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HUMAN RIGHTS IN GERMAN DEVELOPMENT POLICY

***Part 1: The Human Rights Strategy
and its Implementation***

2021

In the strategy paper 'Human Rights in German Development Policy', published in 2011, the Federal Ministry for Economic Cooperation and Development (BMZ) defined human rights as a guiding principle of its work. The strategy paper formulates a human rights-based approach (HRBA) for the realisation of this guiding principle. This evaluation comprehensively assesses the HRBA for the first time since it was adopted. The present report, Part 1 of the evaluation, deals with the contents of the human rights strategy and its implementation. According to the findings of this part of the evaluation, the human rights strategy incorporates human rights requirements in its objectives and approaches to action, but only partially implements them in practice. Based on these findings, the evaluation formulates recommendations for the further strategic development and evidence-based strategic management of the HRBA. It also makes the case for piloting new implementation tools, providing more application-oriented support, and building relevant knowledge among the actors involved in implementing the HRBA.

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***Part 1: The Human Rights Strategy
and its Implementation***

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IMPRINT

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- the implementing organisations
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- *Bundesanstalt für Geowissenschaften und Rohstoffe (BGR)* – Federal Institute for Geosciences and Natural Resources;
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 - *Christoffel-Blindenmission (CBM)* – international development organisation for persons with disabilities,
 - *Brot für die Welt* (Bread for the World),
 - *Kindernothilfe* – development cooperation NGO supporting children,
 - *Welthungerhilfe* – NGO fighting hunger,
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EXECUTIVE SUMMARY

Context and relevance of the evaluation

With the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, individual rights were formulated at an international level for the first time. Following international agreements which then addressed specific aspects of the UDHR in more detail, human rights became binding under international law. Since then the number of human rights treaties, and the number of countries ratifying them, has increased continuously (UN, 2012). In many places the human rights situation has improved in the course of these developments (Fariss, 2014).

Recently, however, restrictions on civil liberties and civil society space have become evident in a number of countries (Aghekyan et al., 2018; Amnesty International, 2018; Auswärtiges Amt, 2016a; Würth, 2017). Humanitarian, economic and environmental crises, some of which are linked to displacement and migration, are exacerbating the current human rights challenges. This also applies to government measures in connection with the Covid-19 pandemic. These measures may conflict with human rights (Repucci and Slipowitz, 2020).

The above aspects delineate the context for the human rights work of German development policy. The foundation for this work is the human rights-based approach (HRBA) formulated in the human rights strategy paper of Germany's Federal Ministry for Economic Cooperation and Development (BMZ). The strategy paper defines human rights as a 'guiding principle' for German development policy. Accordingly, human rights should play a role in shaping all 'Germany's development policy objectives, programmes and approaches in cooperation with partner countries' (BMZ, 2011a, p. 3). The strategy is thus designed to effectively support partner countries in realising human rights (BMZ, 2011a).

The subject of this evaluation is the BMZ's strategy on human rights. The strategy has now been in place a long time. The evaluation therefore focuses in particular on the changed setting in which the HRBA is now to be implemented. As well as the change in the human rights context worldwide, this also includes the international frameworks for development policy as a whole. The 2030 Agenda, for instance, which has been in place since 2016, contains fresh guidelines for socio-economic and political development. Also, since the 2000s the role of so-called new development actors in realising human rights has also become part of the debate (Chahoud, 2008; Swedlund, 2017b).

Furthermore, German development policy itself is also changing. It is currently undergoing one of the most major reform processes of recent years. In the course of the 'BMZ 2030' reform agenda, German development policy will be thematically and geographically re-focused. This also affects the role of human rights in development policy. Together with gender equality and disability inclusion, human rights will be made one of six quality criteria of German development policy (BMZ, 2020a).

Consequently, German development policy faces the challenge of implementing the guiding principle of human rights against the backdrop of changes on various levels – in partner countries, multilaterally and nationally. This first comprehensive evaluation of Germany's HRBA is therefore all the more important. The evaluation examines the approach against the background of current challenges, and is thus designed to support the alignment of the BMZ's human rights work with the changed contexts and current challenges. At the same time the reform process gives the BMZ the opportunity to take into account the evaluation's empirical findings on the relevance and implementation of the HRBA when designing the new quality criterion.

Box 1 Overall assessment of the relevance and implementation of the HRBA

Although in place since 2011, the human rights strategy paper and the German HRBA remain **largely relevant**. This is the case both with respect to current global human rights challenges, and compared to approaches of other development partners. Especially important are the high aspirations which the human rights strategy sets for development policy. The strategy's scope, and its holistic approach that encompasses the whole of development policy, make Germany an important human rights partner. At the same time, the evaluation also identifies gaps in the approach. Gaps exist for instance concerning human rights violations in the context of advancing digitalisation, and concerning the validity and reach of the approach.

In practice, however, German development policy only partially fulfils the high aspirations of its own HRBA. Most of the areas of action in the human rights strategy are only **partially implemented**. It is true that human rights aspects are largely mainstreamed in the procedures and processes of the BMZ and the implementing organisations. They are also mainstreamed in the knowledge management and training modules of the implementing organisations. For most of the other areas of action of the HRBA, however, this is only partially true:

- **Mainstreaming at project level:** Despite explicit instructions contained in binding guidelines, the HRBA has been fully mainstreamed as a cross-cutting theme in just a small number of bilateral development cooperation projects. There are a few projects whose planning documents contain all dimensions of the HRBA covered by the evaluation, but the majority of projects contain only particular aspects.
- **Implementation of specific human rights projects:** Although the funds spent in connection with specific human rights projects did rise in absolute terms between 2007 and 2017, their relative share of the BMZ's overall portfolio remained largely stable during this period. Since publication of the strategy paper in 2011, there was also no significant increase in funds in absolute terms. The BMZ's country strategies, too, which form the basis for shaping the bilateral country portfolios, include human rights aspects only partially.
- **Mainstreaming of human rights in political dialogue and human rights conditionality:** In intergovernmental negotiations, human rights issues are only mentioned explicitly in a few cases. Often it is possible to identify indirect links to human rights, such as when environmental and social standards are addressed. Statistically, there is no robust relationship between the BMZ's funding pledges for development cooperation, and the human rights situation in partner countries.
- **Human rights coherence of national and international policies:** In the BMZ's sector strategies, which often form the basis for contributions to policy coherence, the HRBA is only partially included. Beyond that there are development policy initiatives which aim to establish the coherence of national and international policies with human rights standards and principles. However, methodological restrictions meant that insufficient information was available for a comprehensive assessment.

Germany's holistic HRBA is based on the above four 'tracks'. The underlying assumption is that these combine to generate results and synergies in Germany's partner countries for development cooperation. In practice, however, there is barely any indication that these tracks are being integrated explicitly and intentionally.

Subject of the evaluation and objectives of Part 1

The subject of this evaluation is the BMZ strategy published in the paper ‘Human Rights in German Development Policy’ (BMZ, 2011a), which formulates the HRBA of German development cooperation. To deliver results for updating the human rights strategy quickly despite the breadth of the approach, the evaluation has been split into two parts that will be performed and published consecutively. Part 1 of the evaluation presented here examines two aspects: (i) the content of the strategy with regard to its relevance, and (ii) implementation of the HRBA by the BMZ and the implementing organisations. Part 2 of the evaluation studies the effectiveness of German development policy in the partner countries of German development cooperation. In both parts the evaluation pursues the following three objectives:

- **Enable learning:** The evaluation aims to supply findings on the content of the human rights strategy and its implementation and effectiveness in practice, and on the BMZ’s HRBA.
- **Strengthen strategic management:** The findings of the evaluation will be used to further develop the HRBA strategically and implement it effectively.
- **Provide accountability:** The evaluation will also serve to provide accountability concerning the relevance of the HRBA and implementation of the human rights strategy to date.

The HRBA encompasses four tracks for achieving its objective, which is to support and help improve respect, protection and fulfilment of human rights in partner countries:

- the explicit inclusion of human rights in the political dialogue
- the implementation of specific human rights projects
- the mainstreaming of human rights across all projects of bilateral development cooperation
- contributions towards the coherence of national and international policies with human rights.

The human rights strategy also defines twelve areas of action for operationalising these tracks.

Evaluation questions

The first part of the evaluation examined the relevance of the German HRBA and its practical implementation. Accordingly, Part 1 of the evaluation looks at the evaluation criterion ‘relevance’ and lays the foundation for assessing the effectiveness of the HRBA.

The relevance of the HRBA was examined in relation to the following evaluation questions:

1. How relevant is the human rights strategy compared to approaches of other development partners and in light of the human rights situation worldwide?
 - 1.1. How relevant is the human rights strategy compared to approaches of other bi- and multilateral development partners?
 - 1.2. How relevant is the human rights strategy in the current political and normative human rights situation worldwide?

To assess whether the human rights strategy has been effective in guiding actions, the evaluation team studied the implementation of the HRBA by the BMZ and the implementing organisations. Here the key evaluation questions were as follows:

2. To what extent does a shared understanding of human rights as a guiding principle exist at the BMZ, and to what extent does it guide actions?
3. To what extent are the BMZ and the implementing organisations implementing the human rights strategy and the areas of action it specifies?

4. What factors affect the implementation of the human rights strategy's areas of action by the BMZ and the implementing organisations?
 - 4.1. What role do the cross-cutting coordination function and the steering structure of the BMZ sector division play in the implementation of the human rights strategy?
 - 4.2. What role do other factors play in the implementation of the human rights strategy?

Methodology

The design of the evaluation is based on a strategy evaluation approach (Patton and Patrizi, 2010). The human rights strategy and its HRBA were examined in relation to four functional attributes of a strategy: the HRBA as plan, pattern, position and (shared) perspective (Mintzberg, 1987). The evaluation thus focuses on the intended strategy, i.e. the HRBA as formulated in the BMZ strategy paper, and the executed strategy, i.e. the strategy as actually applied and implemented.

The evaluation follows the methodological principle of data triangulation, in which different sources of data are combined. It also applies a mixed method approach, in which qualitative and quantitative methods are combined if possible. This is done to ensure high-quality empirical findings. Furthermore, the evaluation incorporates elements of a human rights-based evaluation (HRBE). This is designed to guarantee compliance with human rights standards and principles as far as possible in the evaluation process and methodology themselves.

Overall, different data collection and data analysis methods were used for each evaluation question:

- The answers to evaluation question 1 are based on (i) analyses of strategies of other OECD-DAC development partners that are members of the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD), (ii) documents on the human rights situation worldwide, and (iii) comparable cross-country quantitative human rights indices. Furthermore, an online survey of national human rights institutions (NHRIs) took place in countries of the Global South.
- Evaluation questions 2 and 4 are answered on the basis of data from interviews conducted one-on-one and in small groups, as well as group discussions, with the actors responsible for implementing the human rights strategy.
- The discussion of evaluation question 3 is also based on qualitative interviews conducted one-on-one and in small groups, as well as group discussions. The evaluation team also conducted statistical analyses of secondary data, qualitative and quantitative content analyses and desk studies for specific areas of action.

Findings

Relevance of the human rights-based approach

Overall, the German HRBA remains up-to-date. **It is rated as largely relevant.** Both in comparison with the HRBAs of other development partners, and in light of the current global human rights challenges, most of the content of the human rights strategy meets the current requirements.

With its HRBA in place, Germany belongs to a comparatively small group of development partners that have formulated a separate and comprehensive HRBA, and thus high aspirations for human rights in their own development policy. The fact that Germany's HRBA has been in place for so long limits its relevance only with respect to a small number of points by international comparison. Most approaches of other development partners arose roughly at the same time and encompass similar content. Nonetheless, this comparison does reveal gaps: There are a few cases of significantly more recent approaches that refer to developments which have taken place in the meantime – such as the adoption of the 2030 Agenda. The interministerial division of responsibilities for development cooperation and humanitarian assistance between BMZ and the Foreign Office is also reflected in this comparison. Understandably, this means that in the BMZ strategy aspects of

international humanitarian law receive less attention than is the case with other development partners. The treatment of these aspects by the Federal Foreign Office is not the subject of this evaluation. Furthermore, there are approaches of other development partners which are more ambitious in terms of the binding nature of the HRBA for civil society and private sector actors. A more binding approach would be conceivable in German development cooperation despite the specific allocation of roles.

The HRBA includes references to most of the current human rights challenges worldwide. For example, despite the BMZ's limited ministerial mandate, human rights violations in the context of humanitarian crises are mentioned, as are the structural disadvantages suffered by affected groups in partner countries. The recently observed restrictions on civil and political rights are also covered by the strategy. However, gaps do exist with respect to human rights violations in the context of advancing digitalisation, and the fight against terror and crime. Also, human rights violations against marginalised groups are mentioned only peripherally.

Implementation of the human rights-based approach

Implementation of the human rights strategy is rated as partially achieved. This means that German development policy only fulfils its own high aspirations to some extent. In practice, most of the areas of action in the German HRBA are not fully implemented.

However, there are areas of action in the human rights strategy that fully or nearly fully implement the requirements of the HRBA. In two of the areas the HRBA is mainstreamed more extensively: in procedures and processes, and in knowledge management and training in the implementing organisations. Almost all relevant procedures of the BMZ include aspects of the HRBA. And in the implementing organisations, too, procedures and processes exist that are designed to guarantee the mainstreaming of human rights standards and principles in projects. Regarding knowledge and knowledge management, the implementing organisations achieve above-average implementation of the HRBA. One contributory factor here is extensive training in almost all the implementing organisations.

By contrast, three other areas of action are implemented to a below-average degree: human rights coherence in the partner country, knowledge management and training at the BMZ, and monitoring of the HRBA. Concerning German development cooperation's contributions towards the coherence of partner country policies with human rights standards and principles, only a few projects can be identified that are actively making such contributions. Also, human rights are barely integrated in the field of knowledge and knowledge management at the BMZ. This is because HRBA-related training was still at the planning stage when the evaluation was carried out. Furthermore, no systematic monitoring of the HRBA exists.

Most of the HRBA's other areas of action are being partially implemented:

- The mainstreaming of human rights across projects – the first track for the HRBA – is being fully implemented in only a few projects. However, half of all the analysed projects do include three of the nine dimensions of the HRBA looked at. Risk prevention measures and aspects of participation in particular are integrated very comprehensively here.
- Over the period covered by the evaluation, the financial scope of specific human rights projects and projects that strengthen marginalised groups as a principal objective did increase slightly in absolute terms. Relative to the BMZ's total annual funding, however, it remained largely the same. These projects are the core elements of the second track. Both the implementing organisations and civil society actors make an important contribution towards implementing these projects. The BMZ's country strategies, too, which form the basis for shaping the bilateral development cooperation portfolios, include human rights standards and principles only partially.
- The HRBA is only partially being implemented through political dialogue and political conditionality – the third track in the HRBA. In intergovernmental negotiations, human rights aspects are addressed explicitly only in a few cases. Somewhat more frequently it is possible to link the topics addressed with human rights implicitly or indirectly, for instance in the case of environmental and social standards that are not

specified in any further detail. This matches the findings on conditional funding: There is no clear and statistically robust relationship between the human rights situation in partner countries, and the amount of development cooperation funding allocated to those countries. Only in particular cases – where economic or geopolitical interests are weaker – is there a weak association between the country-specific human rights situation and a decline in funding.

- It was not possible to comprehensively assess the BMZ's contributions towards the coherence of national and international policies with human rights – the fourth track of the HRBA – because too few actors were available for interviews. This meant that a criteria-based selection of interviewees could not be carried out. In the policy fields that were investigated using qualitative interviews, however, it did emerge that the BMZ makes several comprehensive and positive contributions in line with the HRBA. This is also reflected in the findings on the mainstreaming of human rights in sector strategies. These form the basis for the thematic design of German development policy. To some extent they incorporate aspects of the HRBA. Overall, however, the evaluation findings indicate that development policy initiatives do not always contribute towards an actual increase in the coherence of policies with human rights.

Factors influencing implementation

Implementation of the four tracks of the HRBA is influenced by a number of factors. First of all, individual factors are important: In very many cases, implementation of the HRBA is based on individual decisions that are dependent on the given situation and the persons involved in taking them. This means that the convictions of the individuals involved become especially important, which makes it harder to implement the human rights strategy systematically and consistently. Furthermore, limited resources and capacities – both among the actors responsible for implementation and in the BMZ human rights division – prevent comprehensive implementation of the HRBA.

Conceptual factors are also important for implementation of the tracks in the human rights strategy. The lack of conceptual precision in the formulation of some aspects of the HRBA, for instance, means that fewer specific human rights projects are implemented. This is linked to the conceptual understanding of the HRBA at the BMZ, which tends to focus on individual aspects of the HRBA rather than its holistic approach with all four tracks.

Added to these factors at the individual level are institutional factors. Explicit targets and values for particular themes or countries, for instance, allow little latitude for portfolio design. This makes it harder to implement the HRBA, and specific human rights projects in particular. In the context of the thematic re-focusing of the BMZ portfolio, this is also reinforced by the perception that specific human rights projects lead to fragmentation of the portfolio because they cannot be assigned to any priority area or sector of development policy. The large number of different cross-cutting themes to be mainstreamed, plus sector strategies, also constrains mainstreaming of the HRBA in practice, because human rights then compete with other cross-cutting themes.

In some areas, mainstreaming of the HRBA may be down to the initiative of the BMZ and its leadership. External public or parliamentary pressure, and the attention which this generates, can contribute towards implementation of the HRBA. Beyond that there are factors at the national and international levels which constrain implementation of the HRBA. One example is coordination with other German government departments, which BMZ personnel perceive as challenging.

Conclusions and recommendations

The findings of this evaluation indicate that German development policy only partially fulfils the high aspirations of its own HRBA in practice. While the HRBA is largely mainstreamed in a few areas of action, in most areas of action there is room for improvement. This finding should not, however, lead to the conclusion that the requirements of the HRBA should be lowered. The evaluation findings also show that despite its age, the HRBA remains largely relevant both on its own terms and by comparison with other development partners. The first key reason for this is that the content of the human rights strategy is largely complete, which helps ensure that many currently relevant topics are covered. The second key reason is the holistic approach of the HRBA, which aspires to guide German development policy comprehensively – an approach that only few other development partners have formulated. Departing from a genuine HRBA would entail the risk of reducing the BMZ's importance as a human rights actor.

The evaluation therefore concludes that the holistic, extensive HRBA should retain its validity. To further boost its mainstreaming in development cooperation practice, factors that enable its implementation should be strengthened. For instance, the BMZ should further develop the HRBA conceptually. At the same time, the content and level of expectation for its individual tracks should be defined clearly and consistently for practitioners. In the course of the above, the BMZ should promote systematic knowledge building on the HRBA and its tracks among decision-makers and the actors responsible for implementing the HRBA. These actors should be provided with tools and advisory support that will enable them to take sound decisions on implementing HRBA in specific contexts and situations. This might be accompanied by a prioritisation of individual human rights themes for progressive realisation. Furthermore, systematic training can help eliminate lack of conceptual clarity concerning the HRBA and its constitutive elements.

At the institutional level, too, the BMZ should create enabling frameworks to facilitate implementation of the HRBA. For example, the implementation of specific human rights projects should be enabled by assigning them to a core area and defining targets for the number of projects. Limited human resources in BMZ regional divisions and the human rights division should also be addressed in this context. To implement the HRBA in full and with expert support, pilot countries for human rights should be identified.

The current 'BMZ 2030' reform process offers opportunities to eliminate constraining factors. Yet it also involves risks. Focusing on a small number of areas in the course of the reform can for instance reduce the diversity of (cross-cutting) themes and competition between them. Having said that, when human rights are integrated into a quality criterion it should be ensured that the HRBA is retained as a comprehensive and systematic approach. This includes the enabling of specific human rights projects.

The evaluation therefore makes the following recommendations:

Recommendation 1: The BMZ should mainstream the holistic HRBA with its four constitutive tracks as the core of the quality criterion 'Human rights, gender equality and disability inclusion' in the corresponding performance profile. It should also elaborate the four tracks in full detail, and issue corresponding decision-making tools. These tools should support decision-makers in deciding how to implement the respective track in relation to the given context and portfolio, and how to prioritise human rights themes for progressive realisation.

Recommendation 2: The BMZ should produce internal process descriptions and sample texts to close gaps in the procedures and processes with respect to mainstreaming human rights in the political dialogue with partner countries. This should aim to support country desk officers in systematically supporting the HRBA.

Recommendation 3: The BMZ should review the quality of the implementing organisations' existing grievance mechanisms, and integrate them into an independent grievance redressal system. This should prevent human rights risks arising as a result of development cooperation measures.

Recommendation 4: The BMZ should develop a monitoring system for the quality criterion 'Human rights, gender equality and disability inclusion' in the context of 'BMZ 2030', and use it for evidence-based strategic management and transparent communication on the HRBA. This monitoring system should cover at least the implementation of the four tracks of the HRBA (see Recommendation 1). It should also include civil society projects.

Recommendation 5: The BMZ should increase the number of specific human rights projects and, in the context of 'BMZ 2030', create the enabling frameworks required for this. In particular, it should mainstream them in core areas and formulate targets for the number of specific human rights projects.

This should include mainstreaming specific human rights projects to strengthen duty-bearers and human rights actors as an explicit element of 'good governance' in the corresponding thematic strategy for the core area. To guarantee the implementation of specific human rights projects, the BMZ human rights division should make use of its right of consultation when core area strategies are being drawn up. If the review of core area strategies should indicate that specific human rights projects have not been strategically mainstreamed, a dedicated area of intervention for specific human rights projects should be created. Furthermore, targets should be set for the number of specific human rights projects that official bilateral development cooperation implements. Initially these targets should provide for an annual increase in the number of projects.

Recommendation 6: The BMZ, in consultation with the respective partners, should define human rights pilot countries. In these countries – with support from the human rights division – the HRBA should be fully implemented, and innovative instruments for efficient and effective progressive realisation should be piloted. To this end, human rights standards and principles should be mainstreamed in all country priority areas (core and initiative areas). This also includes an explicit orientation towards human rights results, such as economic, social and cultural rights (ESC rights) or rights of marginalised groups. Specific human rights projects should be implemented under the 'good governance' area of intervention. Human rights issues should occupy an explicit place in the political dialogue with partner countries. The pilot countries should be selected on the basis of criteria, and should be used to systematically employ new instruments such as human rights portfolio assessments and human rights target groups analyses at country and project level. Participatory processes involving local civil society and human rights actors should also be improved. The mainstreaming of the HRBA in the pilot countries should be monitored with the participation of all relevant stakeholders, in order to transfer lessons learned to other countries and use the instruments there.

Recommendation 7: The BMZ should conduct a human resource needs assessment to review, and if appropriate adjust, its human resources for implementing the HRBA in the regional divisions and in the human rights division. The review in the course of 'BMZ 2030' implementation should also take into account possible additional resources needed in the regional divisions and the human rights division for implementing human rights in pilot countries. Prerequisite to this is the clear definition of the tasks of the

human rights division, which should be aligned with the requirements for implementing quality criteria defined in the 'BMZ 2030' reform strategy and the specific requirements of the HRBA. If no human resource needs assessment takes place in the short term, human resources in the relevant regional divisions and the human rights division should be temporarily supplemented for additional human rights tasks such as the pilot countries, until a human resource needs analysis does take place.

Recommendation 8: The BMZ should commission the implementing organisations to (i) define joint quality standards for existing procedures and processes to mainstream the HRBA, and (ii) improve them with a view to generating positive human rights results. Under the aegis of the BMZ human rights division, the sector programme should coordinate this process and enable platforms for dialogue between the organisations. Furthermore, human rights principles and standards should be systematically incorporated into the implementation and evaluation phases of projects. The mainstreaming of human rights should be monitored in project reporting. Appropriate coordination bodies, such as the working group on evaluation, should promote a coherent approach of the implementing organisations to the mainstreaming of human rights principles and standards in the implementation and evaluation phases.

Recommendation 9: The BMZ should provide country and sector desk officers with structured and obligatory training on the quality criterion 'Human rights, gender equality and disability inclusion' and the HRBA formulated therein. This training should be initiated by the human rights division and enabled by the training division. It should be designed such that all decision-makers are familiarised with the constitutive core elements of the HRBA. Based on concrete examples, it should also include practical guidance for implementing the HRBA and applying the new instruments proven in the pilot countries.

Recommendation 10: In policy coordination bodies, the BMZ should intensify efforts to promote interministerial coherence of German policies with human rights, and do so consistently across all policy areas. This should aim for interministerial directives to guarantee human rights in partner countries of development cooperation, which encompass at least development cooperation and humanitarian assistance.

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ABBREVIATIONS AND ACRONYMS

AIDS	Acquired immune deficiency syndrome
AIZ	<i>Akademie für Internationale Zusammenarbeit</i> (Academy for International Cooperation)
BGR	<i>Bundesanstalt für Geowissenschaften und Rohstoffe</i> (Federal Institute for Geosciences and Natural Resources)
BMAS	<i>Bundesministerium für Arbeit und Soziales</i> (German Federal Ministry of Labour and Social Affairs)
BMU	<i>Bundesministerium für Umwelt, Naturschutz und nukleare Sicherheit</i> (Federal Ministry for the Environment, Nature Conservation and Nuclear Safety)
BMZ	<i>Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung</i> (Federal Ministry for Economic Cooperation and Development)
CRPD	UN Convention on the Rights of Persons with Disabilities
CBD	Convention on Biological Diversity
CIRI	Cingranelli-Richards index
CPA	Country-programmable aid
CRS	Creditor Reporting System
CSO	Civil society organisation
CSR	Corporate social responsibility
DAC	Development Assistance Committee
DEG	<i>Deutsche Investitions- und Entwicklungsgesellschaft</i> (German development finance institution)
DEval	<i>Deutsches Evaluierungsinstitut der Entwicklungszusammenarbeit</i> (German Institute for Development Evaluation)
DEZA	<i>Direktion für Entwicklung und Zusammenarbeit</i> (Swiss Agency for Development and Cooperation)
DFID	Department for International Development (UK)
DG DEVCO	Directorate-General for International Cooperation and Development
DIMR	<i>Deutsches Institut für Menschenrechte</i> (German Institute for Human Rights)
Doc.	Document
EC	European Commission
EIB	European Investment Bank
EIDHR	European Instrument for Democracy and Human Rights
ESC rights	Economic, social and cultural rights
ESDD	Environmental and social due diligence
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FRA	European Union Agency for Fundamental Rights
FC	Financial Cooperation

GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (German federal enterprise for international cooperation)
HIV	Human immunodeficiency virus
ICCN	<i>Institut Congolais pour la Conservation de la Nature</i> (Congolese Institute for the Conservation of Nature)
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDP	Internally displaced person
ILO	International Labour Organization
IO	Implementing organisation
Int.	Interview
IOM	International Organization for Migration
ITUC	International Trade Union Confederation
KfW	<i>Kreditanstalt für Wiederaufbau</i> (Germany's promotional bank)
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MDGs	Millennium Development Goals
MENA	Middle East & North Africa
MFA	Ministry of Foreign Affairs
HRBA	Human rights-based approach
HRBE	Human rights-based evaluation
NHRI	National human rights institution
NGO	Non-governmental organisation
ODA	Official development assistance
OECD	Organisation for Economic Co-operation and Development
OEZA	<i>Österreichische Entwicklungs- und Ostzusammenarbeit</i> (Austrian Development Cooperation)
OHCHR	Office of the United Nations High Commissioner for Human Rights
PTB	<i>Physikalisch-Technische Bundesanstalt</i> (National Metrology Institute of Germany)
PTS	Political Terror Scale
SDGs	Sustainable Development Goals
TC	Technical Cooperation
UDHR	Universal Declaration of Human Rights
UN DESA	United Nations Department of Economic and Social Affairs
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNDP	United Nations Development Programme
UNEG	United Nations Evaluation Group
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women

UNODC	United Nations Office on Drugs and Crime
UNSDG	UN Sustainable Development Group
US	United States
USA	United States of America
USD	United States dollar
VENRO	<i>Verband Entwicklungspolitik und Humanitäre Hilfe deutscher Nichtregierungsorganisationen</i> (Umbrella organisation of development and humanitarian NGOs in Germany)
UN	United Nations
ZGBA	<i>Zielgruppen- and Betroffenanalyse</i> (Target group and stakeholder analysis)

GLOSSARY

Development partners: The term ‘development partners’ denotes countries that provide financial resources to support other countries within the framework of development cooperation. It replaces the terms ‘donor countries’ or ‘donors’ that have been in common use until now. From a human rights perspective, these are not appropriate as they do not reflect cooperation between equals but rather, reproduce disparities in power relations between givers and receivers. The present evaluation therefore refrains from using these terms.

Dimensions of human rights: In order to classify human rights, the individual conventions are assigned to different generations according to how long ago they came into force. However, the use of the term ‘generations’ is controversial. It suggests a hierarchy of human rights, but because human rights are acknowledged to be interdependent and indivisible, they should be treated with parity of status. For this reason, the term ‘dimensions of human rights’ was introduced into the discourse and is the preferred term used in this evaluation.

‘Do no harm’ and ‘do maximum good’: ‘Do no harm’ and ‘do maximum good’ characterise two poles of development policy practice. At one end of the scale, the ‘do no harm’ principle is a central tenet of development policy whereby development interventions must not be allowed to cause any harm or to violate human rights. Efforts to solve development issues should not result in new problems or harms. Unintended adverse effects of development projects in relation to human rights must be avoided. Development projects must therefore be planned, implemented and evaluated in such a way as to ensure the protection of rights-holders. Following these principles, development interventions should identify unintended consequences at the earliest opportunity and prevent or mitigate them.

At the other end of the scale, the principle of ‘do maximum good’ defines the positive results of development projects. The aim is to achieve positive human rights results by improving development cooperation. Examples of this include promoting the participation of rights-holders or supporting state institutions in their capacity as duty-bearers.

Extraterritorial rights/obligations: A state’s ‘extraterritorial obligations’ require it not only to respect, protect and fulfil human rights in its own territory, but also in other countries where its actions or omissions affect human rights. Accordingly, states have human rights obligations not just to their own population but to rights-holders worldwide. This is the case for example when state activities or the activities of a domestic company abroad have negative impacts on human rights there. As yet only a few states explicitly recognise extraterritorial obligations. They are derived from international law and defined and interpreted in the Maastricht Principles, a document drafted in 2011 by human rights experts. These principles do not amount to binding law, however.

General comments: ‘General comments’ (or ‘general recommendations’) are the form in which UN treaty bodies publish the interpretations and underlying intentions of their respective human rights treaties. They are sources of international soft law and guide the implementation of human rights obligations. General comments are issued on all major UN human rights treaties. Referring to each specific provision, they attempt to clarify and concretise the reporting obligations of the State parties, and suggest approaches for implementing treaty provisions. Making use of concrete examples, they illustrate the nature and extent of human rights obligations.

Human rights principles: The human rights covenants set out fundamental human rights principles which describe the ways in which human rights are to be realised. This evaluation focuses on the principles of non-discrimination and equal opportunities, participation and empowerment, and transparency and accountability, because these are addressed in the BMZ’s human rights strategy paper and the accompanying guidelines. There are further human rights principles, such as inclusion and accessibility, which are mentioned in the UN Convention on the Rights of Persons with Disabilities.

International development law: The term ‘international development law’ is a generic term for the totality of provisions governing development policy in international law and thus describes a cross-cutting area of international law. It governs relationships both between the Global South and the Global North and between countries of the Global South. International development law covers aspects of international business law, environmental law and human rights protection, for example. Furthermore, the term represents a structural change in international law with regard to the debate on a new world economic order entailing the restructuring of global economic relations in favour of the countries of the global South. It is thus closely linked with the right to development.

Leave no one behind: The 2030 Agenda defines ‘leave no one behind’ as the leitmotif for sustainable development. In effect, this prioritises strengthening and promoting the most marginalised groups within the population as the focus of development policy and development cooperation projects.

Minimum core obligations: The UN Committee on Economic, Social and Cultural Rights defines minimum core obligations in ‘General comment No. 3.’ Accordingly it is incumbent upon every State party to fulfil minimum essential requirements of each of the rights in question. These minimum essential levels of the rights are exempted from progressive realisation.

National human rights institutions: National human rights institutions (NHRIs) exist in 124 countries. Their principal objective is to promote and protect human rights in their own countries. They advise governments on human rights issues and promote the ratification of human rights treaties. NHRIs are publicly funded institutions but are meant to be independent of governments. They are considered an important part of the national human rights system, provided that they remain independent from state control. Internationally recognised standards (the Paris Principles) define the legal foundations for NHRIs and how they work. The Paris Principles are also the benchmark for measuring the integrity of NHRIs.

Progressive realisation: ‘Progressive realisation’ of human rights means taking steps towards realising economic, social and cultural rights over time. States have an obligation to adopt suitable measures towards full achievement of this end, using all the resources at their disposal. Nevertheless, because the realisation of ESC rights requires high levels of resources, many states, especially those in the global South, are not immediately able to realise all ESC rights in full. The idea of progressive realisation is to enable the fulfilment of rights in gradual steps. However, this does not mean that ESC rights need not be protected if a state has insufficient resources at its disposal to realise them completely. Rather, progressive realisation imposes an immediate obligation on states to take appropriate steps towards full realisation of ESC rights. A lack of resources does not justify the indefinite postponement of measures to realise these rights. Moreover, every state is bound to satisfy certain minimum core obligations, regardless of its economic resources.

Reference group model: in order to enhance the quality, relevance and utility of its evaluations, the German Institute for Development Evaluation (DEval) establishes a reference group for each evaluation. A reference group consists of political and sectoral representatives of the implementing organisations, national and international experts and other relevant stakeholders, who advise and support the evaluation team throughout the evaluation process. Among other things, they comment on evaluation concepts and the draft versions of reports, supply data and information, or broker contacts. Reference group meetings are held at scheduled intervals during the period of an evaluation. At these meetings the evaluation team presents the current status of the evaluation to the reference group members. In some cases, additional reference groups are established in the partner countries. As well as local representatives of development cooperation in the partner countries, these reference groups can also include stakeholders of political and sectoral relevance on the partner side.

Rights-holders and duty-bearers: From a human rights perspective, the term ‘rights-holders’ refers to all persons with a right to protection. ‘Rights-holders’ are entitled to have this protection fulfilled by ‘duty-bearers’. Duty-bearers are understood to be actors who have a particular obligation to respect, protect and

fulfil human rights. The term ‘duty-bearers’ is usually used for state actors, but non-state actors can also be duty-bearers and can be held accountable for actions or omissions that affect human rights. Rights-holders can bring legal claims against duty-bearers on the grounds of their right to protection. The relationship between the two parties is thus defined as follows: Rights-holders are always regarded as such in relation to duty-bearers, and vice versa.

For the purposes of the present evaluation, both the governments of the partner countries and the BMZ itself are understood as duty-bearers. All people living in the partner countries and in Germany are rights-holders.

Soft law and hard law: The term ‘hard law’ denotes provisions that are legally binding in international law, which states (such as the states parties in the case of an international law treaty) are obliged to adhere to. ‘Soft law’, in contrast, is the term for conventions, guidelines and declarations of intent which are not legally binding in character but which are characterised by strong self-commitments given by the signatories. Soft law is frequently used in international settings and in development policy contexts, such as the use of United Nations General Assembly resolutions in the context of international law.

1. BACKGROUND TO THE EVALUATION

1.1 Impetus for the evaluation

The Federal Ministry for Economic Cooperation and Development (BMZ) considers human rights to be a guiding principle for its development policy: ‘German development policy is human rights policy.’ (BMZ, 2020b, own translation). Realising human rights is seen as key to achieving sustainable poverty reduction and inclusive development. Contributing to human rights is therefore defined as a goal of German development cooperation. To implement this guiding principle, the BMZ pursues a human rights-based approach (HRBA) that encompasses development policy as a whole. The overarching goal of this approach is to contribute to improving the human rights situation in partner countries. The HRBA and its implementation are delineated in the strategy paper ‘Human Rights in German Development Policy’ (BMZ, 2011a). Since 2011 when the HRBA was adopted, neither the strategy paper nor the implementation of the measures it contains have been comprehensively evaluated.

Recently, the context in which the BMZ implements its human rights work has changed. Since the adoption of the Universal Declaration of Human Rights (UDHR) (A/RES/3/217) in 1948, an ever-increasing number of countries have ratified human rights covenants and conventions (UN, 2012). Since the mid-1970s if not before, significant improvements in the global human rights situation have been observed (Clark and Sikkink, 2013; Fariss, 2014, 2019). More recently, though, human rights have come under growing pressure in many parts of the world. The last few years have seen a reduction in civil society’s operating spaces along with stagnation or dismantling of liberal democratic structures (Aghekyan et al., 2018; Amnesty International, 2018; Auswärtiges Amt, 2016a; Donner, 2020; Würth, 2017). Current humanitarian, economic and ecological crises, in some cases combined with displacement and migration, further exacerbate the challenges in the human rights arena.

The present Covid-19 pandemic also confronts states around the world with a host of human rights challenges. For example, it raises the civil and political rights issue of restrictions on freedom of assembly and the fact that these might persist even after the pandemic (Amnesty International, 2020; Maerz et al., 2020). It also poses threats to economic, social and cultural (ESC) rights. After years of continuous progress with poverty reduction since the end of the Second World War (World Bank Group, 2020), major setbacks in areas such as child poverty are now expected (UNICEF, 2020). Moreover, school closures can negatively affect children’s later earning potential and educational opportunities (UNDESA, 2020). The pandemic is also affecting the economic development of countries in the Global South, one example being the decline in transfers of remittances by expatriate citizens working abroad (Sayeh and Chami, 2020). Austerity measures and rising taxation imposed to consolidate budgets following the Covid-19 pandemic could have long-term consequences for the realisation of human rights (Nolan and Bohoslavsky, 2020). Furthermore, cutbacks in foreign investment, especially in the Global South, can have adverse effects on the obligation of states to provide essential services and the achievement of climate and sustainability goals (Hägele and Mathis, 2020).

At the same time, the changing global context in which development policy operates today can affect the implementation of human rights-based development cooperation as well. An issue that has been discussed since the 2000s is that of so-called new donors – for example China, India, Brazil or Saudi Arabia – who do not take adequate account of human rights in partner countries, and possibly even undermine the human rights-based development cooperation of other development partners (Chahoud, 2008; Swedlund, 2017b).¹ The adoption of the 2030 Agenda for Sustainable Development has further changed the framework conditions for the implementation of human rights in development cooperation. In comparison to the

¹ However, previous studies found little or no evidence that new donors or development partners behave differently from traditional development partners (Dreher et al., 2011; Furuoka, 2017). The debate about new development partners has evolved in the meantime. In the context of trilateral cooperation for example, there is discussion of the role of Southern providers (Kaplan et al., 2020).

Millennium Development Goals (MDGs), human rights are more prominently and systematically anchored in the 2030 Agenda and its Sustainable Development Goals (SDGs) (Pouw and Gupta, 2017), particularly due to the ‘leave no one behind’ principle.

Against the backdrop of a constantly evolving human rights situation and changes to the global development cooperation architecture, the evaluation aims to contribute to fitting the content of the BMZ’s human rights strategy to current international developments and challenges.² The evaluation additionally provides answers to the previously unanswered question of how the human rights strategy has been anchored and implemented in German development cooperation practice until now. Since its findings are being made available for the current ‘BMZ 2030’ reform process which is overhauling the content and focus of German development cooperation, the evaluation gains additional relevance.

1.2 Aim and purpose of the evaluation

This first part of the evaluation examines the content of the human rights strategy paper and its relevance against the backdrop of current challenges as well as changes affecting development cooperation as a whole. It also reviews how effectively the human rights strategy paper is being implemented in development cooperation practice. By examining the content and implementation of the human rights strategy paper, the evaluation aims to contribute to the ongoing development of the HRBA’s content and better anchoring of the approach in German development policy. Accordingly, the evaluation pursues the following objectives:³

- **Enable learning:** The evaluation aims to supply findings on the content of the human rights strategy and the implementation of the HRBA in practice. It sets out to investigate successes and challenges as well as the influencing factors associated with both. Based on this information, it aims to review the experience gained to date and identify the factors influencing the implementation of the HRBA. These findings will be fed into the ongoing process of developing the cross-cutting themes of German development cooperation into so-called quality criteria, the specifics of which are being delineated in performance profiles as part of the ‘BMZ 2030’ process.
- **Strengthen strategic management:** The findings of the evaluation will be used to further develop the HRBA strategically and implement it effectively. Both successes and failures can be used to identify difficulties in implementation, from which conclusions can be drawn for the ongoing development and sharpening of the HRBA in future.
- **Provide accountability:** The evaluation also serves to provide accountability concerning the relevance of the HRBA and the implementation of the human rights strategy to date. The publication of the evaluation report accomplishes this in a transparent way, by presenting verifiable insights into the work of the BMZ and the implementing organisations. As a result, the evaluation also contributes to the implementation of the human rights principles of transparency and accountability vis-à-vis rights-holders in Germany and abroad.

The human rights strategy paper describes the thematic area of human rights in development policy at length. In order to do justice to the breadth of the thematic area, this first part of the evaluation begins by examining how the human rights strategy paper is implemented as a strategy at the BMZ and in the implementing organisations.

² The significance of this theme within development cooperation is also evident from the number of relevant evaluations. For example, human rights were the subject of the sector portfolio evaluations of both Germany’s major church-based development agencies in 2018 (Raab et al., 2018; Stahl et al., 2018). Internationally, too, the theme is the focus of some evaluations by bilateral donors. For example, Finland and Austria are planning strategic evaluations in this area.

³ On the core functions of evaluations, see also Stockmann and Meyer (2014).

A second part will then examine the effectiveness of the German HRBA in partner countries, and the resulting findings will be published in a separate report. This second part will place a particular focus on the realisation of human rights in the area of sustainable economic development in partner countries. Development cooperation in this area is meant to contribute directly and indirectly to the realisation of a range of human rights (BMZ, 2011). Alongside bilateral development cooperation projects, this is an area in which cooperation with the private sector and activities by civil society actors play an important role in development cooperation practice. At the same time, it is an area with distinct human rights risks, since tensions can arise between companies' economic goals and the realisation of human rights.⁴

In view of the fact that both the '2030 Agenda' and the 'Addis Ababa Action Agenda for Financing Development' ascribe a special role to new development actors, the second part of the evaluation takes on additional relevance. In order to overcome global challenges, development cooperation is increasingly involving private sector actors. On the one hand, cooperation with the private sector is credited with great potential for sustainable economic development and the realisation of human rights standards in partner countries. On the other hand, this type of cooperation also entails higher human rights risks, since corporate due diligence in relation to human rights has not been fully clarified in law.⁵

The understanding of human rights in both parts of the evaluation is aligned with the BMZ's normative position, which is described in the BMZ's human rights strategy paper. The strategy paper elaborates the universal validity of human rights (which is also established as a principle in Germany's Basic Law for example). This is the starting point for the evaluation and its assessments.⁶

The evaluation is structured according to DEval's evaluation criteria. These in turn are oriented to the evaluation criteria of the Development Assistance Committee (DAC) of the Organisation for Economic Cooperation and Development (OECD) and the corresponding BMZ guideline that builds on them (BMZ, 2006a; BMZ et al., 2020; OECD, 1991, 2002, 2019a). The evaluation questions also follow this structure. The central questions in the first part of the evaluation are thus whether the human rights strategy paper is relevant in terms of content and whether the BMZ and the implementing organisations are implementing it effectively. Building on this, other questions that come into play concern the efficient implementation of the approach in the sense of prioritising different human rights themes. How effectively the German HRBA promotes human rights and prevents human rights violations in partner countries is the question that guides the second part of the evaluation.

⁴ With this focus, the second part of the evaluation also contributes to the DEval thematic focus on 'Private sector engagement in development cooperation'. Further information on DEval's thematic focuses can be found in the DEval evaluation programme (DEval, 2020).

⁵ The DEval evaluations of cooperation with the private sector in agriculture (Kaplan et al., 2018) and of develoPPP.de (Hartmann et al., 2017), among others, point to a need for action in this area. Both evaluations identified gaps in the mainstreaming of human rights standards in cooperation with the private sector. In terms of legal anchoring, Germany's National Action Plan on Business and Human Rights only contains voluntary self-commitments so far. Whether and how corporate duties of care in relation to violations of human rights by German companies abroad can be anchored in international law is a matter currently being reviewed and debated (Auswärtiges Amt, 2020).

⁶ However, presenting other positions in the course of the evaluation can help to identify options for further developing the content of the strategy in the light of changes in the international discourses.

2. SUBJECT OF THE EVALUATION: HUMAN RIGHTS AND DEVELOPMENT COOPERATION

2.1 Human rights in development policy

This chapter presents the current state of the academic debate on human rights, their genesis, and ongoing discussion topics. The evaluation does not endorse these discussion topics but presents them for the purpose of contextualising the empirical work.

2.1.1 Foundations of human rights

The earliest ideas of human rights date back to antiquity and have been further refined and elaborated since then, particularly in the modern era. From the 18th century onwards, they were codified in law for the first time. Well-known examples are the conceptions of civil and human rights that were developed in the aftermath of the French Revolution, the Bill of Rights, and the constitution that emerged from the Haitian Revolution. Human rights can thus be situated in the universalist tradition of the Enlightenment (Martinsen, 2019).

As the consequence of two world wars and the experiences of National Socialism, the view came to prevail that human and civil rights can only be realised at the international level (Wagner, 2017). Based on prior experience built up within the League of Nations, in June 1945 the United Nations (UN) was founded and the UN Charter came into force (1945). Initially this only contained occasional passages making specific reference to human rights.⁷ In order to concretise the provisions of the Charter, a full catalogue of human rights was drafted. The UN General Assembly adopted this catalogue in 1948 in the form of the Universal Declaration of Human Rights (UDHR). The Declaration claims that all human beings are entitled to ‘all the rights and freedoms set forth in [the] Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’ (A/RES/3/217 (II)).

