



Comments from the Federal Ministry for Economic Cooperation and Development (BMZ) on the DEval Evaluation Report: "Human Rights in German Development Policy, Part 1: The Human Rights Strategy and its Implementation"

The Federal Ministry for Economic Cooperation and Development (BMZ) welcomes the report on "Human Rights in German development policy, Part 1: The Human Rights Strategy and its Implementation" submitted by the German Institute for Development Evaluation (DEval).

The report seeks to evaluate the human rights strategy adopted by the Federal Ministry for Economic Cooperation and Development in 2011, as well as the human rights-based approach (HRBA) defined in the strategy. The report not only provides accountability but also assists in aligning the content of the BMZ's human rights strategy and the HRBA. It does this, on the one hand, by providing an analysis of the relevance of the HRBA and the implementation of the human rights strategy, and, on the other hand, by making recommendations for further strategic development of the HRBA.

The evaluation consists of two parts: Part 1, drawn up in the period from June 2019 to March 2021, studies the individual aspects and the effectiveness of the human rights-based approach overall. The response here is concerned with Part 1 of the evaluation. The second part of the evaluation started in April 2021 and is scheduled to be completed by June 2022. Part 2 will assess the implementation of the human rights-based approach specifically in the context of the BMZ's interventions in the field of "sustainable economic development". Given the enormous importance of human rights within German Development Cooperation, the BMZ has decided to publish Part 1 of the evaluation report and the Ministry's response to its findings and recommendations straight away.

The BMZ regards human rights as a guiding principle of German development policy. In its human rights

strategy, the Ministry outlines the human rights-based approach it is pursuing to realise Germany's human rights policy. Currently, the human rights-based approach comprises three areas of action or "tracks": the mainstreaming of the approach, specific human rights measures and policy dialogue. These three "tracks" are complemented by policy coherence. The German Institute for Development Evaluation therefore refers to four "tracks".

Relevance of the subject of the evaluation

The evaluation report confirms that human rights are relevant as a guiding principle for German development policy. According to BMZ, inclusive and sustainable development worldwide will be possible only if civil and political rights, as well as economic, social and cultural rights, are strengthened. The United Nations 2030 Agenda for Sustainable Development reinforces this assessment. Currently, various factors are seriously undermining the protection and promotion of human rights worldwide. These include global crises such as the COVID-19 pandemic, climate change, growing inequality, violent conflicts and violence against children, women and LGBTI people. Further factors are discrimination of people with disabilities and increasingly shrinking spaces.

As part of its 'BMZ 2030' reform agenda, Germany's development ministry decided to define "human rights, gender equality and disability inclusion" as one of six cross-cutting quality criteria applicable to all measures implemented as part of Germany's official development cooperation. The BMZ is currently drawing up an overarching quality criteria strategy as

a benchmark against which to measure relative performance.

Thus, the evaluation's findings provide valuable lessons learned that will help both to develop the content of the HRBA further and to integrate it in Germany's development policy and in the quality criterion of "human rights, gender equality and disability inclusion". The evaluation's recommendations with regard to implementing the HRBA will be integrated into the new quality criteria strategy. The new quality criteria strategy will cover not only the concept and design of specific human rights measures implemented under German development cooperation but also the systematic mainstreaming of the human rights-based approach in all sectors and fields of action of German development cooperation. Furthermore, the report offers constructive recommendations on how plans and practical guidelines for the implementation of the quality criteria can now be developed further. The same goes for related training formats.

The evaluation is well timed to support this reform process.

Findings of the evaluation

According to the evaluation report, the BMZ's Human Rights Strategy remains essentially relevant. However, the human rights requirements called for by the strategy have not yet been implemented satisfactorily in practice.

The evaluation's key recommendations relate to the strategic management and practical implementation of the HRBA, as well as to the monitoring and quality assurance of pertinent measures. In order to advance further strategic development and evidence-based management of the HRBA, DEval recommends

strengthening factors that facilitate the implementation of the HRBA and developing the concept of the approach further (with respect to track no. 4: political coherence). At the same time, the content of, and level of standards to be met in track should be defined more clearly and precisely in order to facilitate practical application.

Conclusions and recommendations

The BMZ welcomes the recommendations made by DEval and would like to highlight the following recommendations:

1) **Mainstreaming and monitoring of the human rights-based approach (cf. recommendation nos. 1, 2 and 4)**

The evaluation recommends that the human rights-based approach (HBRA) and its constitutive tracks be mainstreamed as the core of the quality criterion of "human rights, gender equality and disability inclusion". As suggested in the evaluation report, it is the BMZ's intention to preserve the holistic nature of the HRBA and its essential elements, while at the same time tapping into the synergies between human rights and those of gender equality and disability inclusion. The new cross-cutting quality criterion is to integrate these three tracks into a quality criteria strategy, thus increasing the visibility of their holistic nature and mutually reinforcing effect. The drafting of such an overarching strategy, including the definition of the relevant specifications for its design and implementation, is currently being discussed with a wide range of divisions within the BMZ. The BMZ is also in consultation with the official implementing organisations and civil society organisations.

