Human Rights-Based Evaluation in German and International Development Cooperation: Literature Review

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HUMAN RIGHTS-BASED EVALUATION IN GERMAN AND INTERNATIONAL DEVELOPMENT COOPERATION

Literature Review

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Abstract

This literature review aims to summarise current knowledge on a human rights-based approach (HRBA) to evaluation and improve the basis for further conceptual discussions on this approach. To this end, we reviewed strategies and (publicly available) guidelines of multilateral and bilateral development actors, relevant tools for human rights in monitoring and evaluation, research articles, and evaluation reports published between 2014 and 2021.

Our findings show that while UN agencies have mainstreamed the HRBA in their evaluation policies, strategies, guidelines and standards, most bilateral development actors have not yet fully incorporated human rights principles and criteria in their evaluation systems.

Human rights-based evaluation is not an exclusive approach or tool. It can be combined with several evaluation approaches, tools and methods. It is not restricted to the use of participatory qualitative methods and can also rely on rigorous impact evaluation designs and predominantly apply quantitative or – most commonly – mixed methods.

Our content analysis of 51 evaluation reports furthermore shows that there is a gap between the comprehensive concept of a human rights-based approach to evaluation and actual evaluation practice. We noticed selective implementation of an HRBA to evaluation in virtually all evaluations we examined. Systematic mainstreaming of an HRBA throughout the evaluation process is not yet commonly practised.

Evaluators of development cooperation measures, human rights researchers and monitoring experts face similar challenges in operationalising human rights principles and criteria. Hence, mainstreaming human rights in evaluation could benefit from more dialogue between the human rights and evaluation professional communities.

Key Words: literature review; human rights-based approach to development; human rights-based evaluation, human rights principles, human rights monitoring, human rights impact assessments, evaluation practice, evaluation methods.

Zusammenfassung

Dieser Literaturüberblick soll das aktuelle Wissen zu einem menschenrechtsbasierten Evaluierungsansatz zusammenfassen und eine verbesserte Grundlage für weitere konzeptuelle Diskussionen zu diesem Ansatz bereitzustellen. Hierfür haben wir Strategien und (öffentlich verfügbare) Richtlinien von multilateralen und bilateralen Entwicklungsakteuren, einschlägige menschenrechtliche Tools im Bereich des Monitorings und der Evaluierung, wissenschaftliche Artikel sowie Evaluierungsberichte untersucht, die zwischen 2014 und 2021 publiziert wurden.

Die Befunde zeigen, dass UN-Organisationen einen menschenrechtsbasierten Ansatz in ihren Evaluierungspolicies, Strategien, Guidelines und Standards querschnittlich verankert haben. Die meisten bilateralen Entwicklungsakteure haben hingegen bisher menschenrechtliche Prinzipien und Kriterien noch nicht vollständig in ihren Evaluierungssystemen umgesetzt.

Menschenrechtsbasierte Evaluierung ist kein exklusiver Ansatz oder Tool. Sie kann mit mehreren Evaluierungsansätzen, Tools und Methoden verknüpft werden. Menschenrechtsbasierte Evaluierung ist nicht auf die Anwendung partizipativer qualitativer Methoden beschränkt und kann auch auf rigorosen Wirkungsevaluierungsdesigns basieren und überwiegend quantitative Methoden oder – am häufigsten – einen Methodenmix verwenden.

Unsere Inhaltsanalyse von 51 Evaluierungsberichten zeigt weiterhin, dass eine Lücke zwischen dem umfassenden Konzept eines menschenrechtsbasierten Ansatzes in der Evaluierung und der tatsächlichen Evaluierungspraxis besteht. Uns fiel eine nur selektive Umsetzung eines menschenrechtsbasierten

Evaluierungsansatzes in praktisch allen untersuchten Evaluierungen auf. Ein systematisches Mainstreaming eines menschenrechtsbasierten Ansatzes ist bisher noch kein weitverbreiteter Standard für Evaluierungen.

Evaluator*innen von Maßnahmen der Entwicklungszusammenarbeit, Wissenschaftler*innen im Bereich der Menschenrechte und Expert*innen für Monitoring sehen sich ähnlichen Herausforderungen gegenübergestellt, wenn es darum geht, menschenrechtliche Prinzipien und Kriterien zu operationalisieren. Entsprechend könnte das Mainstreaming von Menschenrechten in der Evaluierung von einem verstärkten Dialog zwischen den wissenschaftlichen und anwendungsbezogenen Communities im Bereich der Menschenrechte und im Bereich der Evaluierung profitieren.

Schlüsselbegriffe: Literaturüberblick, Menschenrechtsansatz in der Entwicklungszusammenarbeit, menschenrechtsbasierte Evaluierung, Menschenrechtsmonitoring, menschenrechtliche Folgenabschätzung, Evaluierungspraxis, Evaluierungsmethoden.

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Abbreviations and acronyms

AA	Auswärtiges Amt
AAAQ	Availability, Accessibility, Acceptability, Quality
ADA	Austrian Development Agency
AECID	Agencia Española de Cooperación Internacional para el Desarrollo
AFD	Agence Française de Développement
AI	Amnesty International
BMZ	Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung/ Federal Ministry for Economic Cooperation and Development
CCA	Common Country Assistance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women (1981)
CESR	Center for Economic and Social Rights
CRC	Convention on the Rights of the Child (1990)
DAC	Development Assistance Committee
Danida	Danish International Development Agency
DeGEval	Deutsche Gesellschaft für Evaluation
DEval	Deutsches Evaluierungsinstitut der Entwicklungszusammenarbeit/ German Institute for Development Evaluation
DEZA	Direktion für Entwicklung und Zusammenarbeit
EC	European Commission
EDA	Eidgenössisches Departement für auswärtige Angelegenheiten
EEJP	Amnesty International's Education, Empowerment, Justice Programme
EU	European Union
FAO	Food and Agriculture Organization
FGM	Female genital mutilation
GAP	Gender action plan
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HR & GE	Human rights and gender equality
HRBA	Human rights-based approach
HRIA	Human rights impact assessment
HRW	Human Rights Watch
iPCA	Integrated peace and conflict analysis
ISE4GEM	Inclusive Systemic Evaluation for Gender Equality, Environments and Marginalized Voices
KfW	Kreditanstalt für Wiederaufbau Entwicklungsbank/KfW Development Bank
LNOB	Leave no one behind
MFAD	Ministry of Foreign Affairs of Denmark
MFAF	Ministry for Foreign Affairs of Finland
MSI	Multi-stakeholder initiative

NGO	Non-governmental organisation
NORAD	Norwegian Agency for Development Cooperation
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPERA	Outcomes, policy efforts and resources to make an overall assessment
PIA	Poverty impact assessment
SIDA	Swedish International Development Cooperation Agency
ToC	Theory of Change
ToR	Terms of reference
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDAF	United Nations Development Assistance Framework
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNEG	United Nations Evaluation Group
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNSDG	United Nations Sustainable Development Group
USAID	US Agency for International Development
WWF	World Wide Fund for Nature

1. INTRODUCTION

In this discussion paper we present and discuss the results of a literature review on human rights-based evaluation in German and international development cooperation. Section 1.1 introduces the background against which the human rights-based approach (HRBA) to development evolved. In Section 1.2 we provide a brief overview of the strategic framework for an HRBA to development in German development cooperation. In Section 1.3 we describe the objective, scope and methods of the review.

In Chapter 2 we present the results of our review. In Section 2.1 we discuss the extent to which human rights standards and principles inform the evaluation guidelines of multilateral and bilateral development actors. In Section 2.2 we give an overview of relevant conceptual approaches, methods and tools. In Section 2.3 we present the results of the content analysis of the reviewed evaluation reports.

In Chapter 3 we draw conclusions concerning the extent to which an HRBA to evaluation has been incorporated in evaluation guidance and practice as well as on remaining challenges.

1.1 Background

The concept of a human rights-based approach (HRBA) to development emerged at the end of the Cold War in the 1990s. The United Nations (UN) World Conference on Human Rights in Vienna (1993) reaffirmed the indivisibility of human rights and emphasised the links between human rights and development. In the following decade, a growing number of UN agencies and bilateral donors have formulated and integrated an HRBA in their development policies.

The United Nations Children's Fund (UNICEF) was one of the first agencies to adopt an HRBA, by declaring in 1996 that the Convention on the Rights of the Child (1990) was its frame of reference, and issuing guidelines for an HRBA in 1998. The UN reform process under Kofi Annan[1] set a focus on integrating human rights in all UN programmes and activities. In 1998 UNDP committed itself to mainstreaming human rights in its activities and to adopting an HRBA to poverty alleviation that emphasises empowerment, participation and non-discrimination, and addresses vulnerability, marginalisation and exclusion (UNDP, 1998). The Human Development Report 2000, *Human Rights and Development* (UNDP, 2000), building upon Amartya Sen´s capability approach, further influenced the elaboration of the HRBA to development. A major milestone was The Human Rights Based Approach to Development Cooperation towards a Common Understanding among UN Agencies (UNDG, 2003).[2] The statement has been endorsed by the United Nations Development Group (UNDG)[3] and has been included in the guidelines for common country assessments of the United Nations Development Assistance Framework (CCA/UNDAF) guidelines.

Box 1 UN Common Understanding on an HRBA to development cooperation

- All programmes of development cooperation, policies and technical assistance should further the realisation of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.

1 As Secretary General of the UN between 1997 and 2006, Kofi Annan initiated and steered a reform process of the whole UN system aimed at better coordination and management across UN agencies as well as stronger promotion of human rights.

2 Subsequently referred to as the UN Common Understanding on an HRBA.

3 With resolution A/Res/72/279 the UNDG was transformed into the UNSDG in accordance to the Agenda 2030. Its mandate is to monitor and assess UN development operations (UNSDG, 2021).

- Development cooperation contributes to the development of the capacities of "duty-bearers" to meet their obligations and/or of "rights-holders" to claim their rights.

Source: UNDG, 2003: 1

According to this definition, the key principles of an HRBA are universality and inalienability, indivisibility, interdependence and interrelatedness, equality and non-discrimination, participation and inclusion, accountability and rule of law (UNDG, 2003: 2). Since 2003, several UN agencies have incorporated the HRBA in their policies and/or strategies and/or issued guidelines on an HRBA in relation to their mandate (e.g. OHCHR (no year), UNAIDS (2019), UNDP (1998, 2019); UNFPA (2019a, 2019b), UNICEF (2015, 2017a, 2017b, 2017c, 2019a), UN Women (2012)). This process was fostered by the UNDG Human Rights Mainstreaming Mechanism (later called the UNDG Working Group), established in 2009 to institutionalise the mainstreaming of human rights in the development work of the UN.[4]

In the World Bank, the dominant view was that institutionalising an HRBA was too political and therefore not compatible with the Bank's mandate. In 2008, a Nordic Trust Fund was created as an internal "knowledge and learning initiative" to help develop an informed view among Bank staff on how human rights relate to the Bank's core work. The Nordic Trust Fund has supported various studies, research projects and capacity-building activities. Since 2016, the World Bank has taken human rights aspects into account in its safeguarding policy. A new Environmental and Social Framework was adopted that mentions in its overarching vision statement the need to avoid adverse human rights impacts. The framework also refers to the non-discrimination principle in relation to potential impacts on vulnerable and disadvantaged[5] groups (World Bank and OECD, 2016).

In 2007, the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD DAC) issued a policy paper on human rights (OECD DAC, 2007a). This paper, as well as subsequent publications of OECD DAC, emphasised the need to consider human rights in the context of harmonisation and effectiveness of development aid (World Bank and OECD, 2013, 2016).

In 2014, the Council of the European Union (EU) adopted its first conclusions on a rights-based approach to development cooperation. The Council affirmed that the human rights principles of inclusion and participation, non-discrimination, equality and equity, transparency and accountability should be central to EU development cooperation, thereby also ensuring the empowerment of the poorest and most vulnerable, in particular of women and girls (Council of the EU, 2014: 2). In the same year, the European Commission (EC) issued a toolbox on a rights-based approach to development cooperation as guidance for EU staff and partners. It is aligned to the UN Common Understanding on an HRBA (UNDG, 2003) and was updated in 2021 (EC, 2021). The EU Action Plan on Human Rights and Democracy 2020–2024 reaffirmed that human rights principles and standards should be systematically incorporated in EU bilateral and regional cooperation (EC, 2020a: 11). The recent EC Gender Equality Strategy 2020–2025 (EC, 2020b) and the Gender Action Plan (GAP) III refer explicitly to human rights principles, especially empowerment and participation, accountability and transparency (EC, 2020c).

Bilateral donors and actors have used different approaches to incorporate human rights into development cooperation. While some have adopted human rights policies and strategies that explicitly call for mainstreaming and institutionalising an HRBA to development, others have opted for an implicit approach, thus addressing human rights aspects under issues such as poverty alleviation or good governance. Denmark, Finland, Sweden and Switzerland have explicitly oriented their policies and strategies to the UN understanding of an HRBA, but focus primarily on three human rights principles: non-discrimination, participation,

4 For an overview of the development of an HRBA in UN agencies, see UNESCO, 2006; World Bank and OECD, 2013 and 2016.

5 Depending on the documents reviewed, the terms vulnerable, marginalized or discriminated groups are used in the context of the HRBA to development and the non-discrimination principle. In this review we apply the terminology used in the referred documents.

and accountability. In recent years, bilateral donors, such as Finland, Sweden and Switzerland, have emphasised the links between an HRBA and the 2030 Agenda, as well as the relevance of an HRBA in the context of humanitarian aid and development work in conflict-affected countries.[6] The European Council adopted Human Rights Guidelines on Non-Discrimination in External Action in 2019 and explicitly linked the HRBA to the 2030 Agenda and the principle of leave no one behind (LNOB) (Council of the European Union, 2019).

This gradual shift from a stand-alone concept of an HRBA to a concept integrated into and linked with other agendas reflects the evolving nature of international commitments towards integrating human rights. The Millennium Development Goals (MDGs) were under strong criticism by the human rights community for their focus on average progress and their inadequacy to capture inequalities.[7] The 2030 Agenda on Sustainable Development includes a stand-alone goal on the reduction of inequality (SDG 10), with several targets and indicators explicitly addressing human rights[8] and the overarching LNOB principle. However, whether addressing the LNOB principle means the same as tackling discrimination and intersectional inequalities on human rights grounds is not clear and remains a matter of debate (Saiz and Donald, 2017).

International climate agendas, such as Rio+20, the Paris Climate Agreement, or Stockholm+50 have also acknowledged the relevance of human rights for a sustainable environment. The climate crisis has boosted the debate on human rights and climate change. The Human Rights Council issued a resolution in 2019 calling upon states to adopt a human-rights based approach to climate change adaptation and mitigation policies (UN, Human Rights Council, 2021a). The OHCHR has also submitted reports to the Human Rights Council on gender-responsive climate action (UN, Human Rights Council, 2019) and on the impact of climate change on the rights of older people (UN, Human Rights Council, 2021b) and persons with disabilities (UN, Human Rights Council, 2020).