Due to its status as a resolution of the General Assembly, the UDHR is not binding in international law.⁸ Human rights only became binding in international law when subsequent international treaties addressing different aspects of the UDHR were agreed. Key treaties in this regard are the International Covenant on Civil and Political Rights (the Civil Covenant) and the International Covenant on Economic, Social and Cultural Rights (ESC rights; the Social Covenant). Both were adopted in 1966 and entered into force in 1976. Other treaties were added over time to concretise the rights of certain groups of people or address particular human rights violations such as torture.⁹ The covenants additionally formulated fundamental human rights principles describing the ways in which human rights are to be realised. These human rights principles have been elaborated in different forms.¹⁰ The present evaluation is based on the principles set out in the BMZ human rights strategy paper and accompanying guidelines: non-discrimination and equal opportunities, participation and empowerment, and transparency and accountability (DIMR, 2019a). The rights set out in the covenants are mainly concretised and subject to ongoing contextual interpretation in the ‘general comments’ published by the treaty bodies (DIMR, 2019b).

⁷ As the debate on the interference of an international organisation in state affairs was not discussed to any conclusion among the 50 founding members of the UN, initially no comprehensive human rights framework was enshrined in the Charter (Wagner, 2017).

⁸ However, the rights proclaimed in the Declaration are now largely recognised under customary international law (cf. *inter alia* von Arnould, 2019).

⁹ Such individual rights of persons belonging to certain groups include the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and the International Convention on Migrant Workers.

¹⁰ The lists of human rights principles in different documents differ to some extent. In the UN Convention on the Rights of Persons with Disabilities (UN CRPD), the principles of ‘equality between men and women’ and ‘accessibility’ are mentioned separately in Article 3 (Beauftragte der Bundesregierung für die Belange von Menschen mit Behinderungen, 2017). The evaluation team understands these principles to be included within the human rights principles of non-discrimination and equality of opportunity.

Human rights are generally divided into three dimensions.¹¹ The first dimension comprises the classical liberal rights of freedom and participation as well as defensive rights¹² to protect individuals from state overreach. The second dimension concerns social rights such as those enshrined in the Social Covenant.¹³ These are to protect individuals from exploitation. Finally, the third dimension takes up collective rights,¹⁴ which address environmental issues, questions of solidarity and the right to development and peace. Due to the complexity and global reach of these rights, nation states cannot regulate aspects of the third dimension on their own but need the cooperation of the international community (Wagner, 2017; Weiß, 2012).

2.1.2 Current debates on human rights in development policy

Human rights took some time to become established in official development policy.¹⁵ In the 1970s and 1980s very few development partners were explicitly addressing human rights as an aspect of their development policy agenda. In some cases, the East-West conflict also exerted a strong ideological influence on human rights work. Eastern bloc countries were stronger proponents of social human rights, whereas Western bloc countries mainly promoted rights of political liberty (Krennerich, 2004). The collapse of the Soviet Union and the ‘third wave of democratisation’ in Latin America, Africa, Asia and Eastern Europe heralded a turnaround at the beginning of the 1990s which culminated in broad and systematic inclusion of human rights in development policy (Krennerich, 2004). Germany systematically incorporated human rights into development policy only in 1991 when it introduced the so-called Spranger Criteria (Wagner, 2017).

The UN World Conferences in the 1990s played a substantial part in this. A particular landmark was the 1993 Vienna World Conference on Human Rights. The main points agreed in its final document remain a key influence on the human rights debate to this day (A/CONF.157/23, 12.7.1993). It contains the following agreements which are relevant for the context of the present evaluation:¹⁶ firstly, the international community adopted ‘the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all’ (A/CONF.157/23, 12.7.1993). All states present expressly reaffirmed the UDHR even though they had already recognised it in the preceding years by ratifying the human rights covenants.¹⁷ Secondly, the final document drew attention to the equal value of all human rights: ‘All human rights are universal, indivisible and interdependent and interrelated’ (A/CONF.157/23 (V), 12.7.1993). Above all, this meant that civil and political and ESC rights were to be considered on an equal footing. Furthermore, all signatories affirmed the right to

¹¹ This classification goes back to Vasak (1977), who ordered human rights into generations according to their historical emergence. Although the term ‘generations of human rights’ is in common use, it is controversial, not least because it suggests a sequence or succession of human rights. Yet human rights are acknowledged to be interdependent and indivisible, and must therefore be treated as equal. Hence it would be more helpful to steer the debate towards their content rather than their chronology. To this end, the more appropriate term ‘dimensions of human rights’ (Weiß, 2012) is used in this report.

¹² Examples of the rights to freedom and participation are the rights of peaceful assembly and free expression and the right to freedom of religion (2200A (XXI)). Rights such as the right to life or the prohibitions of torture and slavery fall under defensive rights (2200A (XXI)). International protection systems that encompass these categories of rights are the most advanced so far. Accordingly they are the most frequently asserted before national or international courts (Weiß, 2012).

¹³ These include the rights to work and social security, to health, education and housing (2200A (XXI)). They, too, are now enforceable before national and international courts, although the enforcement mechanisms are not yet as strong as for the first dimension rights (Weiß, 2012).

¹⁴ Mention can be made here of the right to development (A/RES/41/128), the right to peace (A/HRC/RES/32/28) and the right of peoples to self-determination (A/RES/59/180). So far the right to development has only been incorporated into international law in the African Charter on Human and Peoples’ Rights (115 (XVI)) and is therefore barely enforceable (Kämpf, 2012; Weiß, 2012).

¹⁵ Civil society organisations were very early in addressing human rights in development cooperation. In this context, particular attention should be drawn to the church-based organisations, which had begun to engage back in the 1970s and 1980s in the wake of serious human rights violations in the Latin American dictatorships (Krennerich, 2004). Human rights still play a central role in the development work of civil society organisations today, which is reflected internationally in the Istanbul Principles on Development Effectiveness (CSO Partnership for Development Effectiveness, 2020) and, building on them, the VENRO Guidelines for Development Projects and Programmes (VENRO, 2019).

¹⁶ Another crucial milestone of the Vienna Conference was the agreement that women’s rights are also human rights.

¹⁷ This is relevant because previously human rights had only been recognised by the relatively small group of 54 states that had signed the UDHR in 1948. Once they were enshrined in the final document of the World Conference on Human Rights in Vienna, this group expanded to 171 states.

development by including it in the final declaration: ‘The World Conference on Human Rights reaffirms the right to development [...] as a universal and inalienable right’ (*A/CONF.157/23 (X)*, 12.7.1993). In addition to economic progress, the agreement also focused on enhancing individual and societal wellbeing as part of the right to development.¹⁸

Another significant aspect for development policy is that of progressive realisation in the context of ESC rights. It is anchored in the Social Covenant (Art. 2, International Covenant on Economic, Social and Cultural Rights, ICESCR), in the Convention on the Rights of the Child (RES 44/25 (XXIV/XXVIII)) and in the Convention on the Rights of Persons with Disabilities (UN CRPD Art. 4). Progressive realisation focuses on the obligation of states to implement appropriate measures to achieve the full realisation of ESC rights by utilising all resources at their disposal. Since the realisation of ESC rights calls for high expenditure, however, many states in the Global South cannot realise all ESC rights immediately and simultaneously. Progressive realisation recognises this fact, and instead calls for the stepwise realisation of rights. However, this does not mean that ESC rights are not to be protected for as long as a state has insufficient resources at its disposal to realise them. Instead it imposes a direct obligation on states to take appropriate steps towards the full realisation of ESC rights. Furthermore, even when implementing ESC rights, there are ‘minimum core obligations’ that each state must fulfil, regardless of the resources at its disposal. A lack of resources cannot justify inaction or indefinite postponement of measures to realise these rights (OHCHR, 2008).

Furthermore, academia has recently been debating the idea of a human rights-based imperative for states to implement development cooperation (for an account of the discussion, see Wagner, 2017). This argument is based on the extraterritorial obligation of states to fulfil rights, and their obligation to cooperate under international law. Following this argument, development policy measures are not mere charity or moral duty, but rather, states capable of doing so engage in development activities in those countries where national governments are unable to guarantee a minimum standard of human rights – which the population, as rights-holders, are legitimately entitled to claim. If this line of argument is accepted, it follows that states necessarily have to stand up for human rights even on the territory of other states. As yet, there are hardly any political or legally binding standards by which the extraterritorial obligations arising from the social human rights might be precisely identified and quantified (de Schutter et al., 2012; Kämpf and Winkler, 2012). Academics are currently discussing how to specify and (quantitatively) concretise them (de Schutter et al., 2012; Kaltenborn, 2015; Kämpf and Winkler, 2012; Khalfan, 2013; Vandenbogaerde, 2015; Vandenhole, 2020). However, the extraterritorial obligation of states to realise human rights is a contested issue. The sole point of consensus is that states bear human rights obligations ‘primarily for proceedings in their own country’ (Weber, 2009, own translation).¹⁹

Since the mid-1990s there have been repeated debates in which human rights have been called into question in *pars* or in *toto*. From a cultural relativist perspective, for instance, it is argued that human rights go back to a Western philosophical tradition (on this debate, see Huhle, 2011; Uvin, 2004).²⁰ In this view, human rights are based on an individualistic conception of man that is not in harmony with societies where the good

¹⁸ Besides the conceptual critique of human rights, which reflects the cultural relativist perspective, the right to development is rooted in a critique of distribution. The Global North is accused of having long derived excessive benefits from unjust trade relations worldwide. Attempts by the Global South to establish a new world economic order began in the 1970s but very soon failed (Krennerich, 2004). Once the right to development was incorporated into the African Charter on Human and Peoples’ Rights of 1981 (Art. 22(2)), it became a regionally binding right in international law. Since 1986, it has also been enshrined in a UN resolution (*A/RES/41/128*). Due to the status of a resolution of the UN General Assembly, the right to development is not legally binding at the international level and can be characterised as ‘soft law’. Some, mainly industrialised, nations continue to oppose it.

¹⁹ The BMZ itself makes reference to the discussion of extraterritorial obligations but without stating its position on the issue (BMZ, 2011).

²⁰ The repetition of the content of the UDHR in the final declaration of the Vienna World Conference on Human Rights was intended to unify perspectives on human rights and to demonstrate the universality of human rights. The inclusion of the right to development in the final declaration at the same time was intended to meet the Global South’s ambition for global distributive justice. Nevertheless, both aspects remain under discussion (Hamm, 2003).

of the collective takes precedence over that of the individual. Accordingly it is contended that there can be no universal legal standard (Oyowe, 2014). The same perspective is reflected in the debate over the (in)compatibility of Confucian values with democracy in Asia (Zakaria and Yew, 1994).²¹ Countering this line of argument, it is pointed out that some regional additions to the human rights system had been adopted very soon after the UDHR. Their core content follows the UDHR but they include other cultural and regional aspects in addition. Particular mention can be made of the African human rights system, the inter-American human rights system and the Human Rights Declaration of the Association of Southeast Asian Nations (ASEAN) (Kirchmeier and Krennerich, 2015).

2.1.3 Approaches to (human) rights-based development cooperation

In order to do justice to the growing importance of human rights in development cooperation, since the mid-1990s multilateral organisations and states have increasingly developed approaches to incorporating human rights as an integral part of development policy and development cooperation.

These approaches elaborate, in different ways, how human rights are programmatically mainstreamed in the development projects of an organisation or a country. Beyond this, there is no further commonality in the understanding of approaches for incorporating human rights. In practice the characteristics of these approaches differ from one another, sometimes markedly. However, it is possible to identify some features that are common to all these approaches. At their core is the view that one of development cooperation's tasks is to strive for the realisation of basic rights (as opposed to basic needs). This may involve a shift of perspective that is expressed in the language used, such as referring to states as duty-bearers, and to 'persons in need' or 'target groups' as rights-holders. This wording confers an obligation on states – development partners as well as partner countries – to protect, respect and fulfil human rights. Development cooperation measures should support them in building the capacity to actively demand human rights and to establish the necessary institutions and infrastructure for doing so. With regard to the change in perspective and its inherent normative component, academics and practitioners have formulated the assumption that adhering to human rights as a basis for development cooperation – by virtue of the systematic integration of human rights principles into development work – can enhance outcomes, improve sustainability and strengthen the accountability function (Nelson and Dorsey, 2018). Along with the shift of perspective, a common feature of most approaches is the central importance they accord to the realisation of human rights principles. These principles are said to be mainstreamed at the strategic and operational level of development cooperation.

Various classifications of approaches to human rights in development have been proposed in the attempt to reflect the differences between them accurately (for example, Gauri and Gloppen, 2012; OECD and The World Bank, 2013). According to the OECD and the World Bank (2013), differing thematic priorities account for most of the differences between approaches. The precise categorisation of an approach depends on various factors and is not always clear-cut: 'Some approaches are driven by the donor's human rights policies, whereas others are constrained by parameters of agency and mandates, capacity, or comparative advantage in the field. At times, agencies adopt different approaches in different areas or multiple approaches simultaneously; these delineations can also be blurred by overlapping nomenclatures' (OECD and The World

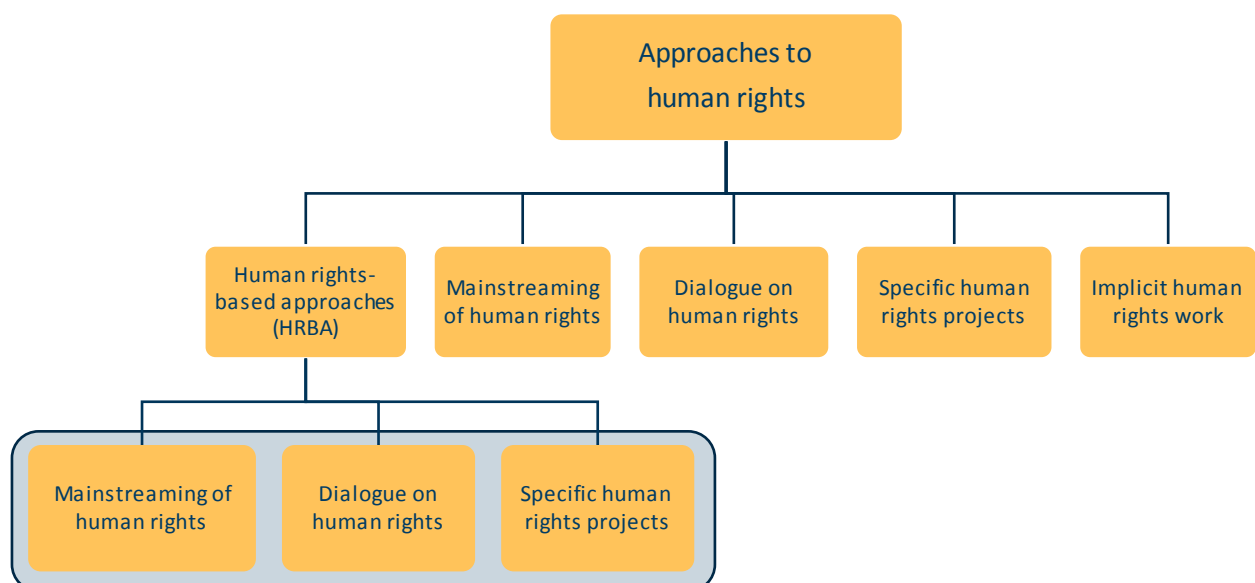
²¹ A further critique stems from post-colonialism, which does not reject human rights per se, but is critical of the 1948 Declaration. It contends that the former colonies were not involved in the negotiations and that the proclaimed universal validity of human rights is at odds with the marginalisation of people from the Global South during and after the colonial period (Huhle, 2011; Martinsen, 2019). The feminist critique of human rights is similar, although its origins go back to the 18th and 19th centuries. Here the universality of human rights is criticised due to the exclusion of the private sphere from human rights discourse (in contrast to the public sphere, which was still dominated by men even in 1948). For example, states that violate human rights are sanctioned, whereas human rights violations in the domestic sphere are rarely talked about (Martinsen, 2019). This critique was finally taken into consideration in the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Bank, 2013, p. 23). The OECD and the World Bank distinguish five ways in which development partners can mainstream human rights in development cooperation practice (cf. OECD and The World Bank, 2013):

- **Human rights-based approaches (HRBAs):** These define the realisation of human rights as the primary objective of development cooperation. They focus on the political dimensions of poverty and on power dynamics within a society that give rise to exclusion and discrimination. The result is a new approach to development policy that calls for institutional change and aims to instigate transformation processes. In order to achieve these goals, several instruments are usually applied as part of an HRBA: the mainstreaming of human rights in projects, development policy dialogue on human rights, and specific human rights projects. These are combined in a multi-track approach.
- **Mainstreaming of human rights:** Beyond this, development partners can limit their human rights work to measures which ensure the integration of human rights into all areas and processes of development projects. This involves both avoiding human rights violations ('do no harm') and strengthening human rights.
- **Dialogue on human rights:** Development partners can also limit their human rights work to dialogue in foreign and development policy, and to some extent, make use of human rights conditionality. For example, in the event of significant human rights violations they can modify assistance modalities and reduce volumes.
- **Specific human rights projects:** Development partners may implement only projects or programmes that are directly aimed at realising certain rights, strengthening certain groups to exercise their rights, or supporting human rights organisations.
- **Implicit human rights work:** Finally, there are development partners who do not work explicitly on human rights but use other descriptions, such as protection or empowerment, or create links to human rights in projects addressing good governance. Project objectives, content and approaches may be associated with other explicit forms of human rights work without being explicitly designated as human rights projects.

Figure 1 provides a schematic representation of these different characteristics of HRBAs.

Figure 1 Elements of approaches to human rights – a schematic representation



Source: own presentation.

In practice, approaches to human rights either employ one of the elements introduced above as a stand-alone approach or combine them in various ways. Only HRBAs fully encompass all of the elements (with the exception of implicit human rights work) and can thus be understood as the most comprehensive approach with reference to human rights in development cooperation.

In 1998 the United Nations Children’s Fund (UNICEF) published one of the first HRBAs (OECD and The World Bank, 2013; UNICEF, 1998). Since then a host of other HRBAs have come into being (for a review, see Kindornay et al., 2012; Nelson and Dorsey, 2018; OECD and The World Bank, 2013), which can be broadly classified into three generations (OECD and The World Bank, 2013):

- ‘First generation’ approaches emerged around the turn of the 21st century. They played a pioneering role in human rights-based development cooperation. Some examples are the approaches of UNICEF, the United Nations Development Programme (UNDP) and the United Kingdom (UK).
- HRBAs developed between 2005 and 2014 are referred to as ‘second generation’. This applies to most of the HRBAs currently in effect, including the German strategy and, for example, that of Austria. Both are based on the UN Common Understanding on a Human-Rights-Based Approach²² and the MDGs.
- ‘Third generation’ approaches were developed or revised after the adoption of the 2030 Agenda and thus contain references to the SDGs. Only the approaches of Switzerland (DEZA, 2019) and Finland (MFA of Finland, 2015) come into this category.

However, some voices in academia criticise the implementation of HRBAs in development cooperation. Some authors disagree with completely mainstreaming the approach in all projects, arguing that in rural areas with a low rate of literacy and a weak state presence, for example, the strengthening of duty-bearers and the participation of rights-holders is not very effective (Broberg and Sano, 2018). Another criticism is that HRBAs emphasise procedural rights (such as participation of rights-holders) far more than substantive rights (for example, the right to housing and food; Destrooper, 2016; Nelson and Dorsey, 2018). Critics also point out that mainstreaming poses its own challenges, which add to the difficulty of planning projects and prioritising activities. Moreover, the strong politicisation of HRBAs and the attendant empowerment of (marginalised) social groups can also cause unintended negative effects. Accordingly, Broberg and Sano (2018) suggest employing HRBAs strategically – contextually, for example – and systematically studying how effectively they contribute to poverty reduction in comparison with the needs-based approach.

2.2 The BMZ’s human rights strategy

2.2.1 The strategy and its historical genesis

The current HRBA in German development cooperation is elaborated in the BMZ strategy paper ‘Human Rights in German Development Policy’ (BMZ, 2011a). This strategy paper is binding for bilateral development cooperation; it is also intended to serve as guidance for civil society organisations active in development cooperation. It builds on two action plans dating from 2004 onwards, in which a dedicated HRBA was formulated for German development policy for the first time (BMZ, 2004, 2008a).²³ In order to ensure that human rights standards and principles are incorporated as a cross-cutting approach in all bilateral development cooperation projects, the BMZ supplemented the strategy paper by publishing guidelines in 2013 (BMZ, 2013a). In these guidelines the BMZ stipulates that ‘when agencies [...] prepare programme proposals it is mandatory that they appraise the relevant human rights risks and impacts’ (BMZ, 2013a, p. 2).

²² The document ‘The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies’ will be cited below as the UN Common Understanding.

²³ The 2004 Development Policy Action Plan on Human Rights was followed by a second plan in 2008 (BMZ, 2008a).

Thus, it requires them to review not only human rights risks but also ways of implementing human rights objectives in projects.²⁴

Compared to the preceding action plans, the strategy includes some innovations, as for the first time there is a consistent and comprehensive superstructure for ‘development policy that is aimed at the strategic promotion of the rights of women, young persons, persons with disabilities, indigenous peoples and other marginalised social groups’ (BMZ, 2011a, p. 3). Other new aspects mentioned in the strategy and the accompanying guidelines are the mandatory requirement for implementing organisations to appraise their projects for human rights risks and impacts, as well as the intention to improve human rights monitoring. The strategy thus formulates the HRBA more explicitly and in more detail than the action plans (Wagner, 2017).

In the wording of the strategy, human rights are a ‘guiding principle for German development policy’ (BMZ, 2011a, p. 3). It acknowledges the universal character of human rights and the extraterritorial obligations that have ensued from Germany’s ratification of human rights treaties. This results in the overarching goal of German development cooperation to support partner countries in the realisation of human rights (BMZ, 2011a). To achieve this goal, human rights ‘play a key role in shaping Germany’s development policy objectives, programmes and approaches in cooperation with partner countries and at international level’ (BMZ, 2011a, p. 3). The form this takes is a ‘systematic integration of human rights obligations, standards, interpretations and principles’ in development policy as well as a ‘shift of perspective [...]: partner states’ institutions are now duty-bearers [...] while [...] ‘people in need’ become rights-holders’ (BMZ, 2011a, p. 7). On that basis, according to the OECD and World Bank definition (see chapter 2.1.3), the German approach to human rights can be titled an HRBA: Human rights are defined as fundamental and comprehensive elements of development policy, and the aim of the shift of perspective mentioned above is to stimulate institutional transformation.

In addition to the human rights strategy paper and the guidelines, there are a series of other strategy documents that elaborate selective aspects of the human rights work of German development policy and relate to each other. For instance, dedicated strategies or action plans exist for the promotion of particular structurally marginalised groups: for supporting gender equality (BMZ, 2014a, 2016a), persons with disabilities (BMZ, 2017a, 2019a), as well as children and young persons (BMZ, 2017a). These documents refer explicitly to the human rights strategy paper as well as to human rights as a guiding principle for development cooperation, and elaborate on the latter.

2.2.2 The strategy’s areas of action

In order to implement the German HRBA, the strategy makes ‘binding provisions for the formulation of German development policy, which are relevant to decision-making in this field’ (BMZ, 2011a, p. 4). The strategy sets out a twin-track approach as a means of implementing human rights in all priority areas and sectors of development cooperation.²⁵ The two tracks of the approach consist of promoting the systematic mainstreaming of human rights in all sectors of German development cooperation and the enhanced implementation of specific human rights projects. Via these two tracks, the HRBA aims to contribute directly to building effective and lasting institutions and structures for the protection of human rights in partner countries (BMZ, 2011a).

²⁴ These guidelines, which the implementing organisations are obliged to put into practice, have already been incorporated into their processes, procedures and internal standards (e.g. GIZ, 2017; KfW Entwicklungsbank, 2016).

²⁵ This twin-track approach is also found in other BMZ strategies for cross-cutting themes. For example, the Inclusion Action Plan follows such an approach with regard to partner countries (Schwedersky et al., 2017).

Supplementing the twin-track approach, the explicit discussion of human rights in the political dialogue and the conditional allocation of Official Development Assistance (ODA) funds can be understood as a third track of the HRBA.²⁶ In addition, by addressing policy coherence the human rights strategy paper implicitly deals with a fourth track, although the strategy describes this as an important area for action rather than explicitly describing it as a track in its own right. Inputs by the BMZ to enhance coherence between German and international policies with human rights standards and principles are intended to contribute indirectly towards the realisation of human rights in partner countries.

The human rights strategy paper names 65 concrete measures for the implementation of the German HRBA. For the purposes of the evaluation these were condensed into twelve areas of action,²⁷ most of which can be matched to the four tracks described above, as Figure 2 shows.

Figure 2 Matching of the areas of action in the human rights strategy to the four tracks

Track 'Specific human rights projects'	<ul style="list-style-type: none"> • Area of action 'specific human rights projects' • Area of action 'policy coherence in the partner country' • Part of area of action 'structurally marginalised groups' • Part of area of action 'mainstreaming in strategies'
Track 'Mainstreaming'	<ul style="list-style-type: none"> • Area of action 'mainstreaming at project level' • Part of area of action 'structurally marginalised groups'
Track 'Political dialogue and conditionality'	<ul style="list-style-type: none"> • Area of action 'political dialogue' • Area of action 'conditional allocation of funds'
Track 'National and international policy coherence'	<ul style="list-style-type: none"> • Area of action 'coherence in Germany' • Area of action 'international coherence' • Part of area of action 'mainstreaming in strategies'

Source: own presentation based on the areas of action specified in the human rights strategy paper.

The areas of action are matched to the four tracks as described below:

- **Specific human rights projects:** This first track refers to strengthening partners for the implementation of human rights. It is primarily the responsibility of the BMZ's regional divisions and put into practice by the implementing organisations. Civil society agencies also play an important part in shaping and implementing these projects. Two of the strategy's areas of action are matched to this track. Its core is the area of action 'specific human rights projects'. Measures in this area of action aim to contribute to developing the human rights capacity of rights-holders and duty-bearers, promoting the rule of law, or developing regional networks for the protection of human rights. Other projects can be matched to this track if their main objective is cooperation with groups affected by structural marginalisation (part of the area of action 'structurally marginalised groups'). The basis for

²⁶ Although political dialogue is not described as a separate track in the human rights strategy, dialogue can be understood as a separate track by analogy with the BMZ's gender strategy (BMZ, 2014a), in which a three-pronged approach lays the foundation for action.

²⁷ The areas of action are 'procedures and processes', 'political dialogue', 'conditional allocation of funds', 'mainstreaming the HRBA in strategies', 'specific human rights projects', 'coherence in the partner country', 'mainstreaming the HRBA in projects', 'structurally marginalised groups', 'coherence in Germany', 'international coherence', 'monitoring the strategy' and 'knowledge and knowledge management'. Authors of the human rights strategy validated the matching of measures to the areas of action. The matching of measures to the areas of action can be found in the Evaluation Matrix in the Appendix of the report.

implementing this track is the mainstreaming of human rights in country strategies (part of the area of action ‘mainstreaming in strategies’).

- **Mainstreaming of human rights:** The second track relates to the mainstreaming of human rights standards and principles throughout bilateral development cooperation projects as well as projects run by other agencies, with the implementing organisations bearing primary responsibility for implementation.

The core of this track is the area of action ‘mainstreaming at project level’, according to which human rights standards and principles are to be mainstreamed across all German development cooperation projects. This also aims to ensure that projects contribute to coherence between partner countries’ policies and human rights standards and principles (area of action ‘policy coherence in the partner country’). Additionally, this track includes the cross-cutting promotion of groups that are particularly marginalised (part of the area of action ‘structurally marginalised groups’). Another aspect of this is the principle of free prior and informed consent of affected rights-holders to decisions that affect their livelihoods, such as when nature conservation parks are being established.

- **Political dialogue and conditionality:** The third track relates to political dialogue with partner countries on shaping the content of development cooperation and on the conditional allocation of ODA disbursements. The main responsibility for implementing it rests with the BMZ’s regional divisions.

According to the human rights strategy, on the one hand human rights should be a firm part of the political dialogue with partners (area of action ‘political dialogue’). Dialogue formats should be used for example to raise issues concerning civil and political or ESC rights. Links can be made to recommendations from the human rights system to enable an evidence-based dialogue with partner countries on human rights and their implementation.

On the other hand, the allocation of funds for official bilateral development cooperation is to depend on the human rights situation in the partner countries (area of action ‘conditional allocation of funds’). Examples of possible measures are taking account of the BMZ’s internal assessment of the human rights situation when planning and implementing projects, or suspending payments when serious human rights violations occur. Thus, the area of action encompasses both sanctioning human rights violations and shaping the content of country portfolios according to human rights developments in the partner country.

- **National and international policy coherence:** The fourth track relates to the BMZ’s contributions to improving the coherence of national and international policy with human rights standards and principles. The approach is determined at management level, while the primary responsibility for implementing it on the working level resides with institutional and sector divisions of the BMZ and the entities subordinate to them – GIZ sectoral and global projects, for example.

The area of action ‘coherence in Germany’ comprises measures aimed at shaping German policy coherently so that it takes account of human rights standards and principles throughout and across ministries. Furthermore, in the area of action ‘international coherence’, measures are formulated so that international policies affecting development cooperation partner countries are orientated towards human rights standards and principles. One such measure is the BMZ’s commitment to ensuring that the World Bank, the OECD and other organisations take more account of human rights in their work.

In addition, the strategy paper lists further areas of action that cannot be matched directly to one of the four tracks. For example, to ensure a firm foundation for implementing the tracks in practice, the HRBA is to be mainstreamed in the procedures and processes of the BMZ and the implementing organisations (area of action ‘procedures and processes’). This includes procedures and processes for all elements of the programming of official bilateral programmes and their project and programme cycles. One example of this is the further development of appropriate procedures for human rights risk management. At the same time, the human rights strategy paper formulates the aspiration to develop human rights competences among staff at the BMZ and in the implementing organisations, and to systematically compile learning experiences (area of action ‘knowledge and knowledge management’). Both areas of action should enable staff to

implement the tracks mentioned above. Measures to achieve the objective include targeted training courses, sensitising experts to specific issues, and sharing experience in the form of best practice.

Finally, the implementation of the HRBA is to be reviewed systematically by means of a monitoring system (area of action 'monitoring'). This is said to form the basis for evidence-based strategic management of the implementation of the HRBA. One item to be reviewed, for example, is whether the number of specific human rights projects has increased. In concrete terms, this means that human rights are to be mainstreamed in the political dialogue with partner countries, in all projects, and in national and international policy inputs. Beyond this, additional specific human rights projects are to be initiated. This aspiration is part and parcel of the implementation of the HRBA and serves as the point of reference for this evaluation's empirical review of the implementation of the HRBA.

Furthermore, the human rights strategy paper and the HRBA elaborated in it provide the normative parameters for the present evaluation. That is to say, the evaluation is orientated towards the normative elements of the human rights strategy and makes use of terms from the human rights strategy paper such as the 'shift of perspective' in human rights.

3. EVALUATION QUESTIONS AND METHODS

3.1 Detailed evaluation questions

The evaluation questions in this evaluation are aligned with the joint evaluation criteria of the BMZ and DEval, which in turn are based on the OECD-DAC evaluation criteria (BMZ, 2006a; BMZ et al., 2020; OECD, 1991, 2002, 2019a). The questions focus on assessing the relevance of the human rights strategy paper's content and examining how the BMZ and the implementing organisations are applying the strategy in practice. The latter aspect can be seen as a prerequisite for the strategy's effectiveness. Accordingly, evaluation questions 1 to 4, which can be found in Table 1, cover the evaluation criteria of relevance and effectiveness.

Table 1 Overview of the evaluation questions

Criterion	Evaluation question
Relevance	How relevant is the human rights strategy compared to approaches of other development partners and in light of the human rights situation worldwide?
	How relevant is the human rights strategy compared to approaches of other bilateral and multilateral development partners?
	How relevant is the human rights strategy in the current political and normative human rights situation worldwide?
Effectiveness	To what extent does a shared understanding of human rights as a guiding principle exist at the BMZ, and to what extent does it guide actions?
	To what extent are the BMZ and the implementing organisations implementing the human rights strategy and its areas of action?
	What factors affect the implementation of the human rights strategy's areas of action by the BMZ and the implementing organisations?
	4.1. What role do the coordination function and the strategic management structure of the BMZ sector division responsible for human rights play in the implementation of the human rights strategy? 4.2. What role do other factors play in the implementation of the human rights strategy?

Evaluation question 1 examines to what extent the strategy meets the human rights requirements of its current setting. On the one hand, this is achieved by comparing it with the human rights strategies of other bilateral and multilateral development partners. On the other hand, the contents of the human rights strategy paper are set in relationship to current human rights challenges in partner countries and to the latest developments of normative standards – especially by the UN and the European Union (EU)²⁸ – in the field of human rights. The assessment of relevance thus yields information about the extent to which the strategy incorporates recent human rights requirements and changes in its environment in the form of objectives and directives for action. This follows the procedure for strategy evaluations by analysing the objectives and areas of action formulated in the human rights strategy paper as a strategic instrument to position the BMZ in a given context.

Evaluation question 2 concerns the prevailing understanding of human rights among BMZ staff. This understanding is the prerequisite for answering the question on the extent to which the human rights strategy's goal of establishing human rights as a guiding principle in German development cooperation is

²⁸ By comparing the international normative standards and the stipulations of the BMZ's human rights strategy, links can be established with the evaluation criterion of coherence. However, since international law takes precedence over national law in the hierarchy of norms, the UN and EU standards are seen rather as a yardstick for assessing the relevance of the BMZ's human rights strategy.

being achieved. The analysis of whether BMZ staff embrace this guiding principle as a shared perspective makes use of the procedure for strategy evaluations (see Chapter 3.2.1). A shared perspective contributes to establishing the human rights strategy paper as a strategy that is lived in practice.

Evaluation question 3 focuses on assessing the implementation of the human rights strategy and its areas of action, and thus addresses the criterion of effectiveness. Furthermore, links with the criterion of sustainability can be established since the implementation of the strategy across the full duration of the evaluation period is examined. Hence the evaluation findings can also be interpreted in relation to the criterion of sustainability. This is a question informed by strategy evaluations in that strategic directives from the human rights strategy paper are compared with the status of their actual implementation by the actors responsible (see Chapter 3.2.1). The analysis is structured in line with the areas of action and their implementation over the entire period covered by the evaluation (see Chapter 2.2.2).

Evaluation question 4 focuses on factors influencing the implementation or non-implementation of areas of action. It includes an assessment of the role of the BMZ sector division responsible for human rights in coordinating and strategically managing all other divisions and implementing organisations responsible for implementing the strategy. The answer to evaluation question 4.1 concerning the overall coordination function of the responsible sector division ties in with the question of whether the structure for implementing the structure is efficient, and hence with the efficiency criterion.

Since the focus of the present evaluation is on the fit and the implementation status of the human rights strategy, conclusions can only be drawn about its overarching development impact (the evaluation criterion ‘impact’) in a limited way. Part 2 of the evaluation will, however, deal with this. There are also constraints concerning the criterion of efficiency in this first part of the evaluation, since the prerequisites for an efficiency analysis of the HRBA are not in place due to the lack of systematic monitoring. The present evaluation goes some way towards creating these prerequisites by reviewing the status of implementation. Accordingly, certain questions have a bearing on the efficiency of the strategic management structure (see Chapter 5.3). An assessment of the efficiency of measures beyond these aspects of implementation efficiency is not attempted, due to the HRBA’s complexity and normative character, and the ensuing difficulties of quantification.

Box 2 Assessment standards

To assess the evaluation criteria of relevance and effectiveness, the DEval assessment standards were applied in an adapted form.²⁹ To this end, the evaluation criteria were first operationalised by defining assessment dimensions for evaluation questions 1 and 3. A target level of aspiration was also defined for each assessment dimension. This was derived partly from the development policy and human rights setting of German development cooperation and partly from Germany’s human rights obligations. On the other hand, the human rights strategy paper specifies a level of aspiration by defining areas of action and objectives of action. The assessment dimensions and aspiration levels for each evaluation question are set out in detail at the beginning of the chapters on findings (see Chapters 4 and 5).

To assess the findings from data collection in relation to the level of aspiration, an established five-level rating scale was applied to each of the evaluation questions. On the rating scale, the defined aspiration level may be (1) fulfilled, (2) mostly fulfilled, (3) partially fulfilled, (4) barely fulfilled or (5) missed. Triangulation of data and methods (see Chapter 3.2) strengthen the validity of the assessments whilst also making it possible to integrate a variety of assessments of the BMZ strategy’s relevance and effectiveness.

²⁹ The ‘exceeded’ category on the DEval rating scale is not used because it cannot be operationalised in the context of the present evaluation, which defines its level of ambition in terms of human rights standards and principles and the human rights strategy.

3.2 Methodological approach

The evaluation follows overarching principles which serve as the basis for the choice of the evaluation design and most appropriate methods for each question. First and foremost, every effort is made to implement the principles of a human rights-based evaluation (HRBE). This is based on the assumption that in the context of a human rights evaluation, the evaluation team itself is a duty-bearer and should strive to respect, protect and fulfil human rights accordingly (see the excursus in Box 2).

Furthermore, the evaluation adheres to the DEval standards for evaluations (DEval, 2018).³⁰ To meet the required standards of evaluability and accuracy, it applies methods consistently and makes use of a mixed-methods approach as well as data triangulation (Flick, 2011).³¹ To ensure that the findings meet the criterion of utility, the evaluation works with a reference group composed largely of the intended users of the evaluation findings, which ensures that the findings meet the criterion of utility.³² That said, the reference group's involvement is purely consultative; the evaluation retains its independence throughout the process.³³ The evaluation meets the standard of comparability by aligning with DEval's thematic focuses, which renders the evaluation findings usable at a superordinate level of analysis and in conjunction with the findings of other DEval evaluations.

3.2.1 Design

The design of the evaluation follows the methodological approach for strategy evaluations, since the human rights strategy paper represents the BMZ's strategy for promoting human rights in partner countries. The strategy reflects four of the elements that Henry Mintzberg (1987) defines as constitutive for a strategy.³⁴ These elements conceptualise the functions of a strategy as

- **Intention:** A strategy begins by defining an organisation's coherent goals and identifying ways in which these goals can be implemented. This also serves to avoid goal conflicts. Since the human rights strategy paper formulates the aspiration of defining German development cooperation's HRBA on the one hand, and making 'binding provisions [...] relevant to decision-making' (BMZ, 2011a, p. 4) for institutions of bilateral development cooperation on the other, it constitutes a strategic declaration of intent.
- **Pattern for action:** A strategy contains a pattern that an organisation can act on, which is maximally consistent across times, places and actors. In prescribing how to specifically promote, mainstream and explicitly discuss human rights in political dialogue, the human rights strategy paper lays a foundation for the actors of German development cooperation to engage in consistent and coherent action orientated towards human rights.
- **Positioning instrument:** A strategy is also an instrument for positioning an organisation in its context. This involves consciously defining a position – based on strategic considerations – which can then be used

³⁰ These standards can be itemised as (1) utility, (2) evaluability, (3) fairness, independence and integrity, (4) accuracy, scientific rigour and comprehensibility, and (5) comparability.

³¹ Wherever possible, a variety of data sources are consulted for each evaluation question so that the results from different sources can be compared with each other. This increases the reliability and validity of the empirical findings. Furthermore, the evaluation adopts an integrative approach by combining qualitative and quantitative methods in line with mixed-method design principles (Mertens, 2017).

³² Most DEval evaluations are supported by reference groups, one aim of which is to contribute to the utility of the evaluation results. In this regard, see: https://www.deval.org/files/content/Dateien/Methoden_Standards/RG-Modell%20DEval_FINAL_Layout.pdf, accessed 28.10.2020.

³³ It should also be mentioned that prior to the start of the evaluation, a stakeholder analysis was conducted and an intervention logic was produced on the impact of the evaluation itself. In addition, extensive clarification talks were held with representatives of the BMZ as well as governmental and civil society organisations. The substance of these talks was taken into consideration when making decisions about the subject matter of the evaluation and the questions to be addressed.

³⁴ This conceptualisation draws on Henry Mintzberg (1987) and has been applied previously in the context of strategy evaluations (Patton and Patrizi, 2010). Mintzberg (1987) defines strategies as 'plan' (statement of intent), 'ploy' (deception), 'pattern' (of action), 'perspective' (shared understanding) and 'position' (or positioning). The five elements are not defined as mutually exclusive but fulfil different functions. The present evaluation will not explicitly examine the conceptualisation of strategy as 'ploy' since this has no bearing on its main research interest.

to determine an organisation's niche, reflecting its unique differentiating attributes. The human rights strategy paper explicitly supports the 'positioning of German development policy in the international discussion and development of our contributions to multilateral cooperation and European development cooperation' (BMZ, 2011a, p. 4).

- **Shared perspective:** Furthermore, a strategy is a perspective, vision or mindset shared within an organisation. While strategy as intention describes the conceptual understanding of an organisation as a whole, strategy as shared perspective focuses on all members of staff and their understanding of the conceptual foundations. Human rights, which are explicitly referred to as a 'guiding principle for German development policy' (BMZ, 2011a, p. 3), form this conceptual basis. This guiding principle should then be communicated by means of 'targeted training schemes for professionals working for the implementing organisations as well as for BMZ staff' (BMZ, 2011a, p. 21) and through internal BMZ directives and guidelines.

Strategy evaluations must make a fundamental distinction between the intended strategy and the executed strategy: While the 'intended strategy' denotes the content and organisational intentions for action, the 'executed strategy' refers to aspects of how it is actually implemented. Intended and executed strategies can diverge from one another, for example when members of staff in the organisation understand the strategic directives differently and therefore take actions other than those the strategy originally envisaged. Only when the statement of intent turns into a pattern for action does the intended strategy become an executed strategy (Patton and Patrizi, 2010). Deviations are problematic because strategies contain elements that are binding in procedural law (Joyce, 2017).

A strategy evaluation examines the intended and the executed strategy (Patrizi, 2010; Patton and Patrizi, 2010). The present evaluation assumes that planned, formally documented strategies represent more than mere evidence that a strategy is in place, but actually comprise an organisation's intended goals, vision and position. This intended strategy forms the underlying basis for transparency and accountability about the actions of state organisations and the goals they pursue (Joyce, 2017).

By empirically comparing the intended strategy with the executed strategy and identifying and explaining differences between the two, it is possible to identify ways of further developing strategies and their implementation. Thus, in addition to accountability, this evaluation also places a strong focus on the learning function (see Chapter 1.2).

Box 3 Excursus: Human rights-based evaluation

Human rights principles and standards are applicable both to development projects and to evaluations. In other words, human rights are not only the main subject matter of the present evaluation but are also borne in mind during the implementation of the evaluation. The approach of this evaluation is thus geared towards fulfilling human rights principles and standards continuously as far as possible throughout the evaluation process. In this first part of the evaluation, the following measures were implemented:

Transparency and accountability: This first part of the evaluation pursues the overarching goal of establishing a relationship of accountability between German bilateral development cooperation and rights-holders in Germany and abroad. This is particularly relevant for those groups who call for accountability but are, themselves, unable to bring it about. One aspect towards accomplishing accountability is the selection of evaluation questions. Critical answers to questions about the relevance of the German HRBA and how it is being implemented have a significant bearing on accountability. Transparency and accountability are also a consideration when determining data collection and data analysis methods. For instance, the evaluation includes a survey of all accredited national human rights institutions in countries of the Global South. These institutions enjoy high credibility and possess the necessary knowledge to shed light on the human rights situation in partner countries and on the work of development partners. In addition, publishing the evaluation report created transparency about what

German development cooperation has achieved so far with regard to its human rights work. Both parts of the evaluation report are being published in German and English and are barrier-free. Furthermore, the executive summaries of both reports are being translated into accessible language. This generates verifiable insights into the work of the BMZ and the implementing organisations.

Equal opportunities and non-discrimination: The DEval reference group model contributes to ensuring equal opportunities. All members of reference groups have the same opportunities to express their opinions about the evaluation. The reference group of the present evaluation was especially broad in composition. Representatives of a large number of civil society organisations and associations participated.³⁵ In the context of this evaluation, non-discrimination is explicitly understood to include barrier-free access. As this first part of the evaluation meets this criterion primarily by presenting its findings, special attention is given to publishing barrier-free documents.

Participation and empowerment: Participation and empowerment of stakeholders – and the involvement of structurally marginalised rights-holders, in particular – is a key element of HRBE (UNEG, 2014). Full and representative stakeholder participation in all phases of this first part of the evaluation poses a challenge due to the fact that the research subject matter is orientated towards Germany. Participatory elements were nonetheless implemented, such as the online survey of NHRIs. The evaluation team also tried to include civil society organisations from partner countries in the online survey and sought the assistance of reference group members in this regard. However, it was not possible to define a population that was adequately representative and comparable to the NHRIs, which is why this was not pursued any further. Within the reference group model it is not possible to ensure the representative participation of stakeholders from countries of the Global South.

3.2.2 Methods

In order to answer the evaluation questions mentioned in Chapter 3.1. the evaluation used the following data collection and analysis methods:

- Evaluation question 1 (on the relevance of the strategy in the international context) was answered based on analyses of other OECD-DAC development partners' strategies, documents on the human rights situation worldwide, and internationally comparable quantitative human rights indices. In addition to the documents and indices, relevant information was obtained from an online survey of national human rights institutions (NHRIs) in the Global South.
- Evaluation questions 2 and 4 (ascertaining the existence of a shared perspective and the reasons for implementation or non-implementation of the human rights strategy) were answered based on data from qualitative individual interviews and group discussions with the actors responsible for implementing the human rights strategy.
- The methods used to answer evaluation question 3 (ascertaining the implementation status of the human rights strategy) varied depending on the area of action. A detailed overview of the methods can be found in the introductions to the sub-chapters on the respective areas of action in the findings section of the report (Chapters 5.2.1 to 5.2.12).³⁶ The following methods were used:
 - Coding of guided, semi-structured individual and small group interviews and group discussions,
 - Document analyses,

³⁵ Nevertheless, there were some development cooperation actors such as private enterprises, other German government departments operating in partner countries, and representatives from partner countries who could not be included in the reference group.

³⁶ The Evaluation Matrix in the Appendix (Chapter 8) also contains a full list of the methods used, structured by evaluation questions and areas of action.

- Online survey of national human rights institutions (NHRIs),
- Quantitative and qualitative content analysis of planning documents for bilateral development cooperation projects; and
- Portfolio and allocation analyses on the basis of secondary data.

The online annex to the report contains a detailed description of the methods listed.

