensional objectives
Focus on results	Focus on results <u>and</u> processes

2.3.2 Human rights assessments as part of country programming

In the following, we propose possible questions that could be helpful for the human rights assessment as part of country programming. An initial reference point for country information should be the state reports on human rights, that is, reports by the respective governments that give regular periodic account to UN expert bodies and the Human Rights Council (as part of the Universal Periodic Review) of the measures taken in the report period for guaranteeing the right to health, gender equality or the prohibition of violence against children, for example. More important than the government reports, though, are the conclusions and recommendations of the respective treaty bodies after evaluating these reports. Equally relevant here are the reports of the thematic and country mechanisms of the UN Human Rights Council and/or the regional and non-governmental organisations (see Chapter 1.4).

Legal and political context:

- What international and/or regional human rights instruments has the respective state signed and ratified?
- Does the state concerned maintain reservations to these obligations?
- Are there facilities for individual complaints procedures at national level and are these actually used?
- What form does the legal framework take (constitution, laws etc.)? Is this also applied/implemented in practice?
- Is there a functional (also independent and impartial) judicial system?
- Is the allocation of national budget appropriations adequate for economic and social rights and other expenditure, such as for security concerns (also by regional standards)?
- Have human rights implementation strategies been developed (national action plans, for instance)?
- How far are current national statistics available with sufficiently differentiated data (for example, by gender, age, urban/rural distribution)?



Individual human rights (selection)

(for more details see Chapter 3)

- Does the state work with all the means at its disposal towards securing **work** for all? Does it guarantee free elections for everyone? Is forced and child labour prohibited? Are further training programmes accessible? Are labour protection provisions in place and are these also implemented? Is there a right to form trade unions?

Possible sources: ILO reports, reports from trade unions, non-governmental organisations (NGO)

- Does the state protect the family as an institution and support the right to **found and sustain a family** (through marriage law, for example, support for pregnant women, contraception, ban on child labour)?

Possible sources: state reports to the UN

- Does the state actively support the right of all to **adequate food** and access to water?

Possible sources: UN Special Rapporteurs on the Rights to Food, Water and Health, reports by the World Health Organisation (WHO), NGO reports (by Food First Information and Action Network - FIAN, for example)

- Does the state actively support the right to **adequate housing**?

Possible sources: national budget allocation for the construction of housing and necessary infrastructure, NGO reports (for example, the Centre for Housing Rights), Special Rapporteur on the Right to Adequate Housing

- Does the state actively support the right to **education**?

Possible sources: UNESCO Education for All Global Monitoring Report (published every year), UNICEF reports, reports on discrimination against any minorities, UN Special Rapporteur on the Right to Education

- Does the state guarantee the right to **participation in cultural life** and does it protect intellectual property, **scientific progress**, artistic expression?

Possible sources: reports on the number of independent television and radio stations, theatres and concert halls, allocations in the national budget for culture and science, state reports to the UN World Intellectual Property Organisation (WIPO), UN Special Rapporteur on Cultural Rights

- Is there effective legal protection against the arbitrary restriction of the **right to life** (including clear rules on self-defence)?

Possible sources: NGO reports (Amnesty International, for example), UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

- Does the state guarantee that no-one is subjected to **torture** or cruel and inhuman treatment? Is the **death penalty** imposed? Is its application preceded by due process?

Possible sources: NGO reports (by Amnesty International, for example), EU Guidelines on the Death Penalty, UN Special Rapporteur on Torture



- Does the state guarantee that no **arbitrary arrests** take place? Do detainees have access to legal representation and medical care? Can they communicate with the outside world? Are there cases of **disappearance**? Are proceedings for war crimes underway against members of the state concerned?

Possible sources: NGO reports (for example, by Human Rights Watch or local organisations), UN working groups on Arbitrary Detention and Enforced Disappearances

- Are there restrictions on **freedom of opinion**? Does the state permit peaceful assemblies? Does it guarantee the right of association?

Possible sources: press articles, NGO reports (by Freedom House, Reporters Without Borders, for example), reports on the number of independent newspapers, radio stations, television channels, Internet service providers, reports by the opposition or minorities, UN Special Rapporteur on the Right to Freedom of Opinion and Expression

- Are there groups of marginalised **children and youth** who are deprived of access to services (health, education)? Are births properly registered in the country? Are there state assistance programmes for **families** (for example, transfer payments, parent education facilities)? Are programmes developed to account for the experience of children and youth?

Possible sources: UNICEF State of the World's Children (www.childinfo.org), reports by the Joint United Nations Programme on HIV/AIDS (UNAIDS), national family and welfare reports, reports by child rights organisations (Save the Children, End Child Prostitution Child Pornography, Trafficking of Children for Sexual Purposes – ECPAT International), UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography

- How does the state promote the inclusion of **women** in political participation? What barriers prevent women from gaining access to political office, management functions and higher education or earning equal pay for the same work? Are there programmes especially for strengthening women's self-reliance (for example, through microloans)? Are measures carried out for protection against violence? How does the state promote women's access to land, work, finance?

Possible sources: reports by the United Nations Development Fund for Women (UNIFEM), UN Special Rapporteur on Violence against Women

- Are the respective **minorities** free to practise their cultural traditions and religion and speak their language without discrimination?

Possible sources: press articles, for example, on the establishment of religious institutions, NGO reports (for example by Human Rights Watch or local NGOs), reports by OSCE/Office for Democratic Institutions and Human Rights (ODIHR), Contact Point for Roma and Sinti and the OSCE High Commissioner on National Minorities, national education reports (for example, on the availability of schoolbooks in minority languages)



Further information

European Commission

EC Draft Handbook on Good Governance: <http://ec.europa.eu>

Guidelines on human rights dialogues, torture and capital punishment:

http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/index_en.htm

European Union

European Union Annual Report on Human Rights, General Secretariat of the Council

United Nations, High Commissioner for Human Rights

UN Office of the High Commissioner for Human Rights - Human Rights Bodies (comprises all human rights state reports and reports on the country and theme mandates of the Human Rights Council):

<http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

A Basic Handbook for UN Staff:

<http://www.ohchr.org/Documents/Publications/HRhandbooken.pdf>

A Manual for Schools of Social Work and the Social Work Profession:

<http://www.ohchr.org/Documents/Publications/training1en.pdf>

A Handbook on the Legal, Technical and Human Rights Aspects of Elections:

<http://www.ohchr.org/Documents/Publications/training2en.pdf>

Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police

<http://www.ohchr.org/Documents/Publications/training5Add3en.pdf>

Human Rights Training: A Manual on Human Rights Training Methodology:

<http://www.ohchr.org/Documents/Publications/training6en.pdf>

Training Manual on Human Rights Monitoring:

<http://www.ohchr.org/EN/PUBLICATIONSRESOURCES/Pages/TrainingEducation.aspx>

Handbook on National Human Rights Plans of Action:

<http://www.ohchr.org/Documents/Publications/training10en.pdf>

Human Development Reports: <http://hdr.undp.org/en/>

2.3.3 Human rights checklist in project cycle management

For the sustainable mainstreaming of human rights in ADC work, it is essential to establish the central human rights and the related principles of equal opportunities, accountability and participation/empowerment permanently in the project cycle. This is why many development agencies have **adapted** work steps in **project cycle management** to guarantee that human rights are accounted for at all strategic and programme levels.⁶

During project identification and design, planners should ask how far the planned project/programme promotes the implementation of human rights.

⁶ OECD: Integrating Human Rights into Development. Donor Approaches, Experiences and Challenges. OECD, 2006, p.58 and 73; cf. also ADC, Quality Assurance of Interventions in ADC, 2006, and Quality Criteria in Human Rights, ADC 2006.



Project identification

Does the problem analysis contain information on specific human rights problems? Yes No

Note

.....

Has statistical data been used for project identification that distinguishes among the various human rights? Yes No

Note

.....

Has qualitative information on human rights been used for project identification? Yes No

Note

.....

Has a stakeholder analysis identified vulnerable and underprivileged groups? Yes No

Note

.....

Is there a need for a more in-depth analysis at project identification? Yes No

Note

.....



Project design

All human rights concerns identified as relevant for the project in the foregoing analysis must be catered for in project design. The project proposal should be appraised by the responsible ADA staff for the following points:

Was project design preceded by a human rights assessment? Yes No

Note
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.....

Has the logical framework been suitably adapted to the findings of this assessment? Yes No

Note
.....
.....
.....

Does the strategy/design of the project provide for human rights principles, such as participation, non-discrimination, accountability and empowerment? Yes No

Note
.....
.....
.....

Have all factors that could influence human rights been taken into account? Yes No

Note
.....
.....
.....

Implementation

The implementation phase should be subjected to continuous **human rights monitoring**, which can be carried out in consultation with local NGOs and actors. That means that the project must be monitored continuously for compliance with previously agreed objectives/indicators and possible corrections made.

Evaluation

The final evaluation of the programme or project draws a comparison with the indicators defined in the project design phase and ascertains whether the human rights situation of the target group has improved. As a minimum, international development agencies – such as the Swedish International Development Cooperation Agency – require of programmes or projects that they do not have a detrimental effect on human rights.⁷

⁷ OECD: Integrating Human Rights into Development. Donor Approaches, Experiences and Challenges. OECD, 2006, p.74.