1.2 The strategic framework for an HRBA in German development cooperation

Germany was among the first bilateral donors to adopt an HRBA to development. The BMZ issued its first Development Policy Action Plan in 2004, which was updated in 2008 (BMZ 2004, 2008). In 2011, the BMZ endorsed a human rights strategy, affirming that human rights are a guiding principle of Germany´s development policy (BMZ, 2011). The strategy is supposed to be updated in 2022.

In its human rights strategy, the BMZ has committed itself to systematically orient its development policy towards human rights. Official implementing agencies, such as the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the KfW Development Bank are bound to adopt an HRBA. The strategy promotes a dual-track approach: (a) an HRBA should be mainstreamed as a cross-cutting issue in all the priority areas of German development cooperation and (b) support to specific human rights projects should be given. Furthermore, human rights should be mainstreamed in instruments to design, monitor and evaluate development measures (BMZ, 2011).

The BMZ human rights strategy is coherent with the UN Common Understanding on an HRBA but defines key principles in a slightly different way. In the BMZ strategy, development cooperation should:

- be systematically oriented towards human rights norms and standards
- adhere to and promote key human rights principles: non-discrimination and equality of opportunity, participation and empowerment, accountability and transparency

6 See, for an overview of the various definitions of an HRBA and approaches to human rights in development, World Bank and OECD, 2016 and MFAF, 2018.

7 See, for example, *Claiming the Millennium Development Goals: A Human Rights Approach*, which was the result of consultations between the UN, international finance organisations and civil society organisations on the MDGs and human rights under the lead of the OHCHR (OHCHR, 2008). Advocacy for an HRBA later influenced the debate on the post-2015 agenda for sustainable development (Saiz and Donald, 2017).

8 See for example Target 5.1 and Indicator 5.1.1 on ending discrimination against women, or Target 8.8 and Indicator 8.8.1 on the protection of labour rights (UN, 2021).

- develop the capacity of rights-holders to know, claim and realise their rights and those of duty-bearers to respect, protect and fulfil their obligations (BMZ, 2011; GIZ, 2014a).

The German government and the BMZ have also adopted strategies and action plans that address gender equality and the rights of groups at risk of discrimination, such as persons with disabilities or LGBTI+ in the context of development cooperation in recent years (see Table 1).

Table 1 German human rights-based strategies in development cooperation

Year	Strategy/Action Plan
2011	BMZ Human Rights Strategy (BMZ, 2011).
2014	BMZ Cross-Sectoral Strategy: Gender Equality in German Development Policy (BMZ, 2014).
2017	BMZ Action Plan: Agents of Change – Children and Youth Rights in German Development Cooperation Activities (BMZ, 2017).
2019	BMZ Strategy: Inclusion of Persons with Disabilities in German Development Cooperation (BMZ, 2019).
2021	Federal Government LGBTI Inclusion Strategy for Foreign Policy and Development Cooperation (AA & BMZ, 2021).
2021	Third Action Plan of the Federal Government on the Implementation of the United Nations Security Council's Agenda on Women, Peace and Security 2021 to 2024 (AA, 2021).

The BMZ human rights strategy (BMZ, 2011) considers gender equality as a core human right and key to sustainable development. Until recently, the focus of gender equality strategies has relied on binary perception of gender roles. In 2020 and 2021 the EC and the German government have each issued their first equality strategies for diverse gender identities (LGBTI+) (AA & BMZ, 2021; EC, 2020b). The discussion on the extent to which the binary and the diverse gender approach should be dealt with separately in development cooperation is ongoing. Seen from a human rights perspective, the HRBA to development, particularly under the principle of non-discrimination, includes considering both the equality of men and women and the rights of LGBTI+.

In 2013, the BMZ issued guidelines on how to incorporate human rights standards and principles, including gender, in programme proposals for bilateral German technical and financial cooperation. These guidelines focus on the appraisal phase of development measures and on identifying human rights-related risks, and potential negative impacts on human rights and mitigating measures (BMZ, 2013). The GIZ has operationalised these guidelines in its Safeguards+Gender Management System, by developing the instrument of an integrated peace and conflict analysis (iPCA) that explicitly assesses human rights risks and negative impacts. The KfW addresses human rights under social aspects in its safeguard guidelines (KfW, 2021). These steering and management instruments also focus on the appraisal phase of development programmes and emphasise safeguarding aspects.

In its overarching 2030 reform strategy, the BMZ defines human rights, gender equality and disability inclusion as the first of the six quality criteria that should apply to all development measures (BMZ, 2020). Operationalisation of these criteria is ongoing.

1.3 Objective, scope and methods of the desk study

The German Institute for Development Evaluation (Deutsches Evaluierungsinstitut der Entwicklungszusammenarbeit; DEval) is mandated to evaluate German development cooperation. It has commissioned this desk study with the aim of enhancing knowledge about human rights-based evaluation.

This study is not a manual for human rights-based evaluation, nor a systematic assessment or meta-evaluation of how the human rights-based approach (HRBA) to evaluation has been applied in the practice of development cooperation organisations. However, by reviewing existing literature and identifying good practices and remaining gaps it contributes to clarifying how to incorporate an HRBA into evaluation of German development cooperation.

The study consists of a literature review spanning guidance documents of multilateral and bilateral development actors, evaluation reports, tools produced by development and aid actors, international human rights and civil society organisations, as well as literature and articles in the field of evaluation, human rights and development research.

Our sampling procedure consisted of the following steps:

First, we searched for relevant documents on the websites of the above-mentioned organisations and of academic journals, by applying the following selection criteria:

1. Type of document:
   a) evaluation policies, standards and guidelines
   b) strategies and guidance documents on an HRBA to development
   c) tools and methodological documents
   d) academic literature and journal articles; evaluation reports
2. Free accessibility of documents (i.e. published on websites)
3. Focus on documents published after 2015, except for documents that were still used as a main reference or are considered as a milestone in the development of the HRBA
4. Key words in title or abstract: evaluation, assessment, human rights, human rights-based approach, non-discrimination, participation, empowerment, accountability, transparency, gender equality, women's rights, inclusion, child rights, conflict and human rights, do-no-harm and human rights, ethics and human rights.

The list resulting from our web-based search comprised 232 links to strategies, guidelines, tools and evaluation reports and 156 links to journal articles and academic literature.

Second, we classified these links and documents according to the following categories: strategies/guidelines, evaluation reports, tools and methods.

Third, after reading the summaries and abstracts of the documents we ranked the documents according to their relevance to the review (1: relevant; 2: most probably relevant; 3: not relevant). Documents were considered not relevant if the content of the summary or abstract only addressed human rights issues in a very incidental manner. We included all documents with rank 1 and 2 in the review (see Table 2).

Table 2 Number of documents included in the review

Category	Number of documents reviewed
Strategies and guidelines	39
Tools/methods	29
Academic literature/journal articles	30
Evaluation reports	51
broken down as follows:	
UN organisations	16 (31.4 %)
Bilateral organisations and EU	19 (37.2 %)
Human rights NGOs	11 (21.6 %)
other NGOS	5 (9.8 %)

The content analysis of the documents consisted of the following steps:

- First, we identified, for each category, coded characteristics to screen the content of the documents (see Annex 2).
- Second, based on these coded characteristics we screened the documents with a survey tool and exported the results in MS Excel files.
- Third, we conducted descriptive frequency analyses of the data, where appropriate (e.g. for evaluation reports).

- Finally, based on the results of the content analysis, we selected interesting examples and practices.

The term “human rights-based evaluation” is broad and encompasses:

- Evaluations with an explicit focus on human rights issues, for example on the extent to which development cooperation promotes the implementation of core human rights treaties, such as the Convention on the Rights of Persons with Disabilities (2006)
- Evaluations that, even without an explicit focus on human rights topics, mainstream an HRBA in the evaluation process and methodology.

In 2014, BMZ commissioned an internal desk study on strengthening evaluation of bilateral German development cooperation from a human rights perspective. The desk study also analysed evaluations of projects in various sectors that were not explicitly focused on human rights. The analysis revealed that many evaluations addressed specific human rights aspects, often implicitly and rarely explicitly. However, they did not systematically apply an HRBA to evaluation.

We assumed that evaluations with an explicit focus on human rights would also provide more information on how to apply an HRBA in the evaluation process. Therefore, we restricted our review to evaluations that explicitly assess human rights or topics closely related to human rights.

Our approach has limitations.

The major limitation is that most evaluation reports accessible on websites focused on the findings of the evaluations. They did not include a substantive description of the evaluation process and methodology applied. Some reports referred to an annex on the methodology that has not been published on the respective website. Therefore, in many cases it was not possible to find detailed information on the extent to which an HRBA has been applied in the evaluations. Furthermore, the methodological sections of the reports varied greatly, from short paragraphs to very detailed descriptions of the approach, which limited the comparability of the approaches. This calls for more transparency in documenting the methodology in the evaluation reports or in annexes accessible to the broader public.

With very few exceptions, the review covers documents and links accessible to the public. Most evaluations accessible to the broader public are published in English, rarely in other languages such as German, French or Spanish. Hence, we might have missed out relevant internal guidelines or evaluation reports.

Gender equality is a core concern of the human rights-based approach. Many evaluations we reviewed therefore address this issue. We have deliberately focused our review on the generic aspects of an HRBA to evaluation, without going into depth into specific human rights issues. Therefore, we have not included in our review documents that exclusively focus on how to address gender or gender equality in evaluation.

Finally, our search strategy focused on multilateral and bilateral development and aid actors and on international human rights NGOs. We did not include institutions of the Global South nor international NGOs working on gender equality and reproductive rights. Hence, we might have missed out relevant contributions to the discussion about the human rights-based approach to evaluation.

2. RESULTS OF THE LITERATURE REVIEW

2.1 Evaluation guidelines, standards and criteria

In this chapter, we review the major current evaluation policies and guidelines of the UN and bilateral development cooperation actors. We examine the extent to which they refer to human rights and to the HRBA to development in the evaluation context. We also look at how guidelines on the HRBA to development deal with evaluation. We have not included guidelines of regional institutions or guidance documents focusing on specific regions or countries in our review.

2.1.1 United Nations agencies

In 2011, the United Nations Evaluation Group (UNEG) published a handbook on how to integrate human rights and gender equality in evaluation. Under the chair of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the handbook was further developed and published as an in-depth guidance document in 2014 (UNEG, 2014). It is currently the most comprehensive guidance document on integrating an HRBA into evaluation and serves as a reference for UN agencies. The UNEG guidance defines human rights and gender equality (HR & GE) responsive evaluations as "managerial tools that provide a holistic and meaningful assessment of how an intervention is guided by HR & GE approaches" (UNEG, 2014: 2). The UNEG guidance refers to the UN Common Understanding on an HRBA to development cooperation and emphasises that the three principles of non-discrimination and equality, participation and inclusion, and accountability and the rule of the law are particularly relevant to evaluations. UNEG considers the HRBA to development and gender equality mainstreaming as two complementary and mutually reinforcing approaches for evaluations. While "understanding gender equality as a human right provides the highest level of normative authority …, gender analysis offers HRBA a tool to understand how gender power imbalances can affect the fulfilment of rights" (UNEG, 2014: 30). The guidance document covers both the evaluation of development interventions with and without an explicit focus on human rights and/or gender equality.

Core requirements for HR & GE responsive evaluations are an inclusive and participatory approach, as well as an assessment of power relations. This means that an evaluation should be conducted in a way that is sensitive to the empowerment of women and other disadvantaged groups. Participation is defined both as consultation and as meaningful participation in decisions about what will be evaluated and how the evaluation will be conducted (UNEG, 2014: 32). The degree and level of participation depends on the evaluation setting, the budget and the time resources (UNEG, 2014: 62). The guidance document describes the requirements of applying an HRBA in each evaluation phase, discusses major challenges, includes checklists of key questions and links to further resources. It includes a section on how to incorporate HR & GE aspects into the OECD DAC evaluation criteria. The guidance document discusses how to incorporate HR & GE aspects into the OECD DAC evaluation criteria and proposes for each criterion (relevance, effectiveness, efficiency, sustainability and impact) examples of questions that could be used in evaluations (UNEG, 2014: 76–85). The following table summarises the key elements of the HRBA in the evaluation process, as recommended by UNEG.

Table 3 UNEG Guidance on HR & GE in evaluation process

Evaluation phases	Key elements of the HRBA and GE approach
Design and planning	• The scope of the evaluation and the key principles that will guide the evaluation • An evaluability assessment of whether, for example: the programme has the capacity to provide HR- and GE-sensitive data, disaggregated data is available, human rights and gender-sensitive indicators are built into the intervention, the likely costs of HR & GE data collection and analysis • Stakeholder analysis differentiating between rights-holders and duty-bearers • Assessment of the context, including political and cultural sensitivities and/or possible resistance to HR & GE approach • Inclusive and gender-balanced reference groups • Incorporation of HR & GE in terms of reference, i.e. evaluation criteria and questions, required data collection and analysis methods, required expertise on HR & GE in evaluation team • Gender-balanced evaluation teams, including members with knowledge and experience on human rights and gender equality as well as regional/national/local experts
Implementation	• Combination of quantitative and qualitative data collection methods, in order to offer different perspectives to the evaluation and to promote participation of different groups of stakeholders • Data disaggregation according to the prohibited grounds of discrimination • Use of data and reports produced by states for the international human rights monitoring system and use of reports produced by civil society organisations or academia • Adequate representation of women and marginalised groups in surveys, focus groups and interviews • Respect for confidentiality, ensuring that interviewees are not negatively affected by expressing their views, attention to language and cultural issues • Use of national/local stakeholders as evaluators • Inclusion of HR & GE considerations throughout the report, including section on the evaluation methodology, findings related to HR & GE, conclusions and recommendations
Dissemination and use	• A comprehensive set of stakeholders should be actively engaged in the final stages of the evaluation, including rights holders and duty-bearers. • Alternative ways should be sought to present evaluation findings to women and individuals/groups who are marginalised and/or discriminated against. • Key findings and recommendations of an evaluation should be made available to a wide audience that extends beyond the intervention partners and key stakeholders.

Source: adapted from UNEG (2014) chapters 5–8.

In 2016, UNEG updated its Norms and Standards for Evaluation and included a new norm on HR & GE and a standard on the HRBA and gender mainstreaming strategy.

Box 2 UNEG Norm 8: Human rights and gender equality

- The universally recognised values and principles of human rights and gender equality need to be integrated into all stages of an evaluation. It is the responsibility of evaluators and evaluation managers to ensure that these values are respected, addressed and promoted, underpinning the commitment to the principle of "no one left behind".

Source: UNEG, 2016: 12.

Box 3 UNEG Standard 4.7: Human rights-based approach and gender mainstreaming strategy

The evaluation design should include considerations of the extent to which the United Nations system's commitment to the HRBA and gender mainstreaming strategy was incorporated in the design of the evaluation subject.

