German Institute for Human Rights

Applying a human rights-based approach to the challenges of our time

Strategy 2024 – 2028

The Institute

The **German Institute for Human Rights** is the independent National Human Rights Institution of Germany (§ 1 GIHR law). It is accredited according to the Paris Principles of the United Nations (A-status). The Institute's activities include the provision of advice on policy issues, human rights education, information and documentation, applied research on human rights issues and cooperation with international organizations. It is supported by the German Bundestag. The Institute is mandated to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN Convention on the Rights of the Child and established Monitoring Bodies for these purposes. It is also mandated as National Rapporteur Mechanism under the Council of Europe Conventions on Violence against Women and Domestic Violence (Istanbul Convention) and on Trafficking in Human Beings.

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Foreword

The German Institute for Human Rights (GIHR) continues to consider the three major social developments identified in the 2019 – 2023 strategy to be of high human rights relevance:

– Task 1: Advocating for the equality of all people and strengthening social cohesion

– Task 2: Strengthening human rights, the rule of law and civic space

– Task 3: Shaping the fundamental changes in people's livelihoods in accordance with human rights

The ten topics covered in the 2024 – 2028 strategy have been reviewed. It has been decided that these topics will be further developed in modified form, with a sharper focus on developments in recent years.

In addition, Task 4 includes two institutional objectives that are of particular importance for strengthening the Institute in the coming years:

– Task 4: Strengthening the GIHR as an institution

Contents

Task 1: Advocating for the equality of all people and strengthening social cohesion

The issues brought about by a globalisation lacking in adequate human rights regulations are becoming ever more apparent. Social inequality, social exclusion, racism and other forms of discrimination are increasingly undermining human rights and as such social cohesion.

A culture of human rights predicates on recognising the freedom and equality of all people. The Institute is as such committed to an inclusive society in which everyone can exercise their rights and partake in society through equal opportunities - without discrimination based on grounds of racial attributions, sex, sexual orientation, gender identity, religion, disability, political or other convictions, national or social origin, socio-economic, birth or other status.

1.1 Issues caused by the globalisation of economy, trade and finance

Globalisation in recent decades has changed global economic structures. One such example is the growing importance of global supply and value chains. However, globalisation has also had far-reaching effects on the organisation and fulfilment of state functions and tasks: state regulation has been restricted by economic and trade policy decisions in many countries, and open markets have been created. The privatisation of state duties has been driven forward, and states have often not been permitted to enforce higher standards in global competition, in labour and social sectors or in taxation. Competition between different locations has increased and led to a „race to the bottom".

The structures of globalisation are undergoing change. Global supply chains have proven susceptible to disruption, particularly during the pandemic and due to the war in Ukraine. Some supply chains are as such being reorganised or rebuilt. In addition, economic competition is increasingly taking the form of systemic competition in the face of growing numbers of authoritarian states, which has made the search for appropriate multilateral solutions and regulations more difficult.

At the same time, incomes at the top of the income scale have risen enormously in all countries, while marginalised populations have become poorer. The effects of these globalisation and deregulation processes reach far into various social arenas and daily lives around the world. The result is growing public resistance to insufficient protection against the negative effects of globalisation, its lack of regulation as well as multilateral agreements, whose deregulations support the trend towards economic and social inequality. In view of these conditions, the question arises as to how the state can fulfil its obligation to respect, protect and guarantee the human rights of all in the arena of economic policy.

Our goal
Anchor human rights standards in international trade and financial systems and ensure their observance by states and private actors

The Institute will contribute to understanding the effects of globalisation on human rights. It will help to contain the effects of globalisation by establishing a multilateral system of rules and regulations to shape global supply and value chains as well as financial markets in accordance with human rights. To this end, it will co-operate at European and international level with other national human rights institutions in the European and global network of national human rights institutions (ENNHRI and GANHRI).

The Institute will focus on the following topics:

– Applying a human rights-based approach to supply chains

– Applying a human rights-based approach to trade policy agreements

– Applying a human rights-based approach to development policy

– Anchoring human rights in the structures of major sporting events in Germany

1.2 Social inequality and social exclusion

An increase in social inequality and the social exclusion of various groups can be observed in many countries around the world - including Germany. These issues contribute to weakening social cohesion. Dwindling opportunities for social mobility and for living self-determined lives, increasing economic and spatial inequalities and the associated increase in limited opportunities for social participation has also reduced engagement in community politics. Support for state activity decreases the more the state is perceived to only benefit others. On the other hand, the positions of power that lead to disadvantages and discrimination against certain groups are ignored and demands for preferential treatment of one's own group increases.