3.2.3 Reflection on the methodological approach

This first part of the evaluation examines the BMZ's human rights strategy and its implementation throughout German development cooperation. Aspects pertaining to the strategy's effects are mainly reflected in the assessment of the implementation status. They were analysed predominantly at the output level and to some extent also at the input level, in full knowledge and acceptance of the consequence that this part of the evaluation could only present limited conclusions on the effectiveness of the human rights strategy in the partner countries (in terms of outcomes and impact). Setting these priorities made it possible to present findings on the relevance and effectiveness of the human rights strategy at an early stage in the evaluation so that the BMZ could make use of them during its ongoing development of the follow-up strategy for human rights.³⁷ In order to examine the effects of the current human rights strategy in depth down to the target group level in the partner country, a second part of the evaluation was planned to follow.

The methodological approach of the evaluation was based on qualitative interviews with actors responsible for implementing the human rights strategy, since there is not yet any monitoring system that operationalises and systematically tracks the areas of action and measures to be implemented. A standardised interview procedure was adopted to ensure that interview responses would be comparable across areas of action. The interviews were complemented with specific methods tailored to particular areas of action. This made it possible to triangulate the findings from the interviews with insights that had been gained using other methods. To fulfil the aspiration of an HRBE, it was also necessary to take account of the perspective of rights-holders in partner countries when assessing the relevance and implementation of the human rights strategy.

Despite the advantages of the chosen methodological approach, challenges arose regarding the methods used and the context of the evaluation. The following solutions were found for the methodological challenges:

- It was not possible to hold group discussions as envisaged for all the areas of action, which cover large numbers of individuals and organisational units responsible for implementing the HRBA. A limited level of responses made it impossible to carry out a criteria-based selection of the sector division representatives to be invited to group discussions. This had an effect on the representativeness of the interviews since it made the analysis findings less generalisable than they might have been. This problem was partly addressed by triangulating the findings with those from other methods such as the insights obtained from document analyses conducted to assess the mainstreaming of human rights across sectors.
- A lack of systematic monitoring made it harder to examine human rights at project level.³⁸ To identify specific projects, the portfolio analysis therefore made use of the purpose codes that designate human rights projects in the Creditor Reporting System (CRS). However, because this search was restricted to

³⁷ In the course of the ongoing 'BMZ 2030' reform, the BMZ revised its original decision to update the human rights strategy paper before the end of 2020. In place of the update it will prepare a strategy paper (performance profile) on the promotion of human rights in development cooperation. The strategy process is postponed until further notice.

³⁸ It is true that the existing project databases include an 'HR' field for recording human rights as a cross-cutting theme. However, this information could not be used because the data available only minimally covered the period under review (2019 to 2020) and evaluation subject matter (the field in the project database was left unfilled for approximately 97 per cent of projects). In any case, the 'HR' field is intended to reflect the mainstreaming of human rights in a project but not to record specific human rights projects.

human rights-related purpose codes, the omission of relevant human rights projects with other purpose codes could not be ruled out. Since purpose codes only indicate the sectoral focus of a project, a further risk was that smaller human rights-specific activities within a project might be overlooked. To counteract this, a search of project descriptions for relevant information was carried out.

- When the mainstreaming of human rights standards and principles in projects was analysed, again there was no monitoring data to refer to. A content analysis of planning documents from bilateral development cooperation projects was therefore used as a basis for assessing mainstreaming across projects. Unlike the use of quantitative indicators from a monitoring database, this had the advantage of permitting statements to be made about the substantial elements of mainstreaming and their quality. However, a large sample of documents had to be analysed in order to obtain generalisable findings about mainstreaming during the period under review. This gave rise to two challenges: Firstly, there were difficulties in identifying the population of projects for which comparable planning documents existed. This made it harder to select the sample and request the documents included in the sample. Secondly, given the large volume of textual data, the coding team could not carry out an exclusively qualitative analysis. This challenge was countered by applying a computer-assisted method that built on the coding team's qualitative hand-coding. This permitted a triangulation of methods within the procedure itself: Qualitative and quantitative approaches to content analysis were combined on the principle of machine learning, since individual documents were assessed qualitatively prior to quantifying the mainstreaming of human rights in a large volume of text (Niekler, 2018; Niekler and Wencker, 2019).

A further point is that computer-assisted coding is not subject to bias from human perceptions, such as subjective interpretations and inconsistent practices, nor from text-coding errors (Greene et al., 2019).³⁹ As a result, it is replicable and intersubjectively understandable across documents.

A key challenge in the design of strategy evaluations is the implementation of an HRBE approach. This evaluation did not include any representative structures of rights-holders from the Global South because it could not identify any organisations that were comparable with each other and capable of taking a broad view of the human rights situation and German development cooperation – in keeping with the evaluation's research interest – rather than representing certain particular interests only. However, the evaluation team did conduct an online survey among NHRIs in the Global South. Being intermediary organisations between the state and civil society, they are in a position to make credible, nuanced statements about the human rights situation in their country and discuss problematic areas without representing particular interests within the government or civil society.

The context in which the evaluation was undertaken was the outbreak of the Covid-19 pandemic in Germany at the beginning of 2020. The spread of the pandemic and the ensuing consequences required minor adjustments to the methodological approach. As a result of focusing the data collection on Germany and the high number of desk study elements, however, it proved unnecessary to make any fundamental changes to the evaluation design. While secondary data and document analyses could be carried out without constraints, the mode of the qualitative interviews had to be adapted. A number of the planned face-to-face interviews were conducted virtually or by telephone.

³⁹ This was demonstrated in a comparison of the inter-coder reliability of two human coders and between the human coding and that of the computer program used. 'Krippendorff's alpha' values are higher on average for the comparison between computer-assisted and manual coding than between two human coders. This indicates that reliability (and hence consistency across planning documents) is higher for computer-assisted coding than for human coding.

4. FINDINGS 1: RELEVANCE OF THE HUMAN RIGHTS STRATEGY

4.1 Relevance of the strategy in light of the approaches of other development partners

Evaluation question 1.1: How relevant is the human rights strategy compared to approaches of other bilateral and multilateral development partners?

Methods: To answer this question the following methods were used:

- **Document analysis:** This research was based on a document analysis which included a broad spectrum of HRBAs of bilateral and multilateral development partners. It examined both the approaches of countries which, like Germany, have a fully elaborated human rights strategy as well as countries which only roughly align their policy with human rights. In a subsequent step, the analysis took account of HRBAs only, since these could be compared with the German approach in terms of content. Based on the contents of the BMZ strategy, the following criteria were used for the assessment: format, reach and binding nature, normative foundations, thematic priorities, and instruments for achieving the objectives. Multilateral development partners' approaches were not included in the assessment of relevance because their institutional and thematic setting makes them fundamentally different from approaches used in bilateral development cooperation.
- **NHRI survey:** Along with the document analysis, the results of the online survey of NHRIs helped to answer this evaluation question. The particular questions included in the assessment of relevance were those referring to the international development partner community, and specifically Germany's role as a development actor in the human rights context.

The relevance of the BMZ strategy was assessed by comparing it with the findings on other development partners' HRBAs from the document analysis and the survey. As there is no consistent quality standard for the assessment of HRBAs, the assessment dimensions and the associated level of aspiration were derived inductively from the analysis. The relevance of the German HRBA was assessed to be fully achieved if the findings from the comparison showed that (1) human rights actors in partner countries perceive Germany as an important human rights actor compared to other development partners, (2) the HRBA is conceptually elaborated, comprehensively formulated and publicly accessible in a strategy paper, (3) the HRBA specifies binding instructions for the actors within the development cooperation system, (4) the HRBA takes account of the applicable international law, national laws and other soft law documents recognised by the international community as guidelines for development cooperation, (5) the HRBA sets relevant priorities in terms of content with regard to contextual challenges for human rights, specific rights and structurally marginalised groups, and (6) the HRBA makes use of a range of instruments to achieve its objectives.

4.1.1 Germany as a human rights actor

In the online survey, NHRIs were asked to rate the international development partner community with regard to human rights-based development cooperation. Around 93 per cent (n = 25) of respondents said they had 'a lot' or 'enough' knowledge about development cooperation in general. Respondents were less familiar with German development cooperation, but still more than half of respondents (56 per cent, n = 15) said they knew 'a lot' or 'enough' about German development cooperation.

59 per cent (n = 16) of respondents said that Germany was (quite) well known as a human rights actor.⁴⁰ Answering the question of which development partners were doing especially good human rights work in partner countries, respondents named the European Union and Germany.

⁴⁰ Around 15 per cent (n = 4) of respondents stated that Germany was 'very well known' as a human rights actor while 44 per cent (n = 12) of respondents found that Germany was 'quite well known' as a human rights actor. The German Embassy, GIZ/GTZ and the political foundations were most often named as well-known actors.

The findings of the online survey thus indicate that respondents perceive Germany as an important human rights actor in comparison to other development partners.

4.1.2 Format

It emerged from the document analysis that OECD-DAC actors use a variety of different formats to mainstream human rights:

- Besides Germany, at least seven⁴¹ of the 30 OECD-DAC countries studied have comprehensive human rights strategy papers and strategies. The presence of such a strategy suggests that human rights have a certain importance in the development policy of development partners. It also reflects a willingness to be assessed against applicable standards.⁴² Although some strategies also contain thematic priorities, these can be treated as secondary to the general aspiration of promoting all human rights.
- The approaches of another 14 of the 30 OECD-DAC countries⁴³ point out the relevance of human rights in development policy. In these cases, relevant strategy documents focus on the promotion of certain groups, on these groups' rights, or on specific themes such as civil and political rights in the area of good governance.
- A further six of the 30 OECD-DAC countries locate human rights within the wider context of their development strategies, often foregrounding specific themes or groups at the same time.⁴⁴

In summary, the existence of Germany's human rights strategy paper makes it one of a minority of OECD-DAC countries with a fully elaborated and comprehensive strategy for their development policy engagement. For the following analysis, the German human rights strategy is compared exclusively with the seven comprehensive human rights strategy papers from other OECD-DAC countries that were available in English at the time of the evaluation.

4.1.3 Reach and binding nature

In looking at the scope of application of these approaches, the evaluation differentiates between the reach of the strategies and whether they are binding for the responsible ministries and implementing organisations in the given countries as well as for cooperation with civil society and the private sector.

All the approaches examined are primarily addressed to the staff of development cooperation ministries at home and abroad. Some of them are also aimed at partners of the development organisations. Only the German approach is expressly binding. In legal terms, the German strategy has the status of an administrative directive. It explicitly imposes binding requirements for the implementing organisations to implement the strategy, and for their implementation to be reviewed. Meanwhile it serves only as guidance for civil society and the private sector (BMZ, 2011a). In contrast, the Finnish approach goes further and formulates concrete requirements for publicly financed private sector and civil society development actors. These specify that private sector and civil society projects funded by the Finnish foreign ministry must at least be 'human rights

⁴¹ At the time of the evaluation, HRBAs existed in Austria, Denmark, the European Commission, Finland, Germany, Spain, Switzerland, and the UK. As the Spanish HRBA was not available in English, it could not be used for the subsequent analysis. Likewise for Greece, as no information was available in English, it was not possible to comment on Greece's human rights policy. France was planning an HRBA at the time of the evaluation, which was not available in time to be included in the analysis.

⁴² These approaches correspond to the type of HRBA presented in Chapter 2.1.3.

⁴³ This group consists of Australia, the Czech Republic, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, New Zealand, Poland, Portugal, the Slovak Republic and Slovenia.

⁴⁴ In addition to these strategies, there are laws on the integration of human rights into development cooperation as well as a number of governmental declarations on the promotion of human rights. This is the case in Belgium, Canada, the Netherlands, Norway, Sweden and the United States. As these are not directly comparable to a development policy HRBA, they are not taken into account in the subsequent analysis.

sensitive' (MFA of Finland, 2015, p. 24); that is, human rights must at least be considered as a cross-cutting theme.

In summary, the German strategy stands out from the others in being explicitly binding. However, this applies only to official bilateral development cooperation. Other development partners go further by making their strategies binding for additional development actors. When considering these findings in the German context, the specificities of cooperation with civil society actors in German development cooperation must be borne in mind (for example the principle of subsidiarity, the right of initiative). At the same time, minimum requirements for taking human rights into account need not necessarily conflict with these specificities.

4.1.4 Normative foundations

The normative foundations of human rights strategies are the international laws in force, national laws, and other documents that the international community recognise as guidelines for development cooperation:

- **UDHR and human rights treaties:** All eight OECD-DAC actors whose human rights strategies were examined are signatories to the established UN human rights treaties.⁴⁵ All HRBAs are explicitly based on these core UN norms and on the UDHR. Austria and Denmark make additional reference to national laws on international cooperation, and Finland refers to its constitution. These three countries also stipulate HRBAs in their programmes on development policy (DANIDA, 2013; MFA of Finland, 2015; OEZA, 2006). Consequently the legally binding nature of human rights in development cooperation is also rooted in national law. These countries' HRBAs thus have higher legal status than the BMZ strategy.
- **Other foundations in international law:** With the exception of the German strategy, all the approaches examined are based not only on international law covering development and the protection of human rights but also on international humanitarian law and other corresponding international standards.⁴⁶ The German HRBA identifies peacebuilding, violence prevention and humanitarian assistance as neuralgic points for the respect, protection and fulfilment of human rights (BMZ, 2011a). However, the strategy's scope of application does not include German humanitarian assistance. The reason for this is that Germany – in contrast to all other countries analysed – has a dedicated development ministry whereas humanitarian assistance comes under the remit of the Federal Foreign Office. Other development partners whose foreign ministries are responsible for both development cooperation and humanitarian assistance can take other essential human rights-sensitive areas into account. The Federal Foreign Office's humanitarian activities are explicitly not part of the evaluation.
- **Human rights and development policy 'soft law':** International soft law is an important normative frame of reference for all the countries included in this comparison. Concerning the embedding of development agendas, the analysis findings show that only the German HRBA explicitly refers to the MDGs as a foundation. However, as the MDGs have been superseded by the SDGs in the meantime, the German strategy and most HRBAs dating back to the same period are left with a gap. Only the most recent HRBA – the Swiss strategy – gives a detailed account of the relationship between human rights and the 2030

⁴⁵ International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, UN Convention against Torture, UN Convention on the Rights of the Child, Convention on the Rights of Persons with Disabilities; in addition, Austria and Switzerland – like Germany – have ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

⁴⁶ The Finnish HRBA (MFA of Finland, 2015) specifically mentions the OECD instruments 'New Deal for Engagement in Fragile States and Good International Engagement in Fragile States and Situations', the Swiss HRBA (DEZA, 2019) 'Development Assistance and Approaches to Risk in Fragile and Conflict Affected States'. This OECD document describes a comprehensive risk approach ('Copenhagen Circles'), which identifies human rights-related contextual, programmatic and institutional opportunities and risks so that the opportunities can be converted into programmes and the risks reduced. In addition, the HRBAs of Denmark, the European Commission and Switzerland (DANIDA, 2013; DEZA, 2019; European Commission, 2014) universally follow a do-no-harm approach, which originated in relief missions in conflict regions, whereas the BMZ strategy only mentions this in the context of the human rights of indigenous peoples (BMZ, 2011a).

Agenda. A central tenet is the ‘leave no one behind’ principle, which is described as ‘both a fundamental principle of the SDGs and a human rights obligation’ (DEZA, 2019, p. 6, own translation).

Another influential but non-binding soft law document in the comparison of HRBAs is the UN Common Understanding (UNSDG, 2003).⁴⁷ Although only the HRBAs of Denmark (DANIDA, 2013), Finland (MFA of Finland, 2015) and the European Commission (European Commission, 2014) make reference to the UN Common Understanding, all but one of the strategies integrate its fundamental idea of mainstreaming human rights in all phases of the development cooperation project cycle. The one exception is the UK strategy, which is the oldest document in the comparative study. All the HRBAs included in the study incorporated the human rights principles of equality and non-discrimination, participation and inclusion, and accountability and rule of law, which are also elaborated in the UN Common Understanding. However, all the approaches vary distinctly in interpretation and emphasis, especially when it comes to citing empowerment as a human rights principle.

Moreover, not all approaches mention the Busan Development Partnership on Aid Effectiveness (OECD, 2011a), which replaced the 2005 Paris Declaration (OECD, 2005) in 2011. Only the approaches of Austria, Finland and the European Commission refer to the Paris Declaration; and none of the strategies cite more recent conventions (European Commission, 2014; MFA of Finland, 2015; OEZA, 2006). The German strategy likewise only includes the outdated Paris Declaration.

In summary, the German strategy is aligned with current human rights conventions and norms. The comparative analysis thus finds it to be on a par with HRBAs of a similar age. In relation to soft law, the German strategy is no longer entirely up to date. The 2030 Agenda, the aid effectiveness debate that culminated in the Busan Development Partnership, and more recent advances in that debate are particular aspects on which it no longer fully reflects the status quo.

4.1.5 Priorities in terms of content

The comparison of the content of the HRBAs analysed contextual challenges for human rights and the promotion of projects addressed to specific rights or structurally marginalised groups:

- Contextual challenges:** Only a few of the first- and second-generation HRBAs reflect current socio-political and concrete context-specific challenges to human rights such as the issues of forced displacement and migration or climate change. Even the more recent third-generation approaches tend to mention current human rights challenges in passing; the approaches of Finland and Switzerland exemplify this (DEZA, 2019; MFA of Finland, 2015). The contextual challenges described in the approaches represent a timeless or persistently topical selection. The German strategy consolidates such challenges as climate change and its negative consequences for human rights, especially indigenous peoples’ rights, within the thematic blocks of deficits of governance, discrimination and global developments (BMZ, 2011a). Although these continue to be important areas, they do not take up socio-political changes of recent years such as forced displacement and migration (see Chapter 4.2). Even more out of date are the HRBAs of Austria and the UK. The Austrian strategy refers to challenges in the wake of the 2001 terrorist attacks in the USA (OEZA, 2006) while the UK document concentrates on challenges of globalisation (DFID, 2000).⁴⁸
- Thematic emphasis:** Some HRBAs emphasise specific priorities, which focus both on ESC rights (for example, the right to food, health or housing; DANIDA, 2013; DEZA, 2006; MFA of Finland, 2015) and on civil and political rights (for example, rule of law, access to justice, promotion of democracy; DEZA, 2006;

⁴⁷ The UN Common Understanding was drawn up by the United Nations Development Group in 2003. It provides an internationally recognised foundation for HRBAs, according to which HRBAs are both ends and means of international cooperation. At the same time, it serves as a guideline to UN sub-organisations on how to integrate human rights principles into development projects.

⁴⁸ Although counter-terrorism and globalisation remain important issues in the international socio-political discourse, they are now being discussed in other contexts.

DFID, 2000). From the choice of themes, an implicit emphasis on ESC rights can be discerned in many HRBAs, but this is not made explicit.⁴⁹ The German HRBA contains two core measures:

- (1) promotion of civil and political rights by protecting and empowering human rights defenders in civil society and promoting the rule of law (BMZ, 2011a), and
- (2) promotion of certain ESC rights as part of bilateral cooperation by strengthening the human rights orientation in key social sectors (for example, water, health, education and agriculture) and realising the right to adequate housing (BMZ, 2011a).

- **Structurally marginalised groups:** Some approaches place a focus on certain structurally marginalised groups of people. The German strategy identifies young persons, lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, persons with disabilities and women as structurally marginalised groups of people (BMZ, 2011a) and defines them as target groups for human rights projects. The Swiss approach further emphasises that structurally marginalised groups are not (necessarily) just victims of poverty and human rights violations but are also potentially active and self-determined members of society. This shift in perspective from the marginalised person to the active and autonomous actor reflects the fundamental idea of rights-holders' empowerment in HRBAs. Stringent use of this shift of perspective is less evident in the German approach.

To sum up, in terms of its thematic selection the German strategy succeeds in finding a middle way between topicality and long-term applicability. Its thematic priorities cover a broad spectrum of issues, such that important aspects of human rights protection and promotion which were relevant when the strategy was first written have remained so to some extent. However, they are not so broad in scope that new challenges would merge into the strategy and blend in completely.

4.1.6 Instruments for achieving the objectives

All the HRBAs analysed resemble each other in terms of the selection of instruments for achieving their objectives. With the exception of the UK approach, the HRBAs contain three elements (see Chapter 2.1.3): (1) mainstreaming of a human rights perspective across all projects, (2) promotion and protection of human rights by means of specific projects, (3) bilateral and multilateral political dialogue. The approaches differ in terms of the characteristics of these elements, however:

- **Mainstreaming of a human rights perspective in projects:** The mainstreaming of human rights in development cooperation projects is defined as the integration of human rights as a cross-cutting theme, taking account of human rights standards and principles throughout all phases of the project cycle. In this respect, the comparison of all the development partners finds that only the German HRBA concretises both dimensions. It does so in its human rights guidelines by describing the integration of human rights principles in priority sectors or core areas and by naming particularly sensitive areas of risk for human rights impairments (BMZ, 2013). However, the German approach, much like the UK approach, gives no concrete instructions on how to design human rights-based projects in practice.⁵⁰ In contrast, the approaches of the European Commission, Denmark, Finland and Switzerland describe in varying degrees of detail how to accomplish the integration of an HRBA in individual phases of a project. Beyond this, five of the approaches⁵¹ differentiate between the minimum objective of avoiding human rights violations ('do no harm') and the maximum objective of realising human rights ('do maximum good').

⁴⁹ The sole exception here is the Finnish concept, which makes its focus on ESC rights clear (MFA of Finland, 2015).

⁵⁰ Based on the provisions in the German strategy mentioned above, it is possible to draw conclusions especially about the early phases – module conception and commissioning – and about implementation, but not about the design of monitoring and evaluation.

⁵¹ Austria, Denmark, the European Commission, Germany and Switzerland.

- **Specific projects:** Although all countries mention specific projects for the protection and promotion of human rights as an instrument, they differ in their thematic orientation, for example by focusing on certain rights or on certain structurally marginalised groups (see Chapter 4.1.5).⁵²
- **Political dialogue:** With the exception of the UK's first strategy, all the HRBAs studied designate human rights as a subject for bilateral and multilateral political dialogue.⁵³ By contrast, most of the OECD-DAC countries studied only comment cautiously on conditionality as an instrument to ensure the protection of human rights (BMZ, 2011a; DANIDA, 2013; OEZA, 2006). For the most part, the German approach to the political dialogue is comparable to that of other countries. However, by calling for the suspension of ODA in the event of recurrent human rights non-compliance, Germany formulates a comparatively far-reaching application of conditionality.

To summarise, there are strong similarities among the countries in their choice of instruments. Since the German strategy includes mainstreaming, specific projects and political dialogue, it is in line with the established norm and is broadly based. However, the German HRBA also has weaknesses – for example, no concrete instructions exist on how to design human rights-based projects in practice. At the same time, the German HRBA has strengths – for example, it formulates a comparatively strong voluntary self-commitment to human rights conditionality in the allocation of funds.

Box 4 Excursus: Approaches of multilateral development partners

To compare the German human rights strategy with the approaches of multilateral development partners, the first step was to identify bodies with fully fledged HRBAs. Six UN sub-organisations⁵⁴ and five international or regional development banks⁵⁵ meeting this criterion were identified. Due to their different mandates, less systematic conclusions about the BMZ concept can be drawn. For the most part, however, the elements of the comparison were retained. The criteria of format, reach and binding nature as well as thematic priorities are the focus of the following findings:

Format: The approaches differ in format depending on the form of organisation. While UN sub-organisations have developed fully-fledged human rights strategies, development banks usually work with 'safeguard policies'. The strategies of UN sub-organisations are characteristically manual-like in some cases, and are supplemented with a wealth of training material. When it comes to implementing the human rights perspective in development practice, the manual-like character of this HRBA makes it possible to describe individual steps of the project cycle in detail and to develop concrete recommendations for putting them into practice (UNDP, 2006). The EU itself also has an HRBA in the form of an Action Plan that is updated at certain intervals (EU, 2015). Most development banks are cautious in the human rights perspective they adopt because of their mandate, which excludes political activities. In their safeguard policies the banks

⁵² The Finnish approach uses an innovative method for assessing specific human rights projects together with the mainstreaming of human rights. It involves categorising projects by means of a classification scheme: 'human rights blind' (no mainstreaming of human rights); 'human rights sensitive' (human rights are incorporated in the development process); 'human rights progressive' (human rights are incorporated in the development process and to some extent integrated as expected outcomes); 'human rights transformative' (human rights are incorporated in the development process and fully integrated as expected outcomes, with an explicit focus on capacity development and advocacy work). (MFA of Finland, 2015).

⁵³ In this regard cf. OEZA, 2006; DEZA, 2019; MFA of Denmark, 2013 and MFA of Finland, 2015. For the EU, provisions on political dialogue and conditionality are set out in Articles 8 and 9 of the Cotonou Agreement.

⁵⁴ These include UNICEF in 1998 and the UNDP in 1998, the United Nations Development Fund for Women (UNIFEM, now UN Women) in 2007, the United Nations High Commissioner for Refugees (UNHCR) in 2008, the United Nations Population Fund (UNFPA) in 2010 and the International Organization for Migration (IOM) in 2015.

⁵⁵ Since most development banks are precluded by mandate from political engagement, only a few banks have an explicit HRBA. Some regional development banks have at least made human rights issues a part of their lending guidelines. In the comparison presented here, strategic documents from the African Development Bank, the European Bank for Reconstruction and Development, the World Bank, the Council of Europe Development Bank and the European Investment Bank were analysed.

profess to respect human rights, but these policies can better be understood as declarations of intent rather than fully fledged strategies. Only the approach of the European Investment Bank (EIB) resembles the strategies of the OECD-DAC countries.

Reach and binding nature: Like the German HRBA, the approaches of multilateral development partners do not reach beyond their own organisation or beyond organisations dealing with the same thematic area. However, the manual-like elaboration of some UN approaches enhances their reach by making the procedures usable and understandable by others. The EU Action Plan provides EU delegations and offices as well as Member State embassies with guidance on initiatives and actions at country level all over the world. In the case of the development banks, only the EIB sets out a procedural guide. As a specialised EU institution it is bound by the Charter of Fundamental Rights of the European Union, a key human rights treaty (EIB, 2009). The standards are binding for EIB staff, their aim being to inform the public, affected population groups and other actors⁵⁶ about how the EIB works. Making use of consistent standards can enhance coherence in the application of the approach. It is also EIB policy not to finance projects that do not conform to its own or international standards and national law. This rules out projects that lead to human rights violations as well as countries that the European Council has declared off-limits for EU funding, especially if this was due to human rights violations.

Priorities in terms of content: Most of the approaches have a strong thematic orientation. This differentiates them significantly from approaches of the OECD-DAC countries, but can be traced back to the particular mandates of the UN organisations and the development banks respectively. Normatively, parts of these approaches refer directly to specific human rights treaties or to the other internationally adopted legal frameworks. A distinctive feature of some UN approaches is that they address the right to development.

Box 5 Conclusion: Relevance of the strategy in comparison to other development partners' approaches

- In comparison to other development partners' strategies, the German human rights strategy is **mostly relevant**.
- Partner countries (NHRIs) view Germany as a relevant human rights actor compared to other development partners.
- The BMZ's human rights strategy makes Germany one of a small group of OECD-DAC countries which have a comprehensive HRBA as the foundation of their work in the field of development policy. Such an approach underscores the relevance accorded to human rights in development cooperation, and exceeds the commitment of other development partners.
- Regarding the binding nature and reach of the strategy, a mixed picture emerges. On the one hand, the binding requirement for the implementing organisations to apply the strategy becomes apparent. On the other hand, this binding requirement is restricted to the state implementing organisations. Private sector and civil society actors are exempt from the binding requirement to apply the strategy. Some other development partners go further in this respect by extending the reach of their strategies to all actors who receive development funding from the public purse.
- The normative embedding of the strategy is largely consistent with the relevant elements of hard and soft law. Where the strategy is not in line with current norms, this can be explained by the length of time that has passed since it was drafted. For example, there have been innovations in the aid effectiveness debate and with regard to some thematic agendas in the intervening period, such as the 2030 Agenda and the SDGs.

⁵⁶ For instance, the European Commission, multilateral financial institutions, business partners and civil society.

- Some outdatedness on the level of thematic content can also be noted. The strategy describes core themes which were relevant at the time it was drafted and still remain relevant today. However, it did not include some more recent thematic issues such as climate change, migration and forced displacement.
- The instruments selected by the BMZ for its HRBA, which are intended to contribute to the realisation of human rights, are in line with the elements acknowledged internationally. However, the BMZ does not formulate any concrete instructions on how to integrate these instruments throughout all elements of the programme process chain. Unlike other development partners, whose strategies already give precise procedural guidance, the BMZ explicitly delegates responsibility for this to the implementing organisations.

4.2 Relevance of the strategy in light of the human rights situation worldwide

Evaluation question 1.2: How relevant is the human rights strategy in the current political and normative human rights situation worldwide?

Methods: The assessment of the human rights strategy's relevance in light of the human rights situation worldwide was based on the following methods:

- **Document analysis:** The core of the analysis was a document analysis on the longstanding and recent issues in human rights at the time the evaluation was undertaken. Using the findings as a basis, the evaluation team analysed to what extent the BMZ human rights strategy meets the requirements resulting from the identified human rights issues in terms of its objectives and approaches to action.
- **Survey of NHRIs:** In addition to the document analysis, the NHRIs' assessments of the human rights situation in their respective countries contributed to answering this evaluation question.

The relevance of the BMZ strategy was assessed by comparing it with the findings from the document analysis and the survey, namely current and longstanding human rights challenges, some of which have persisted since 2011. To determine the assessment dimensions, five thematic fields were derived inductively from the document analysis. The human rights strategy is considered to fulfil the relevance criterion if its objectives and approaches to action thoroughly address longstanding and current human rights challenges in the following thematic fields: (1) civil and political rights, (2) human rights in the context of humanitarian crises, (3) structurally marginalised groups, (4) subsistence rights, and (5) business and human rights.

4.2.1 Civil and political rights

Despite a positive long-term trend from the mid-1970s onwards (Fariss, 2014, 2019), for the last decade or more the civil and political rights situation has deteriorated worldwide due to the spread of non-democratic regimes (Aghekyan et al., 2018).⁵⁷ This is seen, for example, in massive encroachments on freedom of assembly and increasing restrictions on press and Internet freedom, recently taking on new dimensions in the form of state control over Internet access.⁵⁸ Thus, governments are able to restrict citizens' rights without resorting to physical violence, for example by blocking the use of social media to organise protests (Gohdes, 2020; UNHRC, 2019). Also, spaces for civil society and particularly local organisations to evolve have been

⁵⁷ The observation of a positive long-term trend is disputed but is certainly supported empirically. Fariss (2014), for example, is critical that as human rights norms are progressively codified, the standard for established assessments of the human rights situation becomes ever more stringent so that indicators are no longer comparable over time. He corrects the established human rights indicators of the Cingranelli Richards Index (CIRI) database and the Political Terror Scale (PTS) using a constant standard and finds a slight improvement in physical integrity rights up to 2013 (Fariss, 2014). Also, the availability and quality of information on human rights violations has increased in recent decades (Clark and Sikkink, 2013).

⁵⁸ This was the case in Ethiopia in the summer of 2020, for example (Anna, 2020; NetBlocks, 2020).

drastically curtailed in the past 20 years (the issue of ‘shrinking spaces’), partly through laws prohibiting non-governmental organisations (NGOs) from being foreign funded (Auswärtiges Amt, 2016a; Buyse, 2018; Dupuy et al., 2016; Smidt et al., 2020; Würth, 2017).

Often, restrictions of civil and political rights are justified by arguing that they are necessary in order to combat terrorism and crime (UNHRC, 2018a, 2019).⁵⁹ The UN Human Rights Council therefore appointed a Special Rapporteur for this issue back in 2005 (OHCHR, 2020). Resolutions of the UN General Assembly (2019a; 2019b) have repeatedly called for the upholding of civil liberties in this context. Similar tendencies can be observed in relation to crime-fighting, such as the fight against drug crime in Brazil or the Philippines, which is often pursued unduly harshly, sometimes involving civilian casualties (Bachega, 2020; Human Rights Watch, 2020; UNODC, 2012). Also problematic from a human rights perspective are the methods used – in some cases with European support – to combat illegal human trafficking, for example off the Libyan coast or in the Sahel. According to the observations of human rights organisations, these methods severely violate the rights of the refugees themselves (Aghekyan et al., 2018; Amnesty International, 2018; Oette and Babiker, 2017).

These findings are not reflected in the assessment of civil and political rights by NMRIs. In comparison with all the rights enshrined in other conventions, they gave the civil and political rights situation the most positive rating ($\bar{x} = 8.07$ on a scale of 1 to 11, where 11 indicates the full realisation of rights). One NHRI did explicitly refer to deaths in police custody, however, and occasional respondents raised the issue of violation of prisoners’ rights in state prisons.⁶⁰ In the open-ended answers, eight NHRIs also explicitly pointed to problems concerning the rule of law, complaining for example about impunity and impediments to accessing justice. Rights-holders in these countries thus have considerable problems in invoking international law in national courts when they experience violations of their rights.

The BMZ’s human rights strategy paper only partially covers these recent developments in human rights. It does refer to the difficult situation of NGOs and the media due to restrictive laws, and to dangers faced by human rights defenders in many partner countries. However, it only mentions the ‘brutal crushing of legitimate peaceful protests’ (BMZ, 2011a, p. 13), without commenting on digital surveillance practices and Internet shutdowns. Moreover, human rights impairments in the context of antiterrorism and crime-fighting, which were already relevant at the time the strategy was drafted, are not dealt with. It only refers in a general way to the problem of weak governance and the importance of the rule of law (BMZ, 2011a). There is no mention of the concrete human rights threats affecting civil society when state institutions overreact in their fight against terrorist groups and organised crime.⁶¹ In view of the fact that NHRIs highlighted deaths in police custody, the strategy should address these forms of state violence against civilians. Moreover, having been drafted so long ago, the strategy does not contain references to human rights aspects of SDG 16.10,⁶² the implementation of which is to be measured by indicators including the number of cases in which journalists and human rights defenders have been killed, mistreated or arbitrarily arrested (indicator 16.10.1) (A/RES/70/1).

⁵⁹ Compare, for example, Bread for the World (Brot für die Welt, 2020, p. 20) on the Brazilian president’s warning that protests by social movements would be categorised as ‘terrorist acts’ in the future, and Le Roux (2019) on threats to human rights in the context of combating Islamist groups in the Sahel.

⁶⁰ Since this information was supplied in a free-response field, it is assumed that this issue is of great importance to the NHRIs interviewed.

⁶¹ The strategy paper on the external dimension of migration and refugee policy which the BMZ published jointly with the Federal Foreign Office and the Federal Ministry of the Interior, Building and Community (Auswärtiges Amt, 2016b) does contain several general references to promoting human rights and the rule of law when cooperating with countries of origin and transit, but nothing specifically linked to combating traffickers.

⁶² SDG 16.10 reads: ‘Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.’

In summary, the human rights strategy paper addresses the overarching threats to civil and political rights, but does not mention human rights violations committed in the context of antiterrorism and crime-fighting which were relevant even at the time of its publication in 2011.

4.2.2 Human rights in the context of humanitarian crises

Humanitarian crises continue to put pressure on human rights. Even though armed conflicts have inflicted declining death tolls on average since the end of the Second World War, the number of conflicts has risen in recent years. 2014 was the year with the most conflict-related casualties since the end of the Cold War (almost 150,000 deaths). In comparison to the first decade of the 21st century, numbers of casualties have remained high ever since (Pettersson et al., 2019). These conflicts give rise to large numbers of refugees: The United Nations High Commissioner for Refugees (UNHCR) estimates that in 2019 there were 79.5 million people fleeing conflict, persecution or serious human rights violations; 26 million of these refugees had left their home countries (UNHCR, 2020). The US Department of State's human rights reports between 1987 and 2010 reflect these developments: During the 2000s they register a major worldwide increase in human rights violations in the context of humanitarian disasters and internal displacement, and in relation to access to food (Greene et al., 2019). Natural disasters and changing climatic conditions are further triggers of humanitarian crises and displacement. In 2017 for example, sudden natural disasters caused the displacement of 18.8 million people worldwide.⁶³

The BMZ human rights strategy paper acknowledges that human rights are in particular jeopardy during crises. The paper emphasises that '[a]rmed conflicts and wars [...] result in massive human rights violations, both as a result of direct action by the state and the violation of its duty to protect citizens' (BMZ, 2011a, p. 11). In another section it states that 'armed conflicts, climate change, [...] the destruction of natural resources and food crises deprive people of their livelihoods, thus undermining the basis for the realisation of human rights' (BMZ, 2011a, p. 8). The human rights strategy paper also draws attention to the precarious situation of people who have fled armed conflicts: 'Provision of the humanitarian aid that is essential in such situations prioritises those people who face particular difficulties in exercising their human rights, such as refugees and internally displaced persons' (BMZ, 2011a, p. 11).

In summary, the strategy paper does contain references to current human rights challenges in the context of humanitarian crises, even though the BMZ's ministerial remit is limited to transitional development assistance.

4.2.3 Structurally marginalised groups

The BMZ human rights strategy paper defines people as marginalised if they belong to a group subject to human rights violations based on its identity (BMZ, 2011a). The findings from the NHRI survey show that many NHRIs see major challenges in realising the rights of structurally marginalised groups. The composition of these groups varies, depending on the country context. Disaggregated statistics show that extreme poverty affects disproportionately more women and girls⁶⁴, children and young persons⁶⁵ and persons with

⁶³ Between 2008 and 2016, comparable situations caused the displacement of 227.6 million people (Vidal and Tjaden, 2018).

⁶⁴ It affects 4.4 million more women than men (UN Women, 2018a).

⁶⁵ While children and young persons represent only one third of the world's population, they account for half of the people affected by extreme poverty (UNICEF and World Bank Group, 2016).

disabilities⁶⁶. The same groups have less access to education (schooling)⁶⁷ and political participation⁶⁸. Women and children are also more frequently victims of violence, especially within the family. There are 49 countries which have yet to pass any legislation protecting women from domestic violence (UN Women, 2018a). Religious and cultural practices can also pose a threat to the rights of women and children, according to some NHRIs.

Migrants, indigenous people and members of ethnic and religious minorities also have their rights curtailed in many contexts. This can reach the extent of impairing their right to physical integrity. In 2017 for example, 6,163 people died while attempting to emigrate abroad (Vidal and Tjaden, 2018). Indigenous people often become victims of forced eviction, forced resettlement and criminal actions when they resist large-scale agricultural, extractive or infrastructure projects in their native regions (UNHRC, 2018). Two NHRIs in the online survey stressed that the human rights situation was particularly poor for their country's indigenous population. Ethnic cleansing also remains a reality, as expulsions in Sudan, South Sudan, Myanmar or the Central African Republic in the recent past have shown (Human Rights Watch, 2020). In their answers to open-ended questions, three NHRIs from countries in Europe and from the Middle East and North Africa (MENA) said that ethnic or religious tensions posed a human rights challenge.

The human rights situation for LGBTI persons also remains problematic. All over the world they are confronted with sometimes drastic forms of legal, political and social discrimination, which can include poor protection against violence in private settings, mistreatment by police or judicial officials, forced sterilisation, and conversion therapies. According to OHCHR data, sex between same-sex individuals is illegal in 69 countries and punished with a death sentence in six countries (OHCHR, 2019). Accordingly, three NHRIs in the online survey highlighted human rights violations affecting LGBTI persons and their organisations. The deep-rooted nature of this discrimination in society is confirmed by the findings of an Afrobarometer survey conducted in 33 African countries, in which 78 per cent of respondents said they rejected homosexual neighbours (Dulani et al., 2016). It is hard to discern a clear global trend in human rights violations against LGBTI persons from the little data that exists (OHCHR, 2016). The last decade has seen a rising number of legislative reforms relating to LGBTI persons (Equaldex, 2021). In some countries this has strengthened the legal situation of LGBTI persons, for example by decriminalising homosexual acts or broadening the acceptance of same-sex marriage in Western Europe. However, other countries have stepped up discriminatory laws and sanctions and clamped down on the rights of LGBTI activists to freedom of expression and freedom of assembly (OHCHR, 2016).

When asked how the rights enshrined in human rights conventions were being realised in their own countries, the NHRIs' on average gave the worst rating to realisation of the rights of migrant workers ($\bar{x} = 6.8$, $n = 24$) and persons with disabilities ($\bar{x} = 6.8$, $n = 26$), relative to other human rights.⁶⁹ In the first case, this might be explained by the low ratification rate of the Convention on the Rights of Migrant Workers – which only a minority of UN member states (currently 55 states) have ratified and even Germany does not recognise – whereas many countries have ratified the Convention on the Rights of Persons with Disabilities. The NHRIs rated the realisation of child rights most positively ($\bar{x} = 8.07$, $n = 26$). This may be linked to the fact that almost

⁶⁶ In all countries for which data is available, the proportion of extremely poor persons with disabilities is significantly higher than the proportion of extremely poor persons without disabilities – up to twice as high in some countries (UNDESA, 2019).

⁶⁷ 15 million girls versus 10 million boys of primary school age do not have access to primary education (UN Women, 2018a). Twice as many persons with disabilities (46 per cent) are illiterate compared to those without disabilities (23 per cent). In some countries, they are rejected by educational institutions and almost half of 30,000 schools surveyed cannot provide barrier-free access (UNDESA, 2019).

⁶⁸ Women occupy fewer than a quarter of parliamentary seats (UN Women, 2018b); in 128 countries there are legal limitations on the right of persons with disabilities to participate in elections, while 161 countries restrict their eligibility for public office (UNDESA, 2019).

⁶⁹ In keeping with these responses, some also stated that the governments of the countries surveyed most often favour political and civil rights (36 per cent, $n = 5$) and largely neglect the rights of migrant workers (38 per cent, $n = 5$). On a societal level, the rights of migrant workers in the countries of origin where the surveyed NHRIs are located are considered the least important compared to other rights (37 per cent, $n = 7$).

all UN member states⁷⁰ have ratified the Convention on the Rights of the Child. Thus, a majority of governments worldwide can be held accountable for realising child rights.

The BMZ human rights strategy places a high priority on the rights of women and persons belonging to other highly marginalised groups. The ministry further underscores this by emphasising the HRBA in the corresponding strategy papers and action plans on child and youth rights in German development cooperation (BMZ, 2017a), on the inclusion of persons with disabilities (BMZ, 2019a), on gender equality (BMZ, 2014a, p. 9 ff., 2016a, p. 10 ff.) and on development cooperation with indigenous peoples (BMZ, 2006b). Only passing mention is made of migrants and migrant workers in the strategy and the accompanying guidelines, and there is no separate strategy paper nor any internal BMZ directives on supporting and cooperating with LGBTI persons in contexts where their sexual identity is illegal.

Despite the omission of these thematic elements, in summary the findings show that the human rights strategy paper covers the majority of currently identifiable marginalised groups.

4.2.4 Subsistence rights

Even though the proportion of extremely poor people has fallen from around 36 per cent of the world's population in 1990 to around 10 per cent (World Bank Group, 2020), poverty has posed new problems in recent years.⁷¹ Progress in reducing poverty has only been achieved in some of the world's regions. Meanwhile, socio-economic development has stagnated in large parts of sub-Saharan Africa (ECOSOC, 2017).

Poverty and its impairment of subsistence rights (especially the rights to health care and housing) were explicitly named as a challenge by the NHRIs who participated in the survey. Although on average their rating of the realisation of ESC rights tended to be positive, ($\bar{x} = 7.15$), they nevertheless rated it worse than the fulfilment of civil and political rights. According to a majority of NHRIs (74 per cent, $n = 14$), the ESC rights are the most important for their country's people. This contrasts with the NHRIs' assessment of the priorities set by their governments: Only for 21 per cent ($n = 3$) of countries could the NHRIs say that governments viewed the rights enshrined in the Social Covenant as a priority.

Fulfilling the right to food is posing especially great challenges worldwide. The absolute number of people affected by hunger began to rise again from 2015 onwards (FAO, 2019). Maternal malnutrition also increased worldwide between 2012 and 2018. For children, the relative numbers are stagnating (Independent Expert Group of the Global Nutrition Report, 2020). Furthermore, 785 million people do not have an adequate supply of drinking water and 27 per cent of the global population lack basic sanitation (ECOSOC, 2019). Large parts of the global population are also denied their rights to decent health care (ECOSOC, 2019), social protection (ILO, 2017), education (ECOSOC, 2019) and housing (ECOSOC, 2019).

The BMZ strategy and the associated guidelines make reference to the problems surrounding poverty and the resulting impairments of social human rights (BMZ, 2011a). Both papers allude to current debates, mentioning such aspects as climate change and its impacts on the fulfilment of social rights or the special challenges it poses in the context of displacement and migration (BMZ, 2011a). However, certain social rights are mentioned more often than others.⁷² It can certainly make sense to focus on a subset of rights, given that resources are limited and work is shared between different German government departments and

⁷⁰ The exceptions are Somalia and the USA.

⁷¹ There is controversy about the World Bank's definition of poverty, however; on the debate, see *inter alia* the evidence in Clarke (2017, p. 488) and Hulme (2015, pp. 45, 134).

⁷² For example, the strategy paper mentions the right to social protection rather incidentally (BMZ, 2011a) and offers no further elaboration of its potential implications for development cooperation. Just two passages (BMZ 2011a) address the right to social protection indirectly (BMZ, 2011a), while the guidelines contain several passages mentioning welfare benefits (see BMZ, 2013). Since social protection objectives are integral to the 2030 Agenda (particularly SDG 1.3), it is necessary to deal with them explicitly when the BMZ's human rights approach is revised.

development partners. However, neither the strategy nor the guidelines explain why certain of the UN Social Covenant's guarantees are given priority. Consequently, the human rights strategy paper only inadequately formulates and justifies strategic and thematic directives for the programming and implementation of development cooperation measures in partner countries. Furthermore, the lack of systematically elaborated priorities hampers coordination with other (national and international) actors, which inhibits actors engaged in promoting subsistence rights from identifying synergies and complementarities. Another remaining gap in the strategy is the BMZ's positioning in the debate on development partners' extraterritorial duties of fulfilment.⁷³ The BMZ human rights strategy paper mentions that '[a]n intense debate is currently underway in the field of international law about the type and extent of states' extraterritorial obligations in relation to human rights implementation' (BMZ, 2011a, p. 5). However, it remains unclear what position the BMZ adopts in this debate and whether – alongside the extraterritorial protection obligations – it also takes account of the extraterritorial fulfilment obligations deriving from social human rights when setting its political priorities.