Source: UNEG, 2016: 24.

In the explanation of Standard 4.7, key requirements for the terms of reference (ToR) in accordance with the UNEG guidance on integrating human rights and gender equality in evaluations of 2014 are given (UNEG, 2016: 25).

Norm 6 on ethics states that evaluations must be conducted with the highest standards of integrity and respect for the beliefs, manners and customs of the social and cultural environment, for human rights and gender equality, and for the "do no harm" principle for humanitarian assistance (UNEG, 2016). The respective Standard 3.2 on ethics refers to the UNEG ethical guidelines. These guidelines emphasise that in cases of conflict between cultural practices and human rights, human rights instruments are the authoritative guidance (UNEG, 2008).

Since 2016, UN agencies have aligned their evaluation policies, strategies and guidelines to the UNEG norm on HR & GE and the respective standard.

UNICEF and UNFPA offer interesting examples of how to mainstream an HRBA into evaluation policies, guidance and quality assurance documents. Both agencies explicitly refer to human rights and to the UNEG guidance in their recent evaluation policies (UNICEF, 2019a; UNFPA, 2019a). UNICEF has integrated and adapted the UNEG norm on human rights and equality and the respective standard in its standards on evaluation reports (UNICEF, 2017b) and in a UNICEF-adapted UNEG quality checklist for evaluation terms of reference (UNICEF, 2017c). UNFPA has issued a handbook on country programme evaluations that systematically refers to and integrates the UNEG guidance on HR & GE (UNFPA, 2019b).

2.1.2 OECD DAC and bilateral development actors

The current OECD DAC Quality Standards for Development Evaluation (OECD DAC, 2010) refers in general terms to human rights: evaluators should respect human rights and differences in culture, customs, religious beliefs and practices of all stakeholders (Standard 1.3 on evaluation ethics). The evaluation questions should also address cross-cutting issues, such as gender, environment and human rights (Standard 2.7 on evaluation questions). After the adoption of the 2030 Agenda, the OECD DAC Network on Development Evaluation conducted a consultation process to adapt the five evaluation criteria. The consultation covered issues such as complexity and trade-offs, equity, and integration of human rights and gender equality in the evaluation criteria (OECD DAC 2010: 3). The revised evaluation criteria issued in 2019 refer to human rights under the additional sixth "coherence" criterion and under "impact".

Box 4 Integration of human rights in the revised OECD DAC evaluation criteria: Coherence

The reference to "international norms and standards" encourages analysis of the consistency of the intervention with the actor's own commitments under international law or agreements, such as anti-corruption statutes or human rights conventions. This applies to those agreements to which the entity has already committed, and is therefore covered under internal coherence. Previously, this type of coherence has not often been sufficiently analysed. International norms and standards may also be assessed under relevance from the viewpoint of responsiveness to global priorities, which is a complementary angle.

Source: OECD DAC Development Network on Evaluation, 2019: 6; 9.

Box 5 Integration of human rights in the revised OECD DAC evaluation criteria: Impact

Beyond the immediate results, this criterion seeks to capture the indirect, secondary and potential consequences of the intervention. It does so by examining the holistic and enduring changes in systems or norms, and potential effects on people's well-being, human rights, gender equality and the environment.

Source: OECD DAC Development Network on Evaluation, 2019: 6; 9.

The OECD DAC has recently issued a guidance document on how to apply the revised evaluation criteria (OECD DAC, 2021). This guidance document primarily considers the HRBA to evaluation from the inclusion perspective and in relation to the LNOB principle. It emphasises the importance of considering under-represented and marginalised groups (those that may be restricted in their access to services and/or rights) and how their needs and priorities are – or are not – captured in formal documents and policies (OECD DAC, 2021: 41). Unintended effects of the interventions should be analysed, particularly where these involve human rights violations (OECD, 2021: 52). It also underlines ensuring that disaggregated data is available to assess differential impacts and patterns of exclusion/inclusion (OECD DAC, 2021: 65).

The OECD DAC Network on Evaluation formed a working group in late 2020, one of whose tasks is to draft additional specific guidance on how to incorporate human rights and gender equality in evaluating the six criteria. The group aims to complete its task by mid-2022.

Since 2016, Denmark, Sweden and Switzerland have adapted their evaluation criteria and explicitly refer to human rights under the coherence criterion in the context of humanitarian aid (MFAD/Danida, 2018a; EDA/DEZA, 2018; SIDA, 2020a). Denmark´s evaluation policy for development cooperation also mentions that an HRBA and the principles of non-discrimination, participation, transparency and inclusion apply to evaluations. The policy considers that these principles are well in line with established principles and ethics for evaluations (MFAD/Danida, 2016a: 4). Spain issued its current evaluation policy in 2013. According to this policy, human rights and other cross-cutting issues should be mainstreamed in the evaluation process. An evaluation sensitive to the HRBA should explore the extent to which a specific intervention has contributed to addressing inequalities and discriminatory practices (Ministerio de Asuntos Exteriores y de Cooperación, 2013: 7–8). The current evaluation policy for French development cooperation does not refer to human rights nor to the HRBA (Agence Française de Développement, 2013).

Since 2013, the Finnish Ministry for Foreign Affairs (MFAF) has mainstreamed an HRBA in its evaluation manual, which offers guidance on how to commission, manage and implement evaluations of development cooperation activities funded by Finland. The manual was updated in 2018 and 2020. It includes a chapter on integrating human rights and cross-cutting objectives in evaluations. It also explicitly mentions human rights and gender equality aspects in many other sections related to the different phases of the evaluation process (e.g. evaluability assessment, defining evaluation questions and evaluation criteria; team composition and expertise; data collection and analysis). It refers to the UNEG guidance documents and provides links to web-based resources and video lectures on an HRBA to evaluation (MFAF, 2020).

Guidelines of bilateral donors on a human rights-based approach to development cooperation focus on the appraisal, design and implementation phase of development interventions (ADA, 2010; BMZ, 2013; MFAD/Danida, 2013; AECID, 2015). Overall, they do not deal in depth with monitoring and evaluation. The recent guidelines issued by the EDA/DEZA include a short section on monitoring and evaluation, and explicitly mention that deficits, progress and impact of development interventions should be measured against human rights standards (EDA/DEZA, 2019; see annex 4). The guidance on an HRBA of the MFAF includes criteria on a four-level scale to assess human rights considerations in Finland´s development interventions: human rights blind, human rights sensitive, human rights progressive and human rights transformative. The minimum acceptable level is that interventions are “human rights sensitive” and guided by human rights principles in programming, implementation, monitoring and evaluation (MFAF, 2015: 7–8; see annex 4). The four-level scale was inspired by the assessment criteria on gender equality already in use.

A few reviews and evaluations of bilateral donors’ policies and strategies on the HRBA to development have been conducted since 2016. They all conclude that, while progress has been achieved in incorporating human rights standards and principles in design and programming, their systematic consideration in M&E remains weak (see box 6).

Box 6 Reviews and evaluations of bilateral donors' HRBA to development cooperation

Denmark: Including the HRBA as part of the new Danish International Development Agency (Danida) country programming system made its roll-out more systematic, in particular through the human rights and gender screening tool. Human rights principles now appear to be more systematically considered across the design of a country programme. M&E remains a challenge. It has been improved through the introduction of human rights-based indicators required by the screening tool, but there is no evidence of solid efforts to document change among, for example, vulnerable groups (MFAD/Danida, 2016b).
Finland: The HRBA has generally increased coherence between the spheres of human rights and development. Criteria and a scale to assess the human rights orientation of development interventions has been developed. This has proven useful in concretising the HRBA to development. However, using the scale has proven to be challenging. Measuring impact of the HRBA is too ambitious and not feasible. There was little evidence of disaggregated data being collected, and when it was it was generally only by gender and not by other factors affecting human rights. The feasibility of assessing the impact of the MFA's interventions is low, based on the data available (MFAF, 2018).
Austria: The Austrian development cooperation policy and manual on an HRBA have laid important foundations which strongly embedded human rights normative principles and set the tone for Austria's commitment to human rights. However, their practical relevance as resources to help design projects and programmes is not particularly high. There is a lack of shared agreement about whether gender equality is part of human rights or distinct from it. Strategic evaluations are currently not normally required to use normative principles as part of their design and implementation, nor are human rights principles (for example in relation to the participation of rights-holders and duty-bearers) part of the decision-making process for prioritisation (ADA, 2021).
Germany: The German human rights strategy regarding development policy is still largely relevant and incorporates current global challenges. The implementation of the strategy in the ministry and the implementing organisations, however, is only partially successful. Human rights aspects have been largely mainstreamed in the procedures and processes of the BMZ and the implementing organisations. However, there is up to now no systematic and comprehensive system to monitor the strategy (Polak et al., 2021).
Sweden: Sweden's application of an HRBA has strengthened and clarified Sweden's commitment to promote and protect human rights through international development cooperation. However, lessons learnt were not systematically gathered at a strategy or sector level by the Swedish International Development Cooperation Agency (SIDA), embassies of Sweden or co-operation partners. Hence, there is a need to invest in SIDA's capacity for monitoring, documenting and learning from the application of the HRBA (SIDA, 2020b).

2.1.3 The European Union

The EC definition of the HRBA to development is aligned to the UN understanding (see Section 1.1). The EC toolbox on a rights-based approach to international partnerships defines five working principles that should be applied throughout the programme cycle management: (1) applying all human rights for all people; (2) meaningful and inclusive participation and access to decision-making; (3) non-discrimination and equality; (4) accountability and rule of law for all; 5) transparency and access to information supported by disaggregated data (EC, 2021: 8). These principles should also guide monitoring and evaluation.

Box 7 The EC guidance on an HRBA to evaluation

According to the EC guidance document, applying the HRBA to monitoring and evaluation requires the evaluator to:

- Integrate human rights and gender equality principles and commitments into indicators and monitoring and evaluation processes.
- Disaggregate data in line with the commitment to leave no one behind and promote gender equality.

- Ensure the participation of the people and groups that are the subject of the data in data collection, dissemination and analysis.
- Incorporate the AAAQ framework (availability, accessibility, acceptability, quality) into indicators and monitoring frameworks.
- Include human rights and gender expertise in evaluation teams. Promote transparency by providing clear, accessible information about indicators and data collection.
- Ensure the right to privacy of individuals' data, abide by the principle of self-identification in order to respect personal identity and human rights and to avoid harm.
- Use data to increase accountability, as data can, and should, be used to hold duty-bearers and development actors to account.

Source: EC, 2021: 31

2.1.4 German development cooperation

As mentioned above, the BMZ human rights strategy (2011) is the overarching strategic framework for applying an HRBA in German development cooperation and is binding for official implementing actors. According to the strategy, human rights should also be mainstreamed in instruments to design, monitor and evaluate development measures (see Chapter 1).

The latest BMZ evaluation guidelines consider the human rights principles "non-discrimination and equality of chances", "accountability and transparency" and "participation" as part of ethical evaluation standards that should be considered in the evaluation process (BMZ, 2021: 8). Furthermore, evaluations should assess the (unintended) negative impacts on human rights as well as due diligence measures to protect human rights (BMZ, 2021: 10).

Official implementing actors and DEval follow the OECD DAC evaluation criteria and quality standards. Internal GIZ guidelines for inception and evaluation reports address human rights as one of the cross-cutting issues to assess in relation to non-intended negative effects of the evaluated interventions (Doc. 3).

DEval evaluation standards (DEval, 2018) build on the standards of the German Evaluation Society (DeGEval, 2016). Both DEval standards and the revised DeGEval standards do not explicitly mention or incorporate HR & GE beyond brief reference to an ethical approach (DEval, standard F3) or the protection of individual rights (DeGEval, standard F2). However, during the revision process of the DeGEval standards, statements on the cross-cutting issues of ethics, gender and methods were drafted (Böttcher et al, 2019). DEval is currently preparing an internal guidance on how to more systematically address gender and human rights (as well as other cross-cutting topics) in its evaluation procedures.

2.2 Conceptual approaches, methods and tools

In this section, we distinguish between conceptual approaches and frameworks that underlie the design of evaluations and the specific methods recommended to collect, measure and analyse data. Tools offer practical guidance either on the evaluation approach, or on methods, or (ideally) on both.

We also distinguish between human rights-*based* approaches to evaluation that are explicitly rooted in international human rights law and human rights-*related* approaches to evaluation that address key human rights issues but do not explicitly refer to or apply a human rights framework.

2.2.1 Human rights-based approaches to evaluation

Human rights-based assessment, monitoring and evaluation approaches share a common feature: they all refer explicitly to human rights standards and human rights principles. Only a few of the tools and contributions we have found and reviewed set a focus on ex-post evaluation. We have therefore included ex-ante impact assessment tools and monitoring frameworks in our analysis.

2.2.1.1 Human rights impact assessments

Human rights impact assessments (HRIA) measure potential impacts of policies, programmes and projects, with the objective of avoiding or reducing negative effects on human rights and increasing positive ones (Hunt and MacNaughton, 2006: 4)

Compared with other impact assessments, such as environmental or social impact assessments, HRIA are relatively new. The approach has emerged in the last two decades thanks to the work of UN Special Rapporteurs on human rights, national human rights institutions and civil society organisations. The focus of HRIA has varied, depending on the specific rights (e.g. health-related rights, child rights) and the interventions (e.g. business activities) assessed.[9]

HRIA have developed out of environmental, social and health impact assessment approaches and include similar steps and methods. The major difference is that HRIA are rooted in international human rights law, use human rights standards as analytical criteria and pay more attention to applying human rights principles in the assessment process. Furthermore, HRIA identify in the stakeholder analysis rights-holders and their entitlements, and the respective duty-bearers and their obligations. Table 4 summarises the key requirements for HRIA, as described in the reviewed literature.

Table 4 Key requirements for human rights impact assessments

Assessment is based on human rights standards and principles

Norms and principles	Content
Definition of human rights is based on the normative framework of international human rights law	• Core international human rights treaties, general comments of the treaty bodies.
Assessment of impact on social and economic rights is informed by the principle of progressive realisation	• Progressive realisation is defined in international human rights law as the obligation of states to take appropriate measures towards the full realisation of economic, social and cultural rights to the maximum of their available resources. • HRIAs measure the extent to which governments comply with this principle.
AAAQ framework is often included in HRIA as a benchmark to assess impact on social and economic rights.	• Availability, accessibility, acceptability and quality (the so-called AAAQ) have been defined by the treaty bodies as key elements of specific social and economic rights (e.g. right to health, right to water, right to food). • HRIAs examine the extent to which policies or projects comply with these standards.
Non-discrimination/equality	• HRIAs identify the differential impacts of a proposed intervention on individuals and groups, including those groups that are vulnerable or marginalised. • HRIAs assess whether the intervention is likely to have a discriminatory effect on those groups. HRIA assess both explicit and implicit forms of discrimination.
Participation	• HRIAs involve duty-bearers and rights-holders in scoping, development of terms of reference for impact assessment, and the design, implementation and monitoring of impact mitigation measures.
Accountability and transparency	• HRIAs include consideration of the access of rights-holders to remedies in case of negative impacts on human rights. • HRIAs should be publicly available; information on the HRIA should be disclosed to all stakeholders (rights-holders and duty-bearers) at all stages of the process.
Interdependence of human rights	• HRIAs measure the impact of policy and projects on a range of rights. For example, an HRIA assessment of a health project, alongside its focus on the right to health, should also consider impacts on other rights, e.g. right to education or right to food.

