

Strategic Evaluation of the Human Rights-Based Approach (HRBA) Within Austrian Development Cooperation (ADC)

Terms of Reference

9 March 2020

1. Background

Human rights have informed the work of the Austrian Development Cooperation (ADC) and its operational unit, the Austrian Development Agency (ADA), since the 1990ies. In keeping up with the developments of increasing conversion of human rights and development cooperation ADC has assumed a **human rights-based approach** (HRBA) to development, which is defined as: “a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.”¹ The HRBA has been regarded as the “strongest articulation of donor and partner commitment to human rights in development”². In ADC’s current Three-Year Programme 2019-2021, a human rights-based approach is set out as one of the guiding principles underpinning all programmes, projects and policy dialogue³.

ADCs human rights-based approach has been specified in two key documents; the ADC policy document on human rights (2006)⁴ and ADA’s Human Rights Manual (2010)⁵ – hereinafter referred to as “the policy” and “the manual”.

These two documents outline **three strategic intervention levels** for the integration of human rights in development cooperation:

- **Human rights as an ADC principle:** ADC’s entire work is guided by the normative human rights principles *participation, empowerment, non-discrimination, equal opportunities and accountability* and the universality, indivisibility and interdependence of human rights is respected. A human rights perspective is integrated into programming and a human rights approach forms an instrument for assessing interventions;
- **Promotion and protection of human rights as an intervention area:** Projects or programmes are supported whose main aim is to specifically promote human rights;
- **Human rights as a component of political dialogue:** Apart from the implicit or explicit addressing of human rights problems, the integration of human rights into policy dialogue forms part of a comprehensive approach to advance the programming process.⁶

¹ Office of the United Nations High Commissioner for Human Rights (2006). Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation.

² World Bank and Organisation for Economic Co-operation and Development (2013). Integrating Human Rights into Development: Donor Approaches, Experiences, and Challenges, 2nd ed. Washington, DC.

³ MFA (2019). Three-Year Programme on Austrian Development Policy 2019–2021.

⁴ MFA (2006). Human Rights Policy Document.

⁵ ADA (2010). Human Rights Manual Guidelines for Implementing a Human Rights Based Approach in ADC.

⁶ MFA (2006). Human Rights Policy Document.

Since 2015, the integration of human rights into programming is being informed through the adoption of the “Environmental and Social Impact Management” (ESIM), which has been converted in 2018 to the “Environmental, Gender and Social Impact Management” (EGSIM). This management tool ensures that environmental, gender and social matters are considered and that risks and adverse effects are minimized, mitigated and managed. While EGSIM, in principle, applies to all interventions funded or implemented by ADA, the depth of the process is designed proportionate to the level of risk and differs depending on the size, modality and type of intervention.

Some ADA Focus Papers such as “Focus: Right to Water and Sanitation”⁷ and “Focus: Children as Partners of ADC”⁸ are also used to explore specific topics relevant to ADA’s thematic sectors from a human rights perspective⁹ and are aimed at supporting practical integration of a human rights perspective in ADA’s development work.

A human rights-based approach cannot be separated from ADC’s efforts and commitments to ensure gender equality. Programming in both areas should be complementary and mutually reinforcing.

The evaluation

Since introduction of the ADC policy document on human rights (2006) and the ADA Human Rights Manual (2010), ADC’s human rights-based approach has not been evaluated. A strategic evaluation of ADC’s human rights-based approach is therefore foreseen in the ADC evaluation plan 2019/2020¹⁰ for the year 2020. The evaluation is to be conducted by a team of external consultants between Q2 and Q4 2020. These ToR are the main planning document that describe the purpose, objectives, scope and main evaluation questions.

2. Evaluation purpose

The purpose of the strategic evaluation of ADC’s Human Rights Based Approach is twofold:

- (1) to obtain evidence about the timeliness and adequacy of ADC’s human rights-based approach and in doing so, to identify ways to further develop its application;
- (2) to identify needs for further guidance and consequently, to either inform a review of existing conceptual documents or the development of alternative guiding documents aimed at advancing ADC’s HRBA;

In addition, it is expected that the evaluation will provide some insights into the integration of the HRBA in the planning and implementation of strategic Evaluations. The primary users of the evaluation will be ADA and Ministry of Foreign Affairs (MFA) thematic experts, project/programme and evaluation staff, as well as senior management at HQ and in the field.

⁷ ADA (2013). Focus: Right to Water and Sanitation. Available at:

https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/Fokuspaepiere/Englisch/Focus_Right_to_Water.pdf

⁸ ADA (2011). Focus: Children as Partners of ADC. Available at:

https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/Fokuspaepiere/Englisch/Focus_Children_as_Partners_in_ADC_January_2011.pdf

⁹ See <https://www.entwicklung.at/en/media-centre/publications/strategies-for-implementing-focus-papers>

¹⁰ https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Evaluierung/Evaluation_plan_2019-2020.pdf

3. Objectives

The main objectives of the evaluation are:

1. To assess the characteristics of ADC's human rights-based approach and its different facets, its relevance and coherence in ADC's strategic approaches, in the manner situations are analytically screened and in ADC's programming and implementation;
2. To assess the understanding and viewpoints around HRBA within ADC and its implementing partners and how it is integrated into thematic approaches;
3. To identify good practice, lessons learnt and potential areas for improvement from ADC's experience with implementing the HRBA to date.

4. Scope of the evaluation

The period covered by the evaluation spans from 2