

## **Terms of Reference Az. 19\_M\_RECHT\_CO04**

### **Title of the Evaluation: Human Rights in German Development Policy: Concept, Implementation, Effectiveness – Part 2**

Date: February 2021

**Requested task: One consultant in evaluation for a country case study in Morocco**

**Timeframe: May 15, 2021 until February 28, 2022**

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### **About DEval**

The German Institute for Development Evaluation (DEval) is based in Bonn, Germany. The institute is organized as a German non-profit institution with limited liability (German Limited Liability Companies Act, GmbH). Its sole shareholder is the German Federal Government, represented by the Federal Ministry for Economic Cooperation and Development (BMZ).

The main task of DEval is the independent analysis and assessment (evaluation) of German development cooperation interventions. Additional tasks include the development of appropriate methods and standards, providing qualification measures, as well as supporting evaluation capacity building in the partner countries for German development cooperation. The institute thereby engages in various national and international forms of cooperation.

# 1 Content about the evaluation

## 1.1 Background

According to the German Federal Ministry for Economic Cooperation and Development (BMZ), human rights are one of the main principles guiding German development cooperation. To this end, Germany implemented a human rights-based approach that covers all of German development policy. The primary objective of the human rights-based approach is to contribute to the improvement of human rights in partner countries. The conceptual foundations of the human rights-based approach and its implementation are defined in a concept entitled “Human Rights in German Development Policy” (BMZ, 2011<sup>1</sup>) that was published by BMZ in 2011 and was substantiated in guidelines for technical and financial government development cooperation (BMZ, 2013<sup>2</sup>).

The evaluation aims at investigating the content and implementation of the human rights concept and guidelines, as well as the effectiveness of the German human rights-based approach in development cooperation interventions in partner countries. The evaluation consists of two distinct parts. The results of each part will be published in a separate report. The first part of the evaluation focuses on the content and implementation of the human rights concept as a strategy in German development institutions, namely BMZ and the four implementing organizations (with GIZ and KfW being the most prominent of those). In the second part, the evaluation will proceed to investigate the effectiveness of the approach in partner countries. This second part emphasizes human rights in the area of sustainable economic development in partner countries. This area of development cooperation holds great potential for the realization of human rights, but also encompasses potential human rights risks.

In February 2021, the report for the first part of the evaluation was in the process of publication and the second part was being prepared (inception phase).

The terms of reference presented in this tender belong to the second part of the evaluation. In this part, the evaluation will analyze human rights-related effects of governmental, civil society’s and private sector actors’ activities funded by BMZ. The evaluation will focus on activities with respect to private sector development (PSD). In this field, German development cooperation aims at various human rights-related outcomes: It intends to contribute to the realization of the right to work as well as decent work standards (e.g. ILO core labor standards, ILO conventions, or ILO recommendations). Furthermore, some activities explicitly focus on the economic prospects of so-called marginalized groups as well as the strengthening of economic human rights actors, e.g. trade unions.

## 1.2 Objectives of the evaluation

The evaluation as a whole focuses on two key areas: (1) It aims to investigate the human rights-based approach of German development cooperation and its implementation and effectiveness as well as to identify potential for improvement. (2) The evaluation intends to contribute to examining the

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<sup>1</sup>[https://health.bmz.de/what we do/Gender and human rights/Policies and concepts/Human Rights in German Development Policy Strategy Paper/index.html](https://health.bmz.de/what-we-do/Gender-and-human-rights/Policies-and-concepts/Human-Rights-in-German-Development-Policy-Strategy-Paper/index.html)

<sup>2</sup><https://www.bmz.de/en/zentrales-downloadarchiv/themen-und-schwerpunkte/menschenrechte/Leitfaden-PV-2013-en.pdf>

effectiveness of government, civil society and private sector actors with regard to their impact on human rights and the avoidance of human rights risks in partner countries.

The evaluation intends to contribute to the further development of the human rights-based approach of German development cooperation by identifying potential improvements to the concept itself as well as its effective implementation. By investigating the implementation and effectiveness of the German human rights-based approach, the evaluation aims to increase the accountability of governmental, civil society and private sector development actors. Hence, the evaluation aims at contributing both to learning and to accountability. Thus, it includes summative and formative elements.