Source: Adapted from World Bank and Nordic Trust Fund (2013); Danish Institute for Human Rights (2020); Esteves et al. (2017); Götzmann (2017).

9 For a review of World Bank and Nordic Trust Fund (2013) HRIAs and an overview of the emerging strands of HRIA in different sectors, see Danish Institute for Human Rights (2020). For an overview of previous health-related HRIA tools, see Hunt and MacNaughton (2006) and Worm (2010).

Initially, HRIA have focused on the impact of governmental policies, programmes and projects on human rights. Following the debate on extraterritorial obligations and the responsibilities of private companies towards human rights, HRIA as an approach to assess adverse impacts of business activities have gained importance. The UN Guiding Principles on Business and Human Rights, endorsed by the UN Human Rights Council in 2011, call for companies to assess actual and potential human rights impacts, integrate and act upon the findings, track responses, and communicate how impacts are addressed (OHCHR, 2011: Principle 17).

An interesting recent example is the tool developed by the Danish Institute for Human Rights for HRIA of business projects and activities (Danish Institute for Human Rights, 2020). It is structured according to the different phases of the impact assessment: (1) planning and scoping; (2) data collection and baseline development; (3) analysing impacts; (4) impact mitigation and management; (5) reporting and evaluation. It includes guiding questions and information on how to structure each assessment step, for example factors to consider in elaborating terms of reference or composing an HRIA team. It also discusses the strengths and weaknesses of conducting an HRIA as a stand-alone approach versus integrating the HRIA in social or environmental impact assessments (Danish Institute for Human Rights, 2020: 26ff).[10]

2.2.1.2 Human rights monitoring frameworks

A major task of the international human rights (protection) system is to monitor the compliance of the states with their treaty obligations. Between 2006 and 2012 the OHCHR led a process to systematise human rights monitoring. The outcome of the consultations and work with experts from treaty bodies, special rapporteurs, the Human Rights Council, academics and experts from civil society and international organisations was the publication of a guide on human rights indicators (OHCHR, 2012). The guide includes a conceptual framework based on different types of indicators, illustrative tables on indicators related to specific rights and information on data-generating mechanisms. After the adoption of the 2030 Agenda for Sustainable Development, OHCHR has updated the indicator tables by including references to the SDG indicators in these tables (OHCHR, no year).

The conceptual framework is based on four distinct categories of indicators to monitor the realisation of human rights:

- Structural indicators reflect the ratification and adoption of legal instruments and the existence of basic institutional mechanisms deemed necessary for the promotion and protection of human rights.
- Process indicators reflect the implementation of policies and specific measures taken by the states (duty-bearer). These indicators thus help in monitoring the progressive fulfilment of a right or the process of protecting a right.
- Outcome indicators capture individual and collective attainments that reflect the state of enjoyment of human rights in a given context.
- Indicators for cross-cutting norms and principles capture the extent to which the process of implementing and realising human rights respects, protects and promotes human rights principles such as non-discrimination and equality, participation and accountability. These indicators can either stand alone or specify other indicators (OHCHR, 2012: 34ff).

The Praia Group on Governance Statistics, established in 2015 by the UN Statistical Commission, has produced a handbook that integrates the OHCHR indicator framework. The handbook is primarily targeted at national statistical organisations to support them to understand, produce and analyse data on governance issues. The conceptual framework comprises eight dimensions of governance: (1) non-discrimination and equality; (2) participation; (3) openness; (4) access to and quality of justice; (5) responsiveness; (6) absence of corruption; (7) trust; (8) safety and security. Key indicators illustrated in tables are proposed for each dimension. The guide also includes a chapter on human rights as a cross-cutting normative framework for governance (Praia City Group, no year).

[10] For a discussion of stand-alone versus integrated HRIA see also World Bank/Nordic Trust Fund (2013) and Esteves et al. (2017).

The OHCHR human rights indicator framework marks an important step in the development and systematisation of the human rights monitoring system. However, human rights researchers have expressed concern about the fact that the framework assumes a universal pathway of change and focuses too much on the obligation of states to fulfil social and economic rights without paying enough attention to the obligation to respect and to protect rights (Merry, 2018; Walker, 2018).

The paucity of evidence-based research on the validity of human rights indicators is a challenge. Carver and Handley note that OHCHR's process indicators on the right not to be subjected to torture consist mainly of normative judgments about what a state should do to prevent torture, without evidence about which mechanisms work (Carver and Handley, 2020: 388). Their research on national mechanisms to prevent torture shows that most effective predictors of reduced torture were not included in OHCHR's framework. Based on their findings they have developed an Assessment Tool for Evaluating Mechanisms for Preventing Torture (ATEMPT). The tool consists of a questionnaire with 63 questions corresponding to 63 preventive measures. The questions are divided into four categories (detention, prosecution, complaints and monitoring), scored and weighted to determine how countries rate in preventing torture (Carver and Handley, 2020: 395−396).

The Center for Economic and Social Rights (CESR) has developed a framework for monitoring the fulfilment of economic, social and cultural rights called OPERA. The framework was a response to a need to move from the events-based monitoring and "violations approach", to an approach considering the multidimensional factors that determine whether social and economic policies lead to the deprivation of economic, social and cultural rights (CESR, 2012a: 6). It was designed primarily for civil society groups to strengthen their efforts to hold governments to account for systemic deprivations of economic, social and cultural rights (CESR, 2012a: 14). The framework includes four steps (outcomes, policy efforts, resources, assessment of contextual factors) that broadly reflect different levels of change and contextual determinants (see Annex 4). It includes assessment criteria based on human rights standards and principles (e.g. the AAAQ criteria, the principle of progressive realisation, non-discrimination). It sets a focus on the accountability of duty-bearers in fulfilling economic, social and cultural rights but recognises that capacity gaps often account for shortcomings in the implementation of laws and policies. Hence, the assessment should look at broader constraints facing the government, before making a judgment about the level of compliance or non-compliance of a state with its human rights obligations (CESR, 2012a: 14).

2.2.1.3 Assessment of human rights initiatives and organisations

International human rights organisations, such as Amnesty International (AI) and Human Rights Watch (HRW), initially relied mainly on case-based reports to document and communicate the effectiveness of their work. Compared with development NGOs, human rights and advocacy organisations had little experience with stringent evaluation (Barber, 2011; Gorvin, 2009). Hence, in 2008 HRW engaged in a strategic review, with the aim of improving evaluation in the organisation. Following this review, HRW determined that impact should be measured based on indicators that reflect at least three levels: outputs, intermediate outcomes and outcomes (Gorvin, 2009: 481). This simple goal-oriented model with a linear theory of change has also been recommended to assess the impact of strategic litigation cases (for example the case suing Shell for abuses committed in Nigeria) and advocacy campaigns run by human rights organisations (Barber, 2011).

In our web-based search we came across one recent tool that aims to evaluate the performance of multi-stakeholder initiatives (MSI) on business and human rights. The MSI Evaluation Tool was developed by the Institute for Multi-Stakeholder Initiative Integrity (MSI Integrity) in collaboration with the Harvard Law School. Its main purpose it to assess whether global standard-setting MSIs have been designed in a manner to effectively protect and promote human rights. The tool is divided into seven core areas: (1) scope and mandate; (2) standards; (3) internal governance; (4) implementation; (5) development and review of the MSI; (6) affected community involvement; (7) transparency and accessibility. Each core area includes a set of indicators and key questions related to the structures and processes that are assumed to influence the effectiveness of MSIs. The human rights principles of non-discrimination, participation, accountability and transparency are reflected in a range of questions (MSI Integrity and International Human Rights Clinic

at Harvard Law School, 2017). As the tool primarily focuses on assessing the design and structure of MSIs, it does not examine the broader effects or impacts of MSIs.

2.2.2 Human rights-related approaches to evaluation

Human rights-related approaches to evaluation are not rooted in international human rights law and are not explicitly based on human rights standards and principles. However, they address human rights issues (e.g. gender equality, marginalisation of vulnerable groups) and may integrate elements of an HRBA (e.g. participation and empowerment).

2.2.2.1 Systemic approaches

Systemic approaches to evaluation recognise the multidimensional character of change processes. They consider systems as a defined set of elements and their relations within a broader context from which they can be delineated. Systems are characterised by multiple elements and dimensions with complex, non-linear causal relationships between them (including, for example, positive and negative feedback loops). They can also include a normative position that aims to create room for reflection on different perspectives, thereby contributing to overcoming unequal power relations and social exclusion.

Systemic approaches aim to assess the whole system by understanding interrelationships and intersectionality. Different assessment tools can help to inform such a systemic approach. In 2007 the OECD DAC Network on Poverty Reduction developed a tool for an ex-ante poverty impact assessment (PIA). The analytical framework is based on a multi-dimensional definition of wellbeing and poverty (economic, human, political, socio-cultural and protective). It assesses the capabilities vulnerable groups have (or need to have) to escape from or avoid poverty. Gender and environment are cross-cutting categories. Human rights are included in the political dimension of well-being. Categories defining poor or vulnerable groups include gender (women/men), ethnicity, age, geographic location and other criteria, depending on the programme context, without explicit reference to the prohibited grounds of discrimination in international human rights law (OECD, 2007b).

A similar approach is SIDA's model for multidimensional poverty analysis, which identifies four dimensions of poverty: resources, opportunities and choice, power and voice, and human security. SIDA´s approach also aims to capture inequalities between groups in these four dimensions (SIDA, 2019a).

A recent systemic approach developed for UN Women for evaluation in the SDG era is the Inclusive Systemic Evaluation for Gender Equality, Environments and Marginalized Voices (ISE4GEMs) approach. ISE4GEMs is based on the understanding that as SDGs are interconnected it is necessary to integrate environmental and social dimensions in evaluation (Stephens et al., 2018: 11ff). The conceptual framework is based on three interconnected dimensions: gender equality, environments and marginalised voices. Human rights are included in the dimensions of gender equality and marginalised voices. Gender equality is defined broadly to refer to women and men, transgendered and intersex identities (Stephens et al, 2018: 31). Marginalisation is explicitly related to the human rights principle of non-discrimination and to the LNOB principle (Stephens et al, 2018: 34). A major intention of the approach is to understand and analyse the intersection of multiple forms of marginalisation (discrimination) as well as the power dynamics that underlie them (Stephens et al., 2018: 19 and 34). The guide entails a detailed description of the phases of the evaluation process, including phase IV on the use of evaluation for capacity development (see overview in Annex 4). It understands evaluation as a learning process with a strong focus on participation of multiple stakeholders, including knowledge sharing and reflection on evaluation findings at the community level (Stephens et al., 2018: 109 ff).

2.2.2.2 Conflict-sensitive approaches

Conflict-sensitive monitoring and evaluation approaches emerged in the wave of increasing attention to development and humanitarian aid in fragile contexts. In 2012, the OECD published a guidance document on evaluating peacebuilding activities in settings of conflict and fragility (OECD, 2012). The conceptual framework is not human rights-based but does incorporate the do-no-harm principle. Conflict sensitivity is understood as the need to mitigate harm by systematically considering both the positive and negative impacts of interventions

(OECD, 2012: 26). The guidance document recommends the use of conflict analysis in evaluating conflict prevention and peacebuilding programmes. It provides an overview of conflict analysis tools (OECD, 2012: 79).

The OHCHR has also produced guidance documents to assist commissions of inquiry, fact-finding missions and UN Assistance Missions in monitoring serious violations of international humanitarian law (OHCHR, 2015; OHCHR, 2019). These documents focus on the methods applied to monitoring human rights violations and recording casualties (see Section 2.2.3). Hereby, OHCHR emphasises that the methods of work should conform to the principles of international humanitarian and human rights law, including transparency and the do-no-harm principle (OHCHR, 2015: 33; OHCHR, 2019: 17ff).

GIZ has developed the instrument of an integrated peace and conflict analysis as part of its Safeguards + Gender Management System (see Section 2.1). The tool is used to identify potential risks and unintended consequences of development measures and to take those into consideration in the monitoring of results.

2.2.2.3 Gender analysis in evaluation

Gender analysis as an instrument to mainstream gender in development cooperation programmes has been applied since the 1990s. The HRBA to evaluation has benefited from the gender approach, insofar as gender analysis aims to analyse inequalities and power dynamics that have an impact on human rights (see UNEG, 2014).

The OECD DAC guidance document on the revised evaluation criteria includes a section with key questions on applying a gender lens to the criteria that link gender equality both to human rights and to gender diversity. The terms “all genders” and “people of different genders” are consistently applied in the illustrative table (OECD DAC, 2021: 33).

GIZ has strengthened the importance of the gender analysis by introducing its Safeguards+Gender Management system. The procedure is in line with the EC Gender Strategy. GIZ has also issued guidance on how to integrate gender in results-based monitoring and evaluation (GIZ, 2014b).

2.2.2.4 Empowerment evaluation

Empowerment evaluation is an approach developed in 1993 by Fetterman (Fetterman, 1994). It aims to foster self-determination by providing people with the tools and knowledge they need to monitor and evaluate their own performance and accomplish their goals. Hence, it understands evaluation primarily as a learning and capacity development process. The conceptual framework is based on 10 principles, among which are inclusion, democratic participation, social justice and accountability. While the wording is similar, the definition is not human rights-based. Inclusion is, for example, defined as “involvement, participation and diversity from all levels and walks of life” without reference to non-discrimination and equality.[11] Empowerment evaluation is an approach that has been recommended for the evaluation of community-based initiatives and projects. It relies strongly on the involvement of community stakeholders and on participatory methods (Fetterman and Wandersman, 2005; Wandersman et al., 2016; Wolfe et al. 2020: 51-52).

2.2.2.5 Ethical evaluation

The UN and bilateral donors have integrated ethical standards in their evaluation policies. Evaluation guidelines also include sections on evaluation ethics that mention “respect for human rights” and/or the do-no-harm principle. In 2019, DFID issued an “ethical guidance for research, evaluation and monitoring activities”. Ethical principles and standards are operationalised in key questions related to the main stages of the research, evaluation and monitoring cycle. The guidance document does not explicitly mention the HRBA. However, human rights aspects are addressed in several questions on how to ensure a participatory and inclusive process.

[11] For an overview of the empowerment evaluation approach see betterevaluation.org (2022).