In summary, it is clear that the human rights strategy paper identifies all current thematic challenges in the field of subsistence rights and also views them as a priority of its work. However, the paper lacks explicit and well-founded explanations of the priority accorded to some rights, and does not take a position in the debate on Germany's extraterritorial obligations.

4.2.5 Business and human rights

Since 2011 when the BMZ's human rights strategy was adopted, the global human rights situation has changed above all with regard to the activities of transnational corporations. Holding them responsible for breaches of the ILO core labour norms and other fundamental human rights standards was already an important aspect prior to that date, and was duly reflected in international normative developments. One example of this is the adoption of the UN Guiding Principles on Business and Human Rights by the UN Human Rights Council (UNHRC, 2011). Nevertheless, several major factory accidents and particularly the collapse of the Rana Plaza building in Bangladesh in April 2013, killing 1,135 people and injuring almost 2,500, created wider public awareness of the issue in the period post-dating the publication of the human rights strategy paper. Some countries responded by tightening up national legislative provisions on the foreign engagement of corporations (Grabosch, 2019). For a long time Germany had no law that held domestic companies accountable for human rights violations along their supply chains. At the instigation of the BMZ and the Federal Ministry of Labour and Social Affairs (BMAS), however, the Bundestag intends to pass such a law by January 2022. The BMZ also tries to draw public attention to the issue by means of campaigns, conferences, and initiatives such as the 'Green Button' label for clothing.⁷⁴

In the Global South, inadequate building safety and poor accident prevention are among the issues that affect many factory workers in their working environments (ECOSOC, 2019). Forced labour and child labour (ILO, 2019), denial of trade union rights (ITUC, 2019), and rates of pay below a living wage are all widespread (WageIndicator Foundation, 2020). In the online survey, too, several NHRIs described the realisation of workers' rights in their country as a challenge. One NHRI mentioned having received a large number of complaints about violations of workers' rights, for example.

The activities of transnational companies pose an increasing threat to human rights in rural regions of the Global South. Expropriations are frequently used to create opportunities for foreign investors to acquire land

⁷³ As yet there are no political or legally binding directives on the precise assignment and measurement of the realisation and support obligations deriving from the social human rights (de Schutter et al., 2012; Kämpf and Winkler, 2012). How to specify and quantify them is currently a matter of intense academic debate, however (de Schutter et al., 2012; Kaltenborn, 2015; Kämpf and Winkler, 2012; Khalfan, 2013; Vandenbogaerde, 2015; Vandenhole, 2020).

⁷⁴ More information on the cited BMZ initiatives can be found on the Ministry's website (BMZ, 2020c).

on a large scale (known as land grabbing) in order to farm agricultural products for export. This can make it impossible to produce enough staple foods for the local population. Especially serious human rights violations are also a risk when local authorities are unable or unwilling to protect the affected population from displacement or physical attack (Borras et al., 2016).

The BMZ's human rights strategy gives due consideration to the thematic complex of business and human rights. It calls upon German development cooperation to work on the institutional and legal levels in its partner countries to strengthen the state's duty to protect human rights, as a means of preventing human rights violations by companies and ensuring that the ILO core labour standards are met (BMZ, 2011a). The strategy also discusses the corporate responsibility to respect human rights (referring to the UN Guiding Principles on Business and Human Rights) and makes ongoing commitments to develop the legal framework and to promote corporate social responsibility (CSR) (BMZ, 2011a). While the human rights strategy paper explicitly addresses workers' rights, forced evictions and the prohibition of child labour (BMZ, 2011a), it only indirectly mentions human rights violations in connection with agricultural investments and land grabbing (BMZ, 2011a). However, the guidelines contain a chapter on potential human rights risks of development cooperation in the field of agriculture, which covers the protection of smallholders and subsistence farmers in connection with allocations or sales of land titles (BMZ, 2013a).⁷⁵ Likewise, the human rights strategy paper makes no mention of strengthening or cooperating with workers' representative bodies as an approach, but in the guidelines on mainstreaming human rights it is incorporated in various development cooperation priority areas (BMZ, 2013a).

To sum up, the human rights strategy paper takes up relevant normative foundations and human rights issues in the business sphere, but not in every case does it deal with specific issues and target groups such as smallholders and subsistence farmers and workers' representative bodies.

Box 6 Conclusion: Relevance of the strategy in light of the human rights situation worldwide

- The human rights strategy is **mostly relevant** in light of the current human rights situation worldwide.
- The strategy addresses all five overarching human rights issues. However, there are some shortcomings within the five thematic fields, some of which are due to the fact that the strategy has not recently been updated. Aspects that it covers particularly well are: (1) key elements of the challenges in the area of civil and political rights, (2) current human rights challenges in the context of humanitarian crises, (3) the majority of structurally marginalised groups, (4) challenges relating to the realisation of subsistence rights in the context of global poverty reduction, and (5) relevant normative developments on business and human rights.
- The main areas of general potential for improvement are (1) the strategy's omission to address requirements for the protection of civil and political rights in the context of digitalisation, antiterrorism and crime-fighting, and the 2030 Agenda, (2) only limited coverage of cooperation with structurally marginalised groups, and particularly LGBTI persons and migrant workers, (3) explicit, strategic and targeted priority-setting on the realisation of subsistence rights, and (4) cooperation with smallholders and subsistence farmers and employees' representative bodies in the thematic area of business and human rights.

⁷⁵ A further BMZ strategy paper deals with human rights violations in connection with land grabbing (BMZ, 2012a).

5. FINDINGS 2: IMPLEMENTATION OF THE HUMAN RIGHTS STRATEGY

5.1 Shared understanding of human rights at the BMZ

Evaluation question 2: To what extent does a shared understanding of human rights as a guiding principle exist at the BMZ, and to what extent does it guide actions?

Methods: The analysis of the shared understanding of human rights at the BMZ was based on the following method:

- **Qualitative interviews:** The evaluation team used qualitative interviews with BMZ staff to discuss human rights and their role in German development policy practice. Supplementary information was collected by conducting interviews with representatives of civil society organisations on their understanding of human rights in practice yielded supplementary information. Interview questions about the content of the guiding principle of ‘human rights’ were open-ended and the responses were analysed qualitatively.

Findings: Only in isolated instances did interviews reflect a comprehensive understanding of human rights that encompassed normative, thematic and operational aspects of the HRBA. The components of such a comprehensive understanding are, firstly, the description of human rights as a normative canon of values. This is commonly expressed in the shift of perspective – as described in the human rights strategy – from ‘state partners’ to ‘duty-bearers’ and from ‘target groups with needs’ to ‘rights-holders’. Secondly, respondents mentioned concrete contents of human rights conventions, and thirdly, operational and functional elements of the HRBA in German development cooperation, such as particular areas of action and the interplay between them. Respondents with this wide-ranging understanding were mainly actors who engage with the conceptual foundations of human rights professionally (Int. I20; Int. I15; Int. I22; Int. I25).

In most of the other interviews, BMZ staff only discussed isolated aspects of human rights and the HRBA. In line with the content of the interviews, they very frequently described human rights in terms of operational and functional aspects (Int. I3; Int. I8; Int. I7; Int. I6; Int. I21). In this regard, they referred to the mainstreaming of human rights in development cooperation practice. For example, they mentioned the mainstreaming of human rights at project level and the implementation of specific projects, and discussed these as constitutive elements of the guiding principle of ‘human rights’:

For me it [the guiding principle of human rights] means that from start to finish – in other words during the conception of projects, but programmes, too, for that matter – it is really always a horizontal topic. No matter which country they’re in. Whether it then also becomes a vertical topic [...] always depends on the context, in my view. Where the needs happen to be, and what the agreed priorities of the cooperation happen to be. But as a horizontal theme, that’s absolutely how I would see it. (Int. I8)

Although this expresses an awareness of the two core elements of the twin-track approach, only rarely did respondents from the BMZ link the two elements and speak in terms of employing them as joint and complementary means of achieving human rights objectives in partner countries. In contrast, the interviewees often emphasised challenges of implementing specific human rights projects in practice, and frequently characterised such projects as undesirable or ineffective (Int. I3; Int. I4; see Chapter 5.2.8 for an in-depth analysis).

The BMZ staff interviewed often described the guiding principle of ‘human rights’ in relation to the concrete human rights situation in partner countries (Int. I3; Int. I4; Int. I19; Int. I2). They discussed possible ways in which German development cooperation might contribute to improving the human rights situation, for example (Int. I19; Int. I21; Int. I3; Int. I4). In this context, preventing human rights violations tended to be a stronger focus than contributing to the realisation of human rights through development cooperation projects (Int. I3; Int. I21, see Chapter 5 for more details). No one explicitly referred to Germany’s extraterritorial obligations to strengthen human rights in partner countries.

The actors who mentioned the emphasis on operational and functional aspects were largely those who bore responsibility for the design of projects in partner countries. In this respect, the understanding of human rights may simultaneously express the realities of the respective interviewees' working lives and responsibilities.

The BMZ staff interviewed also made very frequent mention of normative aspects of human rights. While they referred to the consistency of individual values with human rights in abstract terms, they did not make any link between the HRBA and operational and functional aspects (Int. 15). Some respondents therefore suggested that a dedicated human rights strategy was not necessary as a basis for their own actions, since their own values were consistent with the normative foundations of the human rights strategy:

And these are things I don't need a dedicated human rights strategy for, because in fact it just emerges from the analysis of the country. Where are the greatest needs? And then one puts it into practice implicitly, so I wouldn't need to go back and add a footnote saying, by the way, that's page 2 of the human rights strategy paper. (Int. 14)

Consequently, some respondents considered it unnecessary to refer to the strategy in their daily work (Int. 17; Int. 15). In light of the above finding that core elements of the HRBA such as its twin-track approach were often described as not effective, this indicates that the HRBA possibly only guides actions to a limited extent in practice.

Furthermore, interview respondents often focused on the problem that human rights can be a sensitive topic for partners, which was coupled with the view that partners did not necessarily have to support particular aspects of human rights to the same degree in every case. This was manifested in challenges around discussing the structural marginalisation of certain groups, such as LGBTI persons, during the political dialogue (see Chapter 5.2.2).

In the interviews, little sign of the human rights-oriented shift of perspective, one of the core elements of the normative dimension of the human rights strategy, was reflected. For example, the respondents barely talked about rights-holders or duty-bearers. Only interviewees with a complete and comprehensive understanding of human rights adopted human rights language (Int. 120; Int. 115; Int. 125). Sometimes the interviews confirmed the absence of the shift of perspective explicitly. Moreover, only very occasionally did respondents explicitly refer to the thematic implications of human rights conventions, and when they did cite these, it was mainly in relation to the sectoral mainstreaming of human rights (Int. 114).

However, the interviewees often made indirect links with particular conventions. For example, they often referred to development cooperation's implicit contributions to realising particular human rights, especially ESC rights. This reflects a thematically broad understanding of human rights which encompasses not only civil and political rights, but also ESC rights in particular.

Box 7 Conclusion: The shared understanding of human rights at the BMZ

- Taken as a whole, the findings from the analysis reveal a comprehensive understanding of human rights mainly among actors who engage with human rights and the HRBA as part of their work. This understanding encompasses normative, thematic and operational aspects of the HRBA.
- Otherwise staff refer mainly to the normative basis of human rights and to operational and functional aspects of the HRBA. However, there are limitations with regard to depth of understanding. For example, links are not being made between the two elements. Gaps are also evident with regard to the human rights-oriented shift of perspective and to Germany's extraterritorial obligations. Regarding the operational implementation of the normative framework of the HRBA, it becomes evident that the integration of the elements of the HRBA ('twin-track approach') is not always understood.
- In terms of content, interviewees often (implicitly) refer to civil and political rights as well as ESC rights. Only rarely do staff members make explicit reference to human rights conventions and to particular rights elaborated in them.

5.2 Implementation of the areas of action

Evaluation question 3: To what extent are the BMZ and the implementing organisations implementing the human rights strategy and its areas of action?

This chapter presents the findings concerning the implementation of the human rights strategy paper and is structured according to its areas of action (see Chapter 2). The subsections are ordered according to the content elaborated in the areas of action and the actors responsible for implementing them.

5.2.1 Area of action 'procedures and processes'

Definition of the area of action: The area of action 'procedures and processes' intends to contribute to mainstreaming human rights standards and principles within the procedures and processes of the BMZ and state implementing organisations. Furthermore, the area of action applies to all business done by the implementing organisations on their own account.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Document analysis:** The basis for recording the implementation status of this area of action was an analysis of procedural and process documents which took account of the internal process descriptions, guidelines, internal directives and checklists that were current at the time of the evaluation. The analysis of these documents was based on the process for designing bilateral development programmes and projects within the BMZ and in the implementing organisations. It considered each step of the process chain in terms of the HRBA's core elements: (1) mainstreaming positive human rights results and preventing human rights violations, and (2) mainstreaming human rights principles (see BMZ, 2013a).
- **Interviews:** Interviews with representatives from policy divisions and sections responsible for human rights within the BMZ and the implementing organisations yielded an additional perspective for the assessment of the area of action. The findings from these interviews were supplemented with findings from interviews with civil society representatives which covered particular procedural and process elements.

- **Survey of NHRIs:** The survey made it possible to obtain a perspective from countries in the Global South on the mainstreaming of human rights standards and principles in German development cooperation procedures and processes. It focused on the procedural and process elements that are visible in the countries of the given institutions.

The implementation was assessed according to the following criteria: (1) mainstreaming of human rights standards and principles in procedures and processes of the BMZ and the implementing organisations (by means of document analysis), (2) implementation of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (by means of interviews).

Findings: The findings from the document analysis show that aspects of the German HRBA are mainstreamed throughout the process chain both within the BMZ and in the implementing organisations. This finding is reflected in the responses of both BMZ and implementing organisation representatives. In the course of the interviews they referred to a range of procedures and processes designed to implement the HRBA within German development cooperation (Int. I1; Int. I20; Int. I21; Int. I22; Int. I19). Similarly, findings from the survey of NHRIs show a positive perception of the mainstreaming of human rights aspects in procedures and processes.

The BMZ's procedural and process descriptions on preparing for intergovernmental negotiations contain references to human rights, but these are indirect and implicit for the most part. While the BMZ indicated that implementation of the HRBA was fully mainstreamed in the relevant procedural and process documents (Int. I1), the findings from the document analysis show that its internal documents only implicitly refer to human rights. For example, the instructions on preparing for intergovernmental negotiations stipulate that internal consultation will take place on the treatment of themes such as good governance, democracy and human rights (Doc. 3). However, this does not necessarily imply that human rights have to be addressed in the dialogue with the partners. Moreover, the instructions on documenting negotiations contain only one implicit reference to human rights under the heading of 'adequate labour, social and environmental standards' as part of the framework conditions for sustainable economic development (Doc. 99). Likewise, no explicit references to human rights appear in internal documents on preparing for bilateral intergovernmental negotiations.⁷⁶ None of the documents mention the mainstreaming of recommendations from the human rights system, although according to the human rights strategy paper (BMZ, 2011a) these are intended to lay foundations for a more objective human rights dialogue (see also Int. I1).

Human rights are an explicit and mandatory component in the procedures and processes which structure the drafting of BMZ country strategies. According to internal directives, country strategies should contain statements on the protection of human rights and on the human rights situation in the partner country (Doc. 26). They should also reflect how human rights have been mainstreamed hitherto in accordance with the directives in the BMZ human rights strategy paper (Doc. 26). Finally, country strategies should identify human rights risks and describe unintended impacts on development policy objectives, programmes and modules in such a way that the aspects identified can be referenced in future for the purposes of thematic orientation (Doc. 26). Country strategies are formally based on an integrative reflection process which can involve partners, implementing organisations, relevant development partners, other German government departments, as well as other actors (for example, from civil society and business) in the partner country (Doc. 26). According to the interviews, this process takes the form of reflective questions which cover human rights aspects. Representatives from the regional divisions and the implementing organisations are to accomplish this by jointly answering questions on the inclusion of particular structurally marginalised

⁷⁶ Interestingly, though, the role of religious communities in the partner country in terms of their stance on human rights is one of the core aspects of the country talks. The documents on preparing for intergovernmental negotiations also contain indirect references to human rights. For instance, they specify the updating of a country-specific context analysis, which may also cover aspects of the human rights context (Doc. 3).

population groups in projects. There is also a quality assurance body which makes provision for representatives from sector divisions (including the division responsible for human rights) to participate and propose changes (Doc. 26, see also Int. 11). While some interviewees pointed out that the human rights division made limited use of this body (Int. 11; Int. 14), others criticised the practice of commenting retrospectively on a fully drafted strategy, stating that it allowed little scope for mainstreaming the full content of the HRBA, and that only superficial and rather cosmetic adjustments were possible (Int. 19; Int. 120).

Procedures and processes also exist within the BMZ for mainstreaming the HRBA in projects: Planning documents for bilateral development cooperation projects have to specify the extent to which they take account of strategic directives from the human rights strategy (Doc. 41). Furthermore, they have to explain risks and possible negative impacts of the proposed programme on issues such as human rights, and propose countermeasures to be taken in the political dialogue and the project design (Doc. 41). It is also mandatory to note in the project planning documents any effects on human rights and any remaining tensions with other objectives. The project planning documents should include a separate section which sets out all the references to the cross-cutting theme of human rights. Planning documents should also describe planned human rights measures, if this is a requirement (Doc. 42).

While the BMZ's procedures and processes focus on the mainstreaming of human rights risks and impacts, no references to human rights principles can be found. For example, there is no grievance mechanism that operates systematically across the whole of development cooperation. The introduction of such a mechanism was to be examined by the BMZ, according to the human rights strategy paper. Responsibility for putting human rights principles into practice is largely delegated to the implementing organisations, in that the BMZ makes it mandatory for the implementing organisations to implement the human rights guidelines which provide for the mainstreaming of human rights standards and principles in projects (see Chapter 2.2.). The implementing organisations have their own procedures and processes for putting these guidelines into practice.

GIZ does so by means of its Safeguards and Gender Management System, the content of which is based on the human rights guidelines. It includes a procedure for identifying risks, which has to be applied for interventions exceeding a contract value of one million euros (Doc. 89; see also Doc. 90; Doc. 91). The system is highly standardised and similar to the human rights guidelines in its level of detail. It specifies clear analysis criteria and risk categories, imposes a largely consistent format on the analysis results, and refers to selected sources for the analysis of the human rights context (Doc. 90). Currently the Safeguards and Gender Management System is limited to identifying risks in the first two phases of the project cycle, a form of procedural front-loading that was confirmed in one of the interviews (Int. 120). However, pilot work on extending the system to later phases of the project cycle is currently under way (Doc. 89; Doc. 90). Complementing this, there is explicit documentation on mainstreaming the HRBA in project evaluations (especially evaluation questions and evaluation process) carried out by GIZ (Doc. 92).⁷⁷

Analogous procedures exist at KfW for environmental and social due diligence (ESDD) and for target group and stakeholder analysis (*Zielgruppen- und Betroffenenanalyse, ZGBA*). Along similar lines as at GIZ, the multi-level ESDD is aligned with the BMZ human rights guidelines, among others, and applies to all forms of KfW financing (KfW, 2019). The yardsticks for assessment are the World Bank Group's Environmental and Social

⁷⁷ The BMZ sets out directives for evaluations through its guidelines for incorporating the OECD-DAC evaluation criteria in project evaluations. In the first edition published in 2006, there are no explicit references (BMZ, 2006a), whereas the update published in 2020 contains occasional references to human rights, and particularly to structurally marginalised groups (BMZ et al., 2020).

Standards, its Environmental, Health and Safety Guidelines, and the ILO core labour standards.⁷⁸ The ESDD is highly structured and standardised. At its core it consists of a systematic identification of risks posed by development cooperation projects and possible counter-measures. It is thus primarily geared towards preventing human rights violations (KfW, 2019), and makes provision to call in experts for projects entailing a higher level of human rights risk (Doc. 126). The ZGBA not only addresses possible unintended negative impacts of a project but also its potential positive impacts (Doc. 93). Additionally, it also contains implicit references relevant to human rights, in that it addresses aspects such as access to resources or gender equality, as was pointed out in one interview (Int. I21). KfW's procedures are not restricted to the planning phase of projects but apply to the entire project cycle. For example, KfW's sustainability guidelines also include requirements for continuous monitoring and reporting on potential negative impacts (KfW, 2019).

The Federal Institute for Geosciences and Natural Resources (*Bundesanstalt für Geowissenschaften und Rohstoffe*, BGR) employs two procedural elements, namely the reference matrix on 'human rights' (Doc. 1) and an assessment guideline (Doc. 2) for mainstreaming the HRBA in projects (Int. I19). The reference matrix, which specifies the requirements, explicitly addresses human rights impacts and risks (Doc. 41; Doc. 1; Doc. 94). If risks are identified, it is necessary to describe 'what measures are planned to prevent them or how the project conception counters this risk' (Doc. 1; Doc. 2). The criteria for this assessment and what implications it carries for the decision on a project's feasibility are not clear from the documentation. It is clear, however, that the procedures in place are restricted to the early phases of a project. Project evaluations address human rights aspects only indirectly by including evaluation questions relating to groups affected by structural marginalisation (Int. I19).

As part of the study '*Ein Menschenrechtsansatz im Rahmen der Technischen Zusammenarbeit der PTB*' ('A human rights approach within PTB's technical cooperation'), the *Physikalisch-Technische Bundesanstalt* (PTB) drew up a checklist in 2013 (PTB, 2013); according to its own information, this was intended to provide project coordinators with supplementary guidance on the mainstreaming of human rights. All staff are required to use it (Int. I22).⁷⁹ The list contains questions of a general nature which cover the positive and negative impacts of the planned project on human rights as well as affirmative counterbalancing measures in the event of potential human rights risks (PTB, 2013). A positive point is that the checklist mentions a wealth of sources for international legal standards (PTB, 2013). However, it does not prescribe responsibilities, procedures or assessment criteria of any kind which would lend themselves to a systematic human rights risk assessment. Here once again, it is evident that procedures and processes are limited to the early phases of a project. In contrast, two evaluations of projects that explicitly covered aspects of human rights have already taken place (Int. I22).

The analysed procedures of the implementing organisations address positive human rights results as well as human rights risk management. Hence, they indirectly ensure the implementation of the human rights principles of non-discrimination and equality of opportunity. To address other human rights principles, the implementing organisations have further procedures.

For example, to fulfil the principles of transparency and accountability, they make use of (inter alia) institutional grievance mechanisms. According to interviewees, grievance mechanisms exist at the institutional level in all of the implementing organisations (Int. I20; Int. I21; Int. I22; Int. I19; Int. I4; Int. I8;

⁷⁸ Although the World Bank's Environmental and Social Framework fundamentally affirms its support for the Universal Declaration of Human Rights (World Bank Group, 2017), the German Institute for Human Rights (DIMR) finds that major parts of the standards contained in the Framework do not match up to the German government's self-imposed human rights commitments (Brunori, 2019; Cabrera Ormaza and Ebert, 2019; Dann and Riegner, 2019; DIMR, 2016; Forsythe, 2017; Human Rights Watch, 2015; Lewis and Söderbergh, 2019; Shawar and Ruger, 2018).

⁷⁹ Furthermore, in developing the Capacity WORKS management system, GIZ has put in place a procedural element that engages with the systematic identification of significant actors. However, it makes no explicit reference to human rights principles (Doc. 127; Doc. 128). Equivalent management systems exist within other implementing organisations.

Int. I7), although brief procedural descriptions of grievance mechanisms are only available from GIZ and KfW (GIZ, 2016; KfW, 2019).⁸⁰ These institutional grievance mechanisms are in place for all projects implemented by the respective implementing organisations. Some interviewees drew attention to potential for improving access to and use of the grievance mechanisms (Int. I22; Int. I19; Int. I7). In isolated cases, they mentioned not having sufficient information about precisely how the mechanisms worked (Int. I19).

In addition to the institutional mechanisms, KfW also operates dedicated grievance mechanisms at the project level. KfW project partners are under contractual obligation to establish such grievance mechanisms (KfW, 2019). These are written into the contract templates for KfW projects with high or moderate environmental and social risks. Partners in projects with low human rights risks are placed under obligation to establish channels for queries and complaints (Doc. 101; Doc. 102). In its study of project-level grievance mechanisms, however, the German Institute for Human Rights (*Deutsches Institut für Menschenrechte*, DIMR) identified potential for improvement. Moreover, it found that the grievance mechanisms often stand alone. A holistic approach integrating different non-judicial as well as judicial mechanisms – as recommended by the UN High Commissioner for Human Rights (UNHRC, 2020) – is not in place (DIMR, 2020). This can make it even harder for victims or witnesses of human rights violations to choose and access grievance mechanisms (FRA, 2020). The DEval evaluation of the Partnership for Prospect Initiative in the Middle East arrived at similar findings, concluding that the project’s grievance mechanisms are not always used to a satisfactory extent (Roxin et al., 2020). Because of the limited information provided about the implementing organisations’ grievance mechanisms, it is not possible to give a conclusive assessment of their overall quality.⁸¹

The human rights principles of participation and empowerment are scarcely addressed explicitly by the implementing organisations’ procedures and processes.⁸² Only KfW’s procedural descriptions for the preparation and planning of projects make reference to participation (KfW, 2019), to the effect that partners in projects with high or moderate human rights risks are contractually obliged to implement a stakeholder engagement plan and to publish its outcomes in a manner that can be understood in the project region (Doc. 101; Doc. 102).

Box 8 Conclusion: Implementation of the area of action ‘procedures and processes’

- The implementation of the area of action ‘procedures and processes’ is **mostly fulfilled**.
- The findings from the document analysis and the interviews show that human rights standards are mainstreamed in all parts of the process chain that underpins the design of bilateral development cooperation programmes. The only content-related gaps in the BMZ’s documentation concern the political dialogue, where the mainstreaming of human rights is only implicit and non-binding (see Chapter 5.2.2). Human rights principles are not mainstreamed in the BMZ’s procedures, as it delegates the responsibility for implementation to the implementing organisations. There are gaps with regard to an institutional grievance mechanism and the participation of rights-holders.
- It is evident from examining the implementing organisations’ procedures and processes that they have established fully elaborated and comprehensive procedures and processes aimed at integrating positive human rights results as a cross-cutting approach and preventing human rights violations. In some implementing organisations these procedures are focused on the planning phase of projects,

⁸⁰ In the case of GIZ, its whistleblower system is a further procedural element that can be used to report breaches of integrity and compliance standards (Bundestag, 2020).

⁸¹ Thus, it was not possible to review the quality criteria for grievance mechanisms as elaborated, for example, in Guiding Principle 31 of the UN Guiding Principles on Business and Human Rights (UNHRC, 2011). However, a DEval evaluation on gender equality in fragile contexts comes to very critical conclusions regarding the quality of grievance mechanisms (Brüntrup-Seidemann et al., 2021).

⁸² Although a strategy paper on ‘participatory development’ exists, which the BMZ adopted in 1999, it was no longer valid at the time of the evaluation.

while corresponding procedures for the project implementation and project evaluation stages are missing. Procedures of the implementing organisations are the main instrument used for the mainstreaming of the human rights principles of non-discrimination and equality of opportunity. All the implementing organisations tackle the mainstreaming of transparency and accountability by means of institutional grievance mechanisms. Some implementing organisations also have grievance mechanisms at project level. The implementing organisations pursue heterogeneous approaches to mainstreaming the principles of participation and empowerment in their procedures. While the occasional implementing organisation mentions these principles explicitly, others make no reference to them. Similarly, only the occasional implementing organisation applies human rights-based procedures to the entire project cycle (particularly project implementation and project evaluations).

5.2.2 Area of action ‘political dialogue’

Definition of the area of action: The area of action ‘political dialogue’ intends to contribute to the explicit discussion of human rights, for example by raising the issue of human rights violations in partner countries. Development policy dialogue with bilateral partners is a continuous process of interaction at various levels which culminates in periodic intergovernmental negotiations and consultations.⁸³

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Document analysis:** The document analysis provided the basis for the analysis of this area of action. The documents consulted for this purpose were all the official records of intergovernmental negotiations from 2015 up to the time of the evaluation⁸⁴ from a criteria-based selection of countries (see Chapter 3.2.2). The official records of intergovernmental negotiations were chosen as the object of analysis because they represent one of the few sources that formally document the dialogue with partners. Accordingly, analysis of these records provides an insight into a central element of the political dialogue which is consistent across countries. The records were analysed according to the following criteria, which are derived from the aspirations for the political dialogue specified in the human rights strategy paper, namely that: (1) human rights will be named explicitly as the normative basis for joint action, (2) concrete human rights violations in the partner country will be addressed, (3) the human rights situation in the partner country will be discussed explicitly in terms of particular human rights standards, and (4) particular human rights will be defined as joint intended outcomes.
- **Interviews:** Interviews yielded additional information and were conducted both with actors tasked with implementing the area of action – in other words, the BMZ’s regional divisions – and with representatives from German civil society. The interviews complement the perspective of the document analysis because they permitted analysis of the political dialogue as a whole.
- **Survey of NHRIs:** The survey made it possible to obtain a human rights perspective from countries in the Global South regarding the mainstreaming of human rights standards and principles in the political dialogue with these countries.

The criteria used for the assessment were the following: (1) proportion of official records of intergovernmental negotiations that contain human rights criteria (by means of document analysis), (2)

⁸³ Intergovernmental negotiations are intended to promote exchange not only with state partners but also within the German Federal Government (Doc. 3). In partner countries of official bilateral cooperation, intergovernmental negotiations are the central forum for the agreement of common goals, principles and intended effects of cooperation. Budget funding is also officially committed to partners during intergovernmental negotiations. In these countries, government consultations contribute to the preparations for intergovernmental negotiations. In partner countries engaging in focused regional or thematic cooperation, only government consultations are carried out and no financial resources are committed (Doc. 3).

⁸⁴ All official records that were available by 19.5.2020 were included in the analysis.

mainstreaming of human rights in the political dialogue by staff tasked with implementation and external actors, evidenced by examples of implementation (by means of interviews).

Findings: The findings from the document analysis show that only in very few countries are human rights taken up explicitly and comprehensively in the official records. Only in two out of 13 countries studied are all four categories explicitly addressed. In two further countries, explicit references to human rights are made in three categories. Somewhat more frequently, the official records contain implicit references to human rights. In four out of 13 countries analysed (13 out of 38 official records), explicit or implicit references to human rights were found which covered all the core elements of the HRBA studied for the evaluation. The findings with regard to the particular human rights criteria are as follows:

- The results of the document analysis show that six out of 38 intergovernmental negotiations (four out of 13 countries) contain an express and explicit statement that a common commitment to human rights will be the basis for joint action. Indirect references to human rights are found in 14 out of 35 official records (eight out of 13 countries).⁸⁵ This represents a marked improvement in comparison to previous analyses carried out up to 2014, which examined official records of intergovernmental negotiations as an aspect of monitoring the human rights strategy (see Chapter 5.2.11). In these early analyses, no passages referring to a common commitment to human rights could be found (Doc. 95).
The present analysis also found implicit references to human rights or particular sub-aspects. 12 out of the 38 official records (six out of 13 countries) contain references to the ILO core labour standards or the UN Guiding Principles on Business and Human Rights. This implicit mention of human rights conforms to internal BMZ directives for intergovernmental negotiations, which explicitly cite social standards as an example of human rights issues that can be addressed in the talks (Doc. 3).
- Concrete human rights violations are addressed in eight out of 38 official records (five out of 13 countries). For the most part, these were violations committed by duty-bearers in partner countries. Examples of the issues mentioned include restrictions on freedom of the press, freedom of assembly and expression, or violence against structurally marginalised groups and human rights defenders. The analysis also shows that in three out of 13 countries, repeated and continuous discussion of human rights violations takes place. At the same time, there are a number of countries where human rights challenges exist but no explicit discussion of human rights violations is discernible from the official records.
- Discussion of the general human rights situation in partner countries in terms of concrete human rights mainly takes place with regard to problematic situations. In eleven out of 38 official records (seven out of 13 countries), the situation in the partner country is discussed with explicit reference to human rights. For example, official records mention structurally marginalised groups and the protection or curtailment of their rights.
More frequently – in 24 of the 38 official records examined – conventions and rights are addressed indirectly. In this context, there is particular mention of structurally marginalised groups, such as women (with regard to reproductive rights or forced marriage, for example) or indigenous population groups (with regard to participation, inclusion and protection).
- All the official records either directly or indirectly mention human rights as common objectives of cooperation. In 12 out of 38 official records (eight out of 13 countries), contributions to the realisation of rights are defined as an objective during the intergovernmental negotiations. Furthermore, human rights principles are raised indirectly for discussion in 12 out of 38 official records (seven out of 13 countries). Thematic links between objectives and human rights can also be found in 14 out of 38 official

⁸⁵ However, the way in which human rights are addressed varies: In some cases, it is stated that promoting human rights (as well as promoting democracy and good governance) are 'the declared aims' of the partner government and that Germany supports these. In other official records, there is more emphasis on the German government's expectations on these points.

records (nine out of 13 countries), such as when the objective of food security is specified without referring to the corresponding right to food.

In some interviews it was pointed out that isolated aspects of human rights are discussed as part of the political dialogue. Violations of civil and political rights (Int. 13; Int. 14; Int. 18; Int. 18; Int. 17; Int. 16) and the situation of structurally marginalised groups (Int. 13; Int. 18) were mentioned especially frequently. Only in one of the interviews with country desk officers was it pointed out that the use of the political dialogue could potentially be improved (Int. 15). At the same time, however, a number of fundamental and structural challenges were mentioned, which could explain why the findings from the document analysis appear to be more critical than the interview findings. For example, interviewees commented that it was not always possible to mention all aspects of human rights in the political dialogue for want of opportune thematic linkages (Int. 16).

The interviews also revealed that, from the perspective of BMZ staff, some of the challenges of explicitly discussing human rights resulted from differences between the approaches and interests of the BMZ and other actors (Int. 13; Int. 14; Int. 15). One reason given for not discussing human rights in the political dialogue was that partners perceived certain human rights issues to be so sensitive that it might have implications for the continuation of cooperation, should they be raised for discussion (Int. 13; Int. 18). The human rights strategy paper proposes making the political dialogue more objective by referring to recommendations from the UN human rights system. In the interviews, however, there was no description of this being put into practice. This finding is confirmed by the document analysis. None of the official records analysed contained any indication that recommendations from the UN human rights system were explicitly dealt with in the course of the intergovernmental negotiations.⁸⁶

The findings from the survey of NHRIs only reflect the findings from the analyses of documents and interviews to a limited degree: The majority of respondents pointed out that human rights are addressed as part of political dialogues. From the viewpoint of NHRIs, in this context human rights are most frequently characterised as a legal obligation and as recommendations from the international human rights system. The fact that these findings contradict those from the document analysis could be explained methodologically by the limitations of the realised sample.

Box 9 Conclusion: Implementation of the area of action 'political dialogue'

- The implementation of the area of action 'political dialogue' is **partially fulfilled**.
- Overall, the findings show that only in isolated cases do the official records of intergovernmental negotiations document a comprehensive and explicit discussion of human rights. Indirect or implicit references to human rights could be identified in official records somewhat more frequently: In somewhat less than half of the official records examined, there is an explicit or implicit commitment to human rights as the basis for joint work; human rights violations are raised explicitly; the human rights context is discussed and human rights are named as common objectives.
- In the political dialogue, certain aspects of human rights are addressed quite frequently. At the same time, the interviews reveal structural hurdles which affect the implementation of the area of action in practice. This can give rise to a situation where it is only possible to address human rights aspects indirectly or not at all.
- Thus, the aspiration of comprehensively mainstreaming human rights aspects in all political dialogues encounters challenges in practice. The human rights strategy paper already anticipates these, for

⁸⁶ That said, the contents of some official records show parallels to the 'concluding remarks' of the UN treaty bodies on human rights (four out of 38 official records, two out of 13 countries). It cannot necessarily be concluded from this finding that recommendations from the human rights system serve as the basis for intergovernmental negotiations. It is more plausible that German representatives as well as international organisations identified the same problematic situations.

example by urging sensitivity when explicitly discussing human rights violations. It also suggests referring to recommendations from the UN human rights system as a way of making the political dialogue more objective. Neither the findings from the interviews nor from the document analysis indicate that this happens in practice.

5.2.3 Area of action ‘conditional allocation of funds’

Definition of the area of action: This area of action relates to how the BMZ takes account of the human rights situation in partner countries when making decisions about its ODA commitments. The area of action consists of four measures: taking account of the human rights situation in the partner country when the BMZ commits ODA funds; applying conditionality if a partner country seriously and systematically violates human rights; basing the type and design of development cooperation projects on a BMZ-internal assessment of the human rights situation; and conditional allocation of budget support.

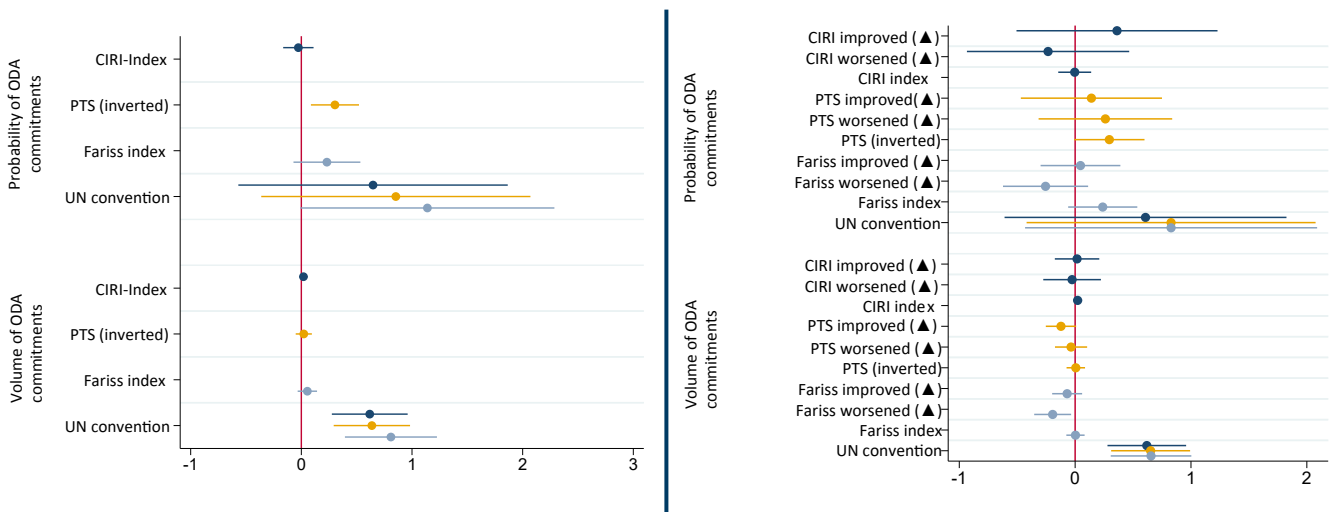
Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Allocation analysis:** The allocation analysis examined the statistical relationship between the human rights situation in partner countries and the BMZ’s ODA commitments. An overview of the statistical distribution of the variables used in the analysis can be found in the online annex.
- **Interviews:** Interviews with the BMZ regional divisions tasked with implementation as well as the BMZ policy divisions and representatives from civil society yielded additional information.
- **Survey of NHRIs:** The survey made it possible to obtain a perspective from countries in the Global South on the use of human rights conditionality in the political dialogue with partner countries.

The criteria used for the analysis were the following: (1) systematic relationship between the human rights situation in the partner country and the probability or volume of ODA commitments from the BMZ (by means of allocation analysis), (2) application of conditionality if a partner country seriously and systematically violates human rights (by means of allocation analysis, interviews, survey of NHRIs), (3) BMZ-internal assessment of the human rights situation as the basis for the type and design of development cooperation projects (by means of interviews), and (4) conditional allocation of budget support (by means of allocation analysis, interviews).

Findings: The results from the allocation analysis yield no consistent indications of any relationship between the human rights situation and the probability of a country receiving ODA, nor between the human rights situation in partner countries and the volume of German ODA commitments (see the diagram on the left in Figure 3). Neither do the analyses provide evidence of any correlation between ODA commitments (probability of becoming a partner country and volume of commitments to partner countries) and either serious, systematic human rights violations or above-average human rights protection (see the diagram on the right in Figure 3).⁸⁷

⁸⁷ The analyses were carried out with reference to three indicators for measuring human rights in a country-year: the Physical Integrity Index of the CIRI Human Rights Data Project, whose sub-components are also examined in association with ODA allocations, the Political Terror Scale (PTS) and the Fariss Index, which draws on the former indices but controls for a changing standard of assessment of human rights violations over time. The analyses were also calculated using the Freedom House Political Rights and Civil Liberties indices. The results of these analyses are mostly consistent with those presented in the text. However, strong improvements in civil liberties in partner countries are associated with higher ODA allocations. Since the Civil Liberties index does not address human rights aspects exclusively but also reflects characteristics of the political system, it can be assumed that the observed correlation is rather due to a general opening of the partner country and liberal reforms. This conclusion is reinforced by the fact that the Polity IV democracy indicator (control variable) is no longer statistically significant in the models with the Freedom House indices. Thus, the evaluation findings remain robust.

Figure 3 Correlation between the human rights situation and the BMZ's ODA commitments

Source: own presentation.

Note: The figure presents the results of the statistical analyses as diagrams. The diagram on the left shows the correlation between the human rights situation for various indicators (vertical y-axis) and the probability of receiving ODA (upper section of the chart) or the volume of ODA commitments to a partner country (lower section). The diagram on the right shows the correlation between serious, systematic violations – or improvements – of human rights for various indicators (vertical y-axis; different colours used to differentiate the indicators) and the probability of receiving ODA (upper section) or the volume of ODA commitments to a partner country (lower section). The magnitude of the regression coefficient is plotted on the horizontal x-axis of the diagrams. The dots in the diagrams thus show the average correlation between human rights and ODA for all countries during the period under review. The horizontal lines around the point estimates show the 95-per-cent confidence interval. If the confidence intervals intersect the vertical line of the graph shown in red, the coefficient is not statistically significant, meaning that there is no correlation between the human rights situation and ODA commitments. The results of the regression models in tabular form and for all explanatory variables can be found in the online annex.

However, a nuanced appraisal shows that conditional allocation of funds does take place in certain circumstances. When the Cingranelli-Richards index (CIRI) is disaggregated into its individual components, the results show a weak correlation between the occurrence of political murders and the reduction of ODA commitments (see online annex). Political persecution, detentions and torture, on the other hand, do not correlate with the volume of ODA.⁸⁸ This could be due to the relative visibility of political murders – in comparison to torture in state prisons, for example – and attendant public pressure.

Even in countries with a bilateral country programme, where the BMZ is more intent on shaping activities strategically, conditionality is not implemented stringently. It is true that when the human rights situation in these countries is comparatively poor, they receive lower ODA commitments compared to other partner countries and/or previous and subsequent years (see online annex).⁸⁹ However, models estimated on a subset of partner countries with bilateral country programmes show no statistical correlation between the human rights situation and ODA commitments. That said, isolated examples from the recent past show that sanctions are occasionally imposed on states that allow or commit major human rights violations: At the

⁸⁸ Furthermore, there appears to be no relationship between violations of the anti-torture convention (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and the BMZ's decision about whether a country can be a partner of German development cooperation. In the case of mild violations, there is even a positive correlation. In all probability, this correlation is a statistical artefact and not a sign of a causal relationship, but it demonstrates that the BMZ does not consider the use of torture in a country as an exclusion criterion precluding cooperation with that country.

⁸⁹ The coefficient of the interaction term is small, indicating that a deterioration in the human rights situation is only weakly associated with lower commitments to countries in which BMZ is more intent on shaping activities strategically. Moreover, the analysis did not test whether the significant coefficient of the interaction term is endogenous ('omitted variable bias') by creating interaction terms for all control variables with the human rights variables.

beginning of 2020, the BMZ officially suspended state-implemented cooperation with Myanmar, a country with a bilateral country programme. This was the BMZ's response to human rights violations against the Rohingya minority and the government's failure to fulfil its international obligation to protect them amid suspicions of ethnic cleansing operations.⁹⁰

The findings from the allocation analysis also show that human rights conditionality can be in tension with other German interests: In countries with higher direct investments from the German private sector, human rights aspects have a weaker effect on the allocation of funds (see online appendix). Another finding is that the human rights situation has a stronger influence on ODA when the number of refugees from the given partner country is higher (see online appendix).

This result coincides with the findings from the interviews, in which respondents said that, in particular cases, the human rights situation could lead to a reduction in ODA (mainly at project level). Regardless of the human rights situation in the partner country, however, the decision would also take other factors into account (for example, political and strategic decisions) (Int. 14; Int. 18; Int. 16; Int. 17; Int. 15; Int. 19).⁹¹ The findings from the survey of NHRIs likewise show that conditionality only sometimes plays a role in the political dialogue: Half (n = 14) of the NHRIs surveyed were able to comment on the content of the political dialogue. Only two NHRIs stated that Germany had explicitly discussed human rights in terms of conditionality.

The findings from the allocation give no consistent indications of funding being channelled through other agencies in the event of human rights violations (known as 'bypassing aid'). There is no increase in ODA commitments channelled through non-governmental and multilateral partners either when state representatives are unable to fulfil human rights or when they commit deliberate acts which violate them (see online annex).⁹² The interviews confirmed that only in isolated cases are changes made at the project level or in the choice of partners to avoid a complete cessation of cooperation in a partner country. Likewise, the recommendation to cooperate with civil society organisations in countries that are unwilling to reform (BMZ, 2007) is not reflected in the distribution of ODA funds (Int. 13; Int. 14; Int. 15; Int. 16). Respondents report that the decision to apply funding conditionality or to redirect development cooperation funds to non-governmental organisations often depends on individual judgements made by the responsible desk officers (Int. 15; Int. 16). This particularised implementation could also explain inconsistencies in the results of the allocation analysis.