### **1.3 Subject of the evaluation**

The implementation of the human rights concept and the corresponding human rights-based approach are the overall focus of the evaluation. Within the second part the evaluation lays special emphasis on PSD interventions. The analysis will focus on governmental bilateral interventions as well as civil society projects and activities of German private sector actors, which are both funded by BMZ.

The OECD/DAC (2019)<sup>3</sup> evaluation criteria relevance, complementarity/coherence/coordination, effectiveness impact, and if applicable efficiency will be applied in the evaluation's second part.

### **1.4 Key questions of the evaluation**

The key questions of the second part are:

1. To what extent are BMZ-funded PSD interventions aligned with the human rights situations in the partner countries?
2. To what extent do BMZ-funded PSD interventions contribute to a (progressive) realization of human rights, i.e. an increase in duty bearers respecting, protecting, and fulfilling human rights and rights holders demanding for human rights?
3. To what extent do human rights violations occur due to activities of German development cooperation?
4. Which factors influence the realization of human rights in partner countries?
5. How complementary, coherent and coordinated are activities funded by BMZ in partner countries with respect to human rights?

### **1.5 Design and methodological approach of the evaluation**

In the second part of the evaluation, the effectiveness of the German human rights approach is analyzed using a program theory approach. A program theory defines the intended outcomes as well as activities of one or more interventions and their mechanisms to reach said outcomes. It thus provides the theoretical framework for analysis and evaluation. Due to the program theory's high degree of complexity, the evaluation methodologically proceeds as follows: first, we identify intended

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<sup>3</sup> <http://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>

effects and define assumptions about how these effects are to be reached. In a second step, we empirically “track” and verify individual steps of each result chain.

Part 2 of the evaluation thus relies on a case study design as its main methodological approach. The term “case” hereby refers to three different levels:

- 1) On the highest level, a case is to be understood as the country of analysis (country case study)
- 2) On the second level, a case is a certain program (bundle of interventions) of German development aid in a certain country.
- 3) On the third level, a case is a single intervention in the respective program of the country of analysis.

On all these levels, the impact of BMZ-funded, German bilateral development cooperation is of central interest. Thus, BMZ-funded civil society and private sector development cooperation will be part of the analysis, too. They will be mainly analyzed regarding the evaluation criteria complementarity. At all these various levels of program planning and implementation data collection and analyses are paramount for the evaluation. The cases of 1-2 bilateral development interventions will be at the center of analysis for every selected country case. Additionally, 2-3 further interventions of civil society and private actors will be analyzed as third level cases, but not as detailed as state bilateral interventions. The team of consultants<sup>4</sup> will collect supplementary information at country level, as a means to assess political governance by BMZ, as well as country planning in the respective partner country, including bilateral government negotiations.

Methodologically, qualitative methods for data collection and analysis are at the center of the evaluation. This can include methods like document analyses, analyses of secondary data, focus group discussions and workshops, or structured and semi-structured key stakeholder interviews. In this respect, the DEval team is interested in an exchange with the team of consultants on the best possible data collection methods for the specific country context.

Regarding case studies that include data collection at the level of rights holders, data collection and analysis will include a wider set of participatory methods. This can include methods like participatory statistics or Most Significant Change as well as methods from the participatory rural appraisal toolbox. An exchange between the DEval team and the team of consultants on the best possible procedure in the specific country context will take place.

We adopt a human rights-based evaluation approach, which aims to respect human rights standards and principles throughout the whole evaluation process. This approach puts rights holders’ voices in the center, while duty bearers are examined in terms of their obligations to respect, protect and guarantee human rights. This approach has an effect on how case studies are conducted and which methods are used, in particular regarding the following:

- To realize a human rights-based approach to evaluation, case studies that collect data of rights holders affected by an intervention require careful preparation. In particular, this concerns identifying all potentially relevant groups via an analytic procedure (e.g. in form of a stakeholder/actors mapping etc.) and, specifically, identifying and contacting structurally marginalized rights holders. To this ends, methods such as snowball sampling could be applied.

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<sup>4</sup> DEval is seeking two consultants through two separate tenders. The evaluation consultant is to form the country case study team together with one other consultant who has expertise in human rights and human rights-based approaches to development. For more information see 2.1 Overall objective of the contract.