Box 8 DFID ethical guidance for research, evaluation and monitoring activities

Examples of questions related to the ethical standard: people's rights and dignity are respected and there is equitable participation:

- Does the research/evaluation/monitoring have representation from groups with less access to power, such as: women, disabled people, children, poorer people, people with minority languages? How will these groups be included to avoid bias? Are these groups facilitated to take part?
- Does the method identify and mitigate indirect risks to specific groups, e.g. if women or people with stigmatised conditions or social groups are known to have taken part in focus groups or surveys, will this put them at risk?
- Have local support groups/experts been contacted to ensure that the proposed survey methods/target groups/sample are appropriate?
- Have contractors budgeted with facilitating the specific needs of different stakeholders in mind to ensure that the process is sensitive to, and inclusive of, the voices of those who are often excluded?

Source: DFID, 2019: 22

The document also gives guidance on how to deal with dilemmas in research and evaluation practice (see examples in Annex 4) as well as links to further resources.

UNICEF has published a tool on ethical research involving children that is also relevant to evaluation. The tool explicitly refers to the Convention on the Rights of the Child (CRC) as normative background. Researchers and evaluators should, in accordance with the CRC, "ensure that children are afforded opportunities for decision-making and respect in the exercise of their rights, while being protected in accordance with their age and still evolving capacities" (Graham et al., 2013: 7). It discusses key ethical issues, such as harms and benefits, informed consent and privacy in a comprehensive way. It includes key questions for researchers to consider when planning their research, as well as case studies to illustrate how to deal with challenges (Graham et al., 2013).

Ethics is also a concern for academic human rights research, which addresses sensitive issues and often involves groups who are marginalised or exposed to risks of abuse. Ulrich (2018) discusses ethical issues in human rights research and shows how ethical principles interact with core human rights principles such as participation, non-discrimination and respect for the dignity of the person.

A few articles we reviewed discuss how to apply an ethical approach to evaluation in conflict and fragile contexts, without referring to human rights or an HRBA. Emphasis is placed on the role of evaluators in the evaluation process, culture-sensitive communication, and handling of data (Duggan and Bush, 2014; George, 2015; Green and Cohen, 2020; Kaplan et al., 2019).

2.2.3 Evaluation methods

2.2.3.1 Methods applied in human rights evaluation, monitoring and research

Since the early nineties, as the links between human rights and development became more evident, social science methods have increasingly been applied to human rights monitoring, research and evaluation and to complementary legal analysis (Andreassen et al., 2018: 3ff).

An essential element of the HRBA to development is the identification and analysis of the roles of duty-bearers and of rights-holders. An HRBA to evaluation recommends mapping the stakeholders according to these categories and analysing their roles and influence. Particular attention is paid to identifying vulnerable and marginalised groups. The analysis serves to define how to involve these groups in the evaluation and ensure meaningful participation. For example, the HRIA tool developed by the Danish Institute for Human Rights includes tables with examples of rights-holders and considerations for their engagement in the assessment process. As far as possible, it suggests involving rights-holders directly in the process. However, it also foresees engaging them through representative institutions (Danish Institute for Human Rights, 2020: 125ff).

The HRBA to evaluation echoes empowerment and participatory approaches that aim at an increased inclusion of the target groups in the evaluation process. UNICEF has published a guide on participatory approaches in impact evaluation that discusses different options for ensuring the meaningful participation of children (Guijt, 2014). It includes a table with different types and levels of participation, from "nominal" to "transformative" (Guijt, 2014: 5; see Annex 4). These categories are also relevant to other evaluations.

Human rights monitoring and research uses various methods to measure the realisation of human rights (see table 5).

Table 5 Methods in human rights monitoring and research

Approach	Methods
Events-based approach	• Collects quantitative and qualitative data to record specific human rights violations and identify victims and perpetrators. • Information recorded using standardised formats, coding of data, statistical analysis. • Mainly used in monitoring of human rights in conflict or post-conflict situations.
Expert-scoring approach	• Compiles data on human rights violations into a standardised scale to understand a country's human rights practice. • Relies on secondary sources (media, reports of governments, NGOs, human rights organisations) and/or questionnaires.
Official data approach	• Use of existing socio-economic data, statistics and development data sets for rights-based, disaggregated analysis along the prohibited grounds of discrimination. • For example, statistical analysis of data drawn from demographic and health surveys (DHS) or multiple indicator cluster sample surveys (MICS). • Use of indices, for example the Social and Economic Rights Fulfilment Index, to compare fulfilment of rights across countries.
Opinions and perceptions survey approach	• Representative, standardised surveys with questions on human rights issues and knowledge, attitudes and practices. • Often complemented by qualitative methods (interviews, focus groups etc.).

Source: adapted from Walker (2018); Satterthwaite and Kacinski (2018)

The OHCHR guide on indicators recommends using a mix of qualitative and quantitative methods and a wide range of sources (events-based data, socio-economic and administrative statistics, perception and opinion surveys, expert judgements) to monitor human rights performance (OHCHR, 2012).

In 2018, the OHCHR published a guidance note on an HRBA to data in the context of the 2030 Agenda for Sustainable Development. Its purpose is to provide general guidance and elements of a common understanding on an HRBA to data, with a focus on issues of data collection and disaggregation (OHCR, 2018). Data collection, analysis and dissemination should be based on six principles: (1) participation, (2) data disaggregation, (3) self-identification, (4) transparency, (5) privacy and (6) accountability. The note defines key elements of these principles and proposes a range of methodological options to operationalise them. It recommends a participatory approach to ensure the involvement of all relevant stakeholders, in particular marginalised groups. It proposes several forms of participation that can be applied in monitoring the implementation of the 2030 Agenda (OHCHR, 2018: 5). It also gives an overview of quantitative sampling methods appropriate for the collection of disaggregated data (OHCHR,2018: 9–10). It does not recommend or describe in detail specific qualitative or quantitative methods.

The OHCHR guidance documents on casualty recording and violations of humanitarian law in conflict or post-conflict contexts follow an events-based approach. The proposed methods include the review of official documents (e.g. autopsy reports, court records, military personnel records) and other reports (e.g. from civil society organisations), analysis of satellite images, visits to sites of human rights violations and interviews with victims, witnesses and alleged perpetrators. OHCHR recommends interviews with open-ended questions and storytelling (OHCHR, 2015: 50ff). The guidance document for fact-finding missions also includes a section on how to protect witnesses and prevent risk of harm to interviewees (OHCHR, 2015: 74ff).

The OPERA tool relies strongly on the analysis of existing socio-economic data to monitor the compliance of states with their duty to fulfil social and economic rights. This approach is faced with two challenges. First, data sets are not always sufficiently disaggregated to allow for a valid analysis of discrimination and inequality patterns, particularly if a focus is set on multiple discrimination and intersecting inequalities. Second, even if the criteria against which a state's performance is to be assessed are defined by international human rights law (e.g. the AAAQ framework) it is a challenging task to operationalise these and translate them into specific benchmarks and indicators. The tools and approaches we reviewed mention these challenges, but do not offer much practical guidance on how to solve them.

We found a few interesting insights in the research articles we reviewed. Flores et al. (2016) show how they operationalised the normative content of the human right to water and the AAAQ criteria in a case study on measuring disparities in access to water in a rural municipality of Northern Nicaragua. The study design was case-control based, with a stratified sample splitting households served by providers and self-provided households. Household surveys included a set of questions that covered the first four dimensions of the right to water (availability, physical accessibility, affordability, acceptability). The fifth dimension (quality) was measured with a technical audit of the water quality at different points. Indicators were also set for all five dimensions. Flores et al. discuss the feasibility of their approach and conclude that it is feasible for monitoring and evaluating the progressive realisation of the right to water at a local level. However, they recognise that the methodology they propose implies higher costs than traditional approaches (Flores et al., 2016: 753).

Lee and Ostergard (2017) provide an example of how human rights research contributes to the analysis of formal and informal forms of discrimination. They developed an index, based on a content analysis of US State Department Human Rights reports and other sources, to assess discrimination against LGBTQ people. The index includes three components: criminalisation and punishment of homosexuality, rights denied to LGBTQ people, and the level of intolerance that LGBTQ people face. The results showed that in 72 % of the countries LGBTQ people face an informal stigma that can be just as pervasive and damaging as the institutionalised discrimination. One of the challenges they faced was that data on socio-economic rights and discrimination of LGBTQ people is still insufficient, particularly in countries outside Western Europe (Lee and Ostergard, 2017: 66).

Human rights research pays increasing attention to the performance and impact of human rights (protection) mechanisms, by applying rigorous designs and/or comparative analysis (Marx and Soares, 2015; Carraro, 2019; Bunselmeyer and Schulz, 2020). Based on two case studies conducted in Rwanda and Peru, Bunselmeyer and Schulz discuss how a quasi-experimental design with case-control groups can be applied to assess the impact of transitional justice instruments. They conclude that such a design complements other approaches, such as surveys or in-depth ethnographic research about post-conflict dynamics. Limitations include the difficulty of collecting new empirical data in transitional contexts as well as time- and resource-constraints (Bunselmeyer and Schulz, 2020: 702ff).

Chané and Sharma show how quantitative social network analysis can be used to understand the dynamics between states that influence human rights (protection) mechanisms. Based on an analysis of 691 thematic and country-specific resolutions of the Human Rights Council held between 2006 and 2015 they assessed whether the European Union acted in a cohesive way and the extent to which its human rights agenda was influenced by relationships with other countries or groups of countries (Chané and Sharma, 2018).

2.2.3.2 Methods applied in human rights-related evaluation approaches

Empowerment approaches imply the use of participatory methods, such as participatory learning and action (Chevalier and Buckles, 2013), most significant change and storytelling (Davies and Dart, 2005), or participatory statistics (Holland, 2013). Specific techniques comprise interviews, focus groups, group estimation of numbers to generate quantitative data and visualisation. The common intention of these

methods is that the use of participatory techniques enables participants to generate and analyse data relevant to their own situation and empowers them to initiate change or raise their voices for change.[12]

The ISE4GEMs approach recommends "transdisciplinary" methods and tools to capture the three interconnected dimensions: gender equality, environments and marginalised voices. Applying these methods and tools should enable mutual learning processes among stakeholders and participants of the evaluation (Stephens et al., 2018: 125ff). The ISE4GEMs guide lists in its annex "transdisciplinary" methods and tools, gives a brief definition of each method and provides links to further resources (Stephens et al., 2018: 175). Most of the listed methods and tools belong to the canon of participatory evaluation or assessment approaches.

Systems and participatory approaches also respond to the need to understand how interventions work in the broader context of the community and the extent to which disparities between social groups are reduced or increased. Zamora et al. (2018) recommend addressing gender inequality and other intersecting inequalities through social participation and community empowerment among rights holders. Such an approach implies the use of participatory methods with community-based groups. The approaches are not always framed in a human rights language, e.g. the concept of equity is used alongside or instead of the human rights principles of equality and non-discrimination (Carden, 2017; Zamora et al., 2018; Wolfe et al., 2020). Common to these approaches is a focus on formative evaluations that build the capacity of community stakeholders to understand and utilise the evaluation findings (Wolfe et al., 2020). George (2015) provides an example of how to work with reference groups in order to adapt data collection approaches. Her research about Sri Lankan Tamil refugees in India was oriented by the FAIR (fairness, autonomy, integrity and results) framework, developed by Rawson (2010). She collaborated with Tamil scientists of Canadian universities and with a community reference group, seeking continuous feedback and detailed advice on the applied methods, such as the wording of interview guidelines. She also discussed with them her role as a Canadian researcher and Indian woman.

2.3 Evaluation practice

In this section we present the results of the analysis of the evaluation reports we reviewed. We first assessed the extent to which an HRBA to evaluation is visible in the reviewed reports. The aim of our analysis was to identify common trends and differences in applying an HRBA to evaluation. As mentioned in Section 1.3, most evaluation reports describe very briefly the evaluation process and the methodology applied. The reports gave us information on the evaluation object and the key questions underlying the evaluation. However, they did not give us enough information on the evaluation process. It was also hardly possible to deduct from the findings of the evaluation the extent to which human rights principles have been applied in the evaluation process.

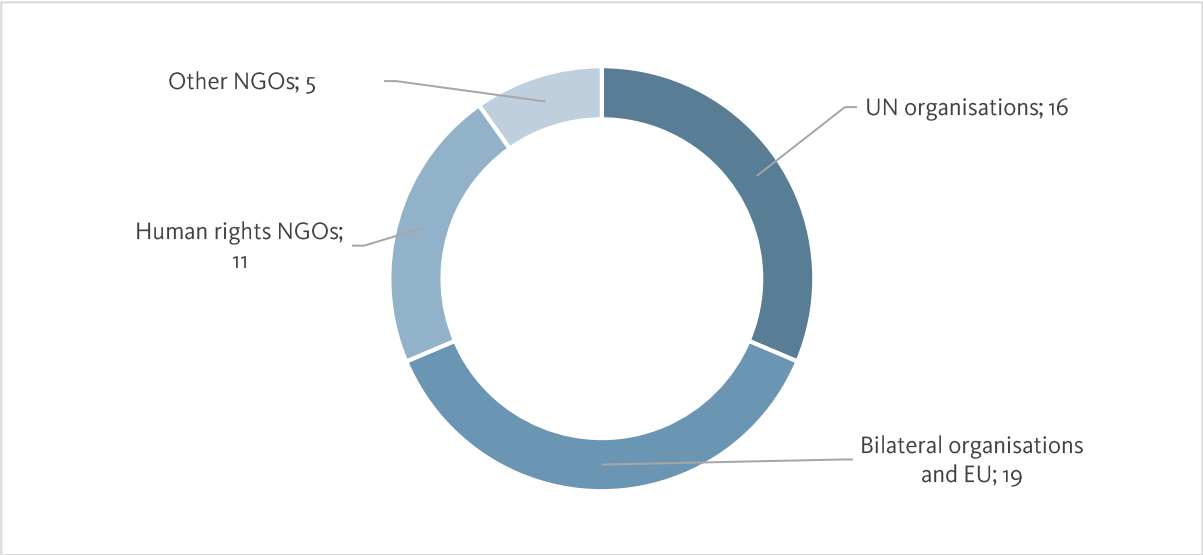
Section 2.3.1 provides an overview of the sample of evaluation reports. The following sections present the results of our analysis regarding the overall reference to an HRBA (2.3.2), the integration of human rights in the evaluation framework criteria (2.3.3) and evaluation process (2.3.4). As far as possible, we describe common features and differences and present examples to illustrate how core aspects of an HRBA to evaluation have been incorporated in the evaluation practice.

2.3.1 Sample of evaluation reports

We reviewed 51 evaluation reports, of which 44 were implemented and published between 2015 and 2020, and seven between 2011 and 2012. Sixteen evaluations were commissioned by international actors, 14 by bilateral donors and the EC (excluding Germany), 7 by German organisations, 12 by international human rights organisations and 3 by other international NGOs (see Figure 1).