People in particularly vulnerable positions have difficult or only limited access to their social human rights. This applies, for example, to access to education, vocational training, employment and affordable housing. Rising housing costs, for example, can lead to poverty in old age. Single parents or low-income earners and in particularly their children are restricted through poverty in their participation opportunities and thus in their human right to partake in social life. Barriers in the labour market and a lack of inclusion in the education system exclude people with disabilities. Racism and other forms of discrimination also lead to disadvantages within the education system and hinder the right to education of children and young people.

However, human rights oblige the state to utilise its resources in such a way that social participation is made possible for all. Without participation and equal opportunities, it is not possible for economic, social and cultural human rights to be exercised. A modern citizenship law is also a central instrument in this case. For peaceful coexistence and a sustainable political community, both the feeling of belonging and actual participation must be strengthened. The implementation of economic, social and cultural rights contributes to this.

Our goal
To enable all people to participate in society

The Institute will help to reduce exclusionary factors in key areas of society, such as in the housing market, the labour market and the education system. It will work to improve opportunities for participation of all people with disabilities, older people, people with low incomes, people who experience racism or other forms of discrimination, as well as children, and to maintain social scope for the (re)distribution of resources.

The Institute will focus on selected areas, including

– Homelessness and the right to housing

– Adoption of a UN Convention on the Rights of Older Persons

– Strengthening children's rights in Germany

– Strengthening the participation of people with disabilities

– Working conditions and labour exploitation in the home care sector

– Strengthening and expanding libraries as places for inclusion and diversity

– Reducing poverty and realising the human rights of people affected by poverty

– Strengthening and anchoring human rights education in different educational contexts

1.3 Racism and other forms of discrimination

Racism and other forms of discrimination are widespread and on the rise in Germany. They not only manifest themselves in hate speech and violence but are also anchored in social and state institutions and structures.

Certain political actors are endeavouring to push the boundaries of what can be said to undermine the equality of all people and the very idea of human rights. However, open racism, anti-Semitism, antiziganism and anti-Muslim racism, as well as homophobia and transphobia, sexism and the devaluation of people with disabilities (ableism), particularly through hate speech and violence, are also on the rise. They particularly affect refugees, people with an (attributed) history of migration, people of colour, Jewish people, Sinzi*zze and Romn*ja as well as women. Social media, which facilitates closed group discourse, reinforces this discrimination. The shift in the boundaries of what can be said leads to acts of intimidation and threats as well as an increase in hate crime and politically motivated violence.

A culture of human rights, on the other hand, is based on recognising the dignity of every human being and the equal value of all people. People have a right to live their lives and be themselves without fear of threats, intimidation and violence. When people's human dignity is violated in Germany, this calls into question the core of human rights and as such social cohesion.

Racism and other forms of discrimination not only have an individual dimension, but also a structural one. This is because discriminatory images and ideas are anchored in society and have found their way into the practice and knowledge of state and social institutions. Discrimination can therefore only be effectively combated if power relations in which discrimination, degradation and marginalisation of people is anchored are reflected upon, understood and combatted.

Our goal
To promote discrimination awareness, reduce discrimination and promote social inclusion

The Institute will monitor and analyse developments in racism and other forms of discrimination and develop proposals on how to effectively counter threats, attacks and violence. It will campaign for comprehensive social inclusion. The Institute will also identify structural discrimination in various areas of society and develop proposals on how institutions can be structured to raise their awareness of discrimination.

The Institute will focus on the following topics:

− Recognising protection against racism as a central political concern

− Racist discrimination in various sectors such as policing and healthcare

− Addressing defensiveness when confronting racism in education

1.4 Gender-based violence, human trafficking and labour exploitation

Gender-based violence remains widespread in Germany. Although the number of victims is high, this violence is usually viewed as just an individual problem rather than also having structural dimensions. Gender-based violence is an expression of and means to maintain gendered social power relations. The term „gender-based violence" therefore encompasses violence against women as well as violence against people who do not conform to binary and heteronormative gender concepts and norms. Gender-based violence has a profound impact on the human rights of those affected, it hinders individuals' self-determination and equal participation, and jeopardises social cohesion in its entirety.

Human trafficking, including trafficking for sexual exploitation, and extreme forms of labour exploitation are both serious human rights violations in themselves and are also related to other serious human rights violations. People in vulnerable situations, especially migrants, are particularly affected and, in the case of sexual exploitation, especially women, trans people and children. Therefore, from a human rights perspective,

there is a greater need for intervention than can be deduced from existing data. Current data does not adequately capture documented incidents and barely shines a light on unreported human rights violations (dark figures).