Unlike the human rights practices of the partner government, the legal embedding of human rights does correlate with ODA commitments from the BMZ. The more human rights conventions a partner country has ratified, the higher the BMZ's ODA commitments to that country (see Figure 3). This allows for two possible interpretations: It could be that the BMZ considers human rights covenants a more reliable indicator for the long-term development of the human rights situation in a partner country, based on the assumption that international treaties will be translated into national legislation and controlled by rule-of-law institutions. However, the interviews yielded no concrete indications that the ratification of human rights covenants has an influence on country desk officers' funding allocation decisions.⁹³ Another interpretation could be that

⁹⁰ http://www.bmz.de/de/presse/aktuelleMeldungen/2020/februar/200226_pm_05_Entwicklungsminister-Mueller-in-Rohingya-Fluechtlingslager-Setzen-Zusammenarbeit-mit-Myanmar-aus/index.html, accessed 21.01.2021.

⁹¹ Likewise, the BMZ makes illustrative reference to individual cases in its public communication on the conditional allocation of ODA funds. For example, a BMZ response to a parliamentary question mentions that cooperation no longer takes place with the governments of the Republic of Burundi, the Syrian Arab Republic and the Republic of Chad (Bundestag, 2020).

⁹² The estimates are based on a Heckman selection model. The findings from the statistical analyses should be assessed with caution since they are not consistent for all human rights indicators and show a slight correlation for the Political Terror Scale and the Fariss Index. An assessment is only possible due to triangulation with the data from the interviews.

⁹³ Furthermore, studies show that ratifications of UN human rights covenants tend to be ceremonial promises which often go hand-in-hand with a short-term deterioration in human rights practices (Cole and Ramirez, 2013; Hathaway, 2002; Vreeland, 2008). This indicates that human rights has no influence on the totality of country-programmable aid (CPA), at least in the short term. In the long term, improvements in the normative situation could bring about improvements in the real situation, if states are held accountable by cooperation partners for instance.

ratifying human rights covenants signals a country's willingness to engage in cooperation. It may be that Germany considers cooperation worthwhile when it expects that the country will indeed implement these covenants; for example, if the reforms in question are relatively low in cost (Moore, 2003).

As well as ODA commitments, the human rights strategy paper also gives directives for the conditional allocation of budget support⁹⁴: It enjoins the BMZ to target budget support in such a way that only partner countries with adequate standards of governance and a positive orientation towards development receive it. The results of the allocation analysis show a higher probability of budget support commitments in countries with a better human rights situation (see online annex).⁹⁵ However, factors other than a country's human rights performance – particularly anti-corruption institutions and a country's per capita income – appear to exert a stronger influence on budget support commitments. Furthermore, the BMZ did react to developments in the human rights situation in the 12 budget support partner countries: A one-point improvement in human rights performance on the eight-point CIRI index was associated with a sixfold higher probability of a budget support commitment in a country that had already received German budget support the previous year (see online appendix).⁹⁶ The findings reflect the dominant view in the academic literature that budget support calls for great trust in the partner country's political intentions and administrative capacities on the part of the development partner (Doc. 76; Faust and Koch, 2014; Molenaers et al., 2015; Swedlund, 2017a).⁹⁷

Box 10 Conclusion: Implementation of the area of action 'conditional allocation of funds'

- The implementation of the area of action 'conditional allocation of funds' is **partially fulfilled**.
- A correlation between the human rights situation in the partner country (first evaluation criterion) and/or serious and systematic human rights violations (second criterion) and ODA commitments is found when conditionality is coherent with Germany's economic and geopolitical interests. Furthermore, the normative human rights situation – that is, the partner country's official recognition of human rights by ratifying the UN human rights treaties – correlates with German ODA commitments.

⁹⁴ It should be noted here that the BMZ had only committed general budget support to ten countries in the period from 2008 to 2014 (Burkina Faso, Ghana, Madagascar, Mali, Malawi, Mozambique, Rwanda, Tanzania, Uganda and Zambia). In addition, Peru and Vietnam received sectoral budget support.

⁹⁵ Missing values were set equal to zero, which means that partner countries were included even if they did not receive budget support in any of the years within the analysis period. The analyses were also calculated for the other two human rights indicators (PTS and Fariss Index) (see online annex). The results from column 1 remain robust for these indicators. The estimate of the human rights coefficient for budget support recipient countries in column 2 is not statistically significant for the other indicators, but positive.

⁹⁶ There is also a strong correlation between foreign trade and budget support, which suggests that stronger development cooperation is also associated with an intensification of trade relations. The outbreak of an armed conflict also increases the probability of receiving budget support if the country was eligible for budget support before the conflict broke out. This could indicate that Germany uses budget support to try and strengthen states whose monopoly on the use of force is limited or contested. The interviews confirmed that human rights have some influence on budget support commitments, in part because budget support is subject to control from the Bundestag's budget committee and the donor community in a partner country (Int. I1).

⁹⁷ A synthesis study by DEval shows that this perception is well founded empirically. The effectiveness of budget support depends on the partner government's adherence to defined conditionalities and the quality and coherence of the interests of various development partners, or between development partners and the partner government (Orth et al., 2017).

- There are no systematic indications that ODA is channelled through civil society and multilateral organisations rather than to government actors when a country's human rights situation is problematic. In this regard, the BMZ's internal assessment of the human rights and governance situation only sometimes serves as a source of information, according to interview respondents.
- The human rights situation also has an effect on budget support commitments. Countries with a problematic human rights situation have a lower probability of receiving a budget support commitment, particularly if they previously qualified as a budget support partner country. This indicates that the BMZ employs budget support selectively. The level of aspiration for this criterion is thus rated as fulfilled.

5.2.4 Area of action 'mainstreaming the HRBA in strategies'

Definition of the area of action: The area of action 'mainstreaming the HRBA in strategies' aims to contribute to the systematic and comprehensive incorporation of human rights standards and principles in the BMZ's country and sector strategies. This area of action thus encompasses two types of strategy documents, which differ not only in terms of content but also in respect of who is tasked with implementing them and the directives they contain in relation to procedures and processes. It was therefore appropriate to examine the two types of strategies separately.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Document analysis:** The document analysis provided the basis for the analysis of this area of action. All country and sector strategies currently in effect constituted the population for the respective analyses, which focused on the mainstreaming of human rights in these strategy documents. To this end, the core elements of the HRBA – which derive from the human rights strategy paper (BMZ, 2011a) and the associated guidelines (BMZ, 2013) – were used as criteria: (1) normative references to human rights, (2) adoption of a human rights-oriented shift of perspective, (3) positive human rights results and prevention of human rights violations, and (4) implementation of human rights principles. For the analysis of the country strategies – in line with directives from the BMZ's internal procedures and processes (see Chapter 5.2.1), a further criterion was added: (5) description of the human rights situation in partner countries and elaboration of implications for the thematic design of country strategies.
- **Interviews:** Interviews yielded additional information and were conducted both with actors tasked with implementing the area of action – the regional or sector divisions – and with representatives of civil society.

The implementation was assessed according to the following criteria: (1) mainstreaming of human rights standards and principles in strategies according to all analysis criteria (by means of document analysis), and (2) implementation of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (by means of interviews).

Findings on country strategies: The findings from the document analysis indicate that there are gaps in the mainstreaming of the HRBA in country strategies, regarding the content as well as the extent of mainstreaming. Despite the fact that human rights elements have been mandatory since 2016 (see Chapter 5.2.1), they are not fully mainstreamed in the country strategies included in the analysis. Although all of the country strategies examined contain a description of the human rights situation, only 15 of the 35 country strategies examined include substantial statements on the mainstreaming of human rights in the reflection process or in the development policy objectives.⁹⁸ These were the only strategies to be included for the

⁹⁸ For example, only six out of the 15 country strategies analysed in depth contain any reflection on the implications of the human rights situation for German development cooperation's activities and projects (criterion 5).

purpose of an in-depth content analysis, which brought to light further distinct gaps in the thematic mainstreaming of the HRBA in country strategies:

- Human rights are only partially embedded as the normative basis of Germany's engagement in its partner countries. Seven out of 15 documents contain explicit or implicit references to the BMZ's human rights strategy paper or to human rights as a normative basis (Doc. 27; Doc. 28; Doc. 29; Doc. 30; Doc. 31; Doc. 32). For the most part, these make general references to the respect, promotion, fulfilment and exercising of human rights as an overarching aim. Only in one of the country strategies examined are human rights described as strategically relevant for the shaping of concrete development cooperation priority areas (Doc. 28).
- The human rights-oriented shift of perspective – which the human rights strategy paper describes as constitutive for the German HRBA (BMZ, 2011a) – is not reflected in the language of the country strategies: Not one of the country strategies explicitly uses the terms 'rights-holders' or 'duty-bearers'. Only two strategies describe measures which can be indirectly and implicitly linked to the empowerment of rights-holders (Doc. 30; Doc. 33). Measures which empower duty-bearers to fulfil the obligations to respect, protect and fulfil human rights do not feature in any of the country strategies.
- Most of the country strategies examined contain references to impacts on human rights. Predominantly implicit references to positive human rights results are evident in ten out of 15 country strategies (Doc. 27; Doc. 28; Doc. 30; Doc. 32; Doc. 35; Doc. 37; Doc. 39; Doc. 74; Doc. 75). Explicit reference is made to the realisation of a human right as an intended effect in one country only (Doc. 36). In countries where development cooperation priorities have a closer thematic association with human rights conventions, human rights are accorded greater importance.⁹⁹ Human rights risks are mentioned in three out of 15 country strategies (Doc. 30; Doc. 35; Doc. 37).
- Country strategies only occasionally reflect human rights principles. The principle of non-discrimination or equal opportunities as such is only explicitly mentioned in one strategy (Doc. 35). Nevertheless, nine out of 15 strategies do refer to the 'leave no one behind' principle, central to which is equality of opportunity (Doc. 28; Doc. 29; Doc. 31; Doc. 35; Doc. 36; Doc. 37; Doc. 38; Doc. 39; Doc. 75). References to transparency and accountability can be found in four out of 15 strategies (Doc. 28; Doc. 33; Doc. 39; Doc. 75). The country strategies make no mention of the human rights principles of participation and empowerment.

This finding is only partially reflected in the interviews: Provided that a country strategy existed, the majority of respondents representing regional divisions voiced their impression that the HRBA had been integrated successfully (Int. 13; Int. 14; Int. 15). In this regard, however, they mainly referred to the description of the human rights situation and to the implementation of existing procedures and processes (Int. 13; Int. 14). Interview respondents only very occasionally noted how the HRBA is reflected in concrete projects (Int. 14; Int. 17). When they did, they mainly cited the promotion of structurally marginalised groups as a cross-cutting or a principal theme (Int. 13; Int. 15). In addition, the respondents occasionally mentioned links between the priority areas and the realisation of human rights, whilst also noting that human rights were not necessarily the catalyst for the activities (Int. 15).

⁹⁹ Priority areas that are thematically closer to human rights empirically show more references to human rights. For instance, one objective mentioned is that of equality of opportunity for children and young people from poor regions to attend high-quality and non-discriminatory schooling and vocational training (Doc. 35). In that instance, rights are not explicitly acknowledged. In contrast, priority areas which do not lend themselves to direct links with particular human rights conventions tend to contain more references to structurally marginalised groups. For example, environmental protection and especially the conservation of habitats and biodiversity have to take account of indigenous rights throughout (Doc. 35; Doc. 39; Doc. 74; Doc. 75).

Whereas representatives of the regional divisions referred mainly to internal procedures and processes (Int. 17), representatives from civil society described the mainstreaming of the HRBA overall as well as the implementation of the area of action more critically, in line with the findings from the document analysis:

We don't really see it [the guiding principle of human rights] implemented, even in the country strategies. (Int. 125)

Findings on sector strategies: No human rights-based procedural or process directives from the BMZ exist for the mainstreaming of human rights in sector strategies (see Chapter 5.2.1). The findings from the document analysis show that nine out of the 24 sector strategies currently in effect contain references to at least three of the four criteria examined.¹⁰⁰ However, full mainstreaming of human rights can only be found in three strategies, which are constitutive for the priority areas of education and good governance and the theme of population dynamics (BMZ, 2009, 2013c, 2015b). Beyond this, quite a diverse picture emerges of the thematic mainstreaming of human rights in the sector strategies currently in effect:

- Only a few sector strategies contain normative references to human rights. For example, only five of the 24 strategies examined refer to the human rights strategy paper as a normative basis (BMZ, 2014b, 2014c, 2015a, 2017f, 2019g). These can be assigned to the priority areas of water, peace and security, good governance and sustainable economic development. Seven more strategies contain references to human rights as a normative basis in general (BMZ, 2009, 2011b, 2012b, 2013c, 2015b, 2017g, 2017e).
- Aspects of a human rights-oriented shift of perspective are found in only one strategy. Three out of 24 strategies talk about rights-holders and/or duty-bearers and explicitly formulate the cross-sectoral objective of contributing to the empowerment of rights-holders and/or duty-bearers (BMZ, 2009, 2011b, 2015b).¹⁰¹ Furthermore, six strategies refer to state obligations in relation to realising human rights (BMZ, 2009, 2011b, 2014b, 2014c, 2015b, 2019g) and four refer to the obligations incumbent upon states to respect, protect and fulfil human rights (BMZ, 2009, 2014b, 2014c, 2019g).
- In contrast to the above, a comparatively large number of strategies contain references to human rights impacts and risks: 14 out of 24 strategies explicitly mention human rights and the intention to strengthen them as an objective of projects in this area.¹⁰² Four of these, which can be assigned to the priority areas of water and education, mention the standard of availability, accessibility, acceptability and quality of ESC rights as a basis (BMZ, 2012b, 2015b, 2017f, 2019g). On the other hand, the aspect of progressive realisation is only introduced in one strategy document (in the water sector) (BMZ, 2017f). Human rights risks are explicitly covered in seven out of 24 strategies (discrimination: BMZ, 2009, participation: BMZ, 2010, p. 14, labour rights: BMZ, 2010, p. 13, 14, labour rights: BMZ, 2013b, p. 10, 13, discrimination: BMZ, 2015b, p. 6, 8, 9, forced resettlements: BMZ, 2019g, p. 44, labour rights: GIZ, 2015a, p. 3).
- Human rights principles are only embedded in sector strategies to some extent. The principles of non-discrimination and equality of opportunity (BMZ, 2009, 2012b, 2014c, 2015b, 2016b, 2017f, 2019g) and of transparency and accountability (BMZ, 2009, 2013c, 2014c, 2015b, 2017f, 2019f, 2019g) are found in seven strategies each, while eight strategies incorporate the principles of participation and empowerment (BMWi, 2019; BMZ, 2009, 2014c, 2015b, 2017f, 2017g, 2017d, 2019g). There are five

¹⁰⁰ There are five papers which include none of the said analysis criteria (BMZ, 2015a, 2017b, 2019b, 2019c, 2019d), five which contain one criterion (BMZ, 2013b, 2017c, 2017d, 2017e; GIZ, 2015a), five which contain two (BMWi, 2019; BMZ, 2014b, 2016b, 2017e, 2019f) and five which contain three analysis criteria (BMZ, 2011b, 2012b, 2014c, 2017f, 2019g).

¹⁰¹ This cannot be attributed to the BMZ's human rights strategy paper in every case, however, since both the strategy on good governance (BMZ, 2009) and that on rural development (BMZ, 2011b) were adopted prior to the human rights strategy paper.

¹⁰² Other rights mentioned are the core social rights to health (BMZ, 2009, 2011b, 2019e), social protection (BMZ, 2017c), education (BMZ, 2009, 2011b, 2012b, 2015b), an adequate standard of living (BMZ, 2011b, 2017f) including drinking water and sanitation (BMZ, 2009, 2017f, 2017f, 2019f) and food (BMZ, 2009, 2011b), as well as the right to reproductive self-determination (BMZ, 2013c, 2019e). Also mentioned are the prohibition of discrimination, the right to security and freedom of expression, and access to information (BMZ, 2009, 2016b).

strategies which cover the full complement of principles and can be assigned to the priority areas of water, education and sustainable economic development (BMZ, 2009, 2014c, 2015b, 2017f, 2019g).

Overall it is evident that the HRBA makes little or no appearance in sector strategies on themes which do not lend themselves to direct links with particular human rights or relevant conventions (BMZ, 2013b, 2015a, 2017d, 2019c, 2019d; GIZ, 2015a). However, there are occasional sector strategies, such as the strategy on food security, which are closely allied with human rights thematically yet make no explicit reference to them (BMZ, 2017b, 2017c, 2019b, 2019e).

This importance of opportune thematic linkages was also reflected in the findings from the interviews: In the area of good governance, for example, there was evidence of extensive mainstreaming of human rights in the current strategy (Int. I15). Reasons given in the interviews for a lack of human rights references in other areas included the age of the strategies, some of which had been drafted before the human rights strategy paper was adopted. In these cases, respondents commented that updates of the relevant strategies that are currently being planned should include considerably more discussion of human rights (Int. I10; Int. I11). There were challenges relating both to the degree of analytical precision in the mainstreaming of different dimensions of the HRBA, and to the adoption of a vigorous human rights-oriented shift of perspective (Int. I11). This current level of attention to human rights is duly reflected in the activities of the relevant sector divisions (see Chapter 5.2.10 and 5.2.11).

Box 11 Conclusion: Implementation of the area of action 'mainstreaming the HRBA in strategies'

- The implementation of the area of action 'mainstreaming the HRBA in strategies' is **partially fulfilled** in relation both to country strategies and sector strategies.
- Only some of the country strategies fully implement formal directives regarding the HRBA. Other elements of the German HRBA are also omitted, but are not necessarily made explicit in the procedures, either. While country strategies comparatively often refer to positive human rights results, the absence of a systematic reference to human rights as a normative basis for action is especially noticeable. The same applies regarding the human rights-oriented shift of perspective as well as references to human rights principles. Since the latter apply to rights-holders, however, they are chiefly (but not exclusively) relevant to the implementation level. Accordingly, these are of greater importance when it comes to examining the area of action 'mainstreaming at project level' (see Chapter 5.2.7).
- The findings on sector strategies likewise point to gaps in the mainstreaming of human rights. Only occasionally are human rights fully mainstreamed in the content of the strategies. However, a number of strategies exist which do contain elements of the HRBA. Especially in sectors and priority areas where direct thematic references to human rights conventions are possible, the absence of human rights mainstreaming is problematic.

5.2.5 Area of action ‘specific human rights projects’

Definition of the area of action: The area of action ‘specific human rights projects’ intends to contribute to strengthening human rights and human rights actors as a principal objective of official and non-governmental development cooperation projects. This encompasses projects at national and regional level.

This area of action focuses on projects aimed at contributing to the structural strengthening of state duty-bearers and civil society actors in partner countries.¹⁰³ Although the human rights strategy paper is not binding for German civil society organisations, it assigns them an important role in implementing this area of action. For this reason, their activities are taken into account when assessing the implementation of the area of action.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Portfolio analysis:** The basis for assessing the implementation of this area of action were the findings from the portfolio analysis. The projects included in the analysis were those aimed at strengthening rights-holders or duty-bearers. To avoid overlaps with the area of action ‘structurally marginalised groups’, the portfolio analyses for the two areas of action were conducted separately. Because projects can fall into both categories, it is not possible to aggregate totals across the two areas of action. The initial material for the portfolio analysis consisted of projects marked in the CRS with the CRS purpose code 15160 for human rights projects. Since specific human rights projects may also be marked with other purpose codes, projects meeting the definition within other purpose codes allied to human rights were identified qualitatively and included in the portfolio analysis (see online appendix).¹⁰⁴
- **Interviews:** To supplement the findings from the portfolio analysis, interviews were conducted with representatives of BMZ regional divisions tasked with implementing specific projects and with individuals responsible for the theme within the implementing organisations. In addition, the implementation of the area of action was discussed in interviews with representatives from civil society.

The implementation was assessed according to the following criteria: (1) absolute and relative increase in ODA funds spent on specific human rights projects, annually from 2007 onwards (portfolio analysis), (2) current relative share of funds for specific projects as a proportion of total ODA (portfolio analysis), and (3) implementation of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (interviews).

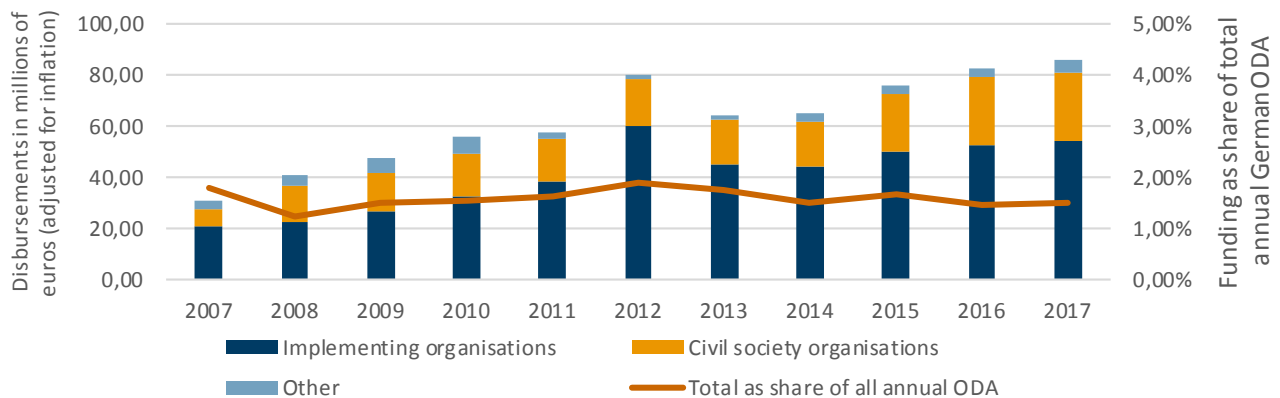
Findings: The findings from the portfolio analysis show a continuous increase in the absolute volume of disbursements for specific human rights projects over the period from 2007 to 2017. As Figure 4 shows, the total volume of disbursements rose from 30.81 million euros in 2007 to 85.71 million euros in 2017. The same

¹⁰³ This fits the understanding of ‘specific human rights projects’ set out in Chapter 4.2 of the BMZ human rights strategy paper (BMZ, 2011a). However, there is also a broader understanding, whereby projects aimed primarily at strengthening structurally marginalised groups as rights-holders are also included in this category. For example, the CRS of the OECD-DAC reflects the latter understanding in that human rights projects (purpose code 15160) encompass the following: ‘Human rights programming targeting specific groups, e.g. children, persons with disabilities, migrants, ethnic, religious, linguistic and sexual minorities, indigenous people and those suffering from caste discrimination, victims of trafficking, victims of torture.’ (OECD, 2020). The analysis of projects marked with this purpose code confirms how broadly this definition is applied in practice: Approximately half of disbursements in each of the years 2007 to 2017 were spent on projects which strengthened either structurally marginalised groups (53 per cent) or civil society human rights actors or rights-holders (50 per cent) among other aims. A good third of the funding was spent on projects whose aims included strengthening duty-bearers (32 per cent). See the online annex for full details.

¹⁰⁴ The purpose codes concerned were 15130 (Legal and judicial development), 15150 (Democratic participation and civil society), 15151 (Elections), 15170 (Women’s equality organisations and institutions), 15180 (Ending violence against women and girls), 16010 (Social/welfare services) and 16064 (Social mitigation of HIV/AIDS). This approach was chosen because the existing human rights marker for official bilateral development cooperation makes no provision for distinguishing between ‘principal’ and ‘significant objectives’. The marker is designed as a cross-sectoral marker for the cross-cutting theme of human rights.

period also saw an increase in the number of financing contributions, from 194 to 378.¹⁰⁵ However, there was no such change in the share of specific human rights projects as a proportion of total ODA due to the increase in ODA funds over the same period. Indeed, this share fell slightly from 1.8 per cent to 1.5 per cent between 2007 and 2017.

Figure 4 Absolute and relative total of disbursements on specific human rights projects, by agency



Source: own calculations based on the OECD-DAC Creditor Reporting System for the years 2007 to 2017. For the analysis, inflation-adjusted disbursements in US dollars (reference year: 2006) were converted into euros using annual exchange rates.

Figure 4 shows that the volume of funds for specific human rights projects being implemented by state implementing agencies increased over the period from 2007 (20.61 million euros) to 2017 (54.19 million euros). A very marked increase occurs up to and including 2012 (60.18 million euros). This is followed – in the years 2013 (44.94 million euros) and 2014 (43.81 million euros) – by a noticeable decline. Only since 2015 are there signs of a slight renewed increase (49.94 million euros in 2015, 52.68 million euros in 2016 and 54.19 million euros in 2017).¹⁰⁶

The findings from the interviews confirm those of the portfolio analysis with regard to the implementation of the area of action by the state implementing organisations: Respondents stated that although the number of specific human rights projects had increased following the first two Action Plans on Human Rights (BMZ, 2004, 2008a), numbers had tended to stagnate in recent years (Int. 120, indirectly also in Int. 19). The findings from the interviews with representatives of regional divisions largely replicate this picture: Only occasionally did respondents mention specific human rights projects in partner countries (Int. 14; Int. 16; Int. 18). Often they pointed out that no such projects existed in the given country context (Int. 13; Int. 14; Int. 15; Int. 17). Sometimes these projects were described as not useful and not effective (Int. 13). Furthermore, doubts were expressed about the feasibility of these projects due to the sensitivity of the theme and a resultant lack of implementation partners (Int. 14). There were also civil society actors who expressed scepticism about the implementation of specific human rights projects by state implementing organisations (Int. 125).

The various implementing organisations play distinctly different roles in implementing the area of action. GIZ is the most important of the implementing organisations for specific human rights projects. Representatives of BGR and PTB pointed out that due to the thematic orientation of their organisations, it was only possible

¹⁰⁵ The number of financing contributions can be used as an indirect indicator of the number of projects, but due to differences in how projects are reported in the CRS, not every financing contribution necessarily corresponds to a project. Consequently, the number of financial contributions is no more than a proxy indicator for the number of projects.

¹⁰⁶ A similar trend is apparent from the analysis of purpose code 15160, and for projects which strengthen structurally marginalised groups. See the online annex for details.

to carry out specific human rights projects selectively, if at all. Respondents from KfW attached greatest importance to projects that strengthen structurally marginalised groups (Int. I20; Int. I19; Int. I22; Int. I21).

In contrast to projects implemented by governmental agencies, there was no stagnation in the volume of disbursements on human rights projects implemented by civil society organisations. The findings from the portfolio analysis in Figure 4 show that funds for specific human rights projects increased fairly continuously, barring minor decreases in 2011 and 2013, and reached a level of 26.75 million euros in 2017. The interviews also reflected the increasing importance of civil society organisations in implementing specific human rights projects. Respondents underscored the importance of political foundations and civil society development organisations for the implementation of specific human rights projects in partner countries (Int. I24; Int. I25).¹⁰⁷

The findings from the portfolio analysis indicate that governmental and non-governmental actors perform different roles in the implementation of specific human rights projects. The lion's share of funding for specific human rights projects is disbursed by state implementing organisations. In 2017, these accounted for 63 per cent of the funds, while civil society organisations deployed 31 per cent. Civil society organisations were responsible for the majority of contributions, however: In 2017, they implemented 82 per cent of the projects while state agencies implemented only 13 per cent.¹⁰⁸ There were thus a small number of large state-implemented human rights projects and many small ones implemented by civil society.

The majority of specific human rights projects, those geared towards strengthening rights-holders and duty-bearers, are not actually registered as human rights projects in the CRS. Only 36 per cent of the disbursements between 2012 and 2017 are marked with the purpose code 15160, while the remainder of the funding is distributed across other areas: Key purpose codes are 'Legal and judicial development' (21 per cent), 'Social/welfare services' (15 per cent), 'Democratic participation and civil society' (14 per cent) and 'Women's equality organisations and institutions' (14 per cent).

Box 12 Conclusion: Implementation of the area of action 'specific human rights projects'

- The implementation of the area of action 'specific human rights projects' is **partially fulfilled**.
- Over the years 2007 to 2011, ODA funds for specific human rights projects were observed to increase in absolute terms. During this period, however, there was no change in the relative share attributable to specific human rights projects. Consequently, no significant increase in funding for specific human rights projects can be attested. This finding can also be illustrated with reference to the state implementing organisations' funds for specific projects, where a stagnation in the absolute volume of disbursements was observed after 2012.
- Both governmental agencies and civil society organisations contribute to the implementation of specific projects, but do so in different ways. While state implementing organisations disburse the lion's share of the funds, civil society organisations contribute to implementing the area of action by delivering a large number of projects.

¹⁰⁷ Interview respondents pointed out that civil society organisations also employ private-sector funding for specific human rights projects (Int. I25). This could not be reflected by the portfolio analysis, however. Nevertheless, the sector portfolio evaluation of the human rights activities of church-based development cooperation agencies found, in relation to the activities of Bread for the World, that 59 per cent of the projects making up the population for the evaluation were BMZ-funded; 30 per cent of projects were funded from donations and 11 per cent from the organisation's own policy department (Raab et al., 2018). Note that BMZ-funded projects may also be co-financed with private funds.

¹⁰⁸ This difference can be explained by the average volume of the financing contributions: the average volume of state financing contributions was 970,000 euros between 2012 and 2017 (2007 to 2011: 410,000 euros) versus an average volume of 80,000 euros for civil society financing contributions during the same period (2007 to 2011: 90,000 euros).

- Furthermore, the findings show that the CRS purpose code for human rights only identifies a subset of specific human rights projects. It follows that in addition to the subset recorded in the CRS, the BMZ portfolio includes other projects of importance for the implementation of this area of action.

5.2.6 Area of action ‘coherence in the partner country’

Definition of the area of action: The area of action ‘coherence in the partner country’ intends to contribute to increased coherence of the partner countries’ policies with human rights standards and principles.

Using a narrow definition, this area of action involves projects addressed to the coherence of the partner country’s fields of policy with human rights. Using a broader definition, however, projects that aim to establish coherence with human rights in just one of the partner country’s policy fields can also be assigned to this area of action.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Interviews:** Interviews with representatives from the BMZ, implementing organisations and civil society yielded information for the assessment of the area of action.
- **Survey of NHRIs:** The survey made it possible to obtain a human rights perspective on German development cooperation projects from countries in the Global South.

The implementation was assessed according to the criterion of implementation of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (interviews).

Findings: The findings from the interviews indicate that only the occasional project meeting the narrower definition of the area of action exists: In one interview, for example, the respondent drew attention to a project to establish an HRBA in the partner country’s planning authority, the aim being to ensure that all administrative levels take account of human rights (Int. I20). In line with the findings for the area of action ‘specific human rights projects’, the interviews showed that implementing projects of this kind falls principally within GIZ’s work remit (Int. I21; Int. I19). While representatives from civil society said they were unable to keep track of the implementation of this area of action, they raised its level of aspiration as an issue:

I just found that unbelievably ambitious. Especially when you consider [...] that coherence in the partner country [...] refers more or less to the whole partner country [...]. Because it’s something we don’t manage to do ourselves, either [...]. Not within development cooperation nor within the whole Federal Government. It’s not a standard we set for ourselves within Germany. It’s the standard I’d like to have. But it’s not enshrined in law, as far as I know, nor is it in any government declaration or coalition agreement. And that’s why, yes, I found it very ambitious. (Int. I25)

There can also be projects which aim to strengthen the human rights coherence of single fields of policy in the partner country, and thus fit the broader definition of the area of action. However, in the course of the portfolio analysis only occasional projects were identified which potentially contribute to the human rights coherence of policy.¹⁰⁹

¹⁰⁹ Only three out of 36 specific human rights projects that GIZ annotated as currently in progress at the time of the evaluation refer to possible contributions to policy coherence in the partner country: one supranational programme in Latin America, one project in Mauritania and one project in Uganda (Doc. 79). In addition, civil society organisations also have the potential to contribute to policy coherence with human rights. For instance, the sector portfolio evaluation of Misereor’s human rights activities attests that the introduction of human rights norms in the justice system is part of the ‘Legal development’ track (Stahl et al., 2018). Similarly, one objective of Bread for the World projects can be to contribute to ‘legal, policy and procedural development for the implementation of international human rights standards’ (Raab et al., 2018).

The findings from the survey of NHRIs likewise suggest that there are projects which fit the broader definition: Many of the respondents stated that German development cooperation supported national strategies and plans to promote human rights in partner countries. In particular instances, however, respondents also mentioned that the procedure was not well suited to the local approach.

Obvious conceptual challenges emerge in relation to the area of action as a whole. During the interviews it becomes evident, for example, that the area of action was not always understood in the sense intended by the human rights strategy paper, but rather as a reference to donor harmonisation (for example Int. I19).

Box 13 Conclusion: Implementation of the area of action ‘coherence in the partner country’

- The implementation of the area of action ‘coherence in the partner country’ is **barely fulfilled**.
- There are very few projects that contribute to implementing the area of action in terms of its core definition – coherence of all the partner country’s policies with human rights principles. Although there is another, broader definition of the area of action and examples of implementation exist which meet that definition, again these are only isolated cases.
- However, the findings from the analysis also show that the content of this area of action, its priority for the HRBA and the requirements it makes on the staff tasked with implementing it in practice remain unclear. Defined in its narrower sense, it appears to formulate an unduly high level of aspiration for the practice of development cooperation.

5.2.7 Area of action ‘mainstreaming the HRBA in projects’

Definition of the area of action: The area of action ‘mainstreaming the HRBA in projects’ intends to contribute to the systematic and comprehensive incorporation of human rights standards and principles in *all* projects of official development cooperation. This does not imply that the promotion of human rights or groups affected by marginalisation has to be an explicit ‘principal’ or ‘significant’ objective. The concern is rather to incorporate human rights standards and principles and to strengthen the capacity of duty-bearers and rights-holders participating in a project to fulfil their roles.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Qualitative and quantitative content analysis of planning documents:** Building on the qualitative analyses of the mainstreaming of the HRBA in planning documents for bilateral development cooperation projects by a team of coders, a computer-assisted procedure was used to analyse the proportion of documents which mainstream each of the nine dimensions (see Box 14) as a share of all documents analysed.¹¹⁰
- **Interviews:** Interviews yielded additional information on the application of the BMZ guidelines on the mainstreaming of human rights standards and principles in the implementing organisations’ projects. For

¹¹⁰ The planning documents of the projects were selected as the object of analysis because the BMZ guidelines (BMZ, 2013) stipulate that human rights must be mainstreamed in these documents for all official development cooperation projects. Being standardised in terms of structure, content and form, the documents of the four implementing organisations are comparable. Limitations arise when the implementing organisations have specific procedures and processes which constitute elements of mainstreaming but are not reflected in the planning documents or corresponding annexes to the planning documents, contrary to the stipulations in the guidelines (see the section on ‘Grievance mechanisms’ below). The human rights marker, which was introduced in 2019 to monitor human rights as a cross-cutting theme, could not be used for two reasons: Firstly, the marker has only been in place since 2019, so no data is available for most of the period under review. Secondly, in 2019 only 2 per cent of official development cooperation projects were assigned a marker; for almost 98 per cent, no information is available on the mainstreaming of this cross-cutting theme. Of the 2 per cent of projects that received a marker, 70 per cent have an HR-1 marker, meaning that human rights are incorporated as a cross-cutting theme, while 30 per cent have an HR-0 marker, signifying that human rights are explicitly not taken into account as a cross-cutting theme.

this purpose, interviews were conducted with representatives of the departments responsible for human rights themes within the implementing organisations.

- **Survey of NHRIs:** The survey made it possible to take account of a human rights perspective from countries of the Global South regarding the application of human rights principles in development cooperation projects.

The criterion used for the assessment was the average number of dimensions of mainstreaming (see Box 14) found in the planning documents for bilateral development cooperation projects (quantitative text analysis).

Box 14 Dimensions of mainstreaming of the human rights-based approach

The dimensions of the HRBA are derived from the human rights guidelines¹¹¹ (BMZ, 2013a) and the BMZ's internal directives (Doc. 40; Doc. 41; Doc. 42; Doc. 43) on the drafting of planning documents for development cooperation projects. The first three dimensions comprise measures that reinforce the understanding of state and civil society actors' roles as duty-bearers and rights-holders and empower them to exercise their roles. In concrete terms, the intention is to mainstream human rights standards by

- (1) strengthening state institutions to ensure transparency and fulfil their duty of accountability to the population,
- (2) strengthening state institutions to fulfil their duty of protection towards the population, in order to prevent human rights violations by third parties, and
- (3) strengthening the capacity of civil society organisations to press for human rights and to act as a watchdog vis-à-vis state policies in this regard.

Dimensions 4 to 7 represent measures for the mainstreaming of human rights principles by

- (4) empowering marginalised groups,
- (5) ensuring rights-holders' participation,
- (6) establishing grievance mechanisms to press for transparency and accountability, and
- (7) preventing discrimination and ensuring equality of opportunity by means of risk prevention (BMZ, 2013a).
- (8) The eighth dimension of the HRBA, the description of the human rights situation in the partner country, was derived from the procedural guidelines (Doc. 40; Doc. 41; Doc. 42; Doc. 43) for the drafting of planning documents for bilateral development cooperation projects.
- (9) Alongside these thematically defined dimensions, the ninth dimension involves the language employed in programme documents. Language is an indicator of what the human rights strategy paper describes as the 'shift of perspective in the strategic focus of cooperation projects' (BMZ, 2011a, p. 7).¹¹²

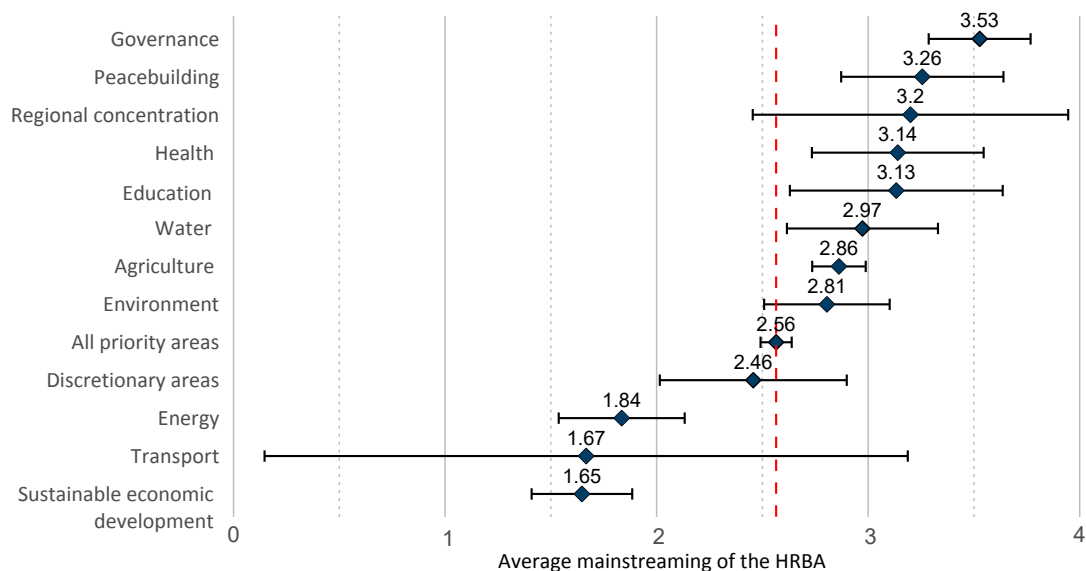
Findings: The findings from the quantitative text analysis show that the mainstreaming of the HRBA is not fully implemented in any project. None of the planning documents analysed contains references to all nine dimensions. On average only two to three dimensions were identified per document. Half of all the documents cover only two of the nine dimensions of mainstreaming. By contrast, there are a few documents in which mainstreaming is particularly well implemented, although 7 per cent of the documents make no mention of any dimensions of the HRBA. The findings show differences pertaining to mainstreaming in the

¹¹¹ The BMZ guidelines 'provide for the mainstreaming of the human rights-based approach throughout all priority areas and sectors' (BMZ, 2013a, p. 1) of official development cooperation. This means that 'when agencies tasked with implementing official development assistance (ODA) prepare programme proposals, it is mandatory that they appraise the relevant human rights risks and impacts before any project, programme or module of bilateral German development cooperation can be commissioned' (BMZ, 2013a, p. 1).

¹¹² In order to validate the dimensions, the technical planners of the implementing organisations were consulted. The empirically recorded contents – that is to say, words specific to each of the dimensions – largely coincide with the dimensions defined in the codebook. However, certain priorities can be identified, for example a focus on women and young people in empowerment measures. Corresponding figures in the online annex show which words are specific to each of the given dimensions.

different sectors (see Figure 5). Mainstreaming is incorporated particularly well in the priority areas ‘democracy, civil society and public administration’ and ‘peacebuilding and crisis prevention’. It is weakest in the priority areas of ‘sustainable economic development’ and ‘energy’. This partly reflects the findings from the analysis of sector strategies, in which marked differences between sectors also came to light (see Chapter 5.2.4). These were explained in terms of the closer thematic association of particular sectors with human rights conventions.¹¹³

Figure 5 Average number of dimensions mainstreamed per document, by priority area



Source: own presentation.

Note: The trapezium-shaped dots represent the degree of mainstreaming of the HRBA in programme documents, broken down by development policy priority area (the value above the dot indicates the average number of the dimensions listed in Box 14). Black horizontal bars represent the 95-per-cent confidence interval within which the mean of the population is located with an error probability of less than 5 per cent. The broken red line parallel to the Y-axis shows the average degree of mainstreaming in programme documents across all sectoral priority areas. When the confidence interval (bar) and the red vertical mean line do not intersect, there is a > 95-per-cent probability that mainstreaming is below or above the mean for all programme documents.

On reviewing the findings for the individual dimensions of the HRBA, it can be seen that programme documents include some dimensions far more frequently than others (see Figure 6):¹¹⁴

- **Strengthening state transparency and accountability:** Around a quarter of the planning documents for projects originated between 2014 and 2020 (22 per cent) mention measures to strengthen the transparency and accountability of state actors in relation to their human rights obligations. GIZ implements many more of these projects than the average (41 per cent of GIZ projects). In contrast, KfW projects barely include such measures (2 per cent).¹¹⁵ A possible reason for this may be the different objectives of the instruments of Financial Cooperation (FC) and Technical Cooperation (TC), as defined in the administrative guidelines on bilateral FC and TC (BMZ, 2008b). In most cases, FC promotes transparency and accountability of state actors only indirectly via the procedures it operates prior to

¹¹³ An overview of the degree of mainstreaming and the proportions of mainstreamed dimensions for the various BMZ priority areas can be found in the online annex.

¹¹⁴ An overview of the degree of mainstreaming and the proportions of mainstreamed dimensions on aggregate and disaggregated by implementing organisation can be found in the online annex.

¹¹⁵ However, measures to strengthen government accountability can be integrated into both organisations' joint programmes. For example, this is the case for a development cooperation programme in the 'environment' priority area, which advises 'the Congolese nature conservation authority ICCN [...] on mainstreaming human rights principles in national guidelines and orientation documents' (Doc. 44). The Congolese nature conservation authority is the Institut Congolais pour la Conservation de la Nature (ICCN).

project conception and implementation, such as the requirements partners must fulfil for the project appraisal. In contrast, capacity development and advisory work are important outputs of TC measures. Furthermore, planning documents for projects in the transport sector, on sustainable economic development or for projects outside of priority areas barely contain any activities aimed at strengthening state transparency and accountability on human rights.¹¹⁶

- **Strengthening the state's protective function:** In comparison to the first dimension, the second dimension of the HRBA occurs less frequently (17 per cent of all projects). Also, it is being incorporated in other priority areas and by other implementing organisations. Above-average numbers of planning documents in the priority areas of water (74 per cent of the planning documents for that priority area), energy (20 per cent of the planning documents for that priority area) and environment (30 per cent of the planning documents for that priority area) contain measures to strengthen the supervisory and regulatory function of state actors in order to protect the population from human rights violations by third parties. In the priority areas of education, health and agriculture or in the transport sector, no project undertakes measures to strengthen the state's protective function. However, the share of BGR projects which refer to measures aimed at realising the second dimension of the HRBA is well above the average (81 per cent).¹¹⁷ In the far larger GIZ portfolio, few of the planning documents, relatively speaking, address the strengthening of the state's protective function (12 per cent of the GIZ projects). This points to a possible link between the organisation's sectoral focus and the challenges of strengthening the protective role of state authorities in areas that are less technical and less relevant to regulatory policy. However, there are positive examples of projects in less regulatory or technical areas which contain measures aimed at strengthening the state's duty to protect human rights.¹¹⁸ Making use of these as examples of best practices could be an answer to the challenges in GIZ projects.
- **Strengthening civil society's watchdog function:** Just a few planning documents mention the objective of strengthening civil society organisations and media in their watchdog, advocacy and dialogue functions with regard to human rights.¹¹⁹ Only 13 per cent of all planning documents contain measures addressing the third dimension of the HRBA. However, there are differences between the implementing organisations: While 25 per cent of GIZ projects and 16 per cent of BGR projects promote human rights watchdogs¹²⁰ more frequently than average, this occurs in only 1 per cent of KfW projects and none of the PTB projects. The findings from the survey among NMRIs support this finding: Respondents stated that to date they had mainly cooperated with the German embassy and GIZ/GTZ. Cooperation in these cases was focused on training (embassy: 25 per cent / GIZ: 21 per cent), general cooperation (embassy: 25 per cent / GIZ: 13 per cent), financial support (embassy: 17 per cent / GIZ: 25 per cent) and

¹¹⁶ However, occasional positive examples show that state transparency and accountability for human rights can be promoted even in priority areas where first dimension measures are barely mainstreamed so far. In the context of a sustainable economic development project, for example, 'regular forums at province level and a national conference enable the transparent and open discussion of progress and priorities in vocational training reform' (Doc. 45). In addition, 'awareness-raising measures and public relations work (...) help to sensitise political leaders to the need for higher government funding for vocational education in future and to secure this for the long term'. (Doc. 45)

¹¹⁷ For example, a BGR project is strengthening a supranational authority of the Economic Community of West African States (ECOWAS) in the protection and sustainable management of groundwater resources. To this end, it is also promoting methods for supervising and regulating member states and private-sector actors, which will 'ensure an adequate drinking water supply and hence the realisation of human rights in the long term'. (Doc. 46)

¹¹⁸ One example of this is a GIZ project in the priority area of environment, which 'by supporting processes to identify agreements between the population, the private sector and the authorities' lays the foundations 'to strengthen capacities in the municipalities, e.g. for the operation of facilities, and in national ministries, subordinate authorities (...) to control the disposal of waste' (Doc. 47, p. 14). This serves to protect refugees and their host communities from environmental and health risks and reduces the potential for conflict. Other positive examples exist in the priority area of peace and security, including a KfW project which strengthens the authorities in charge of victim compensation and land restitution in a post-conflict context (Doc. 48).

