

Human Rights in German Development Cooperation: Aspirations and Implementation

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HUMAN RIGHTS IN GERMAN DEVELOPMENT COOPERATION

Aspirations and implementation

Summary

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the number of countries that have ratified human rights covenants and conventions has risen continuously. Recently, however, increasing restrictions on human rights, such as growing pressure on civil liberties and civil society spaces, are becoming evident in some countries. These long- and short-term trends constitute the backdrop to the human rights work of the Federal Ministry for Economic Cooperation and Development (BMZ), the aim of which is to contribute to improving the human rights situation in partner countries. The basis for this is the BMZ's human rights-based approach, which was formulated in a human rights strategy paper published in 2011 (BMZ, 2011).

The German Institute for Development Evaluation (D Eval) has now evaluated the BMZ's human rights work for the first time. The first part of the evaluation, the findings of which are summarised in this Policy Brief, examined the conceptual foundations of the human rights-based approach and its implementation.¹ The key finding of this part of the evaluation: despite the fact that it has been in place for a long time, the human rights strategy is still mostly relevant. In light of current challenges for human rights worldwide and in comparison with other development partners' approaches, the content of the human rights strategy is mostly complete. Nevertheless, marked improvements are needed regarding the implementation of the approach in practice. Three of the strategy's four tracks aimed at improving the human rights situation in partner countries of German development cooperation are only partially being implemented.

Accordingly, the evaluation recommends that the BMZ, which is currently elaborating the performance profile for the quality criterion "Human rights, gender equality and disability inclusion" as part of the "BMZ 2030" reform process, should make use of the opportunity to retain the human rights-based approach as a holistic approach and elaborate it further, both conceptually and in terms of content. At the same time it should systematically strengthen the implementation of the strategy's four tracks. Among other things, the BMZ should elaborate action-oriented decision-making tools which help decision-makers to implement the human rights-based approach in a context-sensitive manner and to prioritise certain human rights themes. In order to strengthen the implementation of specific human rights projects, these should be anchored in the "good governance" area of intervention, and targets for implementing them should be formulated. The evaluation also recommends that the BMZ should define partner countries where, among other things, new instruments for the efficient and effective mainstreaming of human rights standards and principles can be piloted.

Methodological approach of the evaluation

The objective of the first part of the evaluation "Human Rights in German Development Cooperation" was to examine the content and implementation of the human rights-based approach in German development policy. The strategy evaluation first assessed the human rights strategy, its contents and intended actions as an intended strategy, which was then compared with the realised strategy as observed in development practice.

¹ The second part is scheduled for completion in 2022 and will examine the effectiveness of the human rights-based approach in partner countries.

Figure 1: Schematic presentation of the four tracks of the human rights-based approach



Source: own presentation.

The human rights-based approach

Human rights are one of the quality criteria of German development cooperation and a “guiding principle of German development policy”, according to the BMZ human rights strategy paper (BMZ, 2011). To implement this guiding principle, the BMZ pursues a human rights-based approach that applies throughout German development policy.

The overarching objective of this human rights-based approach – to contribute to improving the human rights situation in partner countries of German development cooperation – is to be achieved by implementing four tracks (see Figure 1). Two of these tracks relate to development cooperation projects and their requirements:

1. All bilateral development cooperation projects are to incorporate the mainstreaming of human rights standards and principles. As part of this, they are required to contribute to effects on human rights – civil and political or economic, social and cultural rights – in partner countries.
2. German development cooperation is to increase the number of specific human rights projects whose principal objective is to strengthen human rights and human rights actors in partner countries. Projects mentioned in this context are frequently (but not exclusively) geared towards enabling the realisation of civil and political rights.

Two further tracks address development policy:

3. The development policy dialogue is to be used, for instance during intergovernmental negotiations, to discuss the human rights situation in partner countries and to address the issue of human rights violations. As a last resort, this also includes conditional allocation of ODA funds depending on the human rights situation.
4. Finally, development policy is intended to have indirect impacts on partner countries by contributing to the coherence of German and international policies with human rights standards.

The evaluation comes to the conclusion that even though the human rights-based approach has been in place since 2011, it is still mostly relevant. The comprehensive formulation of the approach, both conceptually and thematically, contributes to this substantially. Germany thus belongs to a comparatively small group of development partners with a fully elaborated human rights-based approach. Only two other bilateral development partners – Finland and Switzerland – have more recent human rights-based approaches. The German human rights-based approach also covers most current human rights challenges. Some gaps exist, however, mainly with regard to soft law and hard law introduced later than 2011 (such as the 2030 Agenda) as well as human rights challenges whose full significance had not yet emerged at the time the strategy was drafted (arising from digitalisation, for example).

The implementation of the approach

Although the human rights-based approach remains relevant due to its high aspirations and comprehensiveness, there is a need to improve the implementation of its four tracks.