3. Human rights as a sector of ADC

While the previous chapter treated human rights as a consistent principle and indicated ways of integrating them into ADC, this chapter will now deal with some specific human rights. A selection has been made to account for the different aspects and sets of human rights that are of special importance in ADC work.

3.1 Selected human rights

This brief outline of some specific human rights will primarily cover the following aspects:

- Short background information on the context of the respective human rights
- Main contents of the human right, citing one or more international human rights treaties as reference document(s)
- Significance of the right for certain target groups, both as rights and duty bearers
- An example from ADC practice
- References to further information

3.1.1 Right to an adequate standard of living/poverty reduction

Context

Poverty reduction is one of the prime goals of development cooperation.⁸ This also entails human rights work to guarantee the right to an adequate standard of living.⁹ Of central importance here is providing people with adequate housing, access to food, clothing and drinking water. These rights are closely related to other economic, social and cultural rights, such as the right to health, education or work/livelihood. The scale or scope of a poverty reduction programme can be measured against the Millennium Development Goals (particularly the fundamental Millennium Development Goal (MDG) 1 against absolute poverty), which are reinforced through a human rights approach.

Main contents and standards

Reference documents: International Covenant on Economic, Social and Cultural Rights (Article 11) and general comments by the UN Committee on Economic, Social and Cultural Rights (general comments 7, 12 and 15 on the right to an adequate standard of living, including access to food and drinking water)

- Right to an adequate standard of living must include access to food and drinking water, clothing, housing, sanitation, supply of power and water, transport and communication facilities
- State responsibility for providing support (subsistence level) if people are objectively unable to secure food, housing, etc. themselves; also holds for responsibility towards children in particular
- Prevention of stigmatisation/discrimination due to poverty
- Right of poor people to engage in public life in dignity
- As to children: standard of living to foster the physical, emotional, intellectual, spiritual, moral and social development of a child
- As to women: no discrimination against women in access to services, in particularly remote areas of a country

⁸ Cf. Development Cooperation Act (EZA-G) Article 1/3 No. 1[0]

⁹ Cf. ADC policy document, Poverty Reduction, and types of action cited.



- Central aspects of the right to food as a right of people to be able to feed themselves: protection from hunger, sufficient availability of food of adequate quality; distribution of food and non-discriminatory access; access to land, support for land reform, protection against eviction
- Central aspects of the right to housing: access to/affordability of housing, quality of housing (including access to water, sanitation), (legal) security of housing/protection against arbitrary evictions

Relevance for specific target groups (examples)

- As rights holders: all people, particularly those living in absolute poverty; slum dwellers; street children; people in remote areas; long-term unemployed; marginalised groups (Roma, for example)
- As duty bearers: particularly governments, relevant ministries and government institutions; effective supply of food; market regulation and monitoring of commodity prices, market access; responsibility for land reform; access to labour market, particularly for marginalised sections of the population; welfare aid and social insurance; access to microlending facilities; treatment of poor people by authorities, anti-stigmatisation programmes

Project example from ADC work

Social integration and human rights in Macedonia

The objective of this project is to implement a human rights based approach for drafting a National Development Plan starting at community level. Priority is attached to the direct inclusion of poor and other underprivileged groups in the development and decision-making process.

Indicators are set in the course of the project for the principles of equality and non-discrimination and respect for the progressive implementation of the human rights of participation and empowerment and applied for integrated monitoring. The overall objective is to demarcate responsibilities in the existing government institutions at all levels (local, regional and national) and provide support in their execution, while strengthening civil society. (ADC contract number 8148-00/2006)

Further information

- ADC policy document, Poverty Reduction, 2009:
http://www.entwicklung.at/uploads/media/PD_Poverty_reduction_Dec2009_01.pdf
- ADC policy document, Water Supply, Sanitation, Water Resources
http://www.entwicklung.at/uploads/media/PD_Water_Maerz09.pdf
- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation:
<http://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission:
http://www.achpr.org/english/_info/news_en.html
 - Organisation of American States:
<http://www.oas.org/oaspage/humanrights.htm>
 - Council of Europe: www.coe.int
- MDG Monitor – Tracking the Millennium Development Goals:
www.mdgmonitor.org
- On MDGs, see also United Nations Regional Information Centre (UNRIC):
<http://www.unric.org/en/>



- Principles and Guidelines for a Human Rights Based Approach to Poverty Reduction (2006):
http://www2.ohchr.org/english/issues/poverty/docs/poverty_strategies.doc

3.1.2 Right to Education

Context

The right to education is seen as a central cultural human right, which is cited in various international and regional human rights treaties and national lists of basic rights. At international level, this right sets both standards in the institutional/organisational sector (organisation of school education, issues of access to education/protection against discrimination, quality standards) and in specifications on content (goals of education, human rights education).

The UN Special Rapporteur on the Right to Education and the UN Committee on Economic, Social and Cultural Rights drew up the AAAA standards for this:

- Availability of educational establishments
- Accessibility, including a ban on discrimination, physical access, financial affordability, access to information
- Acceptability of education facilities to target group
- Adaptability of education facilities to target group

The **World Declaration on Education for All** at Jomtien in 1990 and the **World Education Forum**, where the **Dakar Framework of Action** was adopted in 2000 with the six goals of Education for All (EFA goals), help operationalise the right to quality education for all. Two of the six EFA goals (universal primary education, gender equality) were included in the MDGs, which were published a few months after Dakar. However, the EFA goals are more holistic and inclusive and thus conform more closely with the International Covenant on Economic, Social and Cultural Rights and the AAAA standards.

Progress in the attainment of the EFA goals is reviewed in the annual EFA Global Monitoring Report.

The six **EFA goals**¹⁰ are:

Goal 1: Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children

Goal 2: Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality

Goal 3: Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes

Goal 4: Achieving a 50 per cent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults

Goal 5: Eliminating gender disparities in primary and secondary education by 2005 and achieving gender equality in education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality

Goal 6: Improving all aspects of the quality of education

¹⁰ Two of the EFA goals **were integrated into the Millennium Goals of the United Nations** in September 2000: basic education for all children and reduction of gender disparities.



MDG 2 envisages ensuring by 2015 that all boys and girls complete primary school education. In recent years, more emphasis has also been placed on education/maintaining a school system for children as a major task in crises (armed conflicts, natural disasters) at the interface to humanitarian aid in emergencies (education in emergencies).

Main content and standards

Reference documents: International Covenant on Economic, Social and Cultural Rights (Article 13) and General Comment 13 on Article 13, UN Convention on the Rights of the Child 1989 (Articles 28, 29)

- Free and compulsory primary education for all
- Secondary education (including vocational education) accessible to all without discrimination with the aim of free availability
- Higher education accessible to all without discrimination
- Adequate availability of establishments
- Qualified teaching personnel, quality standards for schools
- Respect for the rights of parents to decide on the religious education of their children
- Availability of standards for the approval of private schools and quality standards
- Ensuring school education for minorities
- Ensuring the prohibition of the use of force in schools/No corporal punishment as a disciplinary measure
- Curricula containing educational goals, such as respect for personal identity and that of others, education for tolerance and in human and children's rights
- Guaranteeing the right of the child to leisure and play and cultural activities
- Eliminating gender stereotypes in education
- Adult education and removing reading and writing deficits/illiteracy

Relevance for specific target groups (examples)

- As rights holders: all people, especially exploited children/child labour; schoolchildren as members of minorities, indigenous groups; Roma children; apprentices, unemployed youth; children/adults with disabilities; pupil co-determination
- As duty bearers: especially governments, relevant ministries and government institutions; educational action plans, programmes against child labour, programmes against school dropouts, promotion of girls, anti-mobbing programmes, strategies for the integration of children with disabilities, human rights education for teachers, inclusion of education on the rights of the child in curricula

Project example from ADC

EFORD - education and training for endogenous development

This project in Burkina Faso is a regional, complementary measure for the national educational system in cooperation with the Ministry of Education. It sets up training centres and trains teaching staff to provide basic education, vocational training and continuing education in the centres. Teaching methods are developed to suit the needs of the regional population: agroforestry, livestock breeding, cultivation and processing of traditional medicinal plants, tourism, mechanics and the use of local building materials. In the long term, the whole programme will be handed over to the partner country to ensure the sustainability of the intervention. Teaching is conducted in six local languages to foster the individual identity, culture and participation of the respective region. (ADC contract number 2465-00/2009)



Further information

- ADC education: <http://www.entwicklung.at/themes/education/en/>
- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation:
 - <http://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation
 - African Union/African Human Rights Commission:
 - http://www.achpr.org/english/_info/news_en.html
 - Organisation of American States:
 - http://www.oas.org/en/topics/human_rights.asp
 - Council of Europe: www.coe.int
 - Roma Education Fund: <http://romaeducationfund.hu/>
- UNESCO, Education for All Global Monitoring Report:
<http://www.unesco.org/en/efareport>
- International action plan, Education for All/Dakar Framework of Action (2000):
 - http://www.unesco.org/education/efa/ed_for_all/dakfram_eng.shtml
- UNICEF focus: primary school education and gender equality:
www.unicef.org/girlseducation/index.php
- OECD focus: education (including PISA): www.oecd.org/education
- Inter-Agency Network for Education in Emergencies: www.ineesite.org
- Principles and Guidelines for a Human Rights Based Approach to Poverty Reduction (2006): www.undg.org/?P=221