¹¹⁹ This might be linked to the fact that cooperation with civil society is seen as a task for non-governmental development cooperation.

¹²⁰ The term 'watchdogs' refers to civil society organisations and media which monitor and correct the government's fulfilment of human rights and sensitise and mobilise rights-holders to monitor and insist on their human rights.

consultations (both 13 per cent). None of the respondents said that they had cooperated with KfW, PTB or BGR. Instead, they occasionally mentioned political foundations as cooperation partners.

The strengthening of human rights watchdogs in civil society is not focused narrowly on civil and political rights.¹²¹ ESC rights can also be strengthened by establishing cooperation with civil society organisations. In addition, there are projects that include advisory measures for civil society organisations, which enable them to better represent the interests of smallholder farmers with regard to climate-sensitive and sustainable soil and water management (Doc. 51). It is important, however, that the civil society organisations involved in these projects are not primarily seen as providers of basic services, but rather, that they press for the provision of basic services or represent the interests of rights-holders vis-à-vis the state.

- **Empowerment:** A quarter of all planning documents include elements concerned with the empowerment of structurally marginalised groups.¹²² This finding from the content analysis is not consistent with the interviewees' perceptions that marginalised groups – understood in terms of mainstreaming the human rights principles of non-discrimination and empowerment – benefit especially frequently from activities or have their rights realised (Int. 13; Int. 14; Int. 18; Int. 17; Int. 19).

Those projects that incorporate the dimension of empowerment are located more frequently than average in the social sectors of education (78 per cent) and health (63 per cent). More technical areas such as transport, energy, water and environment rarely (environment: 7 per cent, water: 10 per cent) or never integrate empowerment (transport, energy). In addition, some empowerment measures do not explicitly refer to the realisation of rights as intended by the HRBA (see for example Doc. 52).

GIZ implements the highest proportion of projects that provide for empowerment activities (41 per cent of planning documents). Based on their planning documents, KfW incorporates this dimension in its projects less frequently (17 per cent of KfW planning documents), while BGR and PTB implement hardly any projects aimed at empowerment of persons affected by discrimination. Representatives of the latter three implementing organisations pointed out in the interviews that it is difficult for projects to carry out direct empowerment measures when they are not working directly with rights-holders (Int. 122; Int. 119; Int. 121).¹²³

- **Participation:** Measures aimed at the active participation of target groups in the project process or as an objective are integrated in a good half (56 per cent) of all planning documents. This is no surprise because participation was acknowledged as part of good development cooperation practice even prior to the formulation of the German HRBA and adoption of the human rights strategy paper (Jonsson, 2003). Projects from all implementing organisations integrate participatory approaches or measures that strengthen partners to foster target group participation beyond the projects. However, at PTB in particular there is still scope to develop these further.

It also appears that the principle of participation is implemented mainly in the social priority areas, but rarely in the energy sector (19 per cent of documents from that priority area) and somewhat infrequently in sustainable economic development projects (39 per cent of documents from that priority area). However, even in priority areas where participatory approaches are hardly embedded, there are opportunities to promote participation. Some positive examples in the sustainable economic development sector include such activities as organising discussion forums and strengthening workers' participation in company decisions (Doc. 82).

¹²¹ For example, in contexts where major human rights deficits exist, this takes the form of strengthening the strategic competences of civil society organisations and strengthening dialogue formats with the government (Doc. 49).

¹²² Empowerment is interpreted here as a process that can be initiated by external actors (that is, by the implementing organisations), the aim being to foster autonomy, self-help and greater self-determination of marginalised groups. For a critical view and alternative operationalisation, see Ganle et al., 2015.

¹²³ Empowerment activities need not necessarily take place at the target group level, however. They can also start at organisational or community level and thus contribute to dismantling discriminatory structures, creating institutional framework conditions for empowerment, and mobilising resources (Cyril et al., 2015). Often these activities are actually a precondition for individual empowerment.

- **Grievance mechanisms:** Barely any of the documents analysed mention grievance mechanisms at project level. Only 4 per cent of all the documents examined refer to this dimension of the HRBA, none of which are from BGR or PTB. The project planning documents from GIZ and KfW also rarely address the establishment of grievance mechanisms or the obligation of partners to do so.¹²⁴ KfW contractually obliges its local implementing partners to set up a grievance mechanism, according to its sustainability guidelines (KfW, 2019), but not in every case is this reflected in the project documents. For example, in a few instances the existence or establishment of a grievance mechanism is only mentioned in the annexes to the planning documents (ESDD, ZGBA or agency analysis), but not in the planning documents themselves.¹²⁵ When the planning documents are analysed together with their annexes, the proportion of KfW documents mentioning grievance mechanisms at the project level is 14 per cent.¹²⁶ In cases where partners have no existing grievance mechanism, the documents give no indication of what is done to track and support the establishment of grievance mechanisms.¹²⁷
- **Risk prevention:** This dimension of mainstreaming is embedded comparatively frequently: 79 per cent of all planning documents mention measures for the prevention of human rights risks, including risk analyses, gender-sensitive planning, and applying the do-no-harm approach. Almost all FC projects undertake risk prevention measures (99 per cent of the documents examined), mostly during the course of ESDD and/or ZGBA, and refer to them in the planning documents. GIZ (83 per cent of planning documents) also refers to relevant analyses or measures to prevent any violations of human rights in connection with its projects. Some blind spots exist, however: Only 18 per cent of the PTB documents and 8 per cent of the BGR documents refer to risk prevention measures. This may be due to their having less standardised and systematically integrated processes in comparison to the larger implementing organisations (see Chapter 5.2.1). Risk analyses or prevention measures are also relatively uncommon in the priority area of sustainable economic development (55 per cent). The responses of country desk officers and the implementing organisations indicated that this aspect was implemented to a great extent, even from the viewpoint of mainstreaming. While they referred to existing procedures and processes (Int. I21; Int. I20; Int. I3), it was noted in individual interviews that the existing procedures do not always succeed in preventing human rights violations. The procedures were said to be adequate but not always carefully applied (Int. I7).
- **Human rights situation:** Only a good third (37 per cent) of the planning documents describe the legal or political human rights situation in the partner country hosting the project. The qualitative text analysis shows that descriptions tend to be oriented towards economic variables or common poverty indicators

¹²⁴ The fact that official development cooperation projects seldom actively promote grievance mechanisms is problematic, since grievance mechanisms are crucial to ensuring state transparency and the accountability of development partners in the context of complex projects. The UN High Commissioner for Human Rights (OHCHR) voices the same interpretation. In a recent report on the establishment of non-state-based grievance mechanisms, he recommends that states should actively promote grievance mechanisms in the course of international cooperation, for example by means of concrete measures such as awareness-raising campaigns, capacity building and advisory work (UNHRC, 2020).

¹²⁵ The annexes to the planning documents were excluded from the main analyses. One reason for doing so was that the annexes do not formally belong to the planning documents, but rather within the area of action 'procedures and processes' in the implementing organisations. Hence, the annexes are less standardised and more adapted to the capacities and requirements of the specific work areas of each implementing organisation. From a methodological viewpoint this hampers the learning process for an algorithm-based content analysis and requires a much larger training set to prevent differences in the documents from distorting the results of the procedure. Furthermore, the annexes to a large proportion of the documents (99 per cent) were supplied solely by KfW. To ensure comparability of KfW's planning documents, with each other and in comparison to the planning documents for the other implementing organisations' projects, the annexes were excluded.

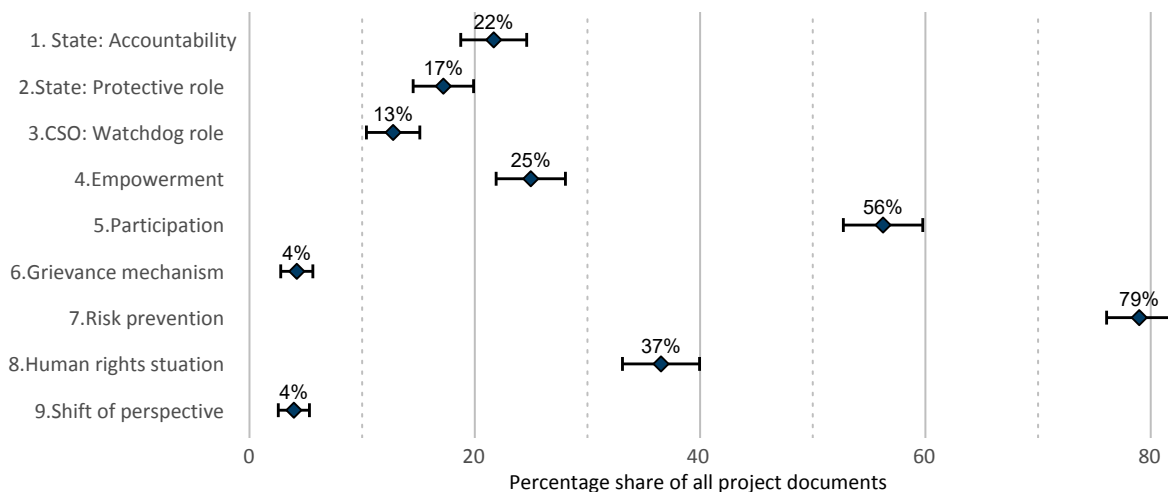
¹²⁶ The analyses replicated the original analyses. In these cases a keyword-in-context approach was adopted, which made use of a keyword search in French, English, Portuguese and Spanish to identify passages of text in which grievance mechanisms were mentioned. In a second step, these phrases were analysed qualitatively to decide whether a grievance mechanism had been established with the partner.

¹²⁷ This finding can be explained by the fact that the present analysis examined planning documents from 2014 onwards for projects of all risk categories, whereas the contractual obligation for partners to establish grievance mechanisms was only introduced in 2016, and the Competence Centre Environmental and Social Sustainability only conducts in-depth assessments of projects in the higher risk category. However, in an evaluation of KfW's human rights review procedures in nature reserve projects, DIMR likewise found that no monitoring system is in place to track the establishment and quality of grievance mechanisms or the handling of grievances (DIMR, 2020).

without including any reflection on the partner government's ability to fulfil its human rights obligations and the extent to which (in terms of progressive realisation) it is actually doing so. Texts rarely mentioned the fact that certain partner countries disregarded their people's human rights, and how the project deals with this problem. It is particularly rare for planning documents from the priority areas of transport, energy and sustainable economic development to include a description of human rights norms and practices in the partner country.¹²⁸

- **Shift of perspective:** Taking the planning documents as a whole, the analysis shows that there is no far-reaching shift of perspective towards a human rights-based approach: Only just under 4 per cent of the planning documents employ human rights terminology rather than the traditional, needs-oriented vocabulary of development cooperation. While GIZ integrates the shift of perspective into the language of about 7 per cent of its planning documents, none of KfW's planning documents show any sign of a shift of perspective. Projects in the priority areas of health, good governance and peace and security appear to accomplish a shift of perspective more often. In the transport and water sectors, the HRBA is not incorporated on the level of the language used.

Figure 6 Mainstreaming of HRBA dimensions in planning documents, share per dimension



Source: own presentation.

Note: The trapezium-shaped dots represent the percentage share of project documents in which the given dimension is mainstreamed. Black horizontal bars represent the 95-per-cent confidence interval within which the percentage share within the population is located with an error probability of less than 5 per cent.

Being holistic approaches, HRBAs aspire to mainstream all nine dimensions in any given project (UNFPA, 2010). However, the heterogeneous results of the text analysis show that in practice the mainstreaming of some dimensions is more successful than others. At the same time it reveals that certain dimensions occur clustered together with other categories. For example, a description of the human rights situation quite often co-occurs with measures for the empowerment of marginalised groups and the prevention of risks.

¹²⁸ However, there are positive examples showing how the description of the human rights situation can be integrated into the planning documents of these priority areas. For example, the fact that although the partner country has 'ratified all international human rights documents (...) [citizens'] labour rights are nevertheless being impaired' (Doc. 54) can also be relevant in the priority area of sustainable economic development. It is then necessary to document the extent to which labour rights are impaired, and what the causes of discrimination and deprivation of rights are: 'Not all workers receive a decent living wage. Persons with disabilities and from ethnic minorities are marginalised in education (human rights). Also, women are not currently equally represented in the labour market. (...) While women benefit from an equal length of schooling (11.3 years on average), women's employment rates are 52 per cent compared to 67 per cent for men. They are often employed below their qualification level and seldom in important sectors for the future. This is mainly due to deeply entrenched stereotypes about female/male sectors and positions, the multiple burdens of performing the vast majority of unpaid family work and housework, and discriminatory practices. Women earn only 75 per cent of men's income on average, and are barely represented at upper levels of management (13 per cent).' (Doc. 54)

Empowerment and risk prevention also correlate with one another. This perhaps indicates that reflection on the human rights context in the planning document results in better risk prevention and greater support for the potential and the empowerment of marginalised groups.¹²⁹

Box 15 Conclusion: Implementation of the area of action ‘mainstreaming the HRBA in projects’.

- The implementation of the area of action ‘mainstreaming the HRBA in projects’ is **partially fulfilled**.
- The analysed planning documents for bilateral development projects integrate an average of three and a maximum of eight of the nine dimensions studied. In seven per cent of the planning documents analysed, mainstreaming is not implemented at all.
- The analysis reveals sectoral differences in mainstreaming. The priority areas of transport and communication, science and energy, which implementers perceive as unrelated to human rights, pose challenges. For example, only just over half of all projects on sustainable economic development (55 per cent) integrate measures for the prevention of human rights violations – although risk prevention is implicitly a priority in the context of mainstreaming. A lack of preventive measures is problematic because economic, financial and fiscal policy projects and the promotion of corporate activities all entail human rights risks. The UN Guiding Principles on Human Rights Impact Assessment of Economic Reforms illustrate this, for example (Nolan and Bohoslavsky, 2020).
- The prevention of human rights risks is the measure mentioned most frequently for integrating human rights as a cross-cutting theme (79 per cent), especially in FC projects (99 per cent). Least frequently mentioned in the documents examined are grievance mechanisms for reporting human rights violations (4 per cent). However, this does not mean that no grievance mechanisms exist at project level, since project documents need not necessarily mention institutional grievance mechanisms operated by the implementing organisations that are applicable at project level (see Chapter 5.2.1 for further information on grievance mechanisms and their limitations).

5.2.8 Area of action ‘structurally marginalised groups’

Definition of the area of action: The area of action ‘structurally marginalised groups’ aims to contribute to the targeted promotion of vulnerable groups through official and non-governmental development cooperation projects at national and regional level in partner countries. Projects can pursue this as a principal or a significant objective. These projects differ from specific human rights promotion projects in that they are designed to target and strengthen marginalised groups.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Portfolio analysis:** The basis for assessing the implementation of this area of action were the findings from the portfolio analysis, for which projects were identified which included the aim of strengthening representatives of particular groups. In order to avoid overlaps with the area of action ‘specific human rights projects’, the portfolio analyses for the two areas of action were conducted separately (see Chapter 5.2.5). Since projects can fall into both categories, it is not possible to aggregate totals across the two areas of action. Here once again, as in the analysis of the area of action ‘specific human rights projects’, projects with a purpose code allied to human rights were the starting point. Projects working with marginalised groups were identified on the basis of the project descriptions. In an additional analysis, other purpose codes were searched for relevant projects focusing on structurally marginalised groups. Information about these projects is presented in the supplementary findings below.

¹²⁹ Other correlations between dimensions can be found in the matrix of correlations in the online annex.

From the portfolio analysis, it was not possible to know whether the empowerment of marginalised groups is the principal or significant objective of the activity. Accordingly, the findings reflect activities which are associated with marginalised groups, but provide no information about the precise role that marginalised groups played in the projects.¹³⁰

- **Interviews:** The findings from the qualitative interviews supplement the findings from the portfolio analysis. Interviews were conducted with representatives of state institutions responsible for planning specific human rights projects within the BMZ as well as actors responsible for the theme in the implementing organisations. The implementation of the area of action was also raised as a topic in interviews with civil society actors.
- **Survey of NHRIs:** The survey made it possible to obtain a human rights perspective from countries in the Global South regarding the promotion of structurally marginalised groups in German development cooperation.

The implementation of the area of action was assessed according to the following criteria: (1) increase in the absolute and relative volume of human rights projects aimed at strengthening vulnerable groups (portfolio analysis), (2) current relative share of these projects as a proportion of total ODA (portfolio analysis), and (3) implementation by staff tasked with implementation and external actors, evidenced by examples of implementation (interviews).

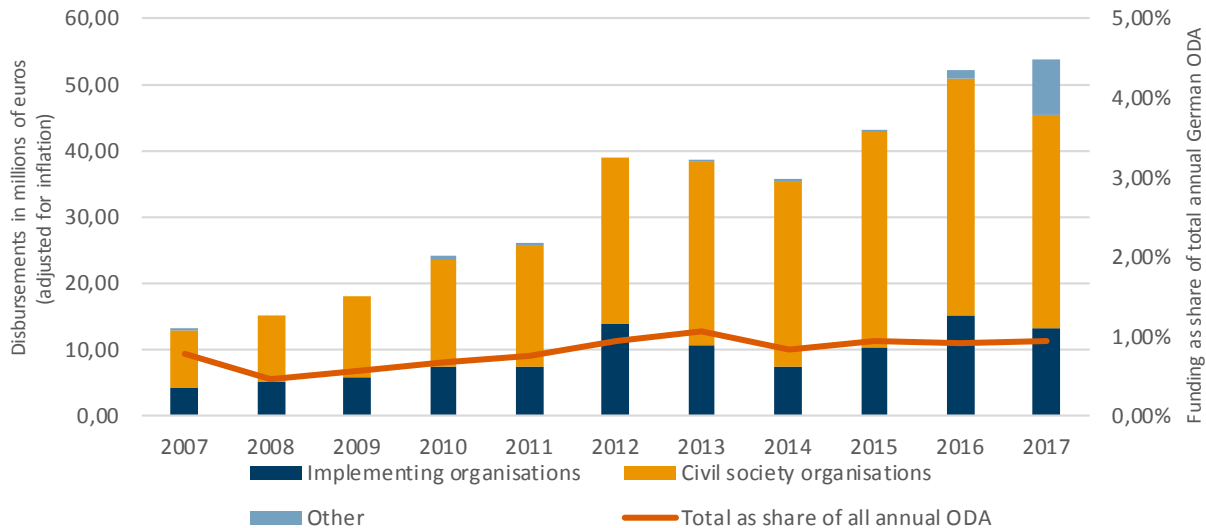
Findings: The findings from the portfolio analysis show that in the period from 2007 to 2017, the absolute volume of disbursements for human rights projects working with structurally marginalised groups increased continuously and substantially. Whereas disbursements for such projects only amounted to 13.29 million euros in 2007, the figure was 53.61 million euros in 2017 (see Figure 7), representing a quadrupling of the total. In the same period, the number of financing contributions also increased from 199 to 547.¹³¹ Thus, the share of projects working with marginalised groups as a proportion of total ODA increased slightly from 0.8 per cent in 2007 to 0.9 per cent in 2017.¹³²

¹³⁰ In the OECD-DAC development finance statistics, only the area of gender equality has a policy marker which can differentiate between projects promoted as a 'principal' or a 'significant' objective. Since 2018 there has also been a voluntary policy marker for the promotion of persons with disabilities (OECD, 2019b). Since these categories only refer to particular structurally marginalised groups, this information was not included in the main analysis.

¹³¹ The number of financing contributions can be used as an indirect indicator of the number of projects, but due to differences in how projects are reported in CRS, not every financing contribution necessarily corresponds to a project. The number of financial contributions is therefore no more than a proxy indicator for the number of projects.

¹³² In addition to these projects, German development cooperation implements a whole series of projects which relate to the promotion of vulnerable groups (for a distinction, see Chapter 3.2). If the sectors are not restricted, the results of the portfolio analysis show that almost five billion euros were spent on structurally marginalised groups in the years 2007 to 2017. The majority of this was allocated to promoting refugees (1.91 billion euros or four per cent of total ODA expenditure in these years), children (1.48 billion euros or three per cent of total ODA), young people (0.9 billion euros or 2.3 per cent of total ODA), women (0.85 billion euros or two per cent of total ODA) and IDPs (0.79 billion euros or 1.8 per cent of total ODA).

Figure 7 Total funds disbursed for projects to strengthen vulnerable groups, by agency, in millions of euros (adjusted for inflation)



Source: own calculations based on the OECD-DAC Creditor Reporting System for the years 2007 to 2017.

Overall, it becomes evident that civil society organisations assume responsibility for the majority of funds spent on projects aimed at strengthening marginalised groups. The role of these organisations grew between 2007 and 2017: In the years 2007 to 2011, state implementing organisations disbursed only 31 per cent of these funds on average (compared to 68 per cent of funds disbursed via civil society organisations). In the years 2012 to 2017, an average of 27 per cent was disbursed via state implementing organisations and 70 per cent via civil society organisations.¹³³

More than half of the specific projects aimed at strengthening marginalised groups were recorded in the CRS as human rights projects: 54 per cent of the funds disbursed from 2012 to 2017 were assigned purpose code 15160 (human rights). The remaining funds were distributed across the following sectors: ‘Women’s equality organisations and institutions’ (29 per cent), ‘Democratic participation and civil society’ (8 per cent), ‘Legal and judicial development’ (4 per cent), ‘Social mitigation of HIV/AIDS’ (3 per cent) and ‘Social protection’ (2 per cent).

Furthermore, projects implemented jointly with structurally marginalised groups were conducted in other sectors as well, but these did not meet the definition of human rights projects used here. In total, 4.97 billion euros were disbursed in the years 2007 to 2017 in this wider context of projects associated with structurally marginalised groups. This equates to an 11 per cent share of the total ODA disbursed during this period.¹³⁴

¹³³ Here, the average size of financing contributions differs significantly between state projects and projects implemented by civil society organisations: the average size of state financing contributions was 0.82 million euros between 2012 and 2017 (2007 - 2011: 0.27 million euros), while the average size of civil society funding contributions was 0.07 million euros between 2012 and 2017 (2007-2011: 0.06 million euros).

¹³⁴ This shows a continuous increase in the share of projects that also address structurally marginalised groups. The share of just 9 per cent in 2007 rose to 22 per cent in 2017. The majority of the funds disbursed for this purpose from 2007 to 2017 can be assigned to the sectors ‘Reconstruction, relief & rehabilitation’ (code 730, 943.66 million euros or 19 per cent), ‘Emergency response’ (code 720 588, 90 million euros or 12 per cent), ‘Development food assistance’ (code 520, 495, 99 million euros or 10 per cent) and ‘Government & civil society-general’ (code 161, 455.28 million euros or 9 per cent).

The findings from the interviews point to the importance of differentiating between publicly funded projects which strengthen marginalised groups as a principal objective and those which strengthen them as a significant objective. The comparatively minor role of state actors in implementing these projects is reflected in the interviews themselves. Only occasionally did respondents cite examples of projects which pursued the strengthening of marginalised groups as the principal objective (Int. I8; Int. I21; Int. I20).¹³⁵ KfW and GIZ were the main organisations to implement such projects (Int. I21; Int. I20). Respondents more frequently referred to projects which pursued the strengthening of particular marginalised groups as a significant objective. Examples mentioned were activities in the areas of gender equality (Int. I8; Int. I5; Int. I7; Int. I9), child rights (Int. I5; Int. I7), internally displaced persons (IDPs) (Int. I8,) and ethnic groups/indigenous people (Int. I3; Int. I5; Int. I6; Int. I7). No mention was made of persons with disabilities and LGBTI groups, however.¹³⁶

These findings indicate that the role of structurally marginalised groups in development cooperation is a question which can be answered in a number of ways, depending on the groups in question. This finding is supported by other DEval evaluations. The DEval evaluation of the Action Plan for the Inclusion of Persons with Disabilities concludes that the objective of mainstreaming the promotion of persons with disabilities in partner countries is not yet satisfactorily achieved (Schwedersky et al., 2017). Regarding the promotion of gender equality, the annual reports produced by the BMZ on the implementation status of the Gender Action Plan initially point to positive outcomes (BMZ, 2016a, 2018a, 2018b, 2019h). For example, the most recent implementation report indicated that 148 of the 159 planned projects were indeed implemented (BMZ, 2019h). At the same time, however, a DEval evaluation on Supporting Gender Equality in Post-conflict Contexts comes to the conclusion that '[a] considerable gap exists between the BMZ's declarations of intent and commitments, on the one hand, and how these are actually put into practice in the given development cooperation projects, on the other.' (Brüntrup-Seidemann et al., 2021).

Interviewees mentioned some possible reasons for targeting certain marginalised groups more than others: For instance, they drew attention to competition between different cross-cutting themes within the BMZ. The large number of themes, coupled with limited time and personnel resources in the regional divisions, could leave desk officers unable to process the volume of information or to give all themes equal financial consideration at all times (Int. I1). It was also suggested that the aspiration to concentrate the portfolio militates against the implementation of additional specific human rights projects (Int. I3). An additional point made was that certain procedural elements existed for particular groups only – for example, the gender marker in the ODA statistics. These might be associated with a greater awareness of particular groups (Int. I9).¹³⁷ Finally, the promotion of certain marginalised groups was described as particularly sensitive for partners and risk-laden for official development cooperation. In particular, respondents viewed projects aimed at supporting LGBTI people as well as targeted promotion of ethnic minorities as contentious, stating that some partners do not always support these objectives and that promoting these groups could potentially jeopardise cooperation with these partners altogether (Int. I20; Int. I3; Int. I4; Int. I8; Int. I9).

¹³⁵ This finding is reflected in findings on the promotion of gender equality. In 2018, the BMZ disbursed funds amounting to 1.58 billion euros on projects with the gender marker '1' (promotion as a significant objective) whereas the amount for projects with a gender marker '2' (promotion as a principal objective) was 34.40 million euros (Bundestag, 2019).

¹³⁶ These differences in the promotion of particular vulnerable groups are reflected in the findings from the portfolio analysis: Only 0.3 million euros were spent on specific human rights projects in the years 2007 to 2017, some of which also explicitly address LGBTI people. Only projects on migrant workers (0.2 million euros), illiterate persons (0.1 million euros) and ethnic minorities (0.1 million euros) received lower volumes of funding. In contrast, the most funding was disbursed on human rights projects in relation to women (107.6 million euros), children (76.5 million euros) and indigenous people (48.3 million euros).

¹³⁷ The DEval evaluation Supporting Gender Equality in Post-conflict Contexts formulates a similar finding (Brüntrup-Seidemann et al., 2021).

Box 16 Conclusion: Implementation of the area of action ‘structurally marginalised groups’

- The implementation of the area of action ‘structurally marginalised groups’ is **partially fulfilled**.
- The promotion of marginalised groups, in the sense of carrying out human rights activities, has increased substantially in absolute and relative terms. However, the absolute volume of funds disbursed for this type of human rights project has remained very low. A mixed picture emerges from the interviews: There is barely any implementation of human rights projects which have the strengthening of marginalised groups as their principal objective; moreover, to some extent they are not even considered useful. However, there are a great many projects strengthening marginalised groups as a significant objective.
- This applies particularly to projects implemented by state organisations. Civil society organisations have an important role in implementing the area of action – both in terms of the volume of funds and the number of financing contributions.

5.2.9 Area of action ‘coherence in Germany’

Definition of the area of action: In the area of action ‘coherence in Germany’, German development policy aims to contribute to increased interministerial coherence among German policies with impacts on developing countries and human rights standards and principles. For this directive, a distinction is made between two levels of implementation of the area of action: (1) the input level: BMZ activities/positions which aim to promote interministerial policy coherence with human rights, (2) the outcome level: the actual coherence of German policies with human rights.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Interviews:** Individual interviews with representatives of the BMZ’s sector divisions yielded information about the implementation of the area of action. However, as it was not possible to carry out a criteria-based selection of interviewees, the findings from the interviews are not generalisable.¹³⁸ Interviews were also conducted with representatives of civil society organisations, which provide an additional viewpoint on the implementation of the area of action.

The implementation was assessed according to the criterion of implementation of the input level of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (interviews).

Findings: The findings from the interviews show that the BMZ makes concrete contributions to the coherence of national policies with human rights in all of the sectoral themes examined. This is demonstrated especially prominently in the area of business and human rights, where the BMZ has a clear commitment to mainstreaming human rights in German economic and trade policy. For example, interview respondents mentioned the plan to introduce a supply chain law. The aim of this publicly stated position, which the BMZ shares with the BMAS, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU) and the Federal Foreign Office, is to oblige companies to comply with human rights standards (Int. I2). These contributions of the BMZ in the area of business and human rights were also mentioned in interviews with representatives of civil society (Int. I24; Int. I23).

Other than this area, the interview respondents also referred to further sectors in which the BMZ contributes to the human rights coherence of German policies. For example, there is evidence of inputs to mainstream

¹³⁸ It was not possible to implement the original plan to conduct group discussions with representatives of sector divisions due to the limited number willing to participate (see Chapter 3.2).

human rights standards and principles in the Federal Government's Raw Materials Strategy (Int. 41; Doc. 83; Doc. 84; Meadows et al., 2019).¹³⁹ Interviewees also point out that, at the instigation of the BMZ, the interministerial Strategy of the Federal Government for Promoting the Rule of Law (The Federal Government, 2019) takes account of the HRBA and explicitly mentions the do-no-harm approach (Int. 15). Furthermore, civil society representatives drew attention to contributions made by the BMZ in the areas of food security and land rights, among others, which are geared towards improving the coherence of German policies with human rights standards. Some details of the BMZ's contributions drew criticism, however (Int. 123).

The BMZ's human rights division – supported by the corresponding GIZ sector programme – also contributes to mainstreaming human rights in the aforementioned areas. It has already supported various BMZ divisions in mainstreaming human rights (for example, on digital transformation, flight and migration, child and youth rights, and trade policy) (Doc. 55), in part by making the advisory expertise of the Sector Programme Human Rights available to other sectoral and global programmes.

Taken as a whole, however, the findings from the interviews also show that current German policies, both in the employment policy area and others, are not always coherent with human rights standards. It follows that the BMZ's initiatives cannot always be described as effective. Although respondents drew attention to the mainstreaming of human rights in relation to the Federal Government's raw materials strategy (Int. 111), they also mentioned a number of policy areas in which the BMZ could only make limited contributions to human rights coherence in practice due to its thematic orientation towards matters of development policy (Int. 123). Yet there are also counter-examples. For instance, the initiative of the BMZ and the BMAS to introduce a supply chain law culminated in a draft law, which was passed within the 19th legislative session of the German Bundestag.

Box 17 Conclusion: Implementation of the area of action 'coherence in Germany'

- On the basis of the information available, the area of action can be rated as **partially implemented**. However, this finding cannot be generalised due to the insufficient number of interviews. Hence it is not possible to rate the implementation of this area of action conclusively.
- The BMZ has made noticeable but, in the overall analysis, only fragmentary contributions to the coherence of national policies with human rights standards and principles in different policy areas. These contributions are visible in the area of business and human rights or in the extractive raw materials sector, for example, and there are other examples of contributions by the BMZ besides these.

5.2.10 Area of action 'international coherence'

Definition of the area of action: In the area of action 'international coherence', German development policy aims to contribute to bringing international policies with impacts on developing countries into increased coherence with human rights standards and principles.

The area of action – according to its description in the human rights strategy paper (BMZ, 2011a) – is structured on a partly thematic and partly institutional basis. Similarly to the area of action 'coherence in Germany', a distinction can be made between input and outcome levels (see Chapter 5.2.9). As the assessment of the implementation of the area of action was examining the BMZ's activities, it focused on the input level.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

¹³⁹ On the importance of human rights in the extractive sector, see GIZ (2015b).

- **Interviews:** Individual interviews with representatives of the BMZ's institutional and sector divisions yielded information about the implementation of the area of action. However, as it was not possible to carry out a criteria-based selection of interviewees, the findings from the interviews are not generalisable.¹⁴⁰ Interviews were also conducted with representatives of civil society organisations, which provide an additional viewpoint on the implementation of the area of action.

The implementation was assessed according to the criterion of implementation of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (interviews).

Findings: On the whole, as the human rights strategy paper states, the area of action 'international coherence' is institutionally structured; that is to say, the measures are aligned with particular multilateral organisations (BMZ, 2011a). In the course of data collection, however, it was noted that this alignment only partially corresponds to the BMZ's division of work. With a few exceptions, it tends to be sector divisions which make thematic contributions at the multilateral level, while the institutional divisions largely perform institutional tasks (for example Int. I14).

The sector division responsible for human rights and the corresponding sector programme make a key contribution to mainstreaming human rights themes in international policies. Advising the BMZ on human rights themes with the aim of mainstreaming the HRBA in work processes at the international level is one of the principal activities of the sector programme for human rights (Doc. 55). For example, at UN level it prepared contributions to the process of negotiating the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, and at EU level it prepared contributions to the debate about the European Instrument for Democracy and Human Rights (EIDHR) (Doc. 88). There are also contributions extending beyond the area of action. For example, a staff member was seconded via the GIZ Sector Programme Human Rights to the EU Directorate-General for International Cooperation and Development (DG DEVCO) to advise on the implementation of an HRBA within EU development policy (Doc. 56).

The findings from the interviews with other sector divisions – in line with the findings on national coherence – point to a number of (only partially documented) examples testifying to BMZ contributions to international policy coherence with human rights standards. This is especially evident in the area of good governance, where the interviewees mentioned contributions at the level of the UN, the EU, the World Bank and the OECD (Int. I15). Furthermore, they pointed out contributions made by German development cooperation within the European Partnership for Responsible Minerals (Int. I11). In the area of biodiversity, respondents cited contributions by the BMZ during the renegotiation of the UN Convention on Biological Diversity (CBD), and contributions to the inclusion of marginalised groups in the sphere of international climate policy (Int. I10; Int. I12; Doc. 85). In the sphere of international trade policy, respondents drew attention to the implicit and non-binding incorporation of human rights standards (Int. I2, and on this issue, see also Doc. 88).

Interviewees from civil society confirm a number of positive examples of BMZ contributions to the coherence of international policies with human rights standards.¹⁴¹ They referred in particular to Germany's role in the Food and Agriculture Organization of the United Nations (FAO) and to good cooperation between the BMZ and civil society in the Working Group on Global Food Security¹⁴² (Int. I23). At the same time, they described fields in which they saw potential for improvement:

¹⁴⁰ It was not possible to implement the original plan to conduct group discussions with a criteria-based selection of representatives of sector divisions due to the limited number willing to participate (see Chapter 3.2).

¹⁴¹ Civil society organisations also operate their own activities at this level and thus make potential contributions to the coherence of international policies with human rights standards (Int. I24).

¹⁴² In this regard, see <https://www.welthungerhilfe.de/ueber-uns/netzwerk/buendnisse/arbeitskreis-welternahrung/>, accessed 11.12.2020 (in German).

Yes, that's how I also see [...] the picture: Germany presents itself as a trailblazer for human rights [...] but does then give money, too. (Int. I23) But despite that, in implementation practice one often sees it, [the] human rights approach [is edged] off the table, off the negotiating table, when other interests come into the foreground. (Int. I23)

Supplementary to this, the findings from the interviews with an institutional division show that human rights play an important role in the BMZ's cooperation with international financial institutions, especially with the World Bank and regional development banks (particularly the Asian Development Bank and the African Development Bank).¹⁴³ Respondents cited documented contributions by the BMZ to mainstreaming human rights in the institutional procedures and processes of banks. In relation to the World Bank, they mentioned contributions to the reform of the Inspection Panel, which is the World Bank's institutional grievance mechanism, and to the implementation of the World Bank's environmental and social standards, as well as the BMZ's engagement in the World Bank's Nordic Trust Fund (Int. I13; Int. I16; Int. I17, see also Doc. 125). Moreover, they cited examples of the incorporation of human rights into concrete project work at the World Bank (Int. I13; Int. I16). Documented contributions by the BMZ are also mentioned with regard to the grievance mechanism at the Asian Development Bank (Int. I13, see also Doc. 126).

The interviews with representatives from civil society confirmed these BMZ contributions at the level of the international financial institutions but characterised them as not going far enough in terms of content, commenting that although references to human rights were often incorporated in formal terms, in practice these did not always guide actions (Int. I23). It was also pointed out that the publication of the human rights strategy paper had prompted great interest at the World Bank, but the BMZ had made no further use of that momentum. Indeed, civil society representatives expressed misgivings about the current revision of the grievance mechanism for reporting human rights violations (Int. I23).

Overall, the findings show that the BMZ's contributions to the protection of human rights at the World Bank level were frequently described as indirect and implicit in nature (Int. I16).¹⁴⁴ This was explained in terms of the World Bank's apolitical principle, which fundamentally excludes it from engaging with human rights and HRBAs (the 'political prohibition' principle) and fundamentally inhibits the mainstreaming of human rights issues (Int. I16; Int. I17; Int. I13; Int. I9). More broadly, human rights were described as a normative framework put in place primarily by European and North American development partners; other World Bank shareholders were said not to pursue them to the same extent, and hence they were subject to continuous negotiation processes. In addition, respondents pointed out the lack of clear criteria for assessing World Bank projects according to human rights standards and that there is no explicit and formal directive from the BMZ setting out how exactly human rights should be taken into account in concrete project work (Int. I16; Int. I23). For example, it was pointed out that Germany had no human rights equivalent to the USA's 'Pelosi amendment' which makes a favourable vote on project loans dependent on international standards (Int. I23).

Box 18 Conclusion: Implementation of the area of action 'international coherence'

- On the basis of the given information, the area of action can be rated as **partially implemented**. However, this finding cannot be generalised due to the insufficient number of interviews. Hence it is not possible to rate the implementation of this area of action conclusively.
- Taken as a whole, the findings show that the BMZ has made noticeable contributions to the coherence of international policies with human rights standards and principles in different areas. However, structural challenges are identified in relation to mainstreaming human rights effectively at the

¹⁴³ Other institutional divisions were not available for interviews. For that reason it was not possible to analyse institutional contributions at the level of other multilateral institutions, although there are relevant stipulations in the human rights strategy paper. For example, the human rights strategy paper mentions concrete activities by the BMZ at the level of EU institutions.

¹⁴⁴ This is also reflected in human rights-based criticism of the World Bank's Environmental and Social Standards (see Chapter 5.2.1).

international level. These challenges potentially indicate that such contributions may not be transferable to all other spheres of policy.

5.2.11 Area of action ‘monitoring the strategy’

Definition of the area of action: This area of action intends to contribute to the systematic and regular review of the implementation of the human rights strategy. The core of the area of action is systematic monitoring, which is by definition the basis for evidence-based strategic management of the strategy’s implementation (Weiss, 1998). In terms of content, the human rights strategy paper specifies that ‘the implementation of the human rights-based approach in development cooperation, the increase in the number of projects and programmes which focus specifically on human rights, more intensive support for civil society activities in the partner countries, and the contributions made within the Federal Government and at international level to increase human rights-based policy coherence will be monitored and evaluated more systematically’. For this purpose it stipulates that ‘an appropriate monitoring system will be developed’.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Interviews:** Interviews with sections tasked with implementing the area of action within the BMZ and in the implementing organisations yielded the necessary information. Actors outside of official development cooperation were not surveyed on this aspect due to their limited insight into the BMZ’s activities in this area.

The implementation was assessed according to the criterion of implementation of the area of action by staff tasked with implementation and external actors, evidenced by examples of implementation (interviews).

Findings: The findings from the interviews show that no overarching monitoring system existed at the time of the evaluation. For example, it emerges from one interview that information for individual areas of action or sub-aspects exists but is not collected for the purpose of systematically reviewing the implementation of the strategy and its elements (Int. 19). Instead, information and data are compiled mainly in response to enquiries or for particular occasions. For example, information on human rights-specific expenditure in the BMZ budget had been compiled for the annual report to the Human Rights Committee of the Bundestag. Submissions would also be compiled sporadically for the purpose of answering major and minor interpellations in the Bundestag (Int. 19). However, since the publication of the human rights strategy paper in 2011, there have only been occasional parliamentary questions of an international or cross-sectoral nature pertaining to the HRBA and its implementation.¹⁴⁵

Consequently, such submissions are only of limited use as a basis for regular monitoring of the implementation of the human rights strategy.

In addition, the reports and evaluations of the Sector Programme Human Rights make information available on individual aspects of the HRBA. The current objectives and outputs of the Sector Programme at the time of the evaluation along with the associated indicators overlap thematically with some of the areas of action identified in the present evaluation. Moreover, for several years after the adoption of the human rights strategy paper, the Sector Programme Human Rights reviewed and documented the implementation of the area of action ‘political dialogue’ (see Chapter 5.2.2): until 2014, regular analysis of the official records of

¹⁴⁵ In the period from 2011 to 2019, there were 137 minor and major interpellations in the Bundestag which had the search term ‘human rights*’ in the title. Many of these parliamentary questions have a direct reference to development policy issues or to so-called developing countries in the title (105). A total of 84 parliamentary questions contain a clear reference to a specific country. Furthermore, there are nine parliamentary questions with a thematic focus (among others, water, raw materials and business) (Bundestag, 2015, 2016, 2018a, 2018b). The database at http://dipbt.bundestag.de/dip21.web/searchDocuments/drs_search_text.do was queried on 24.7.2020.

intergovernmental negotiations was undertaken with regard to the mainstreaming of human rights. However, a decision was taken not to continue this practice (Doc. 56).

For other sub-aspects of the HRBA, information has been obtained from statistical project records. For example, the CRS contains the purpose code 15160 (Human rights) which is a means of recording specific human rights projects (for its content-related and statistical constraints, see Chapter 5.2.5 and further information in the online annex). The gender marker in the CRS is a further instrument which systematically supplies information on the mainstreaming of gender in projects and within the portfolio (Int. I9, and see also OECD, 2018). The existence of the Gender Action Plan and corresponding roadmaps published on an annual basis mean that this is an area in which clearly defined objectives and an appropriate monitoring system exist (BMZ, 2016a). Monitoring instruments are also in place for the action plans on the inclusion of other marginalised groups. The implementation of the Action Plan for the Inclusion of Persons with Disabilities is monitored, for example (BMZ, 2019a). However, in its evaluation of the Action Plan, DEval found gaps in the monitoring system and recommended the mandatory introduction of a marker corresponding to inclusion projects (Schwedersky et al., 2017). According to the current strategy paper on 'Inclusion of persons with disabilities in German development cooperation', the BMZ plans to review the introduction of the inclusion marker (BMZ, 2019a).¹⁴⁶ This illustrates that in principle, information is already available for sub-areas of some areas of action, which could be fed into a more comprehensive monitoring system.

Box 19 Conclusion: Implementation of the area of action 'monitoring the strategy'

- The implementation of the area of action 'monitoring the strategy' has **missed its aspiration level**.
- The findings show that no overarching and systematic monitoring system exists. No systematic collection of information is undertaken for the purpose of monitoring.
- However, a range of information and data that exists for the monitoring of particular sub-areas of the human rights strategy has not been used to steer the implementation of the HRBA.

5.2.12 Area of action 'knowledge and knowledge management'

Definition of the area of action: The area of action 'knowledge and knowledge management' aims to contribute to the continuous development of knowledge on human rights as well as the competencies of BMZ and implementing organisation staff to support (better) implementation of human rights-based approaches.

This area of action is concerned with equipping staff of the BMZ and the implementing organisations to take account of the HRBA in their work. Encompassed within this area of action are both general and topic-specific training courses as well as compiling positive examples of implementation of the HRBA and making them accessible.

Methods: To answer the question as to how this area of action is being implemented, the following methods are used:

- **Document analysis:** The basis for ascertaining the implementation status of this area of action was the analysis of training documents. The source material consisted of documents supplied by the BMZ and the implementing organisations. These were considered complete in terms of the assessment of relevance by interviewees.

¹⁴⁶ Civil society actors criticise this review clause as a step backwards in relation to previously pledged commitments. For details, see: <https://www.cbm.de/dam/jcr:4f10835b-8ee7-45c5-9569-20809ba303ea/pdf-projekt-einer-bmz-inklusionsstrategie-vorerst-gescheitert-cbm.pdf>, accessed 11.12.2020 (in German).

- **Interviews:** Interviews were conducted with persons responsible for elaborating the content of the area of action at the BMZ and in the implementing organisations. Actors outside of official development cooperation were not surveyed on this aspect due to their limited insight into the BMZ's activities in this area.

The implementation was assessed according to the following criteria: (1) completeness of the contents of training courses (document analysis), and (2) implementation of the area of action by staff responsible for implementation and external actors, evidenced by examples of implementation (interviews).

Findings: The findings from the analyses show that both the BMZ and the implementing organisations either provide or are planning training courses dedicated to aspects of human rights. However, there are differences between the institutions, both in relation to modalities of attendance and course content.

Within the BMZ, the core element of training that imparts knowledge about human rights is known as the *EZ-Kolleg* ('development cooperation college'). This training format was created in 2017 and consists of a four-week course that is mandatory for all new executive and administrative grade staff. Sectoral themes such as human rights are rotated and appear as an agenda item every two years (Doc. 57).¹⁴⁷ In addition, the ministry has other training formats covering a range of topics including human rights. For example, at the annual meeting of economic cooperation officers seconded to German embassies and consulates in partner countries, thematic priorities are set which enable them to refer to human rights themes (Doc. 57). It emerges from the document analysis that the meetings of economic cooperation officers have occasionally discussed human rights-related issues over the past ten years,¹⁴⁸ but no systematic and regular mainstreaming of human rights themes at these events is discernible. Annual training sessions on procedures and processes complement the above training formats. These training sessions indirectly address aspects of human rights (see Chapter 5.2.1). Internal gatherings known as 'lunch talks' provide staff with another opportunity to discuss specific topics with BMZ colleagues on an informal and voluntary basis. Topics related to human rights are raised in this setting from time to time (Doc. 57).