Human rights standards and principles are partially mainstreamed in German bilateral cooperation projects. The representative analysis of project planning documents shows that most projects contain individual dimensions of the human rights-based approach. However, very few documents actually reflect systematic mainstreaming of all dimensions of the human rights-based approach.

Mainstreaming of individual dimensions of the human rights-based approach in projects

Some individual dimensions of the human rights-based approach occur in development cooperation projects more frequently than others: most projects – a good 79 per cent – include references to the prevention of human rights risks. This outcome corresponds to the finding that, due to the BMZ's human rights guidelines, elaborated procedures for ensuring human rights risk management, among other things, exist within the implementing organisations. Furthermore, projects comparatively frequently (56 per cent) contain references to the human rights principle of participation. By contrast, the documents rarely refer to human rights-related grievance mechanisms or indicate a shift of perspective towards focusing on the rights of target groups and the human rights obligations of state bodies (4 per cent in each case).

The volume of BMZ Official Development Assistance (ODA) funds for specific human rights projects is rising in absolute terms but stagnating in relative terms. From 2007 to 2017, disbursements for specific human rights projects rose markedly from 30.8 million euros to 85.7 million euros. However, they remained comparatively low as a proportion of the BMZ's total ODA commitments and the share of human rights projects of overall disbursements barely changed during the entire period under review. Indeed, their share fell slightly between 2007 and 2017 from 1.8 per cent to 1.5 per cent.

Regardless of concrete human rights challenges, only in some intergovernmental negotiations are human rights issues discussed explicitly with partners. Directives for doing so are not explicitly incorporated into procedures and processes. This complements the finding that only especially visible human rights violations such as political murder or torture correlate statistically with a reduction in the volume of ODA.

Some important and visible contributions by the BMZ to national and international policy coherence are evident. These include inputs to drafting the German supply chain law, for instance, or in the context of the right to food. However, this finding is not representative as the evaluation team did not have sufficient information for a comprehensive assessment.

Conclusion and recommendations

Overall the evaluation comes to the conclusion that the human rights-based approach to development policy is largely relevant. This is because the strategy sets out high conceptual and thematic aspirations for human rights work in development cooperation.

The evaluation recommends that the human rights-based approach be retained and further developed so that the relevance of German development policy as a human rights actor can be further reinforced (Recommendation 1). This recommendation takes on added importance in light of the "BMZ 2030" reform process and the associated formulation of a human rights quality criterion for German development policy. In addition, the evaluation recommends strengthening monitoring of the implementation of the human rights-based approach in future (Recommendation 4).

Although the evaluation assesses the human rights-based approach positively as an intended strategy, it identifies marked needs for improvement with regard to the executed strategy. German development cooperation only partially implements most areas of action of the human rights strategy in practice. The reasons for this are found partly on the conceptual level (where specific human rights projects are not clearly defined and situated, for example) and partly on the individual level (such as when decision-makers have insufficient knowledge about the individual tracks of the human rights-based approach).

The evaluation recommends eliminating any lack of conceptual clarity in the course of updating the human rights-based approach. It also recommends formulating action-oriented decision-making tools for decision-makers (Recommendation 1). Moreover, structured and obligatory application-oriented training should be offered (Recommendation 9). At the same time, positive examples that exist in the area of national and international policy coherence should be reinforced further (Recommendation 10).

Factors at the institutional level constrain implementation of the human rights-based approach. Although most elements of the human rights-based approach are well incorporated into the procedures and processes of the BMZ and the implementing organisations, there are also some gaps in this regard. Furthermore, the large number of themes that have to be considered in partner countries makes it more difficult to mainstream the human rights-based approach comprehensively.

The evaluation recommends closing the identified gaps in the procedures and processes of the BMZ and the implementing organisations (Recommendations 2, 3 and 8) as well as testing new instruments in human rights pilot or focus countries. This will subsequently enable wider implementation of the human rights-based approach and better coordination of the use of the different tracks (Recommendation 6). At an institutional level, enabling frameworks for the implementation of specific human rights projects should be created, and any hindrances removed (Recommendation 5). The resources necessary to implement the human rights-based approach should be assessed in the relevant organisational units and mobilised as needed (Recommendation 7).

Literature

Polak, J. T., L. Smidt and L. Taube (2021), *Human Rights in German Development Policy. Part 1: The Human Rights Strategy and its Implementation*, German Institute for Development Evaluation (DEval), Bonn.



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The German Institute for Development Evaluation (DEval) is mandated by the German Federal Ministry for Economic Cooperation and Development (BMZ) to independently analyse and assess German development interventions. Evaluation reports contribute to the transparency of development results and provide policy-makers with evidence and lessons learned, based on which they can shape and improve their development policies.