The plan is that the BMZ's regional divisions will continue to systematically involve the sectoral division

responsible for "Human rights, gender equality, inclusion of persons with disabilities" when developing country strategies or programmes. Notwithstanding the specific specialist role of the sectoral division, it should be noted that, according to the 'BMZ 2030' process, the HRBA is to be implemented by the entire Ministry. This means that the process is mandatory in nature for all decision-makers within the Ministry and must therefore be tracked and documented.

Currently, the 'BMZ 2030' reform strategy has still to be fully implemented. Strategy papers for core areas and initiative areas (formerly known as "thematic priority areas") as well as strategy papers for the quality criteria pertaining to cross-cutting topics should be finalised by the end of 2021.

The clear terms of the quality criteria are intended to improve and render more systematic the way in which groups that are particularly disadvantaged structurally (such as people with disabilities, LGBTI persons and indigenous peoples) are accounted for and given support in accordance with the guiding principle of "leave no one behind" enshrined in the 2030 Agenda. The terms include, for example, a definition of priority areas and a disaggregated collection of data on individual target groups. The quality criteria strategy being developed will also serve to fill in any gaps in the BMZ Human Rights Strategy of 2011, such as missing references to the 2030 Agenda for Sustainable Development or to climate change, displacement and migration, and digital technology – as recommended in DEval's evaluation.

The BMZ will test DEval's recommendation (no. 1) that the Ministry issues decision-making tools as guidelines for each of the four "tracks" identified by DEval.

Basically, the BMZ also agrees with the recommendation made in the report that it should monitor more systematically whether the HRBA is actually being implemented in Germany's development cooperation projects (recommendation no. 4). For the BMZ, the elaboration of solutions that will help it apply and monitor the quality criteria, as well as the core and initiative areas, is an ongoing process to which the BMZ is giving high priority. Possible solutions are being examined and fine-tuned in consultation with the directorate responsible for policy issues, and should involve both the political-strategic level and the operational level.

For the quality criterion of "human rights, gender equality and disability inclusion", the BMZ intends to define targets and key indicators which will allow authoritative assessments to be made.

2) Specific human rights programmes and mainstreaming of the human rights-based approach (recommendation nos. 5, 6 and 8)

The evaluation recommends increasing the number of specific human rights projects and incorporating them in the core areas defined in the 'BMZ 2030' reform process (recommendation no. 5); identifying pilot countries for specific human rights projects so as to strategically implement the HRBA and to trial innovative approaches (recommendation no. 6); and mandating the implementing organisations with the task of defining joint quality standards for existing procedures and processes in order to mainstream the HRBA (recommendation no. 8).

The BMZ will ensure that the human rights approach is mainstreamed in the quality criteria for all core ar-

areas and initiative areas. In the case of particularly relevant areas, the BMZ will continue to implement specific projects the focus of which will be to strengthen specific human rights and human rights institutions. In such cases, the BMZ will assess whether it is possible to formulate targets regarding the number of specific projects and to mainstream them in the core areas (recommendation no. 5). The aim is to connect specific human rights projects even more closely with fields of action in the core areas in order to create synergies and encourage the thematic refocusing aimed for by the "BMZ 2030" reform agenda. In this connection, the BMZ will also examine whether it should define pilot countries in which innovative approaches to the holistic implementation of the HRBA can be trialled.

There have been no attempts so far to get the implementing organisations essentially to harmonise the quality standards they use when applying the HRBA, since the BMZ already ensures the monitoring of human rights projects via mechanisms jointly agreed with the implementing organisations.

Nevertheless, the BMZ takes note of recommendation no. 8 regarding the harmonisation of quality standards and will explore in consultation with the implementing organisations what steps can be taken in this direction. The sectoral human rights division – with the help of the implementing organisations – already prepares assessments of human rights portfolios at the request of regional divisions. Furthermore, the implementing organisations have at their disposal suitable analytical tools for assessing human rights-related aspects.

In projects funded by the BMZ and implemented by the implementing organisations and/or civil society organisations, it is generally the practice to involve local civil society actors in order to improve existing procedures and processes.

3) Training courses (recommendation 9)

The evaluation finds that the implementation of the human rights-based approach often depends on individual factors, and that awareness-raising and training measures therefore have an important role to play. It therefore contains the recommendation that mandatory training courses be introduced regarding the human rights-related quality criterion.