3.1.3 Right to health

Context

The right of every person to the highest attainable standard of physical and mental health is an important social right and an essential element of basic services, also at the interface with humanitarian aid in emergencies (armed conflicts, natural disasters). This human right cannot enforce a state of health, but a key demand is non-discriminatory access to quality health care and other services. As with the right to education, the UN Committee on Economic, Social and Cultural Rights has also developed standards for this – AAAQ:

- Availability of health facilities and services
- Accessibility, including a ban on discrimination, physical access, financial affordability, access to information
- Acceptability of services to the target group; compliance with medical-ethical codes of conduct
- Quality of medical care, including adequate training for physicians

Under the MDGs, three goals pertain explicitly to health themes (MDGs 4-6: child health, maternal health, HIV/AIDS/malaria control) but MDG 7 (environmental sustainability, protection) also has a direct bearing on fulfilling the right to health. HIV/AIDS control in particular has attracted special attention in recent years, since the disease does not only have far-reaching effects on those persons living with HIV/AIDS but on societies in general (discrimination/stigmatisation/taboo, child orphans, etc.).

Main contents and standards

Reference documents: International Covenant on Economic, Social and Cultural Rights (Article 12) and General Comments 14 and 15 on access to health care facilities and drinking water



- Non-discriminatory access and sufficient availability of health services, including preventive health care
- Affordability of health services, access to health insurance
- Quality of health care, hygiene standards
- Standards for drugs approval
- Accessibility and availability of specific services for women
- Accessibility and availability of specific services for children and in particular youth
- Reproductive health, family planning, sexual information, HIV/AIDS prevention
- Prevention of drug abuse
- Elimination of traditional harmful practices (for example, female genital mutilation – FGM)
- Right of the child to regular inspection of a medical facility to which it has been admitted

Relevance for specific target groups (examples)

- As rights holders: all people, particularly children, youth, schoolchildren, pregnant women, expectant mothers, drug users, members of underprivileged sections of the population, asylum seekers, migrants, HIV-infected persons, malaria, tuberculosis sufferers
- As duty bearers: public health service, protection against easily preventable diseases, vaccination campaigns, programmes against child and maternal mortality; awareness campaigns against FGM; quality standards for private health care; drug approval monitoring; HIV action plans; responsibility of the private sector/pharmaceutical companies; generic drugs programmes; access to antiretroviral therapy; support for the Global Fund and the International Drug Purchase Facility (UNITAID)

Project example from ADC

Prevention and management of infectious diseases in Palestine

Apart from the health aspect, infectious diseases place an economic and social burden on Palestinian society. This project aims at taking countermeasures and building up the health care system. The Ministry of Health lacks the capacity to care for the whole Palestinian population and uninsured people are deprived of services.

The primary objectives are knowledge transfer for the management of infectious diseases and capacity development in diagnosis and treatment at health care facilities and for health sector personnel. In addition to these measures, support is given to building technical and logistical capacity in clinics. Health personnel are recruited to raise awareness in society. Procedure for infectious diseases is streamlined as part of closer cooperation with the Ministry of Health and institutionalised in line with guidelines on combating infectious diseases. (ADC contract number 1686-00/2008)

Further information

- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation:
www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx



- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission: www.achpr.org/English/_info/news_en.html
 - Organisation of American States: www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int
- WHO and human rights: http://www.who.int/topics/human_rights/en/
- UNICEF focuses: child health, HIV/AIDS control: http://www.unicef.org/health/index_malaria.html
- OECD health focus: www.oecd.org/health
- Principles and Guidelines for a Human Rights Based Approach to Poverty Reduction (2006): www.undg.org/?P=221
- UNITAID programme: www.unitaid.eu
- International AIDS Society, World Aids Conference 2010 in Vienna: www.iasociety.org/Default.aspx?pageId=79, www.aids2010.org

3.1.4 Right to free and fair elections

Context

Like freedoms of opinion and the press, assembly and association, the human right to free and fair elections is at the core of political human rights aimed at fostering democracy and good governance. Not only in the development context, this traditional Western approach has gradually been replaced by the recognition of the indivisibility and interdependence of all human rights. Practical experience has also shown the inextricable and reciprocal link between human rights and democratisation on the one hand and additional human rights responsibility for poverty reduction, girls' school enrolment or health care development on the other. Increasingly, therefore, economic, social and cultural human rights are as justiciable before courts and other relevant institutions as civil and political rights. Human rights afford legitimacy and support for elections and strengthening parliamentary systems and oversight mechanisms (both government and non-governmental/at civic level) against abuse of power and corruption through development cooperation are key elements for guaranteeing rule of law and responsibility. Particularly in post-conflict situations, instituting democracy through national elections is of particular importance to gain legitimate, responsible partners for the implementation of reform programmes in the education and public health sectors.

Main contents and standards

Reference documents: International Covenant on Civil and Political Rights 1996 (Article 25) and General Comment 25 of the Human Rights Committee

- Right to general, equal, regular, free elections by secret (personal) ballot
- Related state obligations to guarantee the adequate organisation and conduct of elections in order to ensure compliance with all the above principles (from infrastructure such as election booths, sealed ballot boxes to independent election monitoring and verifiable results to promotion of civic education)
- Guaranteeing related political liberties, such as freedom of speech, ban on censorship/protection of freedom of the press, right to demonstrate/freedom of assembly, right to found political parties/freedom of association
- Prohibition of discrimination/protection against restricted access to the right to vote, such as for women, people in remote areas, marginalised groups, persons with disabilities, youth (depending on voting age/opportunities for political participation)



Relevance for specific target groups (examples)

- As rights holders: all citizens; access for poor people, people in remote areas; minorities/indigenous groups, women, youth; parliamentarians; journalists; human rights activists
- As duty bearers: electoral authorities, governments, legal remedies/contestation of results, election monitoring, adult education/civic education programmes, ethical standards for journalists, ban on censorship

Project example from ADC

African Parliamentary Poverty Reduction Network Support Initiative

This network provides a discussion platform on poverty reduction and strategy development for parliamentarians from 15 member countries. Its main function is information exchange and capacity development of parliaments for budget processes as well as poverty budgeting. Through further training measures, parliamentarians are better able to co-decide in drafting poverty reduction strategies, raise the allocation of public expenditure and defend the interests of the poor. Another concern is to foster relations between parliaments and civil society. The aim is transparent and effective governance. Interparliamentary work supports this process. (ADC contract number 8148-00/2006)

Further information

- ADC policy document, Good Governance (2006), ADC policy document, Human Rights (2006), ADC focus paper, Parliaments and Poverty Reduction (2007), focus paper, Anti-corruption (2009)
http://www.entwicklung.at/themes/governance_and_human_rights/en/
- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation:
www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission:
www.achpr.org/English/_info/news_en.html
 - Organisation of American States:
www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int
- Interparliamentary Union: www.ipu.org, website of the Austrian Federal Parliament: http://www.parlinkom.gv.at/EN/AP/Inhalt_Portal.shtml
- Organisation for Security and Cooperation in Europe (OSCE) – Office for Democratic Institutions and Human Rights (ODIHR), focus on election monitoring: www.osce.org/odihr-elections/

3.1.5 Right to equal access to justice and a fair trial

Context

The duty to implement this right applies at two levels: 1. to the individual person as a party to proceedings before a public court, 2. to the necessary framework for due process. The first group of standards includes precautions such as rights to information and representation or appeal to a higher court; the second group includes measures to ensure the independence of the judiciary, adequate training of judges or the establishment of a separate juvenile judiciary. Finally, in connection with this are fundamental requirements on access to justice/legal remedies, rule of law, anti-corruption and good governance. Worldwide, more than four billion human beings have no access to justice and the rule of law. In many countries, the justice



sector belongs to the most corrupt sectors of the society. Most prisons are overcrowded and lack minimum facilities for dignified existence.