Our goal
Further develop protection against violence and human trafficking

The Institute will promote the further development of protection against violence and human trafficking and contribute to ensuring that the human rights of all those affected by gender-based violence and human trafficking in Germany are guaranteed. To this end, the Institute will monitor the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), the Convention on Action against Trafficking in Human Beings and the EU Directive on Trafficking in Human Beings, as well as strengthen and expand its monitoring and analysis capabilities. Building on this, the Institute will develop recommendations for key areas of respective conventions and directives.

As part of the National Monitoring Mechanism for the UN Convention on the Rights of Persons with Disabilities, protecting people with disabilities from violence in institutions (in accordance with Article 16 of the UN CRPD) is also being addressed.

1.5 Unequal access to democratic and rule of law procedures and institutions

Trust in democratic procedures and rule of law institutions has declined. One reason for this is that the state is becoming less and less successful in ensuring social justice and equal opportunities for participation. People affected by poverty and those disadvantaged by poverty are less likely to participate in politics. They are underrepresented in formal bodies, from parliaments to political parties. They are much less likely to hold political office than better educated and/or higher-income people. This applies not only to formal institutions and political involvement, but even to informal

involvement in civil society groups, clubs and associations.

A lack of political representation means that the views, needs and concerns of these groups are underrepresented in political and cultural discourses. This reinforces the trend towards non-participation in politics and withdrawal from a shared sense of social responsibility. These communities no longer feel adequately recognised. In this respect, inequalities in access to political participation and involvement can also weaken the legitimacy of democratic governance.

Our goal
Make rule of law procedures, institutions and processes more accessible

The Institute recognises the need to promote and fight for participation spaces and open institutions. It is not only a matter of political culture, but also the role of human rights education to enable people to participate politically and help shape society. In this regard, the Institute will explore new formats and routes to accessing politics and the justice system in the coming years and put them into practice, particularly as relates to people affected by poverty.

The Institute will, among other topics focus on the following:

– Strengthening human rights and human rights education in political education

– Participation of people with disabilities in political processes

– Access to rule of law procedures and processes in development policy

– Strengthening the children's rights perspective in the justice system

– Strengthening access to justice for people affected by poverty

– Strengthening access to justice for Black people/BPOC.

1.6 Refugees and migration

Core areas of human rights and democratic guarantees are being undermined and restricted both in Germany and at European Union level. This is particularly evident in political discourse on the topics of refugees, migration and asylum. People are increasingly being denied fundamental rights or even human dignity. The legal protection and procedural safeguards guaranteed by fundamental rights and human rights in asylum and deportation law are also increasingly being described as excessive or unnecessary and are seeing considerable restriction through changes in law and practice.

Parallel to these developments in Germany, fundamental human rights standards are at risk of being lowered at European level, for example in terms of physical and legal access to asylum procedures, family reunification and forcible confinement.

Our goal
A human rights-based refugee and migration policy in Germany and Europe

In the coming years, the Institute will focus amongst other topics on the following:

– Federal Admission Programme for Afghanistan

– Ensuring a Common European Asylum System that complies with human rights

– Climate and Refugees

– Guaranteeing the rights of refugees with disabilities

Task 2: Strengthening human rights, the rule of law and civic space

Many countries are seeing a rise in political currents that seek to undermine rule of law institutions and procedures, reject human rights and question the value of multilateral, norm-based policies. International and national monitoring mechanisms and institutions that demand accountability for human rights violations are coming under increasing pressure, especially where free media, independent civil society and independent courts are scarce at national level. Push back often begins with a questioning of the legitimacy of international monitoring procedures. In some countries, this is done openly by governments, in others by social groups.

In Germany, human and fundamental rights as well as the principle of the rule of law are still essentially socially approved of. Nevertheless, developments can also be observed here that make it necessary to justify and reinforce the validity of human rights and the need for rule of law institutions and procedures. This applies especially to private actors, who often play a significant role in increases in racism, anti-feminism, homophobia and transphobia and other forms of incitement and attacks against marginalised groups.

The Institute will therefore step up its efforts to promote human rights as well as rule of law institutions and procedures and contribute to an enabling environment for the implementation of human rights.

2.1 Responses to the weakening of the human rights protection system and the multilateral order

The protection of human rights has become increasingly difficult to strengthen and discuss at international level. It is not uncommon for human rights protection instruments to be criticised and undermined, be it treaty bodies that monitor human

rights treaties or regional human rights courts. Even in United Nations human rights bodies, there is currently no longer consensus on the protection of human rights. In many countries, this trend goes hand in hand with a backlash against the independence and legitimacy of national and international protection mechanisms, such as the European Court of Human Rights. The legitimacy of civil society engagement in human rights and human rights defenders' activity is also being undermined.