The BMZ and the implementing organisations have each already developed their own training formats to help progress the mainstreaming of the human rights-based approach. Our plan is to further develop and expand these formats to include the content and targets of the quality criterion, with a focus on particularly disadvantaged persons and groups such as LGBTI people and others. The BMZ will adapt its in-house training formats to the requirements of the BMZ 2030 agenda. We also intend, where possible, to make greater use in this respect of existing formats, such as the "EZ-Kolleg" (course of introductory lectures on development cooperation) for new members of staff.

4) Mainstreaming the HRBA in German policy dialogue (recommendation 2)

The evaluation recommends the systematic mainstreaming of the human rights-based approach (HRBA) in policy dialogue as well as the revision of pertinent in-house process descriptions. However, the report does concede that the evaluation of this aspect was based solely on a sample analysis of agreed minutes of intergovernmental negotiations. We would point out that the task of engaging in dialogue on human rights issues falls largely to Germany's diplomatic missions abroad.

The consideration of human rights obligations, as guiding principles of Germany's development policy, form the framework for action of our entire development cooperation. Consequently, they are also a firm and important part of our policy dialogue. Not only do we engage in policy dialogue on observing (universal) human rights standards during our bilateral government consultations and intergovernmental negotiations, but also in various contexts and at various levels – for example through contacts on the ground in specific partner countries, in dialogues on sectoral themes and through communication with project partners during daily project implementation work. The mainstreaming of the quality criterion of "human rights, gender equality and disability inclusion" in Germany's development cooperation is a binding mark of quality for the development policy work of the entire BMZ. Relevant guidelines for policy dialogue with partner countries should therefore be laid down and expanded in practical directions, specimen texts and process descriptions. We would also like to point out that the Federal Government engages in very specific human rights dialogues with certain partner countries, in the course of which weaknesses in their track record with regard to human rights, gender equality and disability inclusion are explicitly addressed.

5) Reviewing human resources needs and, if necessary, adjusting personnel resources (recommendation no. 7)

The BMZ reviews the responsibilities and staffing levels of all the Ministry's divisions annually as part of its KOMPASS exercise – an alternative procedure for determining staffing requirements. The procedure

encompasses elements of management by objectives, task appraisal and allocation of posts. The staffing needs assessment takes into account both the goals and tasks set by the top level of the Ministry and the tasks and responsibilities of the individual divisions. Particular attention is paid to requirements resulting from the realisation of BMZ 2030 reform agenda. The existing KOMPASS exercise is used to identify whether the allocation of posts needs to be adjusted in order to implement the human-rights based approach. The BMZ feels that there is no need for a separate procedure to measure staffing requirements.

6) Reviewing the complaints mechanisms employed by the implementing organisations and introducing an independent grievance procedure (recommendation no. 3)

The BMZ is already in communication with organisations and agencies on how they can improve their complaints mechanisms in terms of both procedure and focus, and we intend to continue this exchange. In the course of addressing this issue, the BMZ will continue to ensure that the individual mechanisms at organisational level and the independent nature of the complaints reporting systems at local (in-country) level are in keeping with the BMZ's human rights-based criteria – in particular with regard to accessibility, transparency, independence, impartiality, legitimacy and predictability, and as a source of life-long learning. The BMZ also intends to discuss with the implementing organisations whether their complaints mechanisms are user-friendly and how they may be further improved. The BMZ will focus in particular on how the accessibility of the mechanisms used can be further improved for all disadvantaged

people and groups (e.g. children, people with disabilities, and indigenous peoples) by removing remaining language and/or technical barriers and procedural hurdles.

7) Greater efforts by the BMZ in policy coordination bodies to promote inter-ministerial coherence (recommendation no. 10)

The BMZ will continue to work to ensure the inter-ministerial coherence of the Federal German Government's human rights policy, whilst respecting the lead role of other ministries in their respective policy fields. Current examples are the federal government's new due diligence act and the LGBTI strategy paper on fostering inclusion through Germany's foreign and development policies, adopted by the Cabinet on 3 March 2021. The HRBA is already applied to the transitional development assistance funded by the BMZ. Humanitarian aid falls within the remit solely of the Federal Foreign Office. The Federal Foreign Office and the BMZ have agreed binding mechanisms for their activities in the field of crisis prevention and in fragile states. One such mechanism is the Policy on Improving Joint Analysis and Joined-up Planning (GAAP), which is intended to ensure that inter-ministerial coherence is preserved whenever the two government ministries employ their respective instruments. Alignment with the goals of our partner countries is sought via communication channels maintained by Germany's diplomatic missions in those countries and through donor meetings.

To download the DEval report “Human Rights in German Development Policy, Part 1: The Human Rights Strategy and its Implementation”, go to <https://www.deval.org/en/evaluation-reports.html>