Main contents and standards

Reference documents: International Covenant on Civil and Political Rights 1966 (Articles 9, 10, 14, 15) and General Comments 8 on Article 9, 21 on Article 10 and 13 on Article 14 of the Covenant, European Human Rights Convention 1950 (Articles 6, 7)

- Equality before or under the law
- Right to a fair hearing
- Independence of the courts
- Effective defence through legal representation
- In criminal proceedings also: presumption of innocence, right to information (cause of action, translation/interpretation), 'level playing field' between public prosecutor and accused, speedy proceedings, opportunity to examine witnesses, exclusion of the public if necessary, privilege against self-incrimination, prohibition of double jeopardy, principle of non-retroactivity, review by a higher court
- Compensation and reparation
- Legal aid for people with low income
- Compliance with victim protection standards (for example, considerate examination of victims of violence)
- Standards in juvenile law administration (for example, access to trustworthy persons, qualified judges)
- Observance of the right to personal liberty/protection against arbitrary arrest
- Rights of detainees to dignity and human treatment
- Observance of the prohibition of discrimination/general access to justice

Relevance for specific target groups (examples)

- As rights holders: all persons, parties to proceedings, accused in criminal proceedings, youth, relatives, minorities
- As duty bearers: justice sector, training standards for judges; ethical standards of legal chambers, etc; human rights training in the justice sector (judges, prosecutors, police, prison staff etc.); support for legal reforms in the fields of criminal justice, police, prison administration; setting up ombudsperson facilities

Project example from ADC

Contribution to the Justice, Law and Order Sector Investment Plan

Proceeding from a predecessor scheme, this plan aims to include sensitive legal sectors in Uganda, such as land law and family law, as priorities. Access to justice is improved, particularly for marginalised sections of the population. Measures aim to help institutions gain a common sense of responsibility, with the involvement of civil society and local authorities. The personnel of these institutions must see themselves as service providers to rights holders. (ADC contract number 1831-01/2007)

Further information

- ADC policy document, Good Governance (2006), ADC policy document, Human Rights (2006)
http://www.entwicklung.at/themes/governance_and_human_rights/en/
- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation:
www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx



- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission: www.achpr.org/English/_info/news_en.html
 - Organisation of American States: www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int
- Decisions of the European Court of Human Rights: www.echr.coe.int/echr/Homepage_EN
- Amnesty International – focus on detention and imprisonment: www.amnesty.org/en/detention
- Amnesty International Austria: www.amnesty.at

3.2 Human rights of specific groups

3.2.1 Human rights of children

Context

Children are not just ‘adults in waiting’; they face specific challenges (emotional, social, economic dependencies) here and now and/or have specific needs and corresponding rights. A balance must be struck between protecting the interests of children and helping to foster their independence. Almost half of all children (about 1 billion) worldwide live in poverty, are exploited as low-wage labour or are abused by sex tourists and often barred from decision-making processes. Considering that almost all the nations of the world have long been committed to implementing children’s rights under international law, there is still a large backlog in applying these standards, despite all professions of concern for children. After all, the attainment of all MDGs is inseparably linked to the need to implement children’s rights. At national level, Section 1 of the Development Cooperation Act calls for the consistent consideration of the needs of children in ADC.

Main contents and standards

Reference documents: UN Convention on the Rights of the Child 1989 together with all the supplementary optional protocols on children in armed conflicts, child trafficking and sexual exploitation (a child is any person under 18 years of age)

- Four basic principles: principle of child welfare (special priority attached to the specific interests of children in all measures affecting them), right of the child to participation (adequate inclusion of children in determining their specific interests/in decisions), right of the child to survival/development, prohibition of discrimination against children
- Many specific standards on children’s rights: protection rights (against violence, economic/sexual exploitation, child trafficking), rights to services (access to education, health, leisure facilities), right to participation (including freedom of opinion) and specific protection rights for child refugees, for example, or prohibition of child soldiers, full integration of children with disabilities, protection against forced separation from parents, standards for an independent juvenile judiciary
- Other standards, under the ILO conventions against child labour, the Rio Congress III against Sexual Exploitation of Children, for example

Relevance for specific target groups (examples)

- As rights holders: children as victims of violence, street children, children as victims of child labour and trafficking, youth in conflict with the law, former child soldiers, juvenile prostitutes, Roma children
- As duty bearers: governments, relevant ministries and government institutions; enabling participation; prevention of school drop-outs; legal prohibition of



corporal punishment, violence prevention programmes, quality standards for alternative forms of care; establishment of a juvenile judiciary; demobilisation of child soldiers and their reintegration; programmes to promote girls; education on the rights of the child in schools

Project example from ADC

Transnational Action against Child Trafficking

Thousands of children fall victim to trafficking every year in many countries of South Eastern Europe. This project proceeds in several phases, is designed to operate across borders and pursues the long-term goals of prevention, protection of victims, voluntary return, reintegration and coordination. Together with other international partners as well as local authorities and victim protection organisations, it seeks to set up a sustainable and extensive child protection programme. (ADC contract number 8102-05/2006)

Further information

- Focus paper, Children as partners in ADC, ADC policy document, Human Rights (2006)
- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation: www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission: www.achpr.org/English/_info/news_en.html
 - Organisation of American States: www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int
- Austrian Action Plan on the Rights of Children (including ADC): www.kinderrechte.gv.at (FMEFY)
- Resources on the children's rights approach theme in development cooperation: www.crin.org/hrbap/ (Child Rights Information Network)
- UNICEF and/or Austrian National Committee for UNICEF: www.unicef.org, www.unicef.at
- UNICEF statistics and databases on children and women: www.childinfo.org
- International Labour Organisation/International Programme on the Elimination of Child Labour, IPEC: <http://www.ilo.org/ipecc/>
- World Bank (theme: children and youth): www.worldbank.org/childrenandyouth
- UN Special Representative of the Secretary General for Children and Armed Conflicts: <http://www.un.org/children/conflict/english/index.html>
- UN Study on Violence against Children (2006): www.unviolencestudy.org
- Definition of child soldier (Paris Principles 2007): www.diplomatie.gouv.fr/en/IMG/pdf/Paris_Conference_Principles_English_31_January.pdf
- EU Commission – Towards an EU Strategy on Rights of the Child 2006: http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/r12555_en.htm
- EU - Children in development cooperation (specific website of the Directorate General Development of the European Commission (DG DEV): http://ec.europa.eu/development/policies/9interventionareas/humandev/humandevchildren_en.cfm



- EU Guidelines on Children and Armed Conflicts (2003/2008):
<http://www.google.at/search?hl=de&q=%EF%81%AE%09EU+Guidelines+on+Children+and+Armed&meta=>

3.2.2 Human rights of women

Context

The UN Convention on the Elimination of All Forms of Discrimination against Women of 1979 marked a milestone in the international protection of human rights. For the first time, a legally binding international document was drafted, calling for government measures at many different levels (legislation, policy, awareness, education, etc.) and in diverse areas of discrimination against women (from access to education to political participation, governments were explicitly empowered to take special measures as part of pro-active gender equality policy (affirmative action) in favour of women. The practical measures of the UN Committee on the Elimination of Discrimination against Women supplemented these rights by specifying standards for protecting women against violence, for instance. A major contribution to further-reaching international political mobilisation for the protection of women's rights was also made by the World Conference on Women in 1995 in Beijing.

Millennium Development Goals 3 (gender equality and empowerment of women) and 5 (reduction of maternal mortality) aim explicitly at improving the conditions of life for women. One needs to distinguish between the strategy of gender mainstreaming (aimed at raising gender equality) and protection of specific women's rights to strengthen the rights of women and guarantee government responsibility for implementing these.

Main contents and standards

Reference document: UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)

- Standards to enable/empower women and protect them against discrimination: equal access to work for the same pay, education, health care, political participation, including women in rural regions
- Equal legal status (family law, law of inheritance, property)
- Sexual and reproductive health and rights
- Protection from violence, exploitation, trafficking in women
- Special measures to expedite the actual equality of men and women (affirmative action)
- Elimination of traditional gender roles and stereotypes in the public and private sector, including enterprises
- Elimination of traditional discriminatory practices and customs
- Specific promotion of gender equality for girls

Relevance for specific target groups (examples)

- As rights holders: girls and women as victims of violence, abuse, exploitation, trafficking; women in precarious employment, girls and women without access to education, to specific health care; women in rural areas
- As duty bearers: governments, relevant ministries and government institutions; creation of income sources for women, inclusion of women in political bodies, promotion of self-organisation among women; programmes to promote girls, programmes for reproductive health, action plans to prevent violence against women and girls; legal reforms



Project example from ADC

Support of the Stability Pact Gender Task Force of Parliamentarians in South Eastern Europe

Parliamentarians are the defined target group of this regional project in South Eastern European countries. The project promotes the empowerment of parliamentarians in decision-making processes parallel to raising awareness and know-how transfer as well as the development of methodologies for the gender mainstreaming approach. Networking all actors in this area seeks to strengthen the participatory approach. The overall objective is the ratification and implementation of CEDAW. (ADC contract number 8251-0072008)

Further information

- ADC policy document, Gender Equality and Empowerment of Women (2006), ADC policy document, Human Rights (2006), focus paper, Gender Equality and Empowerment of Women (2009), focus paper, Women, Gender and Armed Conflicts (2009), focus paper, Making Budgets Gender-Sensitive: A Checklist for Programme-Based Aid (2009): <http://www.entwicklung.at/themes/gender/en/>
- Austrian Action Plan for Implementing UN Security Council Resolution 1325 (2007): http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/UN_Security_Council/4328_action_plan.pdf
- CEDAW Committee: www.un.org/womenwatch/daw/cedaw/committee.htm
- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation: www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission: www.achpr.org/English/_info/news_en.html
 - Organisation of American States: www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int
- UN Division for the Advancement of Women: www.un.org/womenwatch/daw/
- UNIFEM/UN Development Fund for Women: www.unifem.org
- UN Special Rapporteur on Violence against Women, Its Causes and Consequences: www2.ohchr.org/english/issues/women/rapporteur/
- OECD gender focus: www.oecd.org/gender

3.2.3 Human rights of persons with disabilities

Context

Adopted in 2006 by the UN General Assembly and therefore one of the most recent international human rights treaties, the new Convention on the Rights of Persons with Disabilities focuses on the barriers and disadvantages for this group of people, numbering approx. 600 million worldwide. A binding list of rights was drawn up for the first time that invokes existing laws but integrates these into the life setting of persons with disabilities. Disability is understood here as a longer-term physical/mental/sensory impairment that in combination with other barriers hampers the equal, social participation of those affected.