Our goal
Strengthen the human rights protection system

The Institute's task is to emphasise the importance of regional and international human rights protection systems and to advocate for their strengthening at national, European and international level. In partnership with political organisations and civil society partners, the Institute will continue to oppose relativising movements found within human rights bodies and the United Nations. The Institute particularly works to strengthen the UN treaty committee system.

To this end, the Institute will also utilise and help shape the European and global networks of national human rights institutions.

2.2 Responses to growing pressures on civil society, core human rights areas and the rule of law

Security law is another area in which fundamental and human rights and the rule of law have been subject to restrictions, including in Germany. In this area, the trend towards intensifying state powers of intervention and lowering constitutionally controlled thresholds for such intervention is

increasing, for example through the expansion of the definition of danger and the use of preventive detention.

The Institute will therefore intensify its contribution to creating an environment that supports human rights implementation. It will do this through focussing on promoting the protection and recognition of the importance of rule of law institutions and procedures. By documenting shifts in discourse and trends in the undermining of human rights standards, the Institute will work to ensure that human rights and the rule of law are upheld.

The Institute considers the topics of displacement and migration (see topic 1.6) and climate activism in Germany to be of special human rights relevance. The latter is an area in which debates will become increasingly intense and polarised in the coming years due to the urgency of the matter.

The state's powers to intervene in fundamental and human rights within internal security procedures as gradually introduced since 2001, must be thoroughly scrutinised to maintain a balance between civil liberties and national security. Protecting the rule of law also includes using human rights to containing state monopoly on the use of violence. The independent investigation of allegations of police violence is of particular importance in securing the trust of all sections of society in the bodies that hold this monopoly and as such trust in the state. Globally, including in democratically constituted states, civic space is being restricted. The work of non-governmental organisations is being made increasingly difficult, for example, through changes in the law, targeted restrictions on access to funding and a deliberate spread of misinformation about the work of these organisations. Intimidation via (social) media, direct threats and the use of political force are not uncommon.

Germany is one of few countries globally where civil society still benefits from an enabling environment. Yet even in Germany, people who advocate for their own rights and those of others are verbally and physically undermined and attacked, usually by other private individuals or organisations. It is the obligation of the state to protect those whose rights are under attack. This duty to protect human rights also includes protecting journalists when reporting.

Our goal
Defend human rights and rule of law and maintain and expand the enabling environment for civil society in the implementation of human rights

The Institute is committed to ensuring that those committed to human rights and a discrimination-free society can act freely and are supported. It will help to ensure that Germany continues to provide an enabling environment for civil society organisations to work. This can be done through providing institutional practice, legislation and funding that supports civil society work and the freedom of assembly and association as well as freedom of expression. The Institute will also help ensure that Germany supports the creation of such environments in other countries. As such, the Institute will campaign nationally and internationally for the protection and promotion of an enabling environment for civil society organisations. The Institute will focus on the following topics:

– Evaluation of security laws

– Establishment of police complaints offices on federal and national level

– Strengthening the civic space in Germany

Task 3: Shaping the fundamental changes in people's livelihoods in accordance with human rights

People's livelihoods are currently undergoing serious (new) changes that impact the implementation of human rights. The Institute will help to ensure that resulting social transformation processes are organised in accordance with human rights. To this end, the Institute will develop and provide human rights criteria and guidance.

The Institute has so far had little involvement in the field of digitalisation and artificial intelligence (AI). However, because the effects of digitalisation and AI on realising human rights are so far-reaching it is necessary to actively think about human rights-based approaches to this field. The Institute will therefore focus in coming years on building up the relevant knowledge and capacities at the Institute to be contribute human rights-based recommendations.

3.1 Preventing climate change and fundamental ecological changes and applying a human rights-based approach to adaptation

Climate change will seriously and systematically alter livelihoods in coming years. Extreme natural events are already increasing, while other changes – such as water and food availability and rising sea levels – are also on the rise. Another environmental change of global proportions is the dramatic decline in biodiversity. The expected change is an urgent call to apply a human rights-based approach to addressing these developments.

Whether in the Global South or the North: In most cases, it is disadvantaged groups who are particularly vulnerable to the effects of climate change and, in the worst case, lose their livelihoods. When applying a human rights-based approach to

climate policy in Germany, it is important to campaign for a swift start to human rights-based climate adaptation and transformation measures. This should be implemented with a lens on particularly disadvantaged groups in Germany. Nonetheless, given the role Germany as an industrialised country plays in causing climate change, it is the country's task to minimise these far-reaching negative effects of climate change on human rights implementation around the world.