[12] For an overview of participatory methods applied in the evaluation field see www.betterevaluation.org

Figure 1 Evaluations included in the review



Source: DEval, own calulations

Most UN evaluations assess broad, multi-country programmes. Depending on the mandate of the UN institution, the focus of the evaluation varies, including:

- support to human rights legislation and mechanisms (OHCHR),
- gender equality and women´s rights (UNDP, UN Women)
- elimination of gender-based violence, harmful practices (UNFPA; UNICEF/UNFPA), child rights (UNICEF)
- disability-inclusive development or poverty reduction (UNDP).

The evaluations of bilateral institutions focus on policies, programmes or projects supporting:

- a human rights-based approach to development (Danida; MFAF; EC; SIDA; DEval)
- gender equality (Danida; Ministry of Foreign Affairs of the Netherlands; SIDA)
- media and the right to information (SIDA)
- good governance; anti-corruption and human rights (Danida; GIZ)
- children rights (SIDA; KfW)
- rights of indigenous people (Norwegian Agency for Development Cooperation (Norad))
- inclusion of persons with disabilities (DEval).

The evaluations of international human rights organisations focus on:

- the accountability of states and of companies to respect, protect and fulfil human rights (AI)
- the accountability of states to comply with their obligations to realise economic and social rights (CESR)
- the performance of programmes supporting human rights education and advocacy (AI).

The evaluations of other NGOs included in the review focus on:

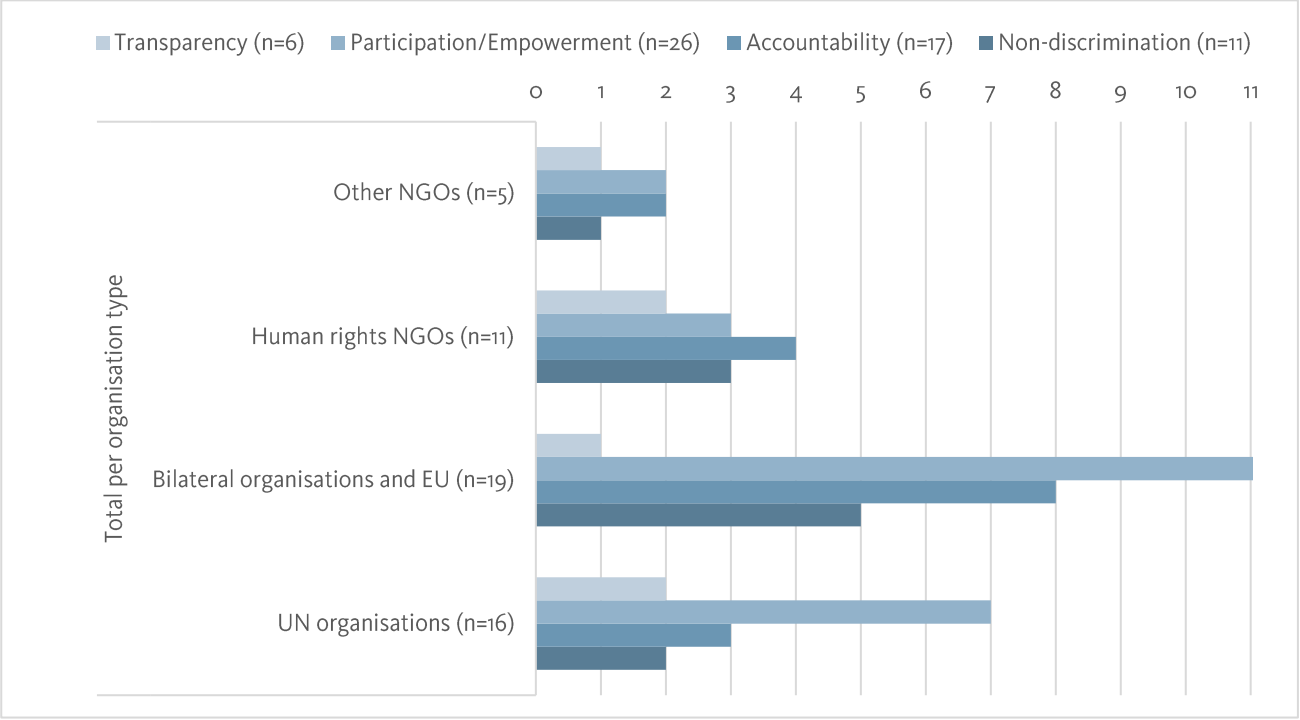
- human rights work of faith-based partner NGOs (Brot für die Welt (Raab & Rocha, 2018), Misereor (Stahl et al., 2018))
- due diligence processes and protection of human rights in the context of wildlife conservation projects (WWF Germany)
- projects promoting the health and education rights of children and young people (Oxfam).

2.3.2 Overall reference to human rights and the HRBA

Twenty-seven evaluations explicitly define human rights or the human rights-based approach – in a broad sense -– as the evaluation object. Twenty-five evaluations have a focus on specific human rights topics, mostly related to gender or gender equality. These evaluations do not always explicitly draw the link to the human rights-based approach (see Figure 2). Twenty-three evaluations have gender equality as the main evaluation object. More than two-thirds of the UN and bilateral evaluations are related to gender issues, for example the joint UNFPA and UNICEF evaluation on child marriage (2019a).

The human rights principle most frequently explicitly mentioned in the title of the evaluation reports and as part of the evaluation object is participation. Figure 2 shows the frequency in which the following principles "participation/empowerment", "accountability", "transparency", "non-discrimination", are explicitly related to the evaluation object in the evaluation reports. UN and bilateral actors mention most frequently the principle of participation, while international human rights organisations set a stronger focus on the accountability of states to respect, protect and fulfil human rights.

Figure 2 Principles as part of the evaluation object



Source: DEval, own calulations
Note: Multiple assignments possible, as some reports mention several principles at the same time.

Fewer than half of all evaluations explicitly refer at least partly (e.g. in a footnote, annex or secondary sentence) to any evaluation guideline. Most UN evaluations conducted after 2016 refer in general terms to the UNEG norms and standards on HR & GE. UN evaluations mention either the UNEG norms and standards (UNEG, 2016) or the UNEG guidance on human rights and gender equality (UNEG, 2014). Only two evaluations from outside the UN refer to the UNEG guidance. A few bilateral evaluations mention overall guidance on the HRBA to development but do not explicitly link this guidance to the evaluation approach. Neither the international human rights organisations nor the other NGOs explicitly refer to human rights-based evaluation guidelines.

2.3.3 Integration of human rights norms and principles in evaluation framework and criteria

2.3.3.1 United Nations

All UN evaluations integrate human rights and elements of the HRBA to development in their evaluation framework, evaluation criteria or evaluation questions, albeit to a varying degree. Some evaluations refer to human rights in very general terms. For example, the evaluation of UNDP's Support to Poverty Reduction in the Least Developed Countries incudes one evaluation question on how UNDP positioned itself to address cross-cutting dimensions such as gender equality and human rights in poverty reduction. It implicitly addresses the principle of non-discrimination in one question related to specific efforts to support most vulnerable regions and populations (UNDP, 2018a: 13).

Other UN evaluations refer more explicitly to human rights, by referring to international human rights treaties and/or incorporating elements of an HRBA to development in the evaluation design (ToR, theory of change, evaluation questions and criteria).

The evaluation of disability-inclusive development at UNDP refers to the CRPD. Its objective is to assess the work of UNDP relating to disability-inclusive development through four key principles of the CRPD, namely non-discrimination, participation and inclusion, accessibility and accountability (UNDP, 2016: 3). The theory of change (ToC) is based on UNDP's Evaluation of Disability-Inclusive Development at UNDP and explicitly reflects human rights norms and principles (see Annex 3). These principles are integrated in the ToR and key evaluation questions, e.g.: "How effective has UNDP been in developing programmes that foster non-discrimination, participation and inclusion, and accessibility and accountability in terms of support to persons with disabilities?" (UNDP, 2016: 135).

The UNFPA and UNICEF evaluation reports on gender-based violence, child marriage, female genital mutilation and harmful practices, refer in the background section to the relevant core international human rights treaties (CEDAW (UN General Assembly, 1979), CRC (UN General Assembly, 1990)) and the interpretation of the treaty bodies (UNFPA, 2018; UNFPA and UNICEF, 2019a, 2019b; UNICEF, 2019b). The evaluation of UNFPA's support for the prevention of, response to and elimination of gender-based violence and harmful practices has reconstructed a ToC based on UNFPA's programming approach. This ToC includes, at the outcome level, a legal, policy and institutional environment reflecting international human rights instruments as well as inclusive participation in decision-making (UNFPA, 2018: 17). Key evaluation questions in the UNFPA and UNICEF evaluation reports are generic; the annexes with the ToR and detailed evaluation matrices are, unfortunately, not accessible on the respective websites.

The UN Women evaluations focus on gender equality and women's rights (Arbulu, 2017, UN Women 2016, 2017). They refer to gender equality and human rights in line with the UNEG standards and UN Women's Evaluation Policy. The evaluation on UN Women's contribution to promoting and protecting women migrant workers' labour and human rights seeks "to assess to what extent a human rights-based approach to programming and a gender mainstreaming strategy were incorporated into the design, implementation and results of the programme" (Arbulu, 2017: 15). The reconstructed ToC reflects a results chain leading from advocacy and capacity-building (as inputs) to the accessibility of women migrant workers to human rights-based and gender-responsive services (outcomes) (Arbulu, 2017: 16). Likewise, one of the objectives of the evaluation on engaging women in preventing and countering extremist violence in Kenya is to analyse how human rights and gender equality principles are integrated in the implementation of the project (UN Women, 2017: 12). This objective is reflected in the key evaluation questions: to what extent is the project "strengthening rights-holders' participation and duty-bearer's accountability; ensuring that the most vulnerable populations know, demand and enjoy their human rights and reinforcing capacities of duty-bearers to respect, protect and guarantee these rights" (UN Women, 2017: 47).

2.3.3.2 Bilateral actors and European Union

Most EU and bilateral evaluations refer in general terms to human rights, gender equality and/or the HRBA to development in key evaluation questions and/or under the OECD DAC evaluation criteria. For example, within their evaluations the Danish and Finnish ministries (Danida and MFAF) refer to the core principles of

the HRBA as defined by the respective development cooperation policies. The evaluation questions are generic, focusing on the extent to which an HRBA has been operationalised and lessons learned from its implementation (MFAD/Danida, 2016b; MFAF, 2018).

Both the GIZ and the KfW evaluations apply the OECD DAC criteria without explicit reference to human rights or to the HRBA to development. The evaluation conducted by DEval of the BMZ Action Plan for the Inclusion of Persons with Disabilities explicitly links its methodological approach to the normative background of the Action Plan, i.e. the Convention on the Rights of Persons with Disabilities (CRPD). Evaluation questions related to the OECD DAC criteria were formulated in the evaluation matrix in such a way that they also reflected the provisions of the CRPD and its core principles (Schwedersky et al., 2017: 17 and 115ff). SIDA's evaluation of the Asian Forum for Human Rights and Democracy (Forum-Asia) includes, under the relevance criterion, a question on the extent to which the work of Forum-Asia is relevant to the priorities of its members and the needs of the human rights movement in Asia. Under a specific evaluation criterion on Swedish development perspectives, it includes one question on the extent to which Forum-Asia has implemented its programmes in accordance with an HRBA to development (SIDA, 2020a: 2). Specific questions related to the implementation of the project refer to the core human rights principles of participation, non-discrimination, accountability and transparency (Alffram and Hugo, 2020: 35).

Most evaluations mention the principle of participation, but do not explicitly relate it to the empowerment concept or differentiate between participation and empowerment. Norad's evaluation of Norway's International Climate and Forest Initiatives is one exception. The evaluation focuses on the empowerment of indigenous groups. It does not explicitly refer to the HRBA to development as the overall conceptual approach. However, it does use human rights terms to define empowerment as "the extent to which indigenous people and other forest dependent communities, men and women, can demand their rights and representation and/or have the right to effectively participate in decision-making processes concerning the ownership/allocation of resources, or gaining access to information and training to develop local organisational capacity and accountability, among others" (Norad, 2017: 10). This example shows that the absence of an explicit reference to the HRBA concept does not necessarily imply that human rights principles are not taken into consideration.

2.3.3.3 International human rights organisations

Most evaluations commissioned or conducted by international human rights organisations have a strong focus on accountability and the obligations of states to respect, protect and fulfil human rights. Hence, they all refer to human rights and human rights instruments as normative standards.

For example, the Amnesty International (AI) evaluation on the implementation of UNEP's environmental assessment of Ogoniland examines the extent to which Nigeria's government and the Anglo-Dutch oil giant Shell have implemented UNEP's recommendations and complied with their human rights obligations. The report refers to international human rights treaties and to the Nigerian constitution that guarantee the rights to an adequate standard of living, to water, to health, to an effective remedy and freedom of expression and access to information. Regarding the corporate accountability of private companies (in this case Shell), it also mentions the UN Guiding Principles on Business and Human Rights (AI, 2020: 13). The report focuses on the findings and does not discuss in depth how human rights standards and criteria were operationalised in the evaluation.

Regarding the obligation of states to fulfil economic and social rights, the CESR has produced five case studies to share insights and learning from the use of the OPERA tool. These case studies refer to the following human rights standards and principles as assessment criteria:

- minimum core obligations of the states
- obligation of the states to take steps to fulfil economic, social and cultural rights
- principle of progressive realisation
- use of maximum of available resources
- non-discrimination
- AAAQ (availability, accessibility, acceptability and quality)
- participation, transparency and accountability, including right to remedy.

For example, the case study on the state of mental health services in Kenya that was conducted in cooperation with the Kenya National Commission on Human Rights, has translated the above-mentioned standards and principles into key questions (see Table 6).

Table 6 CESR case study on Kenya – Examples of criteria and key questions

Criteria	Key questions
Obligation to take steps	Has the government taken sufficient steps to realise the right to mental health?
AAAQ criteria	Have the steps taken created the necessary goods and services that meet the standards of availability, accessibility, acceptability and of adequate quality?
Participation, transparency, accountability and right to a remedy	Have rights holders been able to actively participate in the creation and implementation of relevant policies?

Source: CESR, 2017a: 2

To measure the degree to which mental health services meet the AAAQ criteria, public health indicators were used that provided information on what kinds of mental health services were available, where they were available, who had access to them, and the quality of the services. The brief case study does not provide detailed information on the benchmarks applied to measure the extent to which the steps taken by the Kenyan government were sufficient. Regarding the criterion of maximum available resources, budget analysis was applied, assessing the percentage of the budget allocated to mental health and comparing it with regional estimates and international standards from WHO data (CESR, 2017a: 3).

One recent example that shows how international human rights organisations assess the performance of their own work is the independent evaluation of Amnesty International's Education, Empowerment, Justice Programme (EEJP). The five-year human rights education programme (2013–2017) was implemented in 24 countries in Europe, Latin America, Middle East and North Africa, Africa and Asia.