It is premised on respect for the dignity and self-determination of persons with disabilities as rights holders, their protection against discrimination and the obligation of government to take active promotional measures. As an innovation in comparison with earlier human rights treaties, the convention also calls for setting up



coordinating focal points in governments as well as an independent national monitoring mechanism. In the context of ADC Section 1 of the Development Cooperation Act confirms the cross-sectoral role of this task, requiring that all ADC measures take account “in a suitable manner, the needs of children and of people with disabilities.”

Main contents and standards

Reference documents: UN Convention on the Rights of Persons with Disabilities (2006) together with a supplementary optional protocol (with legal protection instruments)

The convention provides for several guiding principles of relevance for the interpretation of all more specific rights:

- Respect for the inherent dignity and individual autonomy of persons with disabilities
- Non-discrimination
- Full and effective participation and inclusion in society (from participation in cultural life to political participation)
- Respect for difference of persons with disabilities
- Equality of opportunity
- Guaranteed accessibility (for example, mobility, access to information)
- Equality between men and women
- Respect for the rights of children with disabilities
- Also more specific civil, political, economic, social and cultural rights of persons with disabilities
- Setting up national coordination and monitoring capacities for the implementation and verification of compliance with these rights

Relevance for specific target groups (examples)

- As rights holders: all persons with disabilities, schoolchildren and jobseekers with disabilities, persons with mental disabilities
- As duty bearers: governments, relevant ministries and government institutions; integration programmes in the school sector, in vocational training and on the labour market; prevention of violence and awareness measures as part of training nursing personnel; municipal authorities/barrier free residential buildings and criteria for contract award; safety in road traffic; recognition of sign language; financial support for persons affected; setting up coordination and monitoring capacities

Project example from ADC

Access to education for visually and hearing impaired children

Visually and hearing impaired children in Kenya have restricted access to education. One reason is the lack of qualified teachers. This project aims at imparting adequate teaching methods and helping visually and hearing impaired children to gain access to education. At the same time, it seeks to raise acceptance for e-learning in society through innovative teaching methods. The anticipated long-term impact is the improved integration of visually and hearing impaired children into society and better occupational opportunities for them. (ADC contract number 2333-02/2006)

Further information

- Focus paper, Persons with Disabilities in ADC (2008), ADC policy document, Human Rights (2006), ADC Quality Criteria for Persons with Disabilities: http://www.entwicklung.at/themes/governance_and_human_rights/en/



- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation: www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation
 - African Union/African Human Rights Commission
www.achpr.org/English/_info/news_en.html
 - Organisation of American States: www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int
- UN Enable – website of the Convention on the Rights of Persons with Disabilities: www.un.org/disabilities/
- EU Guidance Note on Disability and Development (2004): http://ec.europa.eu/development/body/publications/docs/Disability_en.pdf

3.2.4 Rights of minorities and indigenous peoples

Context

The preparatory work lasted more than 20 years before the Declaration on the Rights of Indigenous Peoples was adopted by the UN General Assembly in 2007. Together with the UN Permanent Forum on Indigenous Issues appointed in 2000, the declaration provides a framework for dealing with the concerns of 370 million members of indigenous peoples worldwide at international level. The Decade of Indigenous Peoples from 2005 to 2015 aims at protection against discrimination and co-determination in issues to do with indigenous culture, land rights, etc., promotional programmes for indigenous ethnic groups and monitoring the implementation of standards.

Main contents and standards

Reference documents: UN Declaration on the Rights of Indigenous Peoples (2007), ILO Convention No. 169 on Indigenous and Tribal Peoples (1989)

- Self-determination and co-determination of indigenous peoples in matters affecting them
- Safeguarding the survival of indigenous peoples
- Recognition of the independence and difference of indigenous peoples, independent institutions, school system, etc. as well as protection from forced assimilation
- Land rights and compensation claims, respect for historical sites
- Cultural rights to education, language promotion
- Protection against displacement
- Recognition of rights as individuals and as a group

Relevance for specific target groups (examples)

- As rights holders: indigenous peoples, marginalised groups excluded from the labour market, regular schooling, health services
- As duty bearers: governments, relevant ministries and government institutions; responsibility for land reform; compensation issues, participation in institutions, official languages



Project example from ADC

Promotion of the rights of indigenous peoples

This measure is conceived as a specific integrated contribution to democratisation for asserting the political, social, economic and cultural rights of the Maya people in Guatemala. A bilingual educational scheme has been developed in cooperation with the national Ministry of Education and established at regional level. Mayan culture, language and traditional law are promoted through organisational development measures to enable Maya institutions to cooperate with national institutions and thus exert political influence. As a third component, priority is attached to promoting women by developing their occupational skills through further training measures. Awareness activities ensure indigenous women can claim their rights. (ADC contract number 8148-00/2006)

Further information

- Human rights reports by ADC partner countries to the treaty monitoring bodies of the United Nations/High Commissioner for Human Rights; individual complaints; guidance on interpretation:
www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx
- Human rights reports by ADC partner countries to regional treaty monitoring bodies; individual complaints; guidance on interpretation:
 - African Union/African Human Rights Commission:
www.achpr.org/English/_info/news_en.html
 - Organisation of American States:
www.oas.org/OASpage/humanrights.htm
 - Council of Europe: www.coe.int; Framework Convention for the Protection of National Minorities: www.coe.int/t/dghl/monitoring/minorities/default_en.asp;
European Charter for Regional or Minority Languages:
http://www.coe.int/t/dg4/education/minlang/Brochure/Brochure_en.pdf
- UN Permanent Forum on Indigenous Issues: www.un.org/esa/socdev/unpfii/



4. Human rights in policy dialogue

This is the third intervention level, where ADC addresses human rights in pursuance of the policy documents. This dialogue takes place at different levels, in a formal but also in an informal context, depending on situation and field of activity.¹¹

4.1 General considerations in policy dialogue

- Policy dialogue between donors and the respective partner country aims at **raising aid effectiveness**. In joint talks, agreement is sought on the basis and preconditions for cooperation. Human rights dialogue deals in particular with the political and social framework for implementing programmes and necessary policy reforms in the partner country as well as the readiness and the political will to carry these out. The intensity of dialogue is partly determined by the size of the available ADC budget, but always also forms part of cooperation in countries where ADC provides general and sectoral budget support.
- **Using available platforms** for policy dialogue: In most partner countries and key regions, many platforms already include the issue of human rights. It is therefore not a matter of placing the theme on the agenda 'artificially'. This also has the advantage of obviating undue exposure to an inherently sensitive issue, which may also prove counterproductive. To raise acceptance on the part of the partner country, the foremost concern of efforts should be the implementation of human rights treaties it has already ratified.
- **Cooperation with so-called like-minded donors**: It is usually easier for several donors to place joint emphasis on respect for human rights. This often also happens, particularly in formalised dialogue conducted under the auspices of the EU (for details on current dialogue forms see below). If, however, the concern is with implementing governance reforms, for example, a coordinated and concerted procedure can produce quicker results. This is particularly important for a small donor like ADC.
- **Keeping attention on human rights**: Although it is primarily the task of the respective state to see to the implementation of and compliance with human rights, third and donor countries can make a contribution to this through their presence and cooperation in various donor/partner country platforms, when, for example, donor representatives are invited to comment on draft legislation or reform documents in governance or public administration. As outsiders, donors can often do this more easily or more safely than local NGOs or advocacy groups. Another possibility is strengthening and endorsing the views of these groupings in dealings with government (cf. below EU Guidelines on the Protection of Human Rights Defenders).

4.2 Policy coherence and donor harmonisation

A special opportunity for policy dialogue and respect for human rights is afforded by stepping up the application and implementation of coherence and harmonisation efforts, as in part provided for by the Paris Declaration of the OECD/DAC member states of 2005 and the Accra Agenda for Action of 2008 for its implementation, which was adopted by a large number of partner countries. Particularly for a smaller donor such as ADC, it is more expedient to act together with other like-minded donors than alone.

¹¹ For the current basic categories, distinctions and core themes of these dialogues refer to the ADC policy document, Human Rights, as of page 13.

This joint approach plays a large role, above all in general or sectoral budget support¹² and/or other forms of joint implementation of larger-scale programmes, such as basket funds. Although policy dialogue as such can and does take place at every level – from municipal to ministerial – it takes greater effect at a higher level and in combination with other donors, because more senior decision-makers generally wield broader influence.

Nevertheless, policy dialogue should also be conducted at local level for the implementation of human rights principles, such as non-discrimination, participation or support for the rights of more underprivileged groups.