At GIZ, elements of human rights due diligence are covered in training courses which are mandatory for new staff members or those changing to a new job or travelling abroad.¹⁴⁹ Furthermore, the Academy for International Cooperation (AIZ) offers training courses on the Safeguards and Gender Management System.¹⁵⁰ One-off formats exist for specific purposes, such as human rights briefings addressed to expert and executive staff (Int. 120). It is discernible from the training documents that the training sessions cover all essential aspects of the BMZ human rights strategy paper including its HRBA. They contain references to the strategy and the guidelines that are based on it (in addition to GIZ's own 'Orientation on human rights', Doc. 108; Doc. 107; Doc. 109; Doc. 110). The ensuing requirements for the implementing organisations are discussed at length (Doc. 108; Doc. 107; Doc. 111; Doc. 109; Doc. 112; Doc. 110; Doc. 113; Doc. 114). Training courses on human rights offered by GIZ inform staff about the international legal background and the

¹⁴⁷ The postponement of the 2020 *EZ-Kolleg* ('development cooperation college') due to Covid-19 restrictions meant that the human rights division had not yet had its first opportunity to participate at the time of the evaluation (Int. 19). Accordingly, this format could not be included in the document analysis.

¹⁴⁸ For example, a one-and-a-half-hour session was held in 2016, entitled 'Stronger together: Successful interaction between non-state and state actors, exemplified by the theme of "inclusion of persons with disabilities"' (with presentations and inputs from Parliamentary State Secretary Hans-Joachim Fuchtel, an employee of Christoffel-Blindenmission, and representatives of disability associations) (Doc. 103). Working group meetings were organised on the topics of 'Shrinking civil society spaces' and 'Sustainable supply chains' at the regional economic cooperation meeting in Asia in 2018 (Doc. 104). The topic of 'Sustainable supply chains' was also the subject of a one-hour discussion event with Parliamentary State Secretary Dr Maria Flachsbarth on the occasion of the global economic cooperation officers' meeting in 2019 (Doc. 105). Also in 2019, a lunchtime talk on the topic of 'Child rights' was held at the BMZ (Doc. 106).

¹⁴⁹ An explicit introduction to the HRBA in project work, which was offered in phases during the evaluation period, is no longer taking place for the time being.

¹⁵⁰ In principle, AIZ courses are also open to staff of other implementing organisations.

terminology of the HRBA:¹⁵¹ They explain the core elements of the ESC rights (availability, accessibility, acceptability and quality), using particular rights as examples.¹⁵² Clarification of human rights principles also happens regularly (Doc. 107; Doc. 108; Doc. 109; Doc. 112; Doc. 110; Doc. 114; extensive account of the principle of participation as exemplified by child rights in Doc. 115). Some training courses also include guidance on group-specific human rights requirements¹⁵³ and on the institutions responsible for the realisation and protection of human rights (Doc. 108; Doc. 107; Doc. 109).

KfW provides regular process-related training courses on the ZGBA and the sustainability guidelines, which are mandatory for staff (Int. 121). Between 2016 and 2018 it also held regular training courses to provide staff with a comprehensive and general overview of all essential aspects of the BMZ's human rights strategy paper and its integral HRBA.¹⁵⁴ Subsequently, the focus of these training courses was increasingly shifted onto application-oriented issues. KfW's training documents show that two training courses dealt with human rights auditing within the project cycle (Doc. 117; Doc. 118). The documentation mentions the relevant UN conventions (Doc. 117; Doc. 118).¹⁵⁵ It also lays out the core elements of the ESC rights, the human rights principles, and the obligations to respect, protect and fulfil human rights respectively (Doc. 117; Doc. 118; Doc. 119). The extraterritorial dimension of human rights is mentioned at least indirectly, in that German development cooperation institutions are explicitly designated as duty-bearers (Doc. 117; Doc. 118).

One topic-specific training course took place at BGR during the evaluation period, which was developed and implemented in collaboration with the Sector Programme Human Rights in 2014 (Int. 119). It included a discussion about the mainstreaming of human rights in BGR project cycles, procedures and processes (Doc. 122). The content of this training course focused on human rights issues in the water (Doc. 120) and raw materials (Doc. 121) sectors. It covered both the human rights core elements and principles (Doc. 122) and the typical areas of human rights risk associated with BGR's work (Doc. 122). No other in-house training took place. However, the BGR – like all the other implementing organisations – can take advantage of the range of training offered by the AIZ. Supplementing this, all new staff are given an individual briefing by the person with sectoral responsibility at BGR (Int. 119).

At PTB there is a standard specifying that human rights training courses are conducted annually. Attendance is mandatory for project coordinators. At the time of the evaluation, three training courses on human rights had been carried out (Int. 122). The training course for PTB staff informed them about the principles of the HRBA, and generally about assessments of human rights risks and impacts (Doc. 124). Another topic was the strengthening of specific human rights in PTB's advisory work.¹⁵⁶ Here once again – although not to the same extent as at BGR – certain links with PTB's work remit of 'metrology, standardisation, testing and quality management' and 'establishing and developing internationally recognised quality infrastructures in developing countries and economies in transition' (Doc. 123) can be identified.

¹⁵¹ Course materials covered the UDHR, the relevant UN human rights conventions (Doc. 108; Doc. 107; Doc. 111; Doc. 109; Doc. 112; Doc. 110; Doc. 113; Doc. 114), and in some cases also regional human rights documents (Doc. 109; Doc. 114) and the linkages between official development policy documents and human rights (Doc. 114; Doc. 115). However, the presentations did not mention ILO core labour standards although these certainly contain relevant directives for GIZ programmes, as well as being referenced as an assessment standard in the BMZ strategy and associated guidelines (BMZ, 2011a; BMZ, 2013).

¹⁵² These include, for example, the right to water (Doc. 108), the right to education (Doc. 107; Doc. 109; Doc. 110; Doc. 114) and the right to food (Doc. 112); GIZ staff were also offered in-depth courses on the right to water and the right to health (Doc. 116).

¹⁵³ These concern such aspects as gender equality (Doc. 109; Doc. 110) and child rights (Doc. 115).

¹⁵⁴ However, training courses on human rights in general are no longer taking place at the present time (Int. 121).

¹⁵⁵ One of the presentations also includes the 'third generation' of human rights, one of which is the controversial right to development (Doc. 121). However, as at the GIZ, any reference to the ILO core labour standards is omitted throughout.

¹⁵⁶ Among other topics, this dealt with working conditions in laboratories, cooperation with certain population groups (for example, combating child labour, protecting against sexual assaults or promoting the employment of persons with disabilities) and questions of technical modernisation (protecting against water and air pollution).

In addition to training courses, this area of action also encompasses documenting the lessons learned from example projects. Writing these up is one of the core activities of the Sector Programme Human Rights (Doc. 88). While occasional gaps exist in terms of thematic coverage, it nevertheless means that a comprehensive series of examples is publicly available (Doc. 56).¹⁵⁷

Box 20 Conclusion: Implementation of the area of action ‘knowledge and knowledge management’

- Implementation of the area of action ‘knowledge and knowledge management’ is **barely fulfilled** for the BMZ and **largely fulfilled** for the implementing organisations.
- Within the BMZ there are no systematic training courses on human rights that reach its entire staff. An event to be held on a two-yearly cycle as part of the ‘development cooperation college’, which is addressed to new staff, had been planned but not yet implemented at the time of the evaluation. This lack of staff-wide training is reflected in the understanding of human rights among BMZ staff, who display divergent understandings and conceptual uncertainties with regard to the HRBA (see Chapter 5.1).
- By and large, the implementing organisations hold sessions on human rights on a regular basis. However, these vary in terms of how frequently they take place and whether attendance is mandatory. In terms of content, the training courses achieve complete coverage. Other than a lack of references to the ILO core labour standards, no gaps are found. The training courses at BGR and PTB also reflect the challenge of applying human rights to the concrete context in which each institution works.

5.3 Factors influencing implementation

Evaluation question 4: What factors influence the implementation of the human rights strategy’s areas of action by the BMZ and the official implementing organisations?

Evaluation question 4.1: What role do the coordination function and the steering structure of the BMZ sector division responsible for human rights play in the implementation of the human rights strategy?

Evaluation question 4.2: What role do other factors play in the implementation of the human rights strategy?

Methods: This chapter presents the results on the factors influencing the implementation of the areas of action. To answer the question as to how this area of action is being implemented, the following method is used:

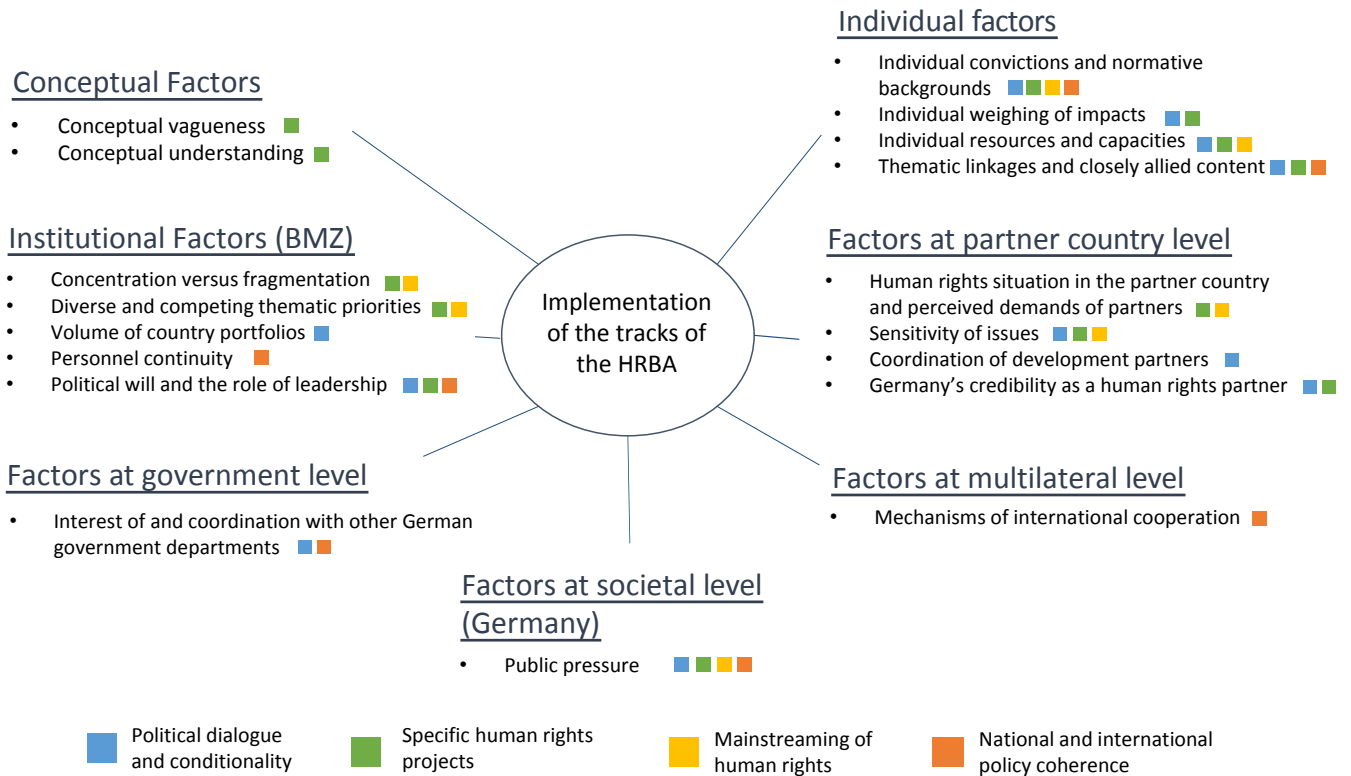
- **Qualitative interviews:** The evaluation team carried out a qualitative analysis of interviews and group discussions to ascertain the influencing factors. To this end, relevant factors for each track were identified and summarised inductively.

Findings: The following presentation of influencing factors is structured according to the tracks of the human rights strategy introduced in Chapter 2.1.3. The underlying basis of the BMZ human rights strategy is a twin-track approach, which combines the mainstreaming of human rights in all projects with the complementary implementation of specific human rights projects (BMZ, 2011a). In addition to these, there are two further tracks which serve to promote human rights: the explicit discussion of human rights in the political dialogue (and conditional allocation of ODA funds as a last resort), and the coherence of national and international policies with human rights standards and principles. Several areas of action can be assigned to each of these

¹⁵⁷ For example, the compiled examples of good integration of human rights in development cooperation projects can be found on the DIMR website at <https://www.institut-fuer-menschenrechte.de/publikationen/ez-promising-practices/> (accessed 10.09.2020).

tracks. Figure 8 shows an overview of enabling and hindering factors for the implementation of the areas of action, clustered according to the corresponding tracks of the strategy.¹⁵⁸

Figure 8 Factors enabling and hindering implementation of the tracks of the HRBA



Source: own presentation.

5.3.1 Individual factors

Individual factors in one form or another exert a key influence on the implementation of all tracks of the HRBA. Across all the tracks, it is evident that despite existing directives expressed through procedures and processes, decisions taken by individuals enable or hinder the implementation of the HRBA (Int. I20; Int. I9; Int. I14; Int. I23; Int. I5; Int. I4). Consequently, areas of action are implemented in different ways, depending on the people involved in the decision. This can be illustrated with reference to the area of action ‘specific human rights projects’:

I think, as always, it also depends very much on the actors involved. Well [...] the country desk officers and heads of division have quite an important role, I think – in terms of how far they really reflect on the theme for every single portfolio, where they see possible approaches. [...] And there are colleagues who see this very clearly for their portfolio, just because they know of so many human rights violations in the partner country, so it's obvious that something has to be done there. And then there are others who have just worked harder to mainstream other cross-cutting themes. (Int. I1)

Based on the findings from the analysis, the following factors which influence decisions on the individual level about the implementation of tracks of the HRBA can be identified:

¹⁵⁸ The analysis of influencing factors is based on all individual interviews and group discussions conducted as part of the evaluation. In order to identify the influencing factors, the interviews were evaluated using content analysis.

- **Factor ‘personal convictions and normative backgrounds’:** It can be inferred from the findings from the interviews that the personal convictions of the individuals involved in decision-making processes can support the implementation of particular tracks of the strategy. A significant factor here is the importance that these individuals attach to values-guided action. Interview respondents drew attention to the marked differences in convictions among BMZ staff, so that depending on the individuals involved, particular decisions might be in keeping with the HRBA in one case and contrary to it in another (Int. 14; Int. 15; Int. 116).¹⁵⁹

In the areas of action ‘political dialogue’ and ‘conditionality’, implementation involves not only BMZ staff but also staff from the Federal Foreign Office and the implementing organisations. In this case, the wide range of convictions means that it is first necessary to reconcile the multiplicity of different interests of the individuals involved. The outcomes of decisions can differ accordingly, depending on the given situation (Int. 118). Hence, decisions were the product of a ‘swarm intelligence from the two ministries and their subordinate agencies’ (Int. 15). While this potentially enables decisions that are adapted to the different realities of each context, interview respondents also stated that these decisions do not always take account of the actual human rights situation in partner countries (Int. 13; Int. 15).

Individual interests and motivations are also a contributory factor when decisions are taken about initiating specific human rights projects (Int. 120; Int. 19).

With certain caveats, the same applies to the mainstreaming of the HRBA in projects. The implementation of this track is far more structured by procedures and processes in comparison with others (see Chapter 5.2.1). At the same time, the findings show that there is greater awareness of some areas of the HRBA than others. According to interviewees, one example is the gender marker, which results in greater awareness of the need for the mainstreaming of gender equality aspects than of equality for other groups (Int. 19).¹⁶⁰

Individual interests also exert a key influence on the ‘policy coherence’ track. For example, interviewees described the orientation of sector divisions’ activities as heavily dependent on the interests of the respective heads of division (Int. 123; Int. 114; Int. 116).

- **Factor ‘individual weighing of impacts’:** Implementation of the ‘political dialogue and conditionality’ and ‘specific human rights projects’ tracks is often based on individual weighing of impacts. When desk officers make decisions about the political dialogue and the conditional allocation of ODA funds, according to interviewees, potential intended positive impacts are weighed against unintended negative impacts (Int. 14; Int. 19; Int. 11). For instance, interviewees reported that when staff were deciding whether to address issues that partners perceived as sensitive in the political dialogue, they questioned whether this might have negative effects on the implementing organisations’ cooperation with the respective partner institutions, and thus jeopardise the success of the projects (Int. 14; Int. 18). Communicating about issues that partners considered sensitive, such as the situation of LGBTI persons, was therefore said to be only possible with caution and without pressure (Int. 14; Int. 19; Int. 11). Furthermore, if allocations of funds were cut for human rights reasons, staff also thought it possible that this itself would stop development cooperation from fulfilling human rights (Int. 11). Decision-makers were said to weigh up whether, in the given case, German development cooperation had sufficient leverage to achieve the intended impacts and whether this was commensurate with possible negative impacts (Int. 13; Int. 18; Int. 15).

¹⁵⁹ The interviews reflect this in different ways. For example, the reference in one interview to the distinction between ‘most vulnerable’ and ‘potential target groups’ as a basis for decisions on the orientation of development cooperation projects may be understood as an indicator of individual people’s different normative backgrounds (Int. 13). This is also seen in the distinction between ‘pragmatists’ and ‘idealists’ referred to in one interview (Int. 15). Finally, a different interviewee pointed out that there are ‘ethicists of conviction’ and ‘ethicists of responsibility’, each of whom ascribed a different meaning to human rights as a basis for action (Int. 116).

¹⁶⁰ The cross-cutting inclusion of highly marginalised groups of people in development cooperation projects was often described as especially well implemented (Int. 13; Int. 18; Int. 15). This indicates that the promotion of structurally marginalised groups also takes place independently of other normative explanatory frameworks in development cooperation.

This finding is reflected in the implementation of the ‘specific human rights projects’ track. In some instances, interviewees argued that the effectiveness of specific human rights projects was limited because human rights problems that are deeply rooted in society could not be changed in the course of comparatively brief and small-scale development cooperation projects (Int. 17). Supporting government reforms was said to be a ‘long haul’, which could only be implemented through fixed-term projects if engagement in the country was long-term in its outlook (Int. 120; Int. 13). This finding is situated in the context of the potential sensitivity of particular human rights-related issues (see Chapter 5.3.3).

- **Factor ‘individual resources and capacities’:** This factor appeared mainly in interviews concerning tracks for which representatives of the regional divisions bore part of the responsibility for implementation.¹⁶¹ Tight constraints on resources and capacities – coupled with a multitude of cross-cutting themes, some of which are in competition with each other – were said to place severe limitations on the absorption and processing capacity in the regional divisions (Int. 120; Int. 19).
- **Factor ‘thematic linkages and closely allied content’:** The presence of thematic linkages to human rights themes is constitutive for the implementation of the tracks ‘political dialogue’, ‘specific human rights projects’ and ‘policy coherence’.

Human rights issues, particularly those perceived to be sensitive, can best be addressed in the political dialogue if the portfolio contains opportune thematic linkages which enable the parties to refer to human rights (Int. 13; Int. 16; Int. 19).

The same applies for specific human rights projects. Here again, it is necessary to agree with partner countries on cooperation priorities in which human rights themes can be anchored (Int. 14). In this context, the priority area of ‘good governance’ is of central importance since it provides numerous opportune thematic linkages for specific human rights projects (Int. 115).

For the implementation of the ‘policy coherence’ track, points of reference to the content of human rights conventions are significant. The findings from the document analysis indicate that mainstreaming of the HRBA in sector strategies is particularly successful in sectors which relate directly to human rights conventions (see Chapter 5.2.4). Interview respondents confirmed these findings (Int. 112; Int. 114). Here once again, the good governance sector occupies a special role due to its thematic proximity to civil and political rights (Int. 115).

What this importance of individual factors reflects, to some extent, is rational action whereby staff respond to the contextual and situational specificities of a decision-making situation. It follows that situation-dependent decisions are significant for context-specific prioritisation of particular human rights themes or aspects (such as for progressive realisation). However, as human rights aspects are not always explicitly an element in decision-making situations, the challenges of systematic and consistent implementation of the HRBA are attendant on the individual factors mentioned.

5.3.2 Conceptual factors

Conceptual factors especially influence the implementation of specific human rights projects:

- **Factor ‘conceptual vagueness’:** Conceptual gaps in the HRBA hamper the implementation of this track. The findings from the interviews indicate that there is a lack of clarity about the anchoring of specific human rights projects in the country portfolios, and about the implementation modalities of such projects. For example, respondents were unclear as to which priority area of development cooperation would accommodate the mainstreaming of specific human rights projects and which partner organisations might be suitable implementers (Int. 14).

¹⁶¹ The tracks in question are ‘Political dialogue and conditionality’, ‘Specific human rights projects’ and ‘Mainstreaming of the HRBA at project level’.

- **Factor ‘conceptual understanding’:** A limited understanding of the conceptual basis of HRBAs also hampers the implementation of this area of action (see also Chapter 5.1). For example, there is a lack of clarity in practice about which thematic priority specific human rights projects should be assigned to and which potential partners might be suitable (Int. 13). In terms of the understanding of human rights among the BMZ staff interviewed, the overall findings show that some of them perceive specific human rights projects not to be useful for achieving human rights results (see Chapter 5.1; Int. 13; Int. 14), although they are an elementary component of the twin-track approach. Interview respondents rarely referred to the complementarity between specific human rights projects and the mainstreaming of human rights. This only occurred in the case of actors who demonstrated a wide-ranging understanding of human rights (see Chapter 5.1; Int. 120). There is also little knowledge about the area of action ‘coherence in the partner country’ (see chapter 5.2.6).

5.3.3 Factors at partner country level

Factors at partner country level also influence the implementation of the areas of action directly associated with activities in partner countries. In their various forms, these are significant for the implementation of the tracks ‘Political dialogue and conditionality’, ‘Specific human rights projects’ and ‘Mainstreaming’ in projects and programmes:

- **Factor ‘human rights situation in the partner country and perceived demands’:** The partner country context and how it is perceived by the individuals responsible for implementation has a key influence on the implementation of specific human rights projects and the mainstreaming of the HRBA at project level. To justify why no human rights projects could be implemented, several interview respondents commented that human rights themes did not coincide with the partner country’s perceived challenges. Staff referred to this argument mainly when the actual human rights situation in the partner country was not particularly problematic (Int. 13; Int. 18).
- **Factor ‘sensitivity of human rights violations’:** A significant influence on the implementation of the three tracks mentioned earlier is the context-dependent, perceived sensitivity of certain human rights issues. In relation to the political dialogue, this was reflected in the view that, depending on the partner country context, certain human rights issues were perceived as so sensitive that either they could not be addressed or else they could only be raised very tentatively and sometimes indirectly with partners. Interviewees reported that this applied *inter alia* to discussing the structural marginalisation of certain groups, such as Roma or LGBTI persons (Int. 13; Int. 14).

The sensitivity of issues was also said to be a key factor in deciding whether to implement specific human rights projects (Int. 13). Against this backdrop, the time and effort involved in reaching agreement on a specific human rights project together with partners was described as disproportionate (Int. 19):¹⁶²

Supposing that I now have to design a TC project to go with it, that doesn’t solve the structural problems [...]. I’ll have just – not to put too fine a point on it – I’ll have just created a lot of hot air and I’ll have said, this is where I’ve promoted it [the political dialogue]. But the result in my view is questionable. [...] In reality, the long haul works better in cases like this. Administrative reforms that are designed to be really inclusive for all groups, that kind of thing, and start taking down some of the invisible barriers. (Int. 13)

Interviewees also pointed to the frequent lack of partner organisations to implement projects of this kind (Int. 14; Int. 18). Alternatively, some were said to be using other development cooperation instruments that did not require a state partner, or working with civil society organisations (Int. 18). However, interview respondents also mentioned that this bypassing of state partners could have negative effects

¹⁶² Furthermore, an interview respondent mentioned that because of the thematic breadth of human rights, the right contact person for a particular theme would not always be present at intergovernmental negotiations or consultations (Int. 13).

on civil society partners. For example, they reported cases in which cooperation had resulted in a marked increase in state pressure on civil society partners (Int. 14).

- **Factor ‘coordination of development partners’:** The implementation of the HRBA in the political dialogue is also dependent upon other development partners in the partner country. For example, interview respondents emphasised the necessity for coordinated action in the context of joint programming or in the context of the EU Article 8 dialogue, because it was said to create greater leverage for addressing human rights effectively (see Chapter 5.3.1; Int. 14). In contrast, some interviewees argued that Germany could only succeed with human rights-based political dialogue or conditional allocation of ODA if it was a large enough development partner or active in sectors of importance to the elite in the partner country (e.g. business infrastructure) (Int. 15).
- **Factor ‘Germany’s credibility as a human rights actor’:** Recognition of Germany as a reliable and credible human rights actor is significant for the implementation of both the political dialogue and specific human rights projects. Interviewees commented, for example, that sensitive human rights issues were most likely to be addressed if there was a pre-existing mutual relationship of trust based on long-standing and continuous cooperation (Int. 16; Int. 19). However, they also suggested that Germany’s credibility potentially suffers from not having ratified all of the human rights conventions (Int. 123).

5.3.4 Institutional factors

In different forms, factors at the institutional level of the BMZ¹⁶³ have important influences on the implementation of all tracks:

- **Factor ‘concentration versus fragmentation’:** The current increasing tendency towards thematic concentration of the bilateral development cooperation portfolio could hamper implementation, particularly of specific human rights projects and the mainstreaming of the HRBA (Int. 18).¹⁶⁴ Because human rights projects are not assigned to a dedicated thematic priority, core area or initiative area, respondents remarked that these projects lacked a conceptual home (see Chapter 5.3.2), and that implementing them therefore automatically leads to fragmentation of the portfolio (Int. 13; Int. 14).
- **Factor ‘diverse and competing thematic priorities’:** The BMZ’s large number of cross-cutting and sectoral themes hamper the implementation of specific human rights projects and the mainstreaming of the HRBA at project level.¹⁶⁵ It is largely incumbent upon staff of the regional divisions, who are responsible for implementation of the relevant areas of action, to coordinate a wide range of different themes:

[...] the regional divisions ... well they have a list of requirements altogether, not just from the cross-cutting themes but altogether, the sector strategies and so on. Which a single country desk officer simply can’t fulfil. And then they can only really keep an eye on what’s especially relevant. Otherwise having it as a cross-cutting theme that everyone always has to bear in mind, that doesn’t work at all. They must constantly have 300 pages of instructions in their head [...]. Obviously, that’s not possible. (Int. 11)

¹⁶³ Due to the ‘BMZ 2030’ restructuring process within the BMZ (BMZ, 2020a), which was launched at the time of the evaluation, these institutional factors will change somewhat in future. At the time this evaluation report was written, the implementation of the process was only just beginning. The data collection could not therefore make reference to it. At points, where known reforms relate to the influencing factors, a remark is inserted accordingly.

¹⁶⁴ The ‘BMZ 2030’ process formulates the aspiration to contribute to the thematic and geographical concentration of the development cooperation portfolio (BMZ, 2020a). The OECD-DAC peer reviews have repeatedly pointed out the fragmentation of the German development cooperation portfolio (OECD, 2011b, 2015). Hence, efforts have been made for some time to concentrate the portfolio further.

¹⁶⁵ The diversity of themes is another object of the BMZ’s ‘BMZ 2030’ reform process. In the interests of greater concentration of activities, in future the BMZ will take account of just six quality criteria in addition to its core and initiative areas. Human rights are part of the quality criterion ‘Human rights, gender equality and disability inclusion’ (BMZ, 2020a). The reform process thus has the potential to reduce the competition between themes.

The large number of cross-cutting themes results in competition between them, so human rights ends up competing with other themes such as climate and the environment (Int. I1), in one interviewee's opinion.¹⁶⁶ Against this backdrop, the regional divisions have limited options for engaging with the mainstreaming of human rights in depth and carrying out an appropriate weighing of impacts. Respondents indicated that in some cases this could lead to country portfolios being continued without any in-depth examination of alternative priorities or projects (Int. I5; Int. I9).

Intensifying the competition between different themes, the organisation defines internal targets stating how much funding must be disbursed on projects in a certain thematic area (Int. I4). The regional divisions must implement these targets in the programming of country portfolios. This restricts the desk officers' scope to implement other types of projects (Int. I9), which in turn heightens competition with other themes.

- **Factor 'volume of country portfolios':** Particularly with regard to the conditional allocation of ODA funds, existing mechanisms implicitly lead to a certain inertia at the point of implementation. Interview respondents pointed out that the perceived importance of a country desk officer's position could implicitly relate to the financial volume of their particular portfolio. This, coupled with the pressure on all federal authorities to fully spend annual budgets, is said to explain why reducing ODA is not always the immediate response to human rights violations. Only if additional factors came into play would commensurate action be taken (Int. I4).
- **Factor 'personnel continuity':** Personnel continuity plays an important role in the implementation of almost all tracks. As described in Chapter 5.3.1, implementation is partly dependent on individual decisions and the backgrounds of the individuals involved. Accordingly, staff rotation was mentioned in many cases as a factor that hampers implementation (Int. I3; Int. I14; Int. I23).¹⁶⁷ For example, staff of regional divisions mentioned that after moving to a new position, they had to start over and familiarise themselves with the respective country context (Int. I3). This factor acquires particular significance for the implementation of the 'policy coherence' track. Because there are comparatively few instructions on taking account of human rights in sectoral strategies, job rotation in sectors unrelated to human rights is said to impede the mainstreaming of human rights aspects especially often (Int. I14; Int. I23). The human rights division cannot compensate for this due to its status as one sector division among many (see Chapter 5.3.7).
- **Factor 'political will and the role of leadership':** Positions taken by the management of the BMZ and directives given by executive staff are key factors in the implementation of the 'political dialogue', 'specific human rights projects' and 'policy coherence' tracks. As set out in Sections 5.3.1 and 5.3.5, a range of actors are involved in the decision about mainstreaming human rights in the political dialogue and the conditional allocation of funds. These actors bring different interests and individual backgrounds into these decision-making processes. To ensure that human rights prevail within this process, including against competing interests of other actors, interviewees contend that political support is needed from executive staff as well as from BMZ management (Int. I9). Yet this is not forthcoming in every case, according to respondents, because sometimes other competing interests are more important (Int. I23).¹⁶⁸

¹⁶⁶ Other DEval evaluations of cross-cutting themes have already drawn attention to this finding. Both the evaluation of the Action Plan for the Inclusion of Persons with Disabilities (Schwedersky et al., 2017) and the evaluation of gender equality in post-conflict contexts (Brüntrup-Seidemann et al., 2021) come to this conclusion.

¹⁶⁷ This finding also emerges in the DEval evaluation of gender equality in post-conflict contexts as a factor influencing the mainstreaming of gender issues (see Brüntrup-Seidemann et al., 2021). The DEval evaluation of the Inclusion Action Plan also reflects this finding (Schwedersky et al., 2017). The latter evaluation points out not only the potential risks but also possible positive aspects of staff rotation. For example, rotation might help to transfer knowledge about inclusion to other parts of the organisation.

¹⁶⁸ This finding possibly also indicates that staff ascribe responsibility to management. Staff do have latitude to make individual decisions – as described in Chapter 5.3.1 – on implementing the directives from the human rights strategy paper. Likewise, the implementing organisations, which develop proposals for the elaboration of programmes, also have considerable scope to shape these decisions.

As the main initiating authority, BMZ management also has an important influence on the implementation of the ‘specific human rights projects’ track (Int. 120; Int. 123). Some interviewees commented that human rights had always been important to the previous as well as the current management of the BMZ. However, they noted that the way human rights were referred to had changed. Currently, the management was said to be emphasising particular human rights themes rather than the HRBA as a comprehensive approach to development cooperation (Int. 123; Int. 124).

The positioning of BMZ management is also an important influencing factor for the implementation of the ‘policy coherence’ track. For example, a number of the ministry’s initiatives in pursuit of policy coherence are said to stem from the positioning of the current management of the institution: This was said to be particularly evident in the area of business and human rights (Int. 12). The area of child rights and child labour is another theme reported to have gained importance due to the management positioning (Int. 125). However, there are also areas in which support, in the form of management directives, could further enhance (mainly international) coherence with human rights standards and principles (Int. 116).

5.3.5 Factors at government level

In those areas of action requiring cooperation with other German government departments, positioning and coordinating with these actors plays an important role. This applies above all to political dialogue and policy coherence with human rights at national and international level:

- **Factor ‘interests of and coordination with other German government departments’:** In the context of the political dialogue, the BMZ staff interviewed considered the sometimes demanding task of coordinating with representatives of the Federal Foreign Office, the lead ministry for human rights in partner countries, to be important (Int. 15; Int. 118). The interests of other German government departments were said to be another important influencing factor with regard to the actual coherence of national and international policies with human rights standards and principles (the outcome level of the area of action). One example that illustrates this is the intragovernmental debate about a supply chain law (Int. 12). According to the interviews, a possible reason for coordination difficulties between ministries may be that the international aspect only accounts for a small part of other ministries’ work. BMZ staff report that they frequently lack a contact person with similar perspectives and experience (Int. 123). Despite good institutional prerequisites, according to respondents, coordination bodies such as the State Secretaries’ Committee on Sustainable Development¹⁶⁹ could only make a limited contribution to overarching coordination with regard to human rights issues in practice (Int. 123).

5.3.6 Factors at societal level

Factor ‘public pressure’: Public pressure is a key factor influencing the implementation of all areas of action addressing the human rights situation in partner countries either indirectly or directly, and can be expressed via media coverage, for example, or via civil society organisations and parliamentary questions.

Civil society actors play an important role in the implementation of the areas of action ‘political dialogue’ and ‘conditional allocation of ODA’. Civil society is formally involved in the respective processes (since it participates in the country talks, see Doc. 58) and can thus provide information and critically monitor the processes. In the interviews, however, representatives of civil society organisations were critical of the current practice. With few exceptions, they described the exchange as ‘often superficial’, saying that the information they fed in was only taken up to a limited extent. Furthermore, they had the impression that key decisions had already been taken in advance of the talks (Int. 125; Int. 124). However, interviewees also

¹⁶⁹ <https://www.bundesregierung.de/breg-de/themen/nachhaltigkeitspolitik/der-staatssekretaersa-usschuss/staatssekretaersa-usschuss-fuer-nachhaltige-entwicklung-426412>, accessed 5.8.2020.

pointed out that critical public reporting did generate momentum in the direction of implementing human rights issues.¹⁷⁰ For example, possible reputational risks were said to have contributed to the decision to allocate funds conditionally in particular partner countries (Int. 17).

The public sphere also has an important influence on the implementation of specific human rights projects and the mainstreaming of human rights standards and principles at project level. Interviewees stated that critical public reporting and the likelihood of reputational damage had ‘driven’ the BMZ to implement human rights aspects, mainly with regard to human rights violations (Int. 120; Int. 11). At the same time, they noted that reporting had also contributed to raising awareness about potential risks from human rights violations in partner countries, which had supported the development and improvement of internal risk management systems (Int. 120).

Interviewees drew attention to the importance of civil society organisations as advocates for human rights themes in the area of national and international policy coherence (Int. 116; Int. 110; Int. 17). For example, pressure from civil society organisations was said to have been an important factor in the termination of particular World Bank projects (Int. 116). Civil society actors also compile information which can be an important source of information for staff of the BMZ and the implementing organisations (Int. 116).

5.3.7 Factors at multilateral level

Factor ‘mechanisms of international cooperation’: Factors at multilateral level are mainly relevant for the implementation of international policy coherence. Thus, besides the coordination difficulties at interministerial level in Germany (see Chapter 5.3.5), at international level the interests of other states add to the difficulty of international policy coherence with human rights (Int. 113; Int. 116; Int. 117; Int. 123). A respondent in one interview mentioned that human rights are sometimes perceived as norms originated in the Global North, as another contributory aspect (Int. 116). Finally, the factor of political prohibition, which is specific to development banks, is said to hamper the mainstreaming of human rights (Int. 113; Int. 116; Int. 117).

5.3.8 The role of the sector division for human rights

Sector divisions at the BMZ – and hence also its human rights division – fulfil an important role in implementing the HRBA’s areas of action. In practice, there are different perceptions of the support provided by the human rights division, depending on the area of action concerned.

In relation to the political dialogue, a differentiated set of findings emerges. The BMZ’s procedural documents make no provision for the human rights division to play a specific role in preparing and conducting intergovernmental negotiations. When the strategic management directive is drafted in preparation for intergovernmental negotiations, sector divisions may be involved as co-signatories. However, this is entirely at the discretion of the corresponding regional division (Doc. 3). Furthermore, the human rights division may be involved in the country talks with civil society actors which are held in advance of the intergovernmental negotiations (Doc. 58). The analysis of the interviews reveals a nuanced picture: Especially in challenging human rights contexts, interviewees said that preparing for negotiations involved close cooperation on content between the regional and human rights division (Int. 17; Int. 16; Int. 14). In the case of country contexts that are less problematic from a human rights perspective, representatives of regional divisions often indicated that no intensive exchange took place. Respondents report that because the human rights division cannot prepare context-specific information for every country due to resource constraints, country desk

¹⁷⁰ This can be illustrated with reference to numerous public reports dealing with possible human rights violations in the context of projects to promote biodiversity and nature reserves, including projects co-financed by the BMZ, as in this example: <https://www.faz.net/aktuell/politik/ausland/wwf-haelt-heiklen-bericht-zu-menschenrechtsverletzung-zurueck-16119105.html>, accessed 5.8.2020.

officers have to carry out the assessment of the human rights situation in these cases (Int. 18). Cooperation with the human rights division is then based on a written exchange, which interviewees characterise as geared more towards formal aspects than towards discussing human rights in the given context. Accordingly, in their view the division only partially fulfilled its role as an information interface (Int. 13). There was no dialogue partner with which they could jointly reflect on the concrete mainstreaming of human rights at country level (Int. 15; Int. 14).

Different perceptions of the role of the human rights division are also found in relation to the implementation of the 'specific human rights projects' track. According to BMZ procedures, it is mandatory to involve the division in the process of drafting country strategies. For example, the division has to participate in a quality assurance body which formulates a written opinion on the draft country strategy. Any involvement of sector divisions at earlier points in the process is optional (Doc. 26, see Chapter 5.2.1). Interview respondents indicated that despite the division's involvement in the quality assurance body, comprehensive mainstreaming of human rights in the strategies is not always achieved. And since the procedure only makes provision for the human rights division to comment retrospectively on country strategies, it has little scope to shape them and thus in most cases cannot propose fundamental changes (Int. 19; Int. 15).¹⁷¹ At the same time, it was pointed out that the formal requirements on country desk officers to mainstream a large number of different themes made it impossible for them to deal with individual themes in depth (Int. 11). Accordingly, interview respondents pointed out potential for improvement in relation to the usefulness of the comments provided by the sector division (Int. 13; Int. 14; Int. 15; Int. 18; Int. 11).

The fact that often only superficial mainstreaming of human rights could be achieved was partly due to limited resources, both in the regional divisions and in the human rights division (Int. 17; Int. 11). These resource constraints are likewise reflected in the findings on the mainstreaming of the HRBA in country strategies (see Chapter 5.2.4). Instead, some respondents expressed the desire for more context-specific information in relation to the given partner country, or for a structured exchange based on guided questions (Int. 14; Int. 15).

Regarding the implementation of policy coherence, once again the comments on the human rights division's support represent a variety of viewpoints. On the one hand, interviewees characterised cooperation with the human rights division as committed and interested (Int. 112; Int. 111; Int. 110). The division's ad hoc intensive advisory support to sectoral and institutional divisions on human rights is reflected in the implementation of the area of action (see Chapter 5.2.4). On the other hand, interviewees also pointed out that cooperation with some divisions was 'traditionally' better than with others (Int. 19). They also mentioned the human rights division's lack of resources as a hindering factor (Int. 123). It was further suggested that the position of the human rights division as one of several sector divisions made the implementation of the HRBA harder. For example, the human rights division was not able to compensate for changes in other sector divisions' thematic priorities resulting from changes of personnel (Int. 123).

To sum up, the findings show that the human rights division has a complex role: While existing offers to intensify cooperation are greatly appreciated, the implementation of the division's role as defined in procedures and processes is only of limited usefulness because of the retrospective commenting procedure and the constrained resources of all parties involved. Other formats that are more context-specific and dialogue-based were described as potentially more useful.

¹⁷¹ In addition, there are informal networks and historically evolved connections which facilitate cooperation with certain divisions and thus also make it possible to support the mainstreaming of the HRBA (Int. 19). However, these only extend across a few of the organisation's units.

Box 21 Conclusion: Factors influencing the implementation of the HRBA

- In summary, diverse factors influencing the implementation of the tracks can be identified, both at the individual, conceptual and institutional level within the BMZ, and at the level of the Federal Government, German society, the partner countries and multilateral cooperation.
- Within the BMZ, the findings from the analysis show that individual decisions are highly significant for the implementation of the tracks. When making such decisions, the individuals involved bring to bear inter alia their own values and normative backgrounds and their personal assessments of positive and negative impacts. Consequently, the tracks are implemented in different ways depending on the particular individuals involved. At the same time, there are a range of institutional factors which restrict individual action and in most cases hamper implementation of the HRBA.
- In particular, the effectiveness of BMZ contributions to national and international policy coherence is limited by factors at Federal Government level. In addition, the findings show that public pressure can strengthen the implementation of the HRBA in development cooperation.

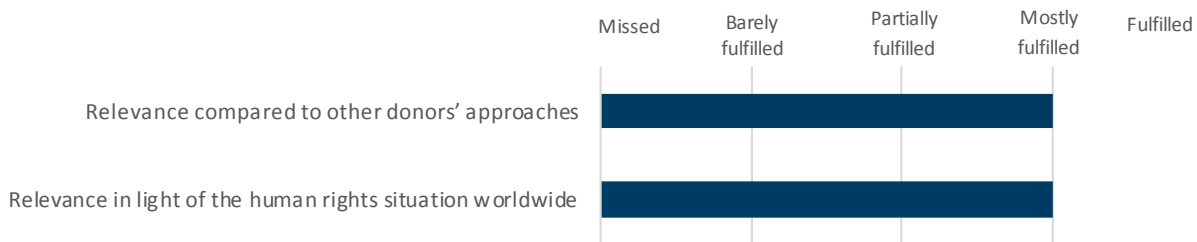
6. CONCLUSIONS AND RECOMMENDATIONS

6.1 Findings and conclusions

6.1.1 Relevance of the strategy

Both in light of current human rights challenges worldwide and in comparison with the approaches of other development partners, the relevance of the BMZ human rights strategy – despite its age – is mostly fulfilled (see Figure 9).

Figure 9 Summary of the relevance of the approach



Source: own presentation.

The comparison with other OECD-DAC members shows that at the time of the evaluation, based on its human rights strategy Germany is one of a comparatively small group of development partners (eight out of 30 OECD-DAC members studied) that have formulated a separate and comprehensive HRBA. The majority of the HRBAs – including the German approach – belong to the so-called second generation of human rights approaches, while Switzerland and Finland have considerably more recent approaches. In comparison with the approaches of all other development partners, the German approach stands out in several respects: The content it covers is very extensive, and the tracks and areas of action are elaborated in considerable detail. Moreover, only the German approach explicitly makes the human rights strategy binding for the implementation of official development cooperation projects and has review provisions in place. Unlike other development partners' strategies, however, the German approach has a more limited scope of application because it is not binding for civil society and private sector actors. The German approach also lags behind in relation to the embedding of hard law and soft law in the context of international humanitarian law. Overall, the present human rights strategy reflects the international hard law currently in force, but there have been some developments in soft law, such as the 2030 Agenda, which the strategy has not yet been updated to incorporate (see Recommendation 1). Furthermore, there are no BMZ standards specifying the mainstreaming of human rights principles (see Recommendation 7).

The human rights strategy paper makes reference to most of the current human rights challenges worldwide. It mentions human rights violations in the context of humanitarian crises – despite the BMZ's limited ministerial mandate for this area – as well as human rights violations in the context of economic activities. The strategy also takes account of groups that are particularly affected by marginalisation and discrimination. Gaps exist in relation to the rights of LGBTI persons and migrant workers, for which there is no fully elaborated conceptual basis. For the most part, the strategy also covers the growing restrictions on civil and political rights that are recently being observed in some partner countries of German development cooperation. Only human rights violations in the context of advancing digitalisation as well as antiterrorism and crime-fighting are not covered (see Implementation Note 2 to Recommendation 1). The strategy addresses challenges relating to subsistence rights. Like the findings from the comparison with other development partners, this is evidence of the strategy's breadth of content. However, the findings also indicate that the strategy implicitly emphasises some particular themes more than others. Yet there is a lack of any explicit rationale for setting these priorities or any understandable approach to strategic prioritisation.

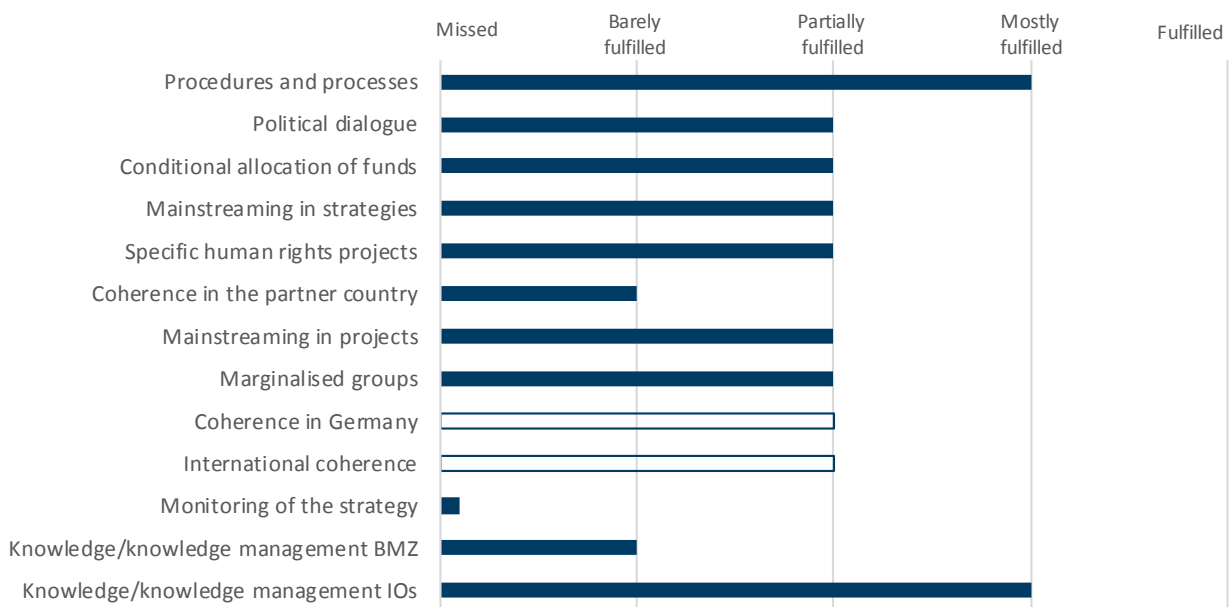
Explicit priority-setting or an understandable and consistent approach to context-specific prioritisation can be a way to target the promotion of human rights despite limited resources (Recommendation 6).