> **Our goal**
> Apply a human rights-based approach to climate and environmental policy

In the coming years, far-reaching climate and environmental policy measures will be implemented in Germany and around the world. The Institute will help to ensure that the human rights obligation to swiftly take effective measures is implemented and that the associated social transformation and adaptation processes are organised in accordance with human rights. The Institute will actively work to ensure that all people can exercise their right to freedom of assembly in relation to climate protests and that debates on climate policy measures become more objective. The Institute will also focus on the impact of climate change on disadvantaged groups in Germany and other countries. It will also advocate a human rights-based species protection plan at national and international level.

3.2 Applying a human rights-based approach to the impact of digitalisation and artificial intelligence

Digitalisation and artificial intelligence have fundamentally changed many areas of life. Further major transformations are on the horizon in the world

of work, which will make certain jobs redundant but may also create new employment. The production of goods and services may see permanent and radical change, with significant economic consequences. Decision-making processes, for example in legal procedures, staffing, expert fields and investment, will also be reshaped by artificial intelligence. This will permanently change opportunities for participation, as well as complaints, objections and conflict resolution procedures.

While these developments will open new opportunities, they also come with major risks, such as the loss of income opportunities, changes to the quality of work and possible related consequences to employee health and occupational safety. These developments also risk the formation of company monopolies in the technology sector. Digitalisation and artificial intelligence also pose new challenges to data protection and the fundamental right to informational self-determination - for example as regards who has access to health or financial data. In addition, algorithmic decision-making systems harbour a considerable risk of being discriminatory. There are also dangers associated with increased access to social arenas, which enables easy and far-reaching control of the individual. This puts human rights activists particularly at risk.

Our goal
Apply a human rights-based approach to changes brought about by digitalisation

The Institute will highlight human rights challenges brought about by digitalisation. It will, for example, help shape the far-reaching transformation processes in accordance with the rule of law and human rights by providing human rights criteria and guidance. The Institute will focus on individual vulnerable groups (children, older people, persons with disabilities, refugees) as well as various topics such as changes in the workplace and challenges around how digital misinformation/disinformation affect democratic processes and debates. The Institute will work to ensure that state institutions and private companies handle the data they collect in compliance with human rights standards. The Institute will develop the analytical capacities necessary to deliver relevant proposals and recommendations.

Task 4: Strengthening the GIHR institutionally

4.1 Strengthening reporting and monitoring

The Institute's tasks in reporting and monitoring are growing continuously – tasks which the institute should continue to fulfil. At federal level, the two National Rapporteur Mechanisms on gender-based violence and on trafficking in human beings were added in 2022. At the same time, the number of mandates for federal state-specific monitoring for the implementation of the UN Convention on the Rights of Persons with Disabilities and, more recently, the UN Convention on the Rights of the Child has increased in recent years.

In addition, the Institute regularly reports to national and international bodies on the human rights situation in Germany: the report to the German Bundestag on developments in human rights in Germany has been compiled annually since 2016 (pursuant to Section 2 (5) GIHR); the Institute has been a FRANET partner since 2011 and, in this capacity, reports to the EU Agency for Fundamental Rights on a variety of fundamental and human rights issues. The Institute also writes an annual contribution on Germany for ENNHRI's statement on the Commission's Rule of Law Report. Finally, the Institute participates regularly in state reporting procedures of the UN treaty committees, in the Universal Periodic Review (UPR) of the UN Human Rights Council and in reporting to the human rights bodies of the Council of Europe. The Institute will continue and develop further this reporting work in the coming years.

Our goal
Further develop and systematise GIHR monitoring and reporting instruments

4.2 Organisational goals: Further improvements at the Institute

Effective human rights protection requires strong institutions. This is why the further development of the GIHR is an integral part of strategy for the next five years. The past few years have been characterised by the growth of the Institute, which has been brought about through three factors: (1) an increase in institutional funding (research funds), (2) a taking on of new tasks and roles (National Rapporteur Mechanisms on gender-based violence and on trafficking in human beings and federal state-based monitoring mandates) and (3) the continued successful acquisition of projects through strategy implementation. This requires a systematic further development of strategic planning and impact measurement as well as human resource management and organisational development. The Institute will place particular focus on further developing its organisational structures and its awareness of discrimination.

Our goal
Satisfied employees and processes adapted to the size of the Institute

- Portfolio management (strategic planning, controlling)

- Human resources management (employee satisfaction)

- Organisational development process