4.3 Levels of policy dialogue

4.3.1 Bilateral level

This in particular involves ADC, the heads of the coordination offices and in any case the embassies on the one hand as part of bilateral cooperation agreements and country programming and on the other also in the preparation, participation and assessment of general or sectoral budget support. Further information can be found in the description of programming processes, but also in the ADC strategy on budget support and in a policy document on budget support currently in preparation.

4.3.2 Multi-Bilateral level

Relevant avenues are the consultative groups of the World Bank, for example, round tables and local coordination mechanisms of donors with each other and with the partner country. In any case, the human rights issue is a sensitive one, but should nevertheless be approached in a suitable way. ADC usually proceeds here in consultation with the other donors and multilateral organisations. Examples of this include the governance profiles jointly prepared by the EC and the member states as part of programming the respective European development fund and which also deal with human rights as a theme.

4.3.3 Multilateral level

The most important documents in this area are the EU Council Guidelines on Human Rights Dialogues with Third Countries. The dialogues in this formalised sector are practically always conducted in concert with the other member states. Where Austrian embassies are situated, the ambassador will primarily take part in these dialogues. The situation is different in countries where the head of a coordination office is represented at head of mission level, as in Uganda. The coordination offices therefore have to take a more active role there.

Another way is active cooperation of ADC in the United Nations, the EU or in working groups in OECD/DAC where human rights policies or their implementation are addressed, discussed and developed in programmes and projects.

Of lesser direct relevance for ADC are more formal dialogues in the UN (for example, the Human Rights Council or the General Assembly). In this case, ADC can only collaborate or assist when requested to do so by FMEIA.

For the following dialogues at EU level that are considered important to the work of ADC, there are separate EU guidelines, which will be outlined here:

¹² Cf. also ADC strategy paper, Budget Support, 2009.



EU Guidelines on Human Rights Dialogues¹³

The EU has pledged to take greater account of human rights in all aspects of its external policy. To this end, it invokes human rights in all dialogues and discussions with third countries (on the existing modes of dialogue, see ADC policy document, Human Rights). These dialogues pursue the following **aims**:

- Dealing with questions of common interest and better cooperation in international bodies such as the United Nations
- Analysis of problems relevant to human rights in the respective countries, collection of information and improvement of the human rights situation

The themes discussed in human rights dialogues are determined in the individual case. Certain central topics must always, however, be discussed. These include signing, ratification and implementation of the international human rights treaties and relevant cooperation with monitoring bodies, the campaign against the death penalty, reducing poverty, combating any form of discrimination, safeguarding the rights of the child and of women, strengthening democracy and good governance, conflict prevention, etc.

The decision to enter into a human rights dialogue with a third country is made by the Council of the European Union, which is always preceded by a review of the situation. Yardsticks are the position of the government on human rights, the ratification of the relevant international treaties, the readiness for cooperation with the procedures of the United Nations, the position of the government on civil society and general developments in human rights. The assessment is based on relevant reports by NGOs, the United Nations, other international organisations, the European Parliament and the European Commission. Before the decision to commence dialogue, an appraisal must be made of the aims to be achieved and anticipated progress and value added.

The place, frequency and level at which dialogue takes place are decided in the individual case. Where possible, the representatives of the third countries should, however, be members of the government responsible for human rights issues. For its part, the EU is represented by the troika. Civil society is also involved in different phases of dialogue. Where possible, the meetings take place in the respective third country. Dialogues dealing with questions of common interest and/or stepping up cooperation are preferably held in Brussels.

The European Union ensures coherence both between the dialogues conducted by its member states and those carried on with third countries by the EU. Information exchange is essential for this. As an ideal framework, the guidelines recommend informal ad-hoc meetings. In addition, the EU must ensure coherence between the resolutions of international bodies (such as the General Assembly and the Human Rights Council of the United Nations) and the human rights dialogues conducted by the EU (EU Guidelines on Human Rights Dialogues; materials dossier on CD-ROM).

EU Guidelines on the Protection of Human Rights Defenders

The definition of the term 'human rights defenders' for these guidelines is based on Article 1 of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, which states: "Everyone has the right, individually and in association with others, to promote and to strive for the protection

¹³ It is important to note that all the guidelines cited below are not legally binding. Their adoption by the European Council (ministerial level), however, accords them the highest policy importance and they serve as pragmatic, fundamental and guiding instruments for local practitioners.

and realisation of human rights and fundamental freedoms at the national and international levels.”

Support for human rights defenders has long been an integral part of human rights policy in EU external relations. The purpose of the guidelines is to provide practical proposals on how the EU can proceed more effectively in this important issue. They can be applied in contacts with third countries at all levels and in multilateral human rights organisations and committees. The guidelines also provide for interventions by the EU in favour of endangered human rights defenders and contain practical proposals for helping and supporting them.

A major element of the guidelines is support for special procedures of the United Nations Human Rights Council and the UN Special Representative on Human Rights Defenders along with suitable regional mechanisms for their protection. The guidelines are intended to help EU missions (embassies and consulates of EU member states) take their positions on human rights defenders and primarily refer to their special concerns. They thus also contribute to strengthening human rights policy overall in the EU (EU Guidelines on the Protection of Human Rights Defenders; materials dossier on CD-ROM).

EU Guidelines on Children and Armed Conflict

In these guidelines, the European Union is committed to meeting the special short-term, medium-term and long-term needs of children following conflicts. It seeks to ensure that third countries and non-governmental actors adhere to the international legal provisions and take efficient measures to protect children in armed conflicts. Furthermore, they also aim to put an end to the deployment of children in armies and armed groupings. The EU guidelines point out that over the last ten years more than two million children have been killed in armed conflicts, about a million made orphans and almost 20 million have been expelled from their homeland or are refugees. According to current estimates, there are approximately 250,000 child soldiers worldwide. Beyond the context of armed conflicts, fundamental **EU guidelines for the support and protection of the rights of the child** were also adopted in 2007 (EU Guidelines on Children and Armed Conflict; materials dossier on CD-ROM).

EU Guidelines on Violence against Women and Girls and Combating All Forms of Discrimination against Them

The guidelines give directions on the practical implementation of the existing international framework for preventing violence against women and fighting all forms of discrimination against them (for example, the Beijing Action Platform of 1995, Beijing +5 of 2000, UN Security Council Resolutions 1325 of 2000 and 1820 of 2008 on preventing violence against women in armed conflicts) in the EU's common foreign and security policy (CFSP). Violence against women and girls in all its forms is described as one of the worst violations of human rights and the forms, causes and consequences are described in more detail in Annex 1.

The goal is to take effective action on violence against women and girls, partly by promoting a larger number of specific projects for their benefit, where possible using the funds from the European Instrument for Democracy and Human Rights. The guidelines pursue three inseparably connected aims: prevention of violence, protection of victims, prosecution of perpetrators. At operational level, this means:

- Promoting gender equality and combating discrimination against women (the strategies of the EU member states and the EU must be designed to counteract gender stereotypes or individual discriminatory legal provisions, for example)
- Gathering data and developing indicators for violence against women and girls



- Introducing efficient and concerted strategies (including reminders to states through diplomatic representations that they bear responsibility for both preventing violence against women and taking action against it)
- Taking action against the impunity of perpetrators of violence and access of victims to justice

Particularly with the involvement of the embassies of member states, the delegations of the Commission and the General Secretariat of the European Council, the following measures should be taken:

- The issue of violence against women must be discussed through general and special diplomatic representations in relevant regional platforms with third states, including appropriate preliminary investigations, and in specific cases (where there is a danger that violence against women is not prosecuted, for instance). This includes, for example, the demand to ratify relevant international instruments, such as the UN Convention on the Elimination of All Forms of Discrimination against Women.
- The issue must be discussed via human rights dialogues and other policy dialogues as well as in specific reports on violence and discrimination against women and girls.
- Support should also be given via international committees and/or bilateral and multilateral cooperation instruments for the promotion of women's rights and individual measures to prevent violence against women (e.g. for compensation, rehabilitation and access to health care; prevention of violence or strengthening the capacities of women's right defenders, police, judiciary).

EU Guidelines on the Death Penalty

In these guidelines, the European Union vows to take far-reaching action to abolish the death penalty in third countries. The EU emphasises that the abolition of the death penalty contributes to advancing human dignity and the progressive development of human rights. The guidelines provide practical directions for putting this conviction into practice. The basis for this are regional and international processes supported by the EU and instruments such as Protocols No. 6 and 13 to the European Human Rights Convention and the 2nd Protocol to the International Covenant on Civil and Political Rights, which call for the final abolition of the death penalty under all circumstances, Article 2 of the EU Charter of Human Rights, which is legally binding for all EU member states and stipulates that no-one may be sentenced to death or executed, and other processes under the UN and the OSCE.

The aim of the EU is to completely abolish the death penalty worldwide, if necessary by directly introducing moratoria with this long-term objective. In states where the death penalty is still imposed, the EU seeks to gradually restrict its scope and work towards compliance with minimum standards for its execution.