Thus, the HRBA of German development policy is mostly relevant, both in comparison to other development partners and in light of human rights challenges. The aspiration that German development policy explicitly sets by grounding its work on human rights as enshrined in the human rights strategy paper contributes to this substantially.

6.1.2 Implementation of the areas of action

Having considered the overarching relevance of the HRBA currently in effect within German development policy, the next question is how this approach is implemented in the structures and processes of German development cooperation. The evaluation findings show that the BMZ’s human rights strategy is only partially being implemented. This means that in practice, German development policy is meeting its own high human rights aspirations only to some extent. However, the degree of implementation varies significantly between the individual areas of action (see Figure 10). The findings for each area of action are summarised below.

Figure 10 Summary of the degree of implementation of all areas of action



Source: own presentation. Shaded bars represent ratings based on the empirical analyses which apply to the respective area of action in its entirety. Unshaded bars represent findings which apply to parts of the given area of action. Due to methodological constraints, these cannot be generalised to the area of action as a whole.

Procedures and processes: The HRBA is mainstreamed throughout all parts of the process, from country programming and the relevant preparatory work within the BMZ to project planning in the implementing organisations. Standardised procedures and processes are in place, sometimes elaborated in detail, to ensure the implementation of the HRBA. However, there is potential for improvement by systematically extending procedures within the implementing organisations to include the implementation and evaluation phases of projects, and by integrating grievance mechanisms at institutional and project levels. There is no accountability mechanism that operates across the whole of development cooperation, although the human rights strategy paper provides for the BMZ to examine setting up such a mechanism (see Recommendation 2). The evaluation also identifies content-related gaps in the BMZ’s procedures and processes, for example with regard to the explicit mainstreaming of human rights in the political dialogue and in sector strategies.

Political dialogue and conditional allocation of funds: Political dialogue with partners in situ takes place continuously, for example via the embassies and at the level of the implementing organisations. Intergovernmental negotiations are an important and formal milestone within this process. Openly addressing aspects of human rights during intergovernmental negotiations is only occasionally part of the BMZ's practice. More often, references to human rights are implicit. The analysis of the official records of intergovernmental negotiations shows that less than half of negotiations included explicit or implicit references to all the criteria analysed. Positive human rights result were most frequently discussed as common objectives. In contrast, it was comparatively rare for human rights to be defined as a common framework for cooperation. Neither the document analysis nor the interviews uncovered any reference to recommendations from the UN human rights system. This finding is of particular importance, given the fact that human rights issues are characterised as very sensitive (see Implementation Note 1 to Recommendation 2 and Implementation Note 3 to Recommendation 1). The importance of the political dialogue for the discussion of human rights aspects with partners has already been addressed in the course of a DEval evaluation of the Action Plan for the Inclusion of Persons with Disabilities, and concretised in a recommendation (Schwedersky et al., 2017).

There is no consistent relationship between the human rights situation in a partner country and the volume of the ODA funding commitment to that country. Only when Germany's economic or geopolitical interests are weaker does a statistical association exist between the human rights situation and the volume of ODA funds committed by the BMZ. The assumption that in difficult human rights contexts more funding is disbursed via civil society actors cannot be confirmed on the basis of the data analysed. Moreover, since numerous interviewees referred to intermediate stages or escalation stages which are not elaborated as such in the human rights strategy paper, there appears to be a need for conceptual elaboration in this area (see Implementation Notes 3 and 4 on Recommendation 1).¹⁷²

Mainstreaming in strategies: The standard set out in the human rights strategy paper for mainstreaming the HRBA in the BMZ's country and sector strategies is only partially realised in practice. The mainstreaming of human rights, which the procedures specify as mandatory, is seldom covered extensively in country strategies. Likewise, additional aspects of the HRBA are only occasionally referenced. The findings show that the procedures and processes in place to ensure that the human rights division is involved are not always effective in practice. The fact that the human rights division can only comment on country strategies retrospectively at the end of the drafting process, as a function of its membership of the quality assurance body, reduces its scope to make fundamental changes to these strategy documents (see Recommendation 2).¹⁷³ In contrast, the sector strategies show evidence of aspects of the HRBA. Although there are just a few strategies which mainstream the HRBA in full, there are many strategies – mainly in sectors whose themes accommodate direct references to particular rights – which contain components of the HRBA. There is potential for improvement with regard to the current lack of internal directives on the mainstreaming of the HRBA in strategies by means of procedures and processes (see Recommendation 2).¹⁷⁴

Specific human rights projects, promotion of structurally marginalised groups: Although specific human rights projects are a central track of the HRBA, in practice they are only realised to some extent. Overall, the financial volume of funds allocated to these projects has risen in absolute terms over the years under review. However, their volume remains decidedly low and has stagnated to some extent in recent years. During the

¹⁷² It is possible that this critical finding correlates with the finding from the comparison with other donors. It was noted that the German HRBA specifies a hard line on the conditional allocation of funds.

¹⁷³ The DEval evaluation 'Supporting Gender Equality in Post-conflict Contexts' arrives at similar findings and, complementary to the recommended made by the present evaluation, recommends that the human rights division should be involved at an early stage in the drafting of project proposals (Brüntrup-Seidemann et al., 2021).

¹⁷⁴ The DEval evaluation of the Inclusion Action Plan also affirms the great importance of the international arena as a human rights area of action, and recommends that the BMZ engage at this level to promote the concerns of persons with disabilities (Schwedersky et al., 2017).

period under review, there was no increase in their relative share of total ODA. The findings also show that because each implementing organisation has its own designated work focus, they cannot all implement specific human rights projects to the same extent. Moreover, civil society organisations make a substantial contribution to the implementation of this track, in which regard there is room for improvement of the coordination mechanisms (see Recommendation 4).

Only rarely are specific human rights projects addressed in conjunction with the mainstreaming of human rights at project level. Hence, the intention of contributing to the realisation of human rights in partner countries by pursuing both tracks together was not achieved in practice. Bearing in mind the range of structural impediments to the holistic implementation of the HRBA in partner countries and the fact that resources are limited, there is a case for piloting the HRBA in individual countries (see Recommendation 6).

During the period under review, there was a marked increase in projects associated with structurally marginalised groups. Once again, however, the volume of these projects as a share of total ODA is low.

Mainstreaming at project level and coherence in the partner country: Contrary to the directives in the human rights strategy paper and the associated guidelines, the mainstreaming of the HRBA in projects is not realised in all projects. Not one project document integrates all nine of the analysed dimensions of human rights mainstreaming, and the planning documents for some projects do not include human rights at all. Nevertheless, the planning documents for bilateral development cooperation projects integrate three dimensions of the HRBA on average, and there are positive examples in almost all priority areas, demonstrating that many dimensions of the HRBA (7 or 8) can be incorporated. Furthermore, the planning documents of many projects show evidence of human rights risk assessments or the planning of other risk prevention measures. These findings show that the mainstreaming of the HRBA is partially implemented. Potential for improvement is found mainly in the sustainable economic development and energy sectors and concerning the establishment of grievance mechanisms at project level.

Coherence in Germany and international coherence: The BMZ makes a range of contributions to the mainstreaming of human rights standards and principles in national and international policies. Because of the limited numbers of interview participants from the BMZ sector divisions, however, this finding cannot be generalised to all sectors of German development cooperation as the evidence is not representative. This finding nevertheless shows that efforts in pursuit of national and international coherence occupy an important role in the work of the BMZ and the implementing organisations. However, this is not reflected in the human rights strategy paper. A conceptual elaboration of the areas of action ‘coherence in Germany’ and ‘international coherence’ as a separate track of a future human rights strategy paper or performance profile for the quality criterion ‘Human rights, gender equality and disability inclusion’ would close this gap between strategy paper and practice (see Implementation Note 3 to Recommendation 1).

Monitoring of the strategy: The evaluation findings show that there is currently no overarching and systematic monitoring of the implementation of the HRBA. Information on particular aspects of the HRBA is collected on an ad hoc basis, for example when parliamentary questions have been asked. But there is no indication that information is collected and processed systematically or used for the purpose of evidence-based strategic management. Given that there are limitations in the implementation of some areas of action, regular and systematic compilation and use of information is necessary to support evidence-based management of the implementation of the human rights strategy (see Recommendation 4).¹⁷⁵

¹⁷⁵ A series of DEval evaluations have made recommendations to strengthen the overarching level of monitoring and to use it for evidence-based evaluations (Polak et al., 2017). The monitoring of cross-cutting themes poses particular challenges since the relevant information cannot always be found in programme management databases or statistical reporting. For example, the DEval evaluation of the Inclusion Action Plan recommends that an inclusion marker be added to the CRS and applied in German development cooperation (Schwedersky et al., 2017). For specific human rights projects, on the other hand, a corresponding purpose code already exists in the CRS.

Knowledge and knowledge management: A diverse picture emerges in this area of action: While the implementing organisations provide regular training courses on human rights which reach the majority of their decision-making staff, at the BMZ this is currently just being planned. In 2021 the BMZ intends to extend and allocate more staff to the theme of knowledge management. The current gap in this area is also reflected in sometimes marked differences in the understanding of human rights among BMZ staff as well as their understanding of the conceptual basis of the HRBA (see Recommendation 9).¹⁷⁶

6.1.3 Factors influencing implementation

Individual factors significantly influence the implementation of the HRBA: Decisions may have different outcomes depending on which individuals are involved. A particularly significant influence in this regard are the personal convictions and normative backgrounds of the people involved in any given case. This is evident in the use of political dialogue as an instrument, where individuals' different understandings of human rights can lead them to interpret human rights challenges in different ways (see Recommendation 1). The same applies to the implementation of specific human rights projects, and to the mainstreaming of human rights at project level. Likewise, in the context of BMZ's contributions to mainstreaming human rights in national and international policies, greater or lesser importance is attached to human rights depending on the backgrounds of the particular individuals involved (see Recommendation 5). Individual differences are also reflected in the weighing of intended and possible unintended impacts, which serves as the basis when the staff responsible take decisions in the area of political dialogue and on specific human rights projects. For example, human rights violations are described as grounds for the conditional allocation of ODA (see Recommendation 1). Furthermore, limited resources and capacities (see Recommendation 7) make implementation of the HRBA harder, both for the actors responsible for implementation and within the human rights division. On the other hand, implementation is easier when there are appropriate thematic linkage points.

The implementation of the tracks of the HRBA is very often based on decisions taken by individuals depending on the specificities of the given situation. This creates the conditions for decisions adapted to the context and the decision-making situation and is thus in keeping with the HRBA and its principle of context-specific implementation. However, human rights aspects are not always an explicit element of the decision-making situation, and as a consequence, the human rights strategy is not always implemented systematically and consistently in practice.

Besides individual factors, conceptual factors also influence the implementation of the human rights strategy. The vagueness in the conceptual elaboration of particular aspects of the HRBA makes it especially difficult to implement specific human rights projects (see Recommendation 1). This could also explain the limitations identified by the evaluation in the understanding of human rights among BMZ staff. The lack of conceptual understanding among those making decisions about implementation is not only attributable to vagueness in the elaboration of the HRBA in the strategy, but is also related to the lack of systematic training on human rights within the BMZ (see Recommendation 9). Decision-makers often describe the weighing of potential positive and unintended negative impacts as the starting point for deciding whether or not to take action relevant to the HRBA. The fact that they lack application-oriented and problem-specific guidance on finding solutions tends to amplify the influence of individual factors in the weighing process. The existing human

¹⁷⁶ Systematic training courses are highly significant for embedding knowledge and competencies on cross-cutting issues among the staff of the BMZ and implementing organisations. This is reflected in two other DEval evaluations dealing with cross-cutting issues allied to human rights. Both the evaluation of the Inclusion Action Plan and the evaluation of gender equality in post-conflict contexts recommend expanding the provision and improving the quality of training (Brüntrup-Seidemann et al., 2021; Schwedersky et al., 2017). The findings of the present evaluation and the corresponding recommendation can be carried across to the new quality criterion 'Human rights, gender equality and disability inclusion' accordingly.

rights guidelines are addressed to the staff in implementing organisations and provide them with a document containing comprehensive, action-oriented guidance, including a detailed breakdown of human rights risks and potentials for every thematic priority area of German development policy (BMZ, 2013a). With just a few exceptions, however, the BMZ has barely any decision-making tools to assist its staff in deciding how to mainstream the HRBA in view of context-specific challenges, and how to set priorities amid a multitude of possible themes. This applies both to decision-makers in the BMZ's regional divisions (with regard to the exact treatment of human rights conditionality, for example) and in its sector divisions (for example, on mainstreaming human rights in sectors or priority areas where only indirect references to human rights conventions are possible; see Recommendation 1). The same is true in relation to the perceived sensitivity of partners to human rights issues. Although the human rights strategy paper formulates some proposals for solving particular problems, such as the aspiration to make the political dialogue more objective by referring to recommendations from the UN human rights system, this is not embedded in the procedures and processes for the political dialogue (see Recommendation 2).

Furthermore, the institutional frameworks of the BMZ sometimes help and sometimes hinder the implementation of the HRBA. For instance, both the mainstreaming of human rights in projects and the implementation of specific human rights projects are hampered by tendencies towards thematic concentration of the BMZ portfolio. In some instances, country desk officers decline to implement specific human rights projects which have not previously been assigned to a specific sector or priority area, reasoning that this would contribute to fragmentation of the portfolio. This is exacerbated by the multitude of different sectors and cross-cutting themes which the regional divisions are expected to take into account at the same time. Thus, the HRBA itself and its implementation in practice are in a state of potential and actual competition with other cross-cutting issues. The selection of themes is often at the discretion of country desk officers, which confers additional weight on individual decisions.

At the same time, however, there are institutional factors which restrict the decision-makers' freedom of action. For instance, explicit policy directives and targets for particular themes or countries allow little latitude for portfolio design. The implementation of the HRBA is further hampered by frequent changes in personnel. A counterweight to this can be the positioning of executive staff as well directives issued by BMZ management. Examples of this are evident in thematic initiatives launched by BMZ management in which human rights play a central role. At the same time, staff in other areas point out the absence of instructions on how the requirements of the HRBA specified in the human rights strategy paper should be implemented in concrete situations (see Recommendation 9).

While the mainstreaming of the HRBA in some areas can be credited to the initiative of the BMZ and its management, interview respondents pointed out that public or parliamentary pressure could also contribute to having parts of the HRBA put into practice. This applies mainly to procedures and processes in the implementing organisations, and hence to the mainstreaming of the HRBA in projects. For instance, the recent strengthening of risk management can partly be attributed to media reporting and heightened public interest in the theme of 'human rights' (see Recommendation 4).

Finally, there are factors at national and international level which hinder the implementation of the HRBA. Interviewees mentioned the interests of and coordination with other German government departments or other states as an influencing factor in relation to the human rights policy dialogue and national and international policy coherence (see Recommendation 10).

6.1.4 The human rights strategy paper as a tool for strategic decision-making

The analysis of the human rights strategy paper as a tool for strategic decision-making was the basis of this first part of the evaluation. As described in Chapter 3.2.2, the evaluation made a distinction between the intended strategy and the executed strategy. In addition, it took account of the various functions of

strategies: the human rights strategy as a positioning instrument, as a plan, as a pattern for action, and as a shared perspective.

The evaluation findings show a difference between the intended and the executed strategy. The high human rights aspirations for German development policy which are formulated in the human rights strategy paper are only realised to some extent in practice. The discrepancy between the intended and the executed strategy raises the question of whether the intended strategy's underlying level of aspiration is too high for particular areas such as political dialogue. However, the findings from the evaluation also indicate that the contents of the human rights strategy paper – which elaborates the intended strategy and determines the level of aspiration – largely satisfy current human rights standards and challenges. Furthermore, the fact that the BMZ has its HRBA in place makes it a relevant human rights actor, as the comparison with other development partners also confirms. Any reduction in the requirements as a result of adjusting the intended strategy would entail a departure from a comprehensive and holistic HRBA in German development cooperation. The consequence of this would be to reduce the – currently well-rated – relevance of the human rights strategy as an **instrument for positioning** the BMZ as a human rights actor in the international context. On the other hand, the present evaluation identifies possible ways of further strengthening the human rights strategy paper as an instrument for positioning in the international context. For instance, priorities which are currently implicit, such as the promotion of selected (subsistence) rights, could be formulated more explicitly. This could enable German development cooperation to achieve a more coherent and targeted strategic orientation in its partner countries as well as better coordination with other development partners in the area of human rights (see Chapter 4.2).

The discrepancy between the intended strategy and the strategy as executed can be explained to some extent by the identified potential for improving the targeted and strategic implementation of the strategy in practice. For example, the absence of a monitoring system relevant to the strategic management of the strategy suggests that implementation of the **strategy as plan (statement of intent)** is not being systematically overseen. There is also insufficient reflection on the tensions that arise in development cooperation practice between human rights and other cross-cutting themes. Both elements should be taken into account in any revision of the human rights strategy paper (see Recommendations 1 and 4).

Individual factors also partly explain why only some aspects of the strategy are realised in practice. This means that on the level of individuals, the strategy does not translate into a consistent **pattern of action** (see Chapter 3.2.2). This could be due to unclear or insufficiently application-oriented wording of the areas of action in the strategy paper, in its function as a statement of intent setting out concrete objectives. Furthermore, the finding that the understanding of human rights within the BMZ is fragmented, and refers in most cases to particular aspects of the HRBA, points to limitations of the **strategy as shared perspective**. Only to some extent are the strategy's aspirations concretised by means of context-specific and implementation-oriented decision-making tools. However, these would be helpful in drawing decision-makers' attention to ways in which the HRBA can be implemented in any given context. Such tools could also assist decision-makers in determining which particular human rights themes to prioritise pro tem for the progressive realisation of human rights.

From the findings of the evaluation, it is therefore concluded that, despite and because of its high aspirations, the HRBA should be retained and further developed as a constitutive element of development policy ('human rights as a guiding principle'). In this way the positive findings with regard to the strategy's relevance can be further reinforced and the BMZ can continue to maintain its position as a human rights actor. At the same time, further conceptual development of the human rights strategy should be undertaken (see Recommendation 1). In order to promote the implementation of the strategy, it should be steered in a targeted and strategic manner, for example by using information from a monitoring system (see Recommendation 4). In addition, decision-makers should be provided with tools and advisory inputs to enable them to set context-specific priorities within the HRBA and thus strengthen human rights references

in projects and in the portfolio. Training courses can help to eliminate conceptual uncertainties (see Recommendation 9). In addition, framework conditions should be shaped to ensure that institutional influencing factors enable the implementation of the HRBA and its tracks in future. For example, this can be achieved by anchoring specific human rights projects within a core area and creating incentives, in the form of targets, for implementing them (see Recommendation 5), or by providing resources for advisory support and implementation of the human rights-based tracks (see Recommendation 7). The designation of human rights pilot countries, in which all tracks are comprehensively implemented and monitored, would make it possible to test new instruments supporting context-specific strengthening of the BMZ's human rights work (see Recommendation 6).

6.1.5 'BMZ 2030': Current changes in the context of human rights

This part of the evaluation has examined the human rights strategy paper and its implementation. Institutional changes which were recent at the time of the evaluation could not be taken into account empirically. However, it was possible to establish links between empirical findings and current changes.

While this first part of the evaluation was being conducted, the BMZ launched one of its largest reorganisation processes in recent years. The 'BMZ 2030' reform strategy sets out the cornerstones of this process which is intended to focus German development policy 'more strategically, effectively and efficiently' (BMZ, 2020a, p. 3). In order to achieve this, besides increasing the orientation of German development cooperation towards measurable results, it will also be concentrated both geographically and thematically. This thematic refocusing will be achieved by reducing previous development cooperation priorities down to five 'core areas', each consisting of three 'areas of intervention' (previously 'sectors'). In addition, there will be ten 'initiative areas', which are 'a means with which to visibly and actively put a special development policy focus on a specific area for a defined period of time' (BMZ, 2020a, p. 9). Cross-cutting issues are reduced or condensed into six so-called 'quality criteria'. As part of this, human rights are amalgamated with the thematic areas of gender equality and inclusion of persons with disabilities into a single quality criterion. This quality criterion also encompasses the rights of groups affected by marginalisation.¹⁷⁷

The reform of the BMZ is key to the evaluation's findings and recommendations in several respects. 'BMZ 2030' addresses a range of challenges, which are also reflected in the findings of the present evaluation. In particular, the attempt to reduce the variety of different cross-cutting themes is congruent with the finding that cross-cutting themes can be in competition with one another. Thus, the reform process offers opportunities to improve the implementation of the HRBA.

At the same time, the process also harbours risks which could affect the mainstreaming of human rights. The understanding of human rights as a quality criterion is consistent with the current HRBA insofar as it covers the mainstreaming of human rights throughout development policy, which is one aspect of the approach. However, it is not immediately apparent how specific human rights projects, another central element of the HRBA, can be anchored in the quality criterion.¹⁷⁸ Until now, the fact that specific human rights projects are not associated with a priority area or sector has made them harder to implement (see Chapters 5.2.5 and 5.3.4). Since the comparison with other development partners showed the German HRBA to be especially relevant because of its holistic aspiration, the BMZ should ensure that it is retained during the reorganisation (see Recommendation 1). At the same time, provision should be made for better anchoring and implementation of specific human rights projects than in the past by assigning them to an existing or new

¹⁷⁷ German civil society is also taking up the question of the future mainstreaming of human rights in the course of the 'BMZ 2030' process. For example, VENRO has taken a detailed position on this (VENRO, 2020).

¹⁷⁸ This finding applies on the one hand to specific human rights projects, as defined in the human rights strategy paper under review. These projects are primarily intended to contribute to the targeted promotion of human rights and human rights actors. On the other hand, this finding can also be applied to projects aimed primarily at strengthening structurally marginalised groups in their function as rights-holders.

core area (see Recommendation 5). The DEval evaluation of gender equality in post-conflict contexts formulates a similar conclusion: The evaluation emphasises the necessity, as part of the reorganisation, to make provision for specific projects (supporting gender equality) to continue, and therefore recommends anchoring them in existing core areas (Brüntrup-Seidemann et al., 2021).

In addition, the reform process entails both opportunities and challenges for the mainstreaming of human rights across all core and initiative areas. In sector strategies, so far mainstreaming has only been partially achieved (see Chapter 5.2.4). This mainstreaming in sector strategies is important both for the mainstreaming of the HRBA in projects and for the BMZ's contributions to national and international policy coherence with human rights standards (see Chapter 5.2.9 and 5.2.10). By defining human rights as a quality criterion, the reform has the potential to improve the mainstreaming of human rights in sectors or core areas. However, this mainstreaming should be explicitly respected during the implementation of the reform (see Recommendation 1).

For the areas of action relating to administrative aspects of the HRBA, questions concerning the mainstreaming of human rights are likewise raised in the context of the reorganisation. Apart from existing procedures and processes within the BMZ and how these are to be adapted (see Recommendations 2, 3 and 6), the most important point is the mainstreaming of human rights and the corresponding quality criterion in training courses (see Recommendation 9).

6.2 Recommendations

6.2.1 Recommendations for the further conceptual development of the HRBA in the context of the 'BMZ 2030' strategy

Recommendation 1: The BMZ should mainstream the holistic HRBA with its four constitutive tracks as the core of the quality criterion 'Human rights, gender equality and disability inclusion' in the corresponding performance profile. It should also elaborate the four tracks in full detail, and issue corresponding decision-making tools. These tools should support decision-makers in deciding how to implement the respective track in relation to the given context and portfolio, and how to prioritise human rights themes for progressive realisation.

- Implementation note 1.1: The BMZ human rights division can elaborate in the performance profile how the themes specified in the quality criterion – human rights, gender equality and disability inclusion – relate to each other, as well as the role they play for the implementation of the quality criterion. The performance profile for the quality criterion can be formulated as a strategy that provides more action-oriented guidance. Setting medium-term, verifiable targets can support the action-oriented approach of the performance profile.
- Implementation note 1.2: At the same time, the BMZ human rights division can further develop the content of the HRBA by closing the gaps identified in the evaluation. To this end, it can make reference in the performance profile to innovations in the human rights system and to current development agendas (for example, the 2030 Agenda). It can also add more recent challenges in the human rights situation worldwide – such as the opportunities and challenges for human rights through digitalisation processes, human rights in the context of flight and migration, and antiterrorism and crime-fighting.
- Implementation note 1.3: Analogous to the human rights guidelines – which should remain in effect – a decision-making tool to guide actions can be formulated for each of the four strands of the HRBA as a means of providing decision-makers with application-oriented support for the implementation of the HRBA. These decision-making tools can contain existing and new examples from practice, including context-specific solutions for mainstreaming human rights.

Recommendation 2: The BMZ should produce internal process descriptions and sample texts to close gaps in the procedures and processes with respect to mainstreaming human rights in the political dialogue with partner countries. This should aim to support country desk officers in systematically supporting the HRBA.

- Implementation note 2.1: To ensure that explicitly addressing human rights in the political dialogue is anchored in the BMZ's internal procedural directives, BMZ policy divisions can integrate human rights aspects into corresponding internal procedural descriptions and sample texts. These documents can point out that in certain contexts, human rights can also be addressed implicitly or in coordination with other German government departments or development partners. They can also include ways of making the dialogue more objective, such as referring explicitly to recommendations from the human rights system.

Recommendation 3: The BMZ should review the quality of the implementing organisations' existing grievance mechanisms, and integrate them into an independent grievance redressal system. This should prevent human rights risks arising as a result of development cooperation measures.

- Implementation note 3.1: The BMZ policy divisions can introduce a consistent and independent human rights grievance mechanism which covers the whole of development cooperation and brings together the implementing organisations' existing grievance mechanisms. To this end, grievance systems operated by the implementing organisations at institutional and project level can be reviewed with regard to their quality (accessibility, transparency, independence, balance, legitimacy, predictability, and source of learning) and how they are used, and can be further developed if necessary.

6.2.2 Recommendation on monitoring and evidence-based strategic management of the implementation of the quality criterion 'Human rights, gender equality and disability inclusion'

Recommendation 4: The BMZ should develop a monitoring system for the quality criterion 'Human rights, gender equality and disability inclusion' in the context of 'BMZ 2030', and use it for evidence-based strategic management and transparent communication on the HRBA. This monitoring system should cover at least the implementation of the four tracks of the HRBA (see Recommendation 1). It should also include civil society projects.

- Implementation note 4.1: The CRS purpose code 15160 is an existing instrument that can be used to record data on the 'specific human rights projects' track. In order to record projects which strengthen human rights as a significant objective, the use of multiple purpose codes can be systematically increased. Closer coordination with the monitoring system in the 'good governance' area of intervention can further contribute to improving the systematic recording of the track.
- Implementation note 4.2: For the monitoring of the track 'Mainstreaming at project level', BMZ policy divisions can further develop existing approaches to a marker for the mainstreaming of human rights in bilateral projects. They can define which dimensions of the HRBA flow into the assessment of such a marker. The dimensions identified for the purposes of this evaluation can be consulted as examples. This can be supplemented with aspects of recording the structurally marginalised groups that benefit from interventions.
- Implementation note 4.3: The BMZ human rights division can use information from the monitoring system on its own initiative to report publicly on the implementation status of the HRBA and its tracks.

6.2.3 Recommendations for enabling the implementation of specific human rights projects in the context of the 'BMZ 2030' strategy

Recommendation 5: The BMZ should increase the number of specific human rights projects and, in the context of 'BMZ 2030', create the enabling frameworks required for this. In particular, it should mainstream them in core areas and formulate targets for the number of specific human rights projects. This should include mainstreaming specific human rights projects to strengthen duty-bearers and human rights actors as an explicit element of 'good governance' in the corresponding thematic strategy for the core area.

To guarantee the implementation of specific human rights projects, the BMZ human rights division should make use of its right of consultation when core area strategies are being drawn up. If the review of core area strategies should indicate that specific human rights projects have not been strategically mainstreamed, a dedicated area of intervention for specific human rights projects should be created.

Furthermore, targets should be set for the number of specific human rights projects that official bilateral development cooperation implements. Initially these targets should provide for an annual increase in the number of projects.

- Implementation note 5.1: The BMZ human rights division can make use of the further development of the HRBA as part of the quality criterion 'Human rights, gender equality and disability inclusion' to conceptually sharpen the area of action 'specific human rights projects'. As a contribution to this, specific human rights projects can be given a clearer definition.
- Implementation note 5.2: The BMZ human rights division can work with representatives of implementing organisations and civil society organisations to clarify the roles that different organisations can play in implementing the 'specific human rights projects' track.

Recommendation 6: The BMZ, in consultation with the respective partners, should define human rights pilot countries. In these countries – with support from the human rights division – the HRBA should be fully implemented, and innovative instruments for efficient and effective progressive realisation should be piloted. To this end, human rights standards and principles should be mainstreamed in all country priority areas (core and initiative areas). This also includes an explicit orientation towards human rights results, such as economic, social and cultural rights (ESC rights) or rights of marginalised groups. Specific human rights projects should be implemented under the 'good governance' area of intervention. Human rights issues should occupy an explicit place in the political dialogue with partner countries. The pilot countries should be selected on the basis of criteria, and should be used to systematically employ new instruments such as human rights portfolio assessments and human rights target groups analyses at country and project level. Participatory processes involving local civil society and human rights actors should also be improved. The mainstreaming of the HRBA in the pilot countries should be monitored with the participation of all relevant stakeholders, in order to transfer lessons learned to other countries and use the instruments there.

- Implementation note 6.1: The BMZ regional divisions and the BMZ human rights division can jointly determine a preselection of countries on the basis of criteria and, in consultation with the partners concerned and with BMZ policy divisions, propose this to BMZ management. To ensure continuity and trust building, the duration of the focus should preferably be long term.
- Implementation note 6.2: The BMZ human rights division should fulfil its advisory remit from the very start of the conception of projects in the pilot countries. This includes conducting human rights portfolio assessments and offering dialogue formats to facilitate exchange with country desk officers at the BMZ and in the implementing organisations for the preparation of projects in the pilot countries.
- Implementation note 6.3: The designation of human rights pilot countries does not imply that the HRBA should not be implemented in other partner countries of development cooperation. The purpose of the pilot countries is to test new instruments aimed at more systematic mainstreaming of all four tracks

of the HRBA, such as the country-wide human rights-based target group analysis. For this, the pilot countries receive additional resources and specific advisory support from the sector division.

Recommendation 7: The BMZ should conduct a human resource needs assessment to review, and if appropriate adjust, its human resources for implementing the HRBA in the regional divisions and in the human rights division. The review in the course of ‘BMZ 2030’ implementation should also take into account possible additional resources needed in regional divisions and the human rights division for implementing human rights in pilot countries. Prerequisite to this is the clear definition of the tasks of the human rights division, which should be aligned with the requirements for implementing quality criteria defined in the ‘BMZ 2030’ reform strategy and the specific requirements of the HRBA. If no human resource needs assessment takes place in the short term, human resources in the relevant regional divisions and the human rights division should be temporarily supplemented for additional tasks such as the pilot countries, until a human resource needs analysis does take place.

6.2.4 Recommendation to promote the mainstreaming of human rights at project level

Recommendation 8: The BMZ should commission the implementing organisations to (i) define joint quality standards for existing procedures and processes to mainstream the HRBA, and (ii) improve them with a view to generating positive human rights results. Under the aegis of the BMZ human rights division, the sector programme should coordinate this process and enable platforms for dialogue between the organisations. Furthermore, human rights principles and standards should be systematically incorporated into the implementation and evaluation phases of projects. The mainstreaming of human rights should be monitored in project reporting. Appropriate coordination bodies, such as the working group on evaluation, should promote a coherent approach of the implementing organisations to the mainstreaming of human rights principles and standards in the implementation and evaluation phases.

6.2.5 Recommendation on mainstreaming human rights in training at the BMZ and in the implementing organisations

Recommendation 9: The BMZ should provide country and sector desk officers with structured and obligatory training on the quality criterion ‘Human rights, gender equality and disability inclusion’ and the HRBA formulated therein. This training should be initiated by the human rights division and enabled by the training division. It should be designed such that all decision-makers are familiarised with the constitutive core elements of the HRBA. Based on concrete examples, it should also include practical guidance for implementing the HRBA and applying the new instruments proven in the pilot countries.

- Implementation note 9.1: The BMZ human rights division can ensure that the training curriculum covers application-oriented solutions to challenges in the mainstreaming of human rights, tailored to each target group, as a contribution to the implementation of the HRBA. For sector desk officers, application-oriented examples can be compiled for the mainstreaming of human rights in sectors unrelated to human rights. Country desk officers can be provided with solutions for dealing with ‘sensitive’ human rights issues in the political dialogue.

6.2.6 Recommendation to strengthen the interministerial coherence of policies with human rights standards and principles

Recommendation 10: In policy coordination bodies, the BMZ should intensify efforts to promote interministerial coherence of German policies with human rights, and do so consistently across all policy areas. This should aim for interministerial directives to guarantee human rights in partner countries of

development cooperation, which encompass at least development cooperation and humanitarian assistance.

- Implementation note 10.1: The BMZ can make use of the coordination bodies between German government departments (such as the Interministerial Committee on Business and Human Rights or the State Secretaries' Committee on Sustainable Development) to continue to pursue greater coherence between German policies and human rights standards, which affect partner countries of development cooperation. For example, the drafting of an interministerial guideline on the implementation of human rights in partner countries of development cooperation could be initiated.

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8. ANNEX

8.1 Evaluation matrix

Relevance		
Assessment criteria	Indicators	Data-collection methods
Evaluation question 1: How relevant is the human rights strategy compared to approaches of other development partners and in light of the human rights situation worldwide?		
EQ 1.1. How relevant is the human rights strategy compared to approaches of other bilateral and multilateral development partners?		
AC 1.1.1: Comparison of the HRBA of the BMZ, as set out in the human rights strategy paper and the guidelines, with the approaches of other bilateral and multilateral development partners.	Comparison of the activities and objectives of the BMZ human rights strategy with the activities and objectives of other bilateral development partners' approaches.	Context analysis Online survey of national human rights institutions
	Comparison of the activities and objectives of the BMZ human rights strategy with the activities and objectives of other multilateral development partners' approaches.	
EQ 1.2. How relevant is the human rights strategy in the current political and normative human rights situation worldwide?		
AC 1.2.1: Consistency of the BMZ's HRBA with current global challenges with regard to the realisation of human rights.	Consistency of the activities and objectives of the BMZ's HRBA with current global challenges with regard to the realisation of human rights.	Context analysis Online survey of national human rights institutions Document research (for AC 1.2.2)
AC 1.2.2: Consistency of the BMZ's HRBA with normative standards of the UN and the EU on human rights.	Consistency of the activities and objectives of the BMZ's human rights strategy paper with UN and EU human rights standards.	

Effectiveness		
Assessment criteria	Indicators	Data-collection methods
Evaluation question 2: To what extent does a shared understanding of human rights as a guiding principle exist at the BMZ, and to what extent does it guide actions?		
AC 2.1: Coherence between the understanding of human rights among BMZ staff and the human rights strategy paper.	Consistency of the understanding among staff of the BMZ and implementing organisations with the strategy's HRBA.	Qualitative interviews Group discussions
Evaluation question 3: To what extent are the BMZ and the state implementing organisations implementing the human rights strategy and its areas of action?		
AC 3.1: Implementation of the area of action 'procedures and processes'.	The BMZ (or representatives) works within relevant bodies towards voluntary self-commitments on the part of Deutsche Investitions- und Entwicklungsgesellschaft (DEG) and KfW Entwicklungsbank regarding human rights obligations.	Qualitative interviews Document analysis (internal directives, guidelines on procedures in implementing organisations) Online survey of national human rights institutions
	German development cooperation is revising relevant guidelines and continuously developing instruments such as appropriate procedures for human rights risk assessment.	
	The affected population participates in the review of major development cooperation projects and the outcomes of these projects are made publicly available.	
	German development cooperation takes account of structural causes of conflicts (discrimination and human rights violations) in Peace and Conflict Assessments (PCA).	
	The BMZ is examining the establishment of a human rights grievance mechanism which ensures ownership by partner countries and accessibility for civil society.	
	The implementing organisations develop strategies and instruments to systematically take account of human rights as a cross-cutting theme as part of project management during the preparation, implementation and evaluation of projects (including reporting to the BMZ).	

	Additional, inductively generated aspects of implementation.	
AC 3.2: Implementation of the area of action ‘political dialogue’.	The BMZ uses the political dialogue on budget support to discuss human rights issues.	Document analysis (official records of intergovernmental negotiations) Qualitative interviews Group discussions Online survey of national human rights institutions
	The BMZ raises the topic of human rights as a common legal obligation.	
	The BMZ discusses civil and political and ESC rights in the political dialogue.	
	The BMZ makes the political dialogue more objective by referring to recommendations from the human rights system.	
	The BMZ regularly evaluates the political dialogue according to human rights criteria.	
	Additional, inductively generated aspects of implementation.	
AC 3.3: Implementation of the area of action ‘conditional allocation of ODA funds’.	The BMZ promotes rule-of-law structures and human rights in partner countries by means of budget support.	Allocation analysis Qualitative interviews Group discussions Online survey of national human rights institutions
	The BMZ takes account of the human rights situation when planning and implementing country programmes and projects (nature and precise form of development cooperation).	
	The BMZ applies budget support only in countries with a positive development orientation and an adequate standard of governance, as well as stable macroeconomic conditions and a sufficiently transparent public finance system.	
	The BMZ allocates budget support conditionally following human rights violations (funds released to be used for projects).	
	The BMZ specifies human rights as a conditionality for official development cooperation when actors in partner countries commit serious and systematic human rights violations.	
	Additional, inductively generated aspects of implementation.	
AC 3.4: Implementation of the area of action ‘mainstreaming the HRBA in strategies’.	When designing German development policy support measures, the BMZ adopts a stronger human rights orientation in all policies, plans and programmes, e.g. sector strategies.	Document analysis (country strategies, sector strategies) Group discussions
	Additional, inductively generated aspects of implementation.	

AC 3.5: Implementation of the area of action 'specific human rights projects'.	German development cooperation develops the competencies of duty-bearers in the field of human rights.	Portfolio analysis Data requested from implementing organisations Qualitative interviews Group discussions
	German development cooperation develops the competencies of rights-holders in the field of human rights.	
	Increased support for advocacy work.	
	German development cooperation increasingly promotes civil society human rights work (including national human rights institutions).	
	German development cooperation cooperates with civil society human rights groups.	
	German development cooperation improves the legal framework conditions for civil society.	
	German development cooperation promotes human rights NGOs as well as national and regional network structures via German civil society organisations.	
	German development cooperation promotes the rule of law and the separation of powers, and the resulting reciprocal checks and balances between state actors.	
	German development cooperation promotes regional (i.e. supranational) human rights protection systems which are complementary to the international protection system.	
	German development cooperation promotes innovative regional networks and human rights organisations and institutions.	
Additional, inductively generated aspects of implementation.		
AC 3.6: Implementation of the area of action 'coherence in the partner country'.	Alignment of all partners' policies, plans and programmes such as <i>Poverty Reduction Strategy Papers</i> with human rights.	Qualitative interviews Group discussions Online survey of national human rights institutions
	Additional, inductively generated aspects of implementation.	
AC 3.7: Implementation of the area of action 'mainstreaming the HRBA at project level'.	German development cooperation promotes the rights of young persons as a focus of its work at decentralised level.	Qualitative and quantitative content analysis (text mining) of project planning documents Qualitative interviews Group discussions
	German development cooperation deepens knowledge about human rights and strengthens state actors to fulfil their roles as duty bearers, for example by means of educational measures and information and lobbying work.	

	German development cooperation actors cooperate with state institutions with duties of accountability.	
	Development cooperation actors and NGOs, independent media and human rights institutions work together.	
	German development cooperation promotes the institutional and rule-of-law prerequisites to carry out state regulation and supervision of entrepreneurial activity effectively and with an orientation towards respecting human rights.	
	Projects work with actors at the decentralised level focusing on human rights orientation in key social sectors (water, health, education, agriculture, etc.).	
	The implementing organisations carry out projects with cultural sensitivity.	
	(Work at decentralised level focusing on) measures to realise the right to adequate housing.	
	The BMZ's development cooperation specifically targets the elimination of barriers to access and realisation of the rights of discriminated or marginalised groups.	
	Free, prior, informed consent of the persons affected when planning of projects affecting indigenous peoples and local communities.	
	German development cooperation strengthens organisations which advocate for LGBTI rights in partner countries.	
	Persons with disabilities participate in all decisions that affect them.	
	German development cooperation promotes inclusive approaches across sectors (including education, health, social protection and the labour market).	
	German development cooperation strengthens the self-representation structures of persons with disabilities in its partner countries.	
	Additional, inductively generated aspects of implementation.	
AC 3.8: Implementation of the area of action	Germany supports the implementation of UN resolution 1325 (in close consultation with other ministries).	Portfolio analysis Qualitative interviews Group discussions
	German development cooperation promotes women's rights in its partner countries.	

‘marginalised groups’¹⁷⁹.	German development cooperation promotes young persons: Combating extreme poverty, creating prospects, recognising their rights, access to services and participation in societal decision-making processes	Online survey of national human rights institutions Document analysis (monitoring of resolutions, strategic evaluations by DEval)
	German development cooperation supports LGBTI persons by means of measures in the fields of health, human rights protection and advocacy work, particularly via civil society organisations.	
	German development cooperation implements barrier-free access for persons with disabilities in all sectors.	
	Additional, inductively generated aspects of implementation.	
AC 3.9: Implementation of the area of action ‘coherence in Germany (interministerial)’.	Supporting standards, guidelines, and voluntary initiatives by German companies and business sectors (<i>corporate social responsibility, CSR</i>).	Qualitative interviews Group discussions
	Germany engages in relevant bodies to bring about significantly improved human rights policy coherence for all measures with impacts on developing countries.	
	Additional, inductively generated aspects of implementation.	
AC 3.10: Implementation of the area of action ‘international coherence’.	German development cooperation actors support the continuing development of the international legal framework for responsible corporate behaviour.	Qualitative interviews Group discussions
	German development cooperation actors engage in relevant international bodies to bring about significantly improved human rights policy coherence for all measures with impacts on developing countries.	
	The BMZ and the implementing organisations adopt a stronger human rights orientation when designing international development policy promotion measures.	
	The BMZ engages with international financial institutions such as the World Bank and regional development banks, advocating closer alignment of their operational work and guidelines with human rights.	

¹⁷⁹ These are defined in line with the groups mentioned in the strategy: rights of women, young persons, indigenous peoples, persons with disabilities and LGBTI persons.

	The BMZ engages at the OECD-DAC level for the adaptation of relevant guidelines to conform with human rights and for improved application of such guidelines.	
	Germany engages at the EU level to improve the implementation of the Council of the European Union's human rights guidelines.	
	The BMZ is committed to the continuation and further development of the EU's European Instrument for Democracy and Human Rights (EIDHR).	
	At the EU level, Germany supports the continuing systematic operationalisation of the human rights orientation of EU development cooperation.	
	The BMZ supports the concretisation and practical implementation of the right to development at UN level.	
	The BMZ supports the work of the UN Special Rapporteurs.	
	The BMZ contributes to the negotiations on a UN Declaration on Human Rights Education, and to the second phase of the World Programme for Human Rights Education.	
	The BMZ is intensifying its exchange with other development partners on the theme of LGBTI.	
	Additional, inductively generated aspects of implementation.	
AC 3.11: Implementation of the area of action 'monitoring'.	The BMZ is developing a monitoring system to systematically monitor and assess the implementation of the HRBA in development cooperation, the increase in specific human rights projects, the stronger promotion of civil society measures in partner countries, and contributions to greater policy coherence within the German government and internationally.	Qualitative interviews
	Additional, inductively generated aspects of implementation.	
AC 3.12: Implementation of the area of action 'knowledge and knowledge management'.	Targeted training measures in implementing organisations and the BMZ.	Qualitative interviews Document research
	Positive experiences are being compiled and disseminated.	
	Sensitisation of development cooperation staff on the topic of LGBTI is being intensified.	

Additional, inductively generated aspects of implementation.
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Evaluation question 4: What factors influence the implementation of the human rights strategy's areas of action by the BMZ and the state implementing organisations?

EQ 4.1: What role do the coordination function and the steering structure of the BMZ sector division responsible for human rights play in the implementation of the human rights strategy?

AC 4.1.1: Steering options and strategic management performance of the sector division during implementation of the areas of action.	Strategic management performance of the sector division during implementation of the areas of action.	Qualitative interviews Group discussions
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EQ 4.2: What role do other factors play in the implementation of the human rights strategy?

AC 4.2.1: Factors influencing the implementation or non-implementation of areas of action	Inductive question.	Qualitative interviews Group discussions
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8.2 Schedule for Part 1 of the evaluation

Conception and inception phase	
07-08/2019	Clarification talks with the stakeholders of the evaluation
09-10/2019	Clarification talks with the BMZ and selected advocacy groups
	Drafting of the evaluation concept
11/2019	Evaluation concept sent to the reference group and first reference group meeting
12/2019	Finalisation of the evaluation concept
Data collection and analysis phase	
01-02/2020	Preparations for qualitative and quantitative text analysis
01-04/2020	Data collection: qualitative interviews and group discussions
01-05/2020	Data collection: online survey of NHRIs
01-06/2020	Document analyses, portfolio and allocation analyses
03-05/2020	Qualitative and quantitative text analysis
05-06/2020	Analysis of the qualitative interviews and group discussions
06/2020	Analysis of the online survey of NHRIs
Synthesis phase	
06-07/2020	Synthesis of analysis findings, triangulation
08-09/2020	Elaboration of recommendations
10/2020	Second reference group meeting on the findings and recommendations
Report writing	
08-10/2020	Preparation of the final draft of the report
11/2020	Final draft of the report sent to the reference group
12/2020	Third reference group meeting on the final draft of the report
12/2020-01/2021	Revision of the evaluation report and compilation of the comments grid
02/2021	Proofreading of the evaluation report
04/2021	Completion of the report after layout and printing

8.3 Evaluation team and contributors

Evaluation team	
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