One of the objectives of the evaluation was to assess the degree to which Amnesty International's work has resulted in the empowerment of the target group, how this has been measured in the projects, and possible other methods that can be used in the future to measure empowerment in human rights education (AI, 2017: 4). The evaluation framework includes a set of key questions related to the empowerment principle (see Box 8).

Box 9 Empowerment

- How is the term empowerment understood and used in the EEJP?
- What have been effective strategies used in projects that have improved empowerment of different stakeholders at individual and group/organisational level?
- What factors have contributed to positive changes in empowerment in the projects, and what factors have limited the progress made?
- In what ways have changes to empowerment as a result of the projects been measured?
- What has been learned about empowerment from the EEJP that has implications for future activities in human rights education?

Source: AI, 2017: 4

One of the findings of the evaluation is that Amnesty International partners did not share a consistent understanding of the empowerment concept and that "participation" and "empowerment" were often used interchangeably in Amnesty International documents (AI, 2017: 28).

2.3.3.4 Other NGOs

The evaluations conducted by other international and German NGOs differ very much regarding their object and framework. In response to allegations by the media on human rights abuses in the context of conservation work undertaken by World Wide Fund for Nature (WWF), WWF Germany commissioned an independent evaluation to assess its human rights due diligence processes in the context of wildlife conservation projects in protected areas. The evaluation assessed to what extent WWF Germany has

a procedure in place to identify, prevent and mitigate adverse impacts of WWF's activities on human rights. The evaluation refers to core international human rights instruments as well as to the labour standards of the ILO. The evaluation also mentions the United Nations Guiding Principles on Business and Human Rights and the HRIA tool from the Danish Institute for Human Rights as methodological guidance (Löning, 2019: 6).

We also reviewed an Oxfam multi-country programme on the health and education rights of children and young people, with a particular focus on the rights of girls and young women. The aim of the evaluation was to analyse the outcomes of the programme and its underlying working mechanisms against the programme's theory of change. The theory of change reflects an HRBA and describes the intended short-term and long-term outcomes of the programme both on rights-holders (e.g. the capacity of young people to articulate their needs and claim their rights) and duty-bearers (e.g. their capacity to take specific actions to improve the access and quality of health and/or education services for boys and girls, young women and men) (Van Esbroek et al., 2016: 90).

The evaluations conducted by Brot für die Welt (Raab & Rocha, 2018) and Misereor (Stahl et al., 2018) integrate human rights in the reconstructed ToC. The theories of change define and visualise outcomes such as the enhanced awareness of rights-holders and capacity to claim rights as well as, on the duty-bearer's side, enhanced capacity to comply with international and regional human rights standards and mechanisms (Raab & Rocha, 2018: 32; Stahl et al., 2018: 46). However, these categories are not consistently upheld in the presentation of the evaluation findings.

2.3.4 Human rights-based evaluation process

As mentioned above, a major limitation for the content analysis of the evaluation reports was that only very few reports describe their methodology in detail.

Multilateral UN evaluations that refer to the UNEG guidance of 2014 point out the difficulty of systematically applying an HRBA to evaluation. For example, the joint UNFPA/UNICEF evaluation on female genital mutilation and the UNFPA evaluation on gender-based violence and harmful practices enumerate the limitations of applying an HRBA. These include limited participation and involvement of rights holders, disaggregation limited to gender/binary sexes and limited intersectional analysis (UNFPA and UNICEF, 2019b: 12; UNFPA, 2018: 7)

In the following, we therefore present those elements of an HRBA to evaluation, for which we found evidence in the evaluation reports.

2.3.4.1 Stakeholder analysis of rights-holders and duty-bearers

A core element of the HRBA to development is the differentiation between rights-holders and duty-bearers (see Chapter 1). According to the UNEG guidance on human rights and gender equality in evaluation, this implies a stakeholder analysis that assesses the roles of and relationships between rights-holders and duty-bearers. Only six evaluations explicitly use the terms "duty-bearer" or "rights-holders" when describing the stakeholders. Three evaluation reports briefly mention in the methodology that stakeholders were mapped according to their roles as rights-holders or duty-bearers (SIDA, 2019b and 2019c; UNFPA, 2018). According to the UNFPA evaluation on gender-based violence and harmful practices "a systems-based approach was used to map the key categories of stakeholders, disaggregated by human-rights roles and gender where possible" (UNFPA, 2018, 9). We did not find any evaluation report that describes in detail the roles and respective influence of duty-bearers and rights-holders and that uses these categories consistently.

2.3.4.2 Inclusion and meaningful participation of rights-holders

In most evaluations, participation is limited to the consultation of rights-holders (target groups) or their representatives (civil society organisations) in interviews and focus groups.

Participation of rights-holders or civil society representatives in steering mechanisms is rare. For example, the reference group for the UN Women evaluation on the rights of women migrant workers was composed of six UN Women staff members and one representative of a civil society network (Arbulu, 2017: 74). Other UN evaluations only include UN staff or advisers from other donor agencies (e.g. UNFPA and UNICEF, 2019b).

Likewise, most bilateral evaluations do not provide substantial information on the participation of rights-holders and their representatives in steering mechanisms. As far as information is given, civil society organisations are involved in reference groups by virtue of their function as partners of the evaluated project. For example, the Children's Dignity Forum, a civil society organisation working to protect children and supported by SIDA, was a member of the steering group of the respective evaluation (SIDA, 2019c: 59).

International and German civil society organisations advocating for the rights of persons with disabilities, and the monitoring desk for the CRPD at the German Institute for Human Rights were included in the reference group of the DEval evaluation on disability inclusion (Schwedersky et al., 2017). They were not direct partners of the evaluated development measures.

2.3.4.3 Involvement of rights-holders in evaluation teams

Only, two evaluation reports explicitly mention the direct involvement of rights-holders as national consultants, peer evaluators or reviewers (Schwedersky et al., 2017; Van Esbroek et al., 2016). In the DEval evaluation on disability inclusion, a member of a disabled people's organisation was involved as national consultant in one field study. However, it was not possible to recruit experts with disabilities as peer reviewers (Schwedersky et al, 2017: 23).

In the Oxfam evaluation young people were involved as peer evaluators, in order both to better understand the local context and ensure better communication with youth (Van Esbroek et al., 2016: 16). Although the report notes that the inclusion of youth evaluators was positive, it also highlights that it was time-demanding, particularly for the senior international evaluators who coached the young team members (Van Esbroek et al, 2016: 18).

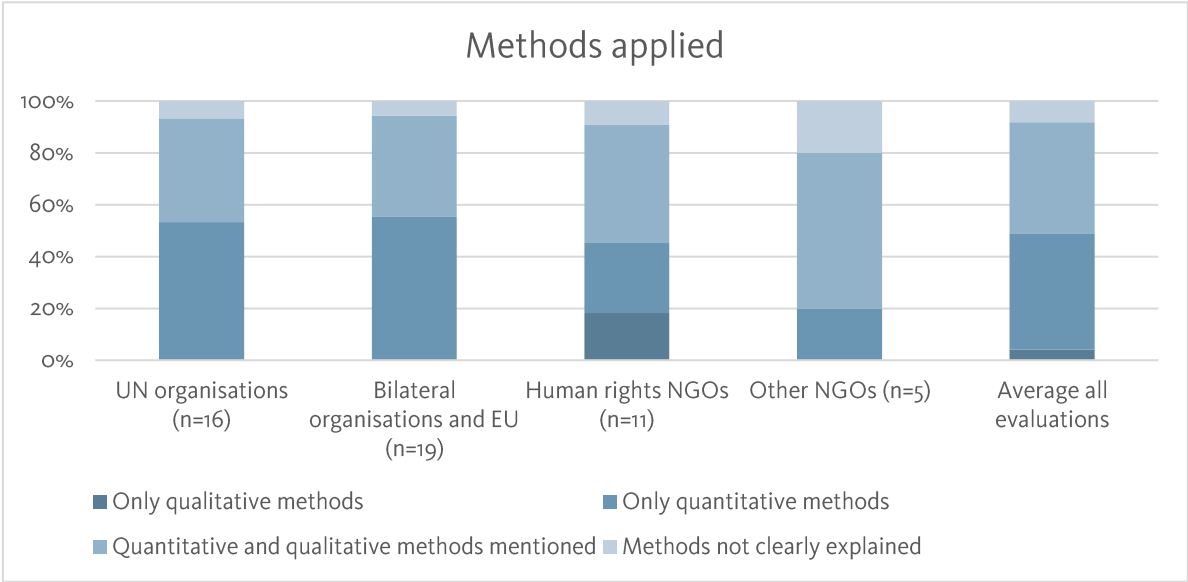
The CESR case studies were conducted in cooperation with human rights think tanks (Angola, Guatemala, Egypt; South Africa) and one national human rights institution (Kenya), thus ensuring an indirect participation of rights-holders in the steering process (CESR, 2017d, 2012b, 2017a, 2017b).

2.3.4.4 Mix of methods in implementation

The UNEG guidance on how to integrate human rights and gender equality in evaluation recommends a combination of quantitative and qualitative data collection methods, including participatory techniques (UNEG, 2014: 52-53).

Overall, the range of methods applied in the evaluations we reviewed does not differ much from other evaluations of development cooperation measures. Most evaluations apply both quantitative and qualitative methods (see Figure 1).

Figure 3 Methods applied in reviewed evaluations



Source: DEval, own calulations

Twenty-nine out of the 51 reviewed evaluations mention desk studies, including the analysis of available quantitative data.

The most frequently applied quantitative methods are standardised surveys and analyses of available statistical data. Fourteen evaluations mention standardised surveys conducted by the evaluation team.

Interviews are the most frequently applied qualitative methods for data collection (42 evaluations). The intensity of interviews varies significantly from a few to several hundred. Interviews (primarily focus groups) with the final users of a project at the community level are mentioned when evaluations rely on detailed case studies. Fifteen evaluations mention focus groups.

Focus groups are most frequently conducted in evaluations that rely on case studies. For example, both the UNFPA evaluation of gender-based violence and harmful practices and the UNFPA/UNICEF evaluation on the abandonment of FGM make extensive use of focus groups with women and other community members (UNFPA, 2018; UNFPA and UNICEF, 2019b).

In most evaluations, participation is limited to the consultation of rights-holders (target groups) or their representatives (civil society organisations) in interviews and focus groups. Participatory methods other than focus groups are rarely mentioned in the evaluation reports. A few evaluations mention (learning) workshops with the involvement of rights-holders or members of civil society organisations representing them. Two evaluations mention that they have applied outcome harvesting (AI, 2015; UNDP, 2015).

The SIDA evaluation of media projects applied a mix of qualitative data collection tools, including a desk review and analysis of documentation, kick-off and inception meetings with end users, face-to-face and remote interviews with key stakeholders including semi-structured interviews, focus group discussions, key informant interviews, observation of project activities and debriefing with the target groups. Focus group discussions covered both the target group of the project and young people who were not reached by the media activities (control group). The evaluation team used a change assessment scoring tool to capture perceived change, including behavioural change that happened at the four levels of the reconstructed ToC (SIDA, 2019b, 12ff)

The Amnesty International evaluation of the Africa Human Rights Education Project is based on ten case studies with field visits in six countries. Besides interviews, the qualitative methods applied included focus group discussions and observation of human rights education activities. During the field visits, the evaluation

teams observed dramas and role-plays to understand the messages being provided to the community in the awareness-raising sessions (AI, 2012: 14).

2.3.4.5 Disaggregation of data collection and analysis

The UNEG guidance on how to integrate human rights and gender equality in evaluation recommends data disaggregation according to the prohibited grounds of discrimination in international human rights law.

There is hardly any evidence for an in-depth disaggregated collection and analysis of data beyond gender categories in the evaluation reports we examined. Overall, the evaluation reports provide no evidence of a comprehensive analysis of intersectionality. A few reports briefly mention this limitation in the methodological section. For example, the DEval evaluation underlines that due to the lack of disaggregated information in the evaluated projects on the number, living conditions and needs of persons with disabilities, they were often considered as a homogeneous group (Schwedersky et al., 2017: 65).

The UNFPA evaluation on the abandonment of FGM included women, men, teenagers, girls and boys through "disaggregated" focus group discussions, with specific attention to characteristics such as their age, married/non-married status, cut/not-cut, rural/urban, etc. (UNFPA and UNICEF 2019b: 10).

The CESR case studies rely on an analysis of available disaggregated data, surveys and reports provided by state institutions (e.g. ministries of health and national health information systems), development organisations (e.g. World Bank and USAID) and NGOs. Depending on the context, disaggregated data (e.g. according to gender, age, residence, or income level) were examined to determine if certain groups were being discriminated against. The analysis was also often limited by the quality of the available data. In the study conducted in Kenya (CESR, 2017a), the quantitative analysis was complemented by site visits, interviews and focus groups with various stakeholders, including rights-holders at the community level.

The CESR study conducted in Guatemala aimed to assess the role of tax and budget policies in fulfilling basic economic and social rights for the whole population. Budget analysis was applied to assess the extent to which Guatemala has complied with its human rights obligations in accordance with the principle of progressive realisation. The study used available budgetary information to calculate social spending as a percentage of gross domestic product, compared the percentage to the budgets of previous years to observe the difference over time and looked at how social spending was benefiting certain groups of people to ascertain which quintile was benefiting the most (CESR, 2012b: 19).

2.3.4.6 Dissemination of evaluation findings

Most evaluations mention that preliminary findings were discussed and validated with key stakeholders. The extent to which key findings were discussed, validated and disseminated to a wide audience that extends beyond the direct users and partners of the evaluated projects remains unclear in most evaluation reports.

DEval published a short report on the findings of the evaluation on disability inclusion in an easy-to-read format for persons with cognitive impairments (Schwedersky et al., 2017).

The CESR study on the state of mental health services in Kenya gathered and analysed information from key stakeholders in the mental health sector, including the Ministry of Medical Services; hospital staff and administrators; psychiatrists in practice and academia; and non-governmental organisations providing services to people with mental health disorders (CESR, 2017a). The interviewed stakeholders raised several concerns that were included in the report published by the Kenya National Commission on Human Rights, thus ensuring dissemination of the findings to a broader public.

3. CONCLUSIONS

3.1 Evolution of the HRBA to evaluation

The concept of an HRBA to development emerged in the 1990s and was endorsed by the UNDG in 2003. Since then, UN development agencies have mainstreamed the HRBA in their development policies and strategies. Likewise, Germany and other bilateral donors have, to a varying extent, issued strategies or guidance on an HRBA to development. Until 2011, guidance documents on how to apply an HRBA focused on the design and planning process of development measures.

In 2011, UNEG framed the concept of the HRBA in the evaluation context of multilateral actors. The UNEG guidance on integrating human rights and gender equality (UNEG, 2014) is, at the time of writing, the most comprehensive reference document on an HRBA to evaluation. According to the UNEG guidance, normative standards and core principles based on international human rights law, in particular non-discrimination/equality of chances, accountability/transparency and participation/empowerment, should be incorporated in all phases of the evaluation process.