The way to do this is through general diplomatic representations (general calls for abolishing and restricting the imposition of the death penalty in keeping with the international obligations of states and their institutions and basic procedures under rule of law), through individual diplomatic representations in specific cases, if, for example, the death penalty is to be executed in breach of minimum standards, in relevant reports (specific studies on the imposition of the death penalty) or through intervention in relevant multilateral committees. Finally, the guidelines emphasise minimum standards requiring absolute adherence when imposing the death penalty (such as for the most serious crimes only, ban on the application for certain groups of persons, such as pregnant women, underage or mentally disabled persons, compliance with basic procedure according to Article 14 of CCPR or the availability of effective means of legal redress for those sentenced to death).

EU Guidelines on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

The guidelines against torture provide directions and instruments to help the European Union and its member states in all contacts with third countries and in multilateral human rights bodies to work towards the abolition or reduction of torture and mistreatment or supporting these aims. Where relevant, they complement the guidelines on the death penalty and invoke the general definition of torture in the United Nations Convention against Torture that describes torture as causing severe physical and mental pain or suffering on a powerless person (usually a detainee) for a specific purpose, such as extracting a confession or other information. Since torture constitutes one of the most heinous human rights violations and a direct attack on the core of human dignity, the Guidelines call on the EU and its member states to take action for their prevention as a prime concern.

The guidelines cite many international instruments for the prevention of torture, such as the Universal Declaration of Human Rights, CAT, the Optional Protocol to CAT (OPCAT), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Charter of Fundamental Rights of the European Union (particularly Articles 4 and 19(2)) or EU Council Regulation 2005 on trading goods used for torture. In addition, they provide practical directions on how the EU and its member states can work towards the prevention of torture in third countries, such as through the following:

- Support for relevant bodies against torture (for example, national preventive mechanisms under OPCAT)
- Exerting influence on third countries to ensure that they abide by international commitments against torture (through policy dialogue, diplomatic representations, bilateral and multilateral cooperation), adopt suitable national measures against torture (at legislative level and in the implementation of laws), join major regional and international instruments against torture or ratify these, enact national legal guarantees, take measures to combat impunity, conduct training, provide medical help for victims or provide certain groups with special protection
- Support of NGOs, funds or the UN or other relevant bodies in fighting torture

Further information

European Union:

Human rights in third countries:

http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/index_en.htm

EU Guidelines on Human Rights:

<http://www.consilium.europa.eu/showPage.aspx?id=1681&lang=EN>



5. Human rights and the Millennium Development Goals in ADC

5.1 Introduction

The **Millennium Declaration** was adopted at the Millennium Summit of the United Nations in September 2000 and accepted by all 189 member states of the United Nations at that time. It is regarded as the **foremost guideline and common denominator for the international development agenda**. The overall goal of poverty reduction is to be achieved by meeting the eight Millennium Development Goals (MDGs) defined for the year 2015, measured by 48 indicators. The contents of the MDGs are based on various declarations of the United Nations and human rights conventions. They contain commitments to reduce poverty and hunger, guarantee universal primary school education, gender equality and the empowerment of women, improvements in health care, sustainable use of natural resources and to a global partnership for development.

MDGs and human rights have **much in common and afford great scope for synergies**: On the one hand, the attainment of the goals means improving major human rights for many people; on the other, the MDGs can be achieved faster if the states meet their existing human rights commitments. Both systems seek to **promote human welfare** and respect the **dignity of all people as a central element**. The main difference is that the Millennium Development Goals are primarily a political agenda and only morally binding, while human rights treaties are legally binding and entrust independent monitoring bodies with the task of monitoring state compliance.

Both for human rights and for progress in attaining the MDGs, there are related **monitoring systems** that operate through regular reporting at national and international level. The MDGs exert a major influence on stepping up the implementation of economic, social and cultural rights (ESC rights) in education and health or concerning the right to food.

In the United Nations system, the Office of the High Commissioner for Human Rights is actively involved in implementing the Millennium Development Goals. In a common document in 2003, the various UN institutions came to an agreement on a **shared understanding of the human rights based approach** with the obligation to include **human rights as a cross-sectoral theme in all activities**. The international community has also made far-reaching commitments to contribute to attaining the eight Millennium Goals worldwide.

At EU level, the MDGs and human rights agendas were merged through the **European Consensus on Development Policy** in 2006.¹⁴ The elimination of poverty as part of sustainable development is declared as the paramount common goal. The document refers explicitly to the implementation of the eight Millennium Development Goals and then reaffirms “...that development is a central goal by itself; and that sustainable development includes good governance, human rights and political, economic, social and environmental aspects.”¹⁵

¹⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:046:0001:0019:EN:PDF>

¹⁵ Ibid. p.2.



Under the **Paris Declaration on Aid Effectiveness** and the Accra Agenda for Action (AAA),¹⁶ the participating countries and organisations are all committed to putting these basic MDG principles and values into practice at multilateral and bilateral level.¹⁷ Both the Paris Declaration and the Accra Agenda for Action aim - in part only indirectly - at fulfilling human rights. While the Paris Declaration does not explicitly cite the implementation of human rights at any point,¹⁸ the Accra Agenda for Action emphasises respect for human rights as a key element “for achieving enduring impact on the lives and potential of poor women, men, and children” (Article 3) and calls on both donor and partner countries to plan and implement their development programmes and policies so that they conform with their international human rights commitments (Article 13(c)). Moreover, both documents stress participation,¹⁹ transparency and accountability as cornerstones of sustainable development (Paris Declaration: Article 47 ff; Accra Agenda for Action: Article 24).

Linking MDGs, the Paris Declaration and the Accra Agenda for Action with a human rights based approach is important for ADC, because this promotes those most severely affected by poverty and discrimination through affirmative action.

5.2 Synergies

5.2.1 Goal 1: Eradicate extreme poverty and hunger²⁰



- 1) Halve, between 1990 and 2015, the proportion of people whose income is less than one dollar a day
- 2) Halve, between 1990 and 2015, the proportion of people who suffer from hunger

Human rights:

- Right to dignity
- Right to personal security and equal access to justice
- Right to an adequate standard of living, particularly the right to food and to housing, clothing and medical care
- Right to work and free choice of occupation as well as labour rights
- Right to social security
- Protection against discrimination

The eradication of extreme poverty and hunger is the primary and most far-reaching of the Millennium Development Goals and is closely interrelated to the other MDGs. Progress in halving extreme poverty and hunger also contributes to attaining the other Millennium Goals, which pertain to different aspects of poverty. Conversely, progress in the other goals helps to eradicate poverty and hunger.

Poverty places constraints on individual development prospects and thus also the full exercise of human rights. Poor people are often on the edge of society and fall victim to discrimination. Their access to education, health care and infrastructure as well as their participation in public life is often restricted. International human rights

¹⁶ Both documents are available at <http://www.oecd.org/dataoecd/30/63/43911948.pdf>.

¹⁷ A current list of participating countries and organisations is available at: http://www.oecd.org/document/22/0,3343,en_2649_3236398_36074966_1_1_1_1,00.html.

¹⁸ By implication, however, at several points the Paris Declaration also calls on donor and partner countries to seek to implement human rights: Article 38 requires partner countries, for example, to make progress in building governance capacity; under Article 42, partner and donor countries are committed to make harmonisation efforts in gender equality.

¹⁹ Participatory approaches are, for example, called for in Articles 46 and 48 of the Paris Declaration; moreover, the Accra Agenda for Action stresses the importance of including civic organisations in the implementation of development-policy contributions (Article 20).

²⁰ Poverty reduction is the primary goal of ADC.



standards contribute to placing the essential needs of the poor on a legal footing and enlarging their scope of action. A central aspect of human rights based poverty reduction is the participation of the poorest and most discriminated sections of the population.

Empowerment enlarges the freedom of choice and action of the poorest and helps them gain access to decision-making bodies. ADC sectoral policy on rural development therefore also attaches importance to the empowerment of women with respect to Goal 1, since as small producers in rural areas they can contribute much to its attainment.

Austria is both a member of the International Fund for Agricultural Development and the United Nations Food and Agriculture Organisation (FAO) and in keeping with Millennium Development Goal 1 supports the primary objective of FAO to reduce the number of people suffering from hunger worldwide. Austria focuses in particular on gender and rural development as part of its FAO membership.

5.2.2 Goal 2: Achieve universal primary education



Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling

Human rights:

- Right to education
- Children's rights protection
- Protection against discrimination

The right to education is already embodied in the Universal Declaration of Human Rights (1948), and was further developed with detailed State obligations in the International Covenant on Economic, Social and Cultural Rights and in the UN Convention on the Rights of the Child. Education is regarded as a right in itself, but also as a key instrument for exercising other human rights, since it enables people to claim their rights or promote the rights of others, freedom of thought, conscience and worship, the right to freedom of opinion and expression, the right to work and to political participation, for example.

Article 26 of UDHR:

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

ADC attaches priority in education to access for underprivileged groups, particularly girls and women and to improving curricula and teacher training. This way, it makes an essential contribution to reducing discrimination against girls and women in this sector.



5.2.3 Goal 3: Promote gender equality and empower women²¹



Eliminate gender disparity in primary and secondary education, preferably by 2005, and in all levels of education no later than 2015

Human rights:

- Women's and minority rights in relation to gender equality/non-discrimination
- Children's rights protection
- Right to education

In ADC, gender equality is treated as a cross-sectoral issue. The Convention on the Elimination of Discrimination of All Forms of Discrimination against Women (CEDAW), also known as the Women's Rights Convention, stipulates that State parties must protect women against discrimination due to gender, in access to resources and education, in marital and family relations and in public life, for example.