- During data collection, methods and approaches suitable to allow all identified groups to express their views are to be applied. Numerous participatory methods account for this means. These will be selected in collaboration with the DEval team. The team of consultants is expected to make a proposal in this regard.
- The process of case studies in a human rights based evaluation will heavily depend on the possibility for feedback loops. Especially a feedback loop with those rights holders who contributed to the evaluation as informants is necessary and allows for reflecting, analyzing and reporting the results together.

### **1.6 Time frame of part 2 of the evaluation**

Part 2 is the part of the evaluation that the consultant will participate in. It has the following schedule:

- January 2021 – March 2021: inception phase
- April 2021: development of a case study design and methodology
- May 2021: development of data collection plan and data collection instruments with regard to the specific context, beginning of data collection, briefings
- June 2021: data collection in country case studies
- July – August 2021: data analysis and writing of report of country case studies
- August 2021 – February 2022: feedback and finalization of the report; being available for potential queries of the DEval team regarding data collection or final report
- October 2021 – August 2022: reporting and publication of the report on part 2 of the evaluation

## 2 Object of the contract

### 2.1 Overall objective of the contract

We are looking for one consultant with expertise in evaluation, mainly qualitative data collection (with a focus on participatory methods) and data analysis to support the DEval team in planning, preparation, implementation and analysis of a case study of multiple interventions funded by BMZ in Morocco. The evaluation consultant is to form the country case study team together with one other consultant who has expertise in human rights and human rights-based approaches to development. You will find more information on the second consultant position on the devex platform [www.devex.org](http://www.devex.org). The case study team will closely collaborate with DEval's core evaluation team in Bonn, Germany. One member of the core evaluation team at DEval will also be part of the case study team whenever technically and in terms of time possible, but will do so fully remotely. This comprises inter alia the collaborative development of the country case studies' methodology and jointly conducting interviews via Skype/WebEx, etc., where possible. The task of the DEval core team member is (a) to ensure comparability of the different case studies conducted in the context of this evaluation and their relevance to the overarching theory of change, (b) to facilitate use of insights from one case study in another, and (c) to ensure a similar standard in terms of the evaluation design and approach (in particular human rights-based approach).

### 2.2 Specification of the requested tasks

In the context of this tender, a qualified external consultant should support the evaluation with his/her professional, methodological, and analytical expertise. The contractor shall perform the following tasks:

#### A. Preparation of mission to be completed by consultant

1. Collaboratively developing the study design together with DEval team, including
  - Two half-day virtual workshops with evaluation team to collaboratively develop evaluation design (human rights-based evaluation)
  - Preparation of input for virtual exchange and workshops with DEval evaluation team, including
    - a stakeholder analysis
    - a vulnerability analysis
    - a context analysis (focusing on the human rights situation in Morocco (comprising reports of the UN or national and international human rights organisations, etc.))
    - a short inception report, in English or French (10-15 pages)
2. Conceptual and logistical preparation of the country case study, including
  - Identification of interview partners, in close collaboration with the DEval evaluators,
  - Development of distinct data collection instruments for every third level case study to conduct (e.g. interview guidelines, questionnaires, guiding question routes for focus group discussion or workshop concepts) in close collaboration with the DEval team,
  - Development of distinct timetable and data collection plan for the country case study as well as every third level case study to conduct.

- Half-day virtual workshop with DEval evaluation team to discuss interview plans/timetables for every case study, incl. preparation and documentation
- Preparation of field trips

**B. Data collection and documentation to be completed by consultant**

3. Implementation of the case study (field work), including
  - Conducting interviews and group discussions, briefing and de-briefing for every case study (in total approximately 35-40 interviews)  
[Some interviews are conducted together with the DEval evaluation team (online interviews or telephone interviews). This mainly concerns interviews with those in decision-making positions, but not necessarily with the rights holders in the field.]
  - Conducting additional data collection methods, depending on jointly developed methodology for case studies (e.g. participatory statistics, MSC)
4. Documentation of all data collection methods, including
  - Reflectional summaries of every interview or focus group discussion (max. 1-2 pages per interview/group discussion)
  - Documentation of additional data collection methods, depending on jointly developed methodology for case studies (e.g. participatory statistics, MSC)
5. Transcription of all data collection methods
  - Transcription of records of interviews and focus group discussions. In case interviews were conducted in a local language, transcripts are to be translated into English or French.
  - Audio recording and transcript<sup>5</sup> in English of every interview/group discussion conducted.