In 2016, UNEG included a new norm on human rights and gender equality in its Norms and Standards for Evaluation (UNEG, 2016). This boosted the mainstreaming of the HRBA to evaluation in the evaluation policies, strategies and standards of UN development agencies. Today, this process is well underway in the UNDG. Agencies such as UNICEF and UNFPA have systematically integrated the HRBA in guidance and quality assurance documents for evaluations.

The OECD DAC has only recently incorporated human rights in its revised evaluation criteria (OECD DAC, 2019) and is currently working on specific guidance on human rights and gender equality in evaluation. Most bilateral donors, to a varying extent, have by now incorporated human rights in their evaluation policies, strategies or standards. Overall, except for Finland, bilateral donors have not yet operationalised or mainstreamed the HRBA in their evaluation guidelines. Systematic consideration of the HRBA in the monitoring and evaluation systems of bilateral development actors still needs to be developed.

In recent years, the HRBA has lost momentum as a stand-alone approach to development. By contrast, more than before, international agendas acknowledge the importance of human rights and the HRBA to development. Human rights and human rights principles are explicitly included in the global indicator framework for the Sustainable Development Goals. The trend to incorporate an HRBA to development in other agendas has implications for the evaluation context. However, guidance is still lacking as to what these implications are, how to link core human rights principles with the LNOB-principle of the 2030 Agenda and how to develop fruitful synergies without diluting the normative element of the HRBA too much.

3.2 Tools and methods

We reviewed both human rights-based tools that are explicitly rooted in international human rights law, and human rights-related tools that address key human rights issues but do not explicitly refer to or apply a human rights framework. Our findings reveal that the HRBA to evaluation is not exclusive. It shares common features with other evaluation approaches and can thus be combined with several tools and methods. The following table shows the potential of the reviewed approaches and tools for human rights-based evaluation.

Table 7 Approaches and tools for human rights-based evaluation

Approach	Tool	Potential for human rights-based evaluation of development cooperation
Human rights-based approaches and tools	Human rights impact assessments	• Are rooted in human rights law. • Make use of human rights principles in the assessment process. • Focus on ex-ante assessments, although design and key questions can be adapted for ex-post evaluation.
	Human rights monitoring frameworks and tools	• The OHCHR human rights indicator framework focuses on monitoring of the compliance of states to their treaty obligations in the context of the international human rights (protection) system. It includes illustrative tables with key indicators that can be used for evaluation of development cooperation. • The OPERA tool aims at monitoring the compliance of duty-bearers in fulfilling economic and social rights. It includes assessment criteria (e.g. progressive realisation) that can be applied to evaluations of development cooperation measures. • The Praia handbook integrates and applies the OHCHR indicator framework to the governance sector.
Human rights-related tools	ISE4GEMs and systemic approaches	• Systemic approaches take into consideration the broader context and seek to understand how development cooperation measures can contribute to overcoming unequal power relations and social exclusion. • The design enables an assessment of intersectionality and multiple discrimination. • There is a strong emphasis on the participation of multiple stakeholders in the evaluation process.
	Conflict-sensitive evaluation	• A focus on do-no-harm principle and international humanitarian law can be combined with the assessment of negative effects on human rights.
	Gender analysis	• Gender equality is a core human right and human rights-based evaluation therefore should be per se gender-sensitive, make use of gender analysis and assess discrimination on gender grounds. • The recent emphasis on gender diversity rather than on a binary gender concept enables the analysis of multiple discriminations in the context of human rights-based evaluation.
	Empowerment evaluation	• Principle-based evaluation approach. • Emphasis on participation of target groups (rights-holders) in the evaluation process. • Emphasis on formative evaluations that build the capacity of community stakeholders to utilise evaluation findings and enables them to initiate change.
	Ethical evaluation	• Key ethical principles include respect for human rights. • Emphasis on the role of evaluators in the evaluation process, culture-sensitive communication and handling of data. • Shares common features with the human rights-based approach to data developed by the OHCHR, i.e. respect for human rights in the collection and analysis of data.

Most approaches include a mix of qualitative and quantitative methods. Most also recommend the use of participatory methods to involve rights-holders in the evaluation. Human rights research provides evidence that rigorous designs, for example randomised control trials, are also compatible with an HRBA (Marx and Soares, 2015; Carraro, 2019; Bunselmeyer and Schulz, 2020). Human rights monitoring, evaluation and research is increasingly applying social science methods and, by doing so, also relies on development data sets. Evaluators of development cooperation measures, human rights researchers and monitoring experts face similar challenges: how to deal with the paucity of available disaggregated data, and how to operationalise human rights criteria and set benchmarks to assess the performance of state partners (duty-bearers) and the progressive realisation of social and economic rights. We agree with Walker (2018) that more cross-disciplinary dialogue across professional areas and between the human rights, the development and the evaluation communities is needed to address these challenges.

3.3 Evaluation practice

Our review of 51 evaluation reports shows that there is a gap between the comprehensive concept of an HRBA to evaluation, as laid down in the UNEG guidance, and current evaluation practice. This might partly be due to the fact that the published evaluation reports, with a few exceptions, do not give details of the applied methodology. The extent to which an HRBA was applied in the evaluations is often unclear, which calls for more transparency in documenting and making available details of the methodological approach that was applied in an evaluation. The content analysis also indicates a selective process; even if the HRBA was not systematically applied throughout the evaluation process, it was, in many evaluations, partly implemented.

Despite the absence of systematic patterns, we notice the following trends:

Nearly half of the reviewed evaluations have gender equality as the main evaluation object. One reason certainly is that discrimination on gender grounds remains a major issue across the world. Nevertheless, this might also indicate a tendency to focus on gender equality at the expense of other urgent human rights issues and population groups at high risk of discrimination.

An HRBA to evaluation leads to a shift in perspective in the way partners (duty-bearers) and target groups (rights-holders) of development projects are considered. This implies a thorough context and stakeholder analysis that identifies rights-holders and duty-bearers as well as their respective roles and underlying power relations. Such assessments as part of the design of evaluations are still rare.

Last, but not least, development cooperation actors set a stronger emphasis on the principle of participation and do not define accountability in human rights terms. This might be due to the fact that the HRBA is often associated with participatory approaches to development. However, the range of methods applied in the evaluations we reviewed does not differ much from other evaluations of development cooperation measures. Most evaluations have applied a mix of both quantitative and qualitative methods. Interviews and focus group discussions are the most frequently applied qualitative methods, whereas standardised surveys and analyses of available data are the most frequently applied quantitative methods. There is little evidence that evaluations that explicitly focus on human rights issues make more use of participatory methods.

Human rights organisations, by their mandate, advocate for the respect, protection and realisation of human rights. They often focus on assessing the compliance of states with their human rights obligations and therefore emphasise the principle of accountability. While they frame evaluation questions in human rights terms and use human rights criteria, they do not differ from development cooperation organisations in the specific methods applied and are faced with similar challenges (e.g. availability of disaggregated data).

The following table summarises our major findings regarding the incorporation of key human rights principles in the evaluation process as well as remaining questions and challenges.

Table 8 Incorporation of key human rights principles in the reviewed evaluations

Human rights principles	Core findings across evaluations	Remaining questions
Participation/ empowerment	• Participation mainly understood as more or less intensive consultation of duty-bearers and rights-holders. • No systematic involvement of rights-holders or civil society organisations as their representatives in steering mechanisms (e.g. reference groups). • Unclear definition of the principle of empowerment and its implication for evaluations.	• What does meaningful participation in the evaluation context mean? • What does empowerment in the evaluation context mean? • How can inclusive steering mechanisms (e.g. reference groups) be established and maintained?
Non-discrimination/ equality of chances	• Disaggregation of data according to gender (binary concept: men/women) in most evaluations. • Limited availability of disaggregated data is still a major challenge for evaluations that aim at understanding intersectionality or multiple discriminations. • In-depth disaggregation in the collection and analysis of data according to the prohibited grounds of discrimination is rare.	• How can intersectionality and multiple discriminations be analysed? • How can the analysis of "gender diversity" as a relatively new concept and the HRBA to evaluation be linked? • What are the alternatives if the required disaggregated data are not available?
Transparency	• With a few exceptions, no detailed description of the evaluation process and of the extent to which an HRBA to evaluation has been operationalised. • Discussion and validation of findings with key stakeholders in most evaluations. • Publication (on website) as state-of-the-art dissemination for evaluations of development cooperation. • Easy-to-read formats rare.	• How can transparency in presentation and dissemination of evaluation process and methodology be ensured? • How can whether (and the extent to which) an HRBA was applied in the evaluation be documented? • How can alternative ways to present evaluation findings to rights-holders, including marginalised groups, be found?
Accountability	• Accountability not defined in human rights terms in evaluations of development cooperation organisations. • Hardly any reference to the core human rights obligations of state partners and to the principle of progressive realisation of economic, social and cultural rights in evaluations of development cooperation measures. • Reference to the principle of progressive realisation in evaluations of human rights organisations, but only few details on operationalisation.	• How can the principle of progressive realisation and its use in the evaluation of development measures be operationalised? • How can benchmarks to assess the progressive realisation of social and cultural rights be set?

We conclude that applying an HRBA to the evaluation of development cooperation measures first and foremost implies a thorough reflection on the significance of human rights principles in the specific evaluation context. As Table 8 shows, several questions need to be addressed if development cooperation wants to be more explicit in applying an HRBA in the evaluation context.

Accountability is more than assessing the extent to which development cooperation has supported partners to meet the objectives of development measures. Accountability also means assessing the extent to which development cooperation has supported partners to meet their human rights obligations, i.e. to respect, protect and fulfil human rights. Meaningful participation is more than consulting the target groups of a project or applying participatory methods in the evaluation. It also means assessing the extent to which development cooperation has supported these groups, as rights-holders, to be aware of their rights and has eventually enabled them to claim these rights. Non-discrimination requires assessing the extent to which development cooperation measures have succeeded in including marginalised population groups.

Depending on the aim and object of the evaluation, the use of different approaches, tools and methods are possible. The HRBA to evaluation should not be solely understood as participatory evaluation and should not be restricted to the use of participatory methods. It can also rely on rigorous impact evaluation designs and can predominantly apply quantitative methods – for example in the interest of the principles of transparency and accountability. Human rights researchers and evaluators of development cooperation are faced with similar challenges. Hence, operationalisation of the human rights-based approach to evaluation could benefit from more dialogue between the scientific and professional communities in the areas of human rights, development and evaluation.

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5. ANNEX

5.1 Annex 1: Search criteria for the review

Type of documents:	For c), d) and e) key words in title of document or abstract
a) Evaluation policies, standards and guidelines b) Strategies and guidance documents on an HRBA to development c) Tools and methodological documents d) Academic literature and journal articles e) Evaluation reports	• Evaluation/assessment • Human rights • Human rights-based approach • Non-discrimination/equality • Participation/empowerment • Accountability/transparency • Gender equality/women's rights • Inclusion • Child rights • Conflict and human rights • Do-no-harm and human rights • Ethics and human rights

5.2 Annex 2: Coded characteristics for Content analysis

5.2.1 Analysis of evaluation policies, strategies, and guidelines:

- Title of document
- Publication year
- Organisation
- Type of document
- Integrates (to what extent) human rights standards and principles in evaluation criteria
- Integrates (to what extent) key human rights principles in evaluation process
- Refers to ethical standards

5.2.2 Analysis of evaluation reports and tools

- Title of document
- Publication year
- Organisation
- Type:
  - Ex-ante, ex-post
  - Project evaluation
  - Evaluation of programme
  - Evaluation of policy/strategy/action plan
- Evaluation/assessment of:
  - Human rights (which human rights are covered/evaluated?)
  - Human rights principles (non-discrimination, accountability, participation/empowerment)
  - State obligations to respect, protect and promote human rights
  - Capacity of rights-holders to know and claim their rights
  - Human rights-related topics (e.g. conflict)
- Evaluation process
  - Refers to or applies evaluation guidelines (e.g. UNEG)
  - Refers to or applies ethical criteria/guidelines
  - Involves (to what extent) participation of stakeholders (partners; duty-bearers; target groups; rights-holders)
  - Ensures transparency (how/to what extent) in dissemination of evaluation findings
- Methods
  - Which quantitative methods?
  - Which qualitative methods?
  - Disaggregation of data (collection and analysis)
  - Evaluation uses/refers to specific tools

5.2.3 Analysis of academic literature and journals

- Title
- Year
- Author/s
- Journal/bibliographic reference
- Type:
  - Evaluation research
  - Human rights research
  - Development theory
  - Peace and conflict research
  - Other
- Main topic
- Which design is applied/ discussed/recommended?
- Does the design explicitly incorporate human rights standards and principles?
- Which methods are applied/ discussed/recommended?
- Does the article address the role of evaluators/ researchers?

5.3 Annex 3: List of evaluations included in the review

AI (2012), Final Evaluation of the Africa Human Rights Education Project (AHRE).

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AI (2015), External Evaluation of Amnesty International's Work to Protect Somalia's People on the Move – Executive Summary.

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AI (2020), No Clean-Up, No Justice – an Evaluation of the Implementation of UNEP's Environmental Assessment of Ogoniland, Nine Years On.

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CESR (2012), Assessing fiscal policies from a human rights perspective. Methodological case study on the use of available resources to realize economic, social and cultural rights in Guatemala – Economic and Social Rights Monitoring.

CESR (2017), OPERA in Practice: Defending Reproductive Rights of Angolan Women – Economic and Social Rights Monitoring – This brief case study examines the use of OPERA, CESR's monitoring framework.

CESR (2017), OPERA in Practice: Silenced Minds – The Systemic Neglect of Mental Health in Kenya – Economic and Social Rights Monitoring – This brief case study examines the use of OPERA, CESR's monitoring framework, to undertake an audit of the state of mental health services in Kenya.

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MISEREOR (2018), Evaluation of the Funding Area 'Human Rights' at MISEREOR, Summary.

NORAD (2017), Real-time Evaluation of Norway's International Climate and Forest Initiative: An Evaluation of Empowerment of Indigenous Peoples and Forest Dependent Local Communities through Support to Civil Society Organisations.

MFA of the Netherlands (2015), IOB Evaluation 'Gender sense & sensitivity − Policy evaluation on women's rights and gender equality (2007−2014).

OHCHR (2015), Evaluation of OHCHR Support to National Human Rights Institutions Final Report.

OHCHR (2016), Evaluation of the Justice Component of the Maya Programme for the Full Exercise of the Rights of Indigenous Peoples in Guatemala.

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OXFAM (2016), Evaluation of the 'My Rights My Voice' Programme.

Project Poder (2014), Evaluating the Human Rights Impact of Investment Projects − Background, Best Practices, And Opportunities.

SIDA (2018), Support to the Mid-Term Review in the DRC Multi-Dimensional Poverty Analysis (MDPA).

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UNDP (2015), Analysis of Key Human Rights Programmes in Global Fund-Supported HIV Programmes.

UNDP (2015), Evaluation of the UNDP contribution to gender equality and women's empowerment.

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