Through gender mainstreaming, ADC contributes to eliminating inequalities and assesses all projects and programmes by gender criteria, attaching priority to narrowing social, economic and political disparities between men and women and girls and boys and to ensuring that men and women gain equal benefit from development activities or to compensation for previous discrimination. The activities of ADC thus promote the fulfilment of the human rights principles of non-discrimination and equal opportunities cited in Chapter 2.2.1 and participation and empowerment as set out in CEDAW and the Beijing Action Platform.

5.2.4 Goal 4: Reduce child mortality²²



Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate

Human rights:

- Right to life
- Right to health
- Right to an adequate standard of living
- Women's and minority rights with respect to equality/non-discrimination
- Children's rights protection

The Convention on the Rights of the Child is the human rights treaty that was ratified by almost all States and in the shortest time. It is premised on a definition of health that goes beyond the absence of illness and besides access to health care also encompasses the life setting of the child, including factors such as undernourishment and malnutrition, clean drinking water, sanitary conditions, education as well as risks of environmental pollution.

The contributions of ADC to the health sector primarily aim at improving health care by strengthening institutional and human resource capacities in partner countries, through further training, for example, and access to health care for previously marginalised groups, etc.

Millennium Development Goal 4 calls for taking explicit account of persons subject to particular discrimination. As cited in the focus paper on disabilities, slight


²¹ Gender is a cross-sectoral theme and gender equality a goal in ADC.

²² Special consideration for the rights of children is a principle/cross-sectoral theme of ADC in the Development Cooperation Act.



impairments in poor countries can often develop into severe disabilities due to the lack of preventive and health services, which heighten the risk of early death. The average mortality rate of children with disabilities can be as much as four times higher than children without disabilities.²³

5.2.5 Goal 5: Improve maternal health


	Reduce by three quarters the maternal mortality ratio from 1990 to 2015
Human rights:	<ul style="list-style-type: none"> ■ Women’s rights to life, physical integrity (FGM) and health (sexual and reproductive rights - self-determination of fertility, i.e. whether and when to have children and with whom), health care ■ Right to an adequate standard of living ■ Right to health ■ Women’s and minority rights with respect to equality/non-discrimination

Over the last two decades, child mortality has declined significantly worldwide (although there have been some slight increases in recent years), but the figures for maternal mortality have not diminished at an equivalent rate in the same period.²⁴

Maternal mortality is closely related to the status of women in society, the access of girls to education, disparities between urban and rural regions and the availability of qualified midwives as well as an operational health infrastructure. In efforts to reduce maternal mortality, it is therefore essential to eliminate discrimination against women, raise awareness of contraception and high-risk behaviour, strengthen reproductive health services and eliminate common social problems, such as domestic violence, including genital mutilation.

Besides programmes and projects in its partner countries, ADC contributes in particular to the Maternal Health Trust Fund set up at the beginning of 2008 by the United Nations Population Fund (UNFPA) for the attainment of Millennium Development Goal 5.

5.2.6 Goal 6: Combat HIV/AIDS, malaria and other diseases

	<ol style="list-style-type: none"> 1) Halt and begin to reverse the spread of HIV/AIDS 2) Halt and begin to reverse the incidence of malaria and other major diseases
Human rights:	<ul style="list-style-type: none"> ■ Right to health ■ Right to an adequate standard of living ■ Women’s and minority rights with respect to equality/non-discrimination ■ Guarantee of adequate, freely accessible sexual and reproductive health care, particularly in rural areas ■ Children’s rights protection

Millennium Development Goal 6 specifically addresses two internationally widespread diseases that have a severe effect on development, i.e. HIV/AIDS and

²³ Focus paper, Persons with Disabilities in ADC, p.2.

http://www.entwicklung.at/uploads/media/Focus_Persons_with_disabilities_01.PDF.

²⁴ Mütter ohne Schutz (Mothers without protection). Südwind-Magazin June 2009, p.27.



malaria. In common with MDG 4 (child mortality) and 5 (maternal mortality), health is thus accorded central priority in the Millennium Development Goals.

HIV/AIDS is a particularly salient example of the influence society and its norms and values can have on illness. Stigmatisation due to HIV/AIDS and sexually transmitted diseases raises human rights issues of discrimination against certain groups (persons using drugs, gays, sex workers etc.) and questions such as the accessibility and affordability of drugs for patients, quality of treatment and the qualification of health service personnel.

As part of its membership in the United Nations Population Fund as well as the United Nations Development Fund for Women (UNIFEM), ADC makes a contribution to HIV/AIDS control and with its focus paper, HIV/AIDS in ADC, in June 2009 instigated a more in-depth substantive dialogue on the issue.

5.2.7 Goal 7: Ensure environmental sustainability²⁵



- 1) Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources
- 2) Reduce by half the proportion of people without sustainable access to safe drinking water and basic sanitation
- 3) Achieve significant improvement in the lives of at least 100 million slum dwellers by 2020

Human rights:

- Right to an adequate standard of living, including right to housing
- Right to a healthy environment
- Right of access to means of production, services, loans, infrastructure
- Participation and decision-making rights for planning

The right to a healthy environment is a relatively new human right. It was first cited in the African Charter on Human and Peoples' Rights and in the San Salvador Inter-American Protocol to the American Human Rights Convention. Via the world summits of Rio de Janeiro (1992) and Johannesburg (2002), it found its way into debate about the right to development and environmental protection.

As environmental protection and the conservation of natural resources make up central elements of sustainable development, the right to a healthy environment is closely bound up with the right to an adequate standard of living, to adequate housing, to health, life and respect for private and family life and especially to the protection of the rights of minorities/indigenous groups.

ADC has mainstreamed environmental protection as a cross-sectoral theme in all areas and all projects and programmes are subjected to an environmental impact assessment and duly evaluated as part of quality assurance. The strategic guideline, Environment and Development in Austrian Development Policy published in September 2009 therefore brings environment to bear on each of the eight Millennium Development Goals.

²⁵ Protection of the environment and natural resources is a prime goal of ADC.



5.2.8 Goal 8: Develop a global partnership for development



- 1) Develop further an open, rule-based, predictable, non-discriminatory trading and financial system – including a commitment to good governance, development and poverty reduction, both nationally and internationally
- 2) Address the special needs of the least developed countries, including tariff and quota free access for the least developed countries' exports, enhanced programme of debt relief for heavily indebted poor countries (HIPC) and cancellation of official bilateral debt and more generous ODA for countries committed to poverty reduction
- 3) Address the special needs of landlocked developing countries and small island developing states through the Programme of Action for the Sustainable Development of Small Island Developing States and the outcome of the twenty-second special session of the General Assembly
- 4) Deal comprehensively with the debt problems of developing countries through national and international measures in order to make debt sustainable in the long term
- 5) In cooperation with the developing countries, ensure the creation of decent and productive jobs for youth
- 6) In cooperation with pharmaceutical companies, provide access to affordable essential drugs in developing countries
- 7) In cooperation with the private sector, make available the benefits of new technologies, especially information and communications

Human rights:

- Right to a social and international order for the protection of all human rights
- Political rights and freedoms
- Right to development
- International (extraterritorial) state obligations under the International Covenant on Economic, Social and Cultural Rights
- Right to work
- Women's and minority rights to equality/non-discrimination
- Children's rights protection

Millennium Development Goal 8 completes the preceding seven goals by calling for a global partnership for development. For the first time, this lays the foundation for joint responsibility by the donor and recipient countries. The industrialised countries are committed to raising expenditure for development cooperation and – where possible – raising efficiency. On the other hand, the recipient countries pledge to combat corruption and support democratisation and poverty reduction.

One aim of global partnership for development is also to expand the trade and export volume of the least developed countries in an open, non-discriminatory trading and financial system.

Among other things, ADC supports this through the establishment of an EU Export Help Desk with the focus on developing countries and through the Cleaner Production Programme of the United Nations Industrial Development Organisation (UNIDO), for which Austria provides essential financial resources.

**Further information**

- Millennium Declaration: www.un.org/millennium/declaration/ares552e.htm
- Human Rights and the Millennium Development Goals. Making the Link, UNDP Primer, 2006: <http://hurilink.org/Primer-HR-MDGs.pdf>
- Claiming the Millennium Development Goals: A human rights approach, OHCHR, 2008: http://www.ohchr.org/Documents/Publications/Claiming_MDGs_en.pdf
- The Human Rights Based Approach to Development Cooperation. Towards a Common Understanding among UN Agencies, 2003: http://www.hreoc.gov.au/social_justice/conference/engaging_communities/un_common_understanding_rba.pdf
- European Consensus on Development, 20 December 2005: http://ec.europa.eu/development/icenter/repository/european_consensus_2005_en.pdf
- Paris Declaration on Aid Effectiveness (March 2005) and Accra Agenda for Action (September 2008), OECD/DAC: <http://www.oecd.org/dataoecd/30/63/43911948.pdf>