**C. Data analysis and report writing to be completed by consultant**

6. Data analysis of every case study and elaboration of a mission report in English (max. 40 pages in total) that summarizes the results of every third level case study and the mission in general, including:
  - Short description of the human rights context in Morocco (5-7 pages)
  - Short summary of results, e.g. in the form of a country fact sheets (1-2 pages)
  - Half-day virtual workshop with the DEval evaluation team to discuss results for every case study and mission and documentation

**D. Communication to be completed by consultant**

7. Half-day virtual workshop with the DEval evaluation team for onboarding and to prepare mission and documentation.
8. Regular exchange with evaluation team (jour fixe) on a weekly basis, incl. preparation and documentation (e.g. in form of PowerPoint presentations or short briefing notes).  
[After the case study is completed, there may be follow-up questions about data collection, data analysis, and the report.]
9. Preparation and implementation of briefing and debriefing meetings at the beginning and at the end of mission, including

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<sup>5</sup> If necessary, transcriptions can be subcontracted by the expert in accordance with DEval regulations (In this case, further coordination with DEval is necessary.).

- Proceedings and minutes of briefing and de-briefing meetings in English or French.  
[The debriefing at the end of mission will be held with representatives as well as human rights actors of Morocco and German development cooperation.]

### **2.3 Responsibilities between contractor and customer**

DEval is responsible for managing and implementing the evaluation of “Human Rights in German Development Policy: Concept, Implementation, Effectiveness”. This includes the management of the described tasks of the contract. The DEval team leader is responsible for assuring the quality of the evaluation and for coordinating the consultant’s work. The consultant – together with the second consultant identified by a second tender – complements the team. The tasks of both consultants will be closely coordinated with the work of the evaluation team.

In order to control the spread of the Covid-19 pandemic, hygiene rules should be strictly observed. This includes, e.g., limiting the number of people present at interviews and focus group discussions, or conducting questioning outdoors whenever and where possible.



### 3 Volume of work and timeframe

The duration of the services to be performed shall be from **May 15, 2021 until February 28, 2022**, but not longer than the actually fixed end date of the evaluation. The working days listed in the table below refer to the contingent for the evaluation consultant. Both team members (human rights consultant and evaluation consultant) have the same amount of working days. The volume of work for the evaluation consultant will consist of **up to 54 working days**. There is no guarantee about the volume of work and the timeframe.

	DELIVERABLES / TASKS	UP TO DAYS	TENTATIVE DATES
	<b>A. Preparation of mission to be completed by consultant</b>		
1.	Discussion of the study design together with DEval team	2	May/June 2021
2.	Conceptual and logistical preparation of the country case study	8	May/June 2021
	<b>A. Total up to</b>	<b>10</b>	
	DELIVERABLES / TASKS	UP TO DAYS	TENTATIVE DATES
	<b>B. Data collection and documentation to be completed by consultant</b>		
3.	Implementation of the case study (field work)	15	June 2021
4.	Documentation of all data collection methods	2	June/July 2021
5.	Transcription of all data collection methods	10	June/July 2021
	<b>B. Total up to</b>	<b>27</b>	
	DELIVERABLES / TASKS	UP TO DAYS	TENTATIVE DATES
	<b>C. Data analysis and report writing to be completed by consultant</b>		
6.	Data analysis of every case study and elaboration of a mission report (max. 40 pages in total)	11	July 2021
	<b>C. Total up to</b>	<b>11</b>	
	DELIVERABLES / TASKS	UP TO DAYS	TENTATIVE DATES
	<b>D. Communication to be completed by consultant</b>		
7.	½ day virtual workshop with evaluation team for onboarding and to prepare mission and documentation	1	Mai 2021
8.	Regular exchange with evaluation team (jour fixe) on a weekly basis, incl. preparation and documentation	2	May-August2021 [February 2022]
9.	Preparation and implementation of briefing and debriefing meetings at the beginning and the end of the mission, incl. documentation	3	May-August 2021
	<b>D. Total up to</b>	<b>6</b>	
	<b>TOTAL OF WORKING DAYS (from 1.-9.) UP TO</b>	<b>54</b>	