

Based on the EU Explanation of Vote to the Resolution *The contribution of development to the enjoyment of all human rights* and the German contribution to the Questionnaire *Contribution of Development to the Enjoyment of All Human Rights*

1. Please share your views on the contribution of development in promoting and protecting human rights, including its context, concept, specific aspects and means of implementation.

Contribution of development to:

(1) Civil and political rights.

(2) Economic, social and cultural rights.

(3) The right to peace, the right to development, environmental rights, and digital rights.

As the Human Rights Council Advisory Committee highlighted in its study on the contribution of development to the enjoyment of human rights (A/HRC/41/50), human rights are at the beginning of the development process, not at the end. Development is not a precondition for human rights to come into existence. To the contrary, respect, protection and fulfilment of all human rights are an essential means of furthering development and overcoming poverty.

Germany remains strongly committed to promoting respect, protection and fulfilment of all human rights and fundamental freedoms, achieving sustainable and inclusive development and eradicating poverty; working towards ensuring security, conflict prevention and resolution; and protecting and strengthening the rule of law, good governance, gender equality, accountability and equitable, sustainable and inclusive globalisation. As enshrined in Art. 10 of the human rights declaration, the Vienna Declaration and Programme of Action (VDPA, 1993), development facilitates the enjoyment of all human rights, which are universal and indivisible.

As enshrined in Art. 10 of the Vienna Declaration, development facilitates the enjoyment of all human rights, however the lack of development may not be invoked to justify the abridgement of internationally recognized human rights. Sustainable and inclusive development can only be achieved with respect for and protection and fulfilment of all human rights including those of marginalised individuals and those belonging to minorities; as well as the full realisation of civil and political rights, together with economic, social and cultural rights. This connection between human rights and development holds true for all countries, regardless of their level of development.

The rights-based approach to sustainable and inclusive development aims to strengthen the enjoyment of all human rights for all persons, while also contributing to improved quality and effectiveness of development results and outcomes. This approach is premised on human rights principles and standards being both a means for and a goal of sustainable and inclusive development.

The progressive implementation of all human rights - especially of those which require resources - does hinge on the level of economic development, but not exclusively: Above all, all states have to take targeted steps to their maximum available resources to ensure that all citizens without distinction or discrimination have equal access to the existing level of human rights implementation. Non-discrimination is an immediate obligation of states under all human rights treaties as well as a fundamental requirement of development, in order to “Leave no one behind”.

Human rights implementation does depend on an international enabling environment and global standards such as the Sustainable Development Goals. Co- operation among States and the fulfillment in good faith of the obligations assumed by States are important means to create an international environment enabling development for all.

Similarly at the local level: states have to ensure that all persons residing in their territory know their rights and have the means, capabilities as well as access to a legal and institutional framework to claim them and hold states accountable for them.

Germany follows a human rights-based approach to sustainable and inclusive development, aiming at the realization of all human rights for all persons. Human rights, democracy, the rule of law and good governance on the one hand and inclusive and sustainable development on the other are mutually reinforcing. The human rights-based approach to development cooperation is based on the universality, indivisibility, interdependence and interrelatedness of human rights and the principles of inclusion and participation in decision-making processes, non-discrimination, equality, transparency and accountability. These principles are also central to EU development cooperation and we remain committed to ensuring the empowerment of all individuals, in particular the poorest and most vulnerable.

2. How to ensure that development contributes to promoting and protecting human rights? (The principles, strategies, policies and laws, action plans and programmes of development, what contents are important and what responsibilities should be taken into account)

(1) At the international level.

(2) At the national level.

(3) Through global and regional partnerships, civic space and engagement.

What constitutes “development” means different things to different people in their respective contexts. For a development plan, this needs to be defined, by all those concerned, and in such a way, that all - irrespective of their social position and access to power - can contribute to it on an equal footing and that it is solidly based on human rights.

German development policy is guided by and based on human rights and explicitly uses a human rights-based approach since 2011. German development policy supports partners in the fulfillment of their human rights obligations, for example the rights to food, to health, water and sanitation, to education, and the guarantee of the rights to freedom of assembly and association.

A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

A human rights-based approach helps to formulate development plans and programmes, policies, legislations, regulations and budgets that clearly determine the particular human right(s) to be addressed—what must be done and to what standard, who is accountable—and ensures the availability of needed capacities (or resources to build the lacking capacities). Development plans and programmes can be best used to promote and realize all human rights, if they make human rights not only their objective, but also a means and a tool to define and achieve development. Building development plans around the pertinent recommendations of the UPR or the treaty bodies can be a good tool to ensure this.

A low level of development may not be invoked to justify the abridgement of internationally recognized human rights: Sustainable development can only be achieved with respect for and protection and fulfilment of all human rights, including those of marginalised individuals and those belonging to minorities; as well as the full realisation of civil and political rights, together with economic, social and cultural rights. The Human Rights Committee has recently referred to issues connected to sustainable development in its General Comment 36, para 62 (Right to Life) and the Committee on Economic, Social and Cultural Rights is planning to develop a General Comment on Sustainable Development. Both should be used by States to align their development plans and programmes with their human rights obligations under the treaties.

The human-rights based approach helps to make the development process participatory, in particular for marginalized people, and more transparent. It empowers people and communities to hold those who have a duty to act accountable, ensuring effective remedies where rights are violated.

3. Please share any concrete examples of best practices of contribution of development to the enjoyment of human rights. Challenges, obstacles, lessons learned and experience with regard to principles, strategies, law and policies, action plans and programmes, the role of communities, organizations, and individuals and/or other stakeholders.

Human rights implementation is not contingent upon the level of development: Governments cannot excuse their lack of human rights implementation with a lack of development. Universality means that all people have human rights, even if resource constraints imply prioritization. There is an immediate obligation to start implementing all human rights, starting with non-discriminatory access. It does not mean that all problems of all people must be tackled at once.

Some rights require less resources than others and are to be implemented immediately and they can be, such as the right to be free from torture, the right to freedom of opinion, the right to free assembly and association and the right to non-discrimination based on whichever status. This guarantee of non-discrimination even applies to rights which arguably might require resources, such as education, social security: while the level of those basic services might be contingent upon a nation's economic development, its access to whatever level exists cannot be limited in a discriminatory manner.

Human rights are at the beginning of development, not at the end. The process and the objectives of development shall be human rights-based.

Promising practices have shown that a human rights-based approach leads to sustainable development efforts and greater returns on investments. Human rights principles and standards provide guidance about what should be done to achieve freedom and dignity for all by building capacities of state actors and citizens, strengthening social cohesion with focusing on the most marginalized, and anchoring human rights entitlements within a framework of laws and institutions as well as institutionalizing democratic processes.

4. Are there any other aspects relating to the contribution of development to the enjoyment of all human rights for all that you would recommend for the study to focus on?

Having in mind that the Danish Institute for Human Rights concluded already in 2016 that in the Agenda 2030, 156 of the 169 targets (more than 92%) reflect human rights and basic labour standards, it would be worthwhile to explore how a follow-up process to the 2030 Agenda or to individual goals (for example, goal 17) could build on the legal framework provided by human rights.

5. If you have differing views on the contribution of development to the enjoyment of all human rights for all, please explain and provide examples if possible.

Not applicable, please see answers to questions 1,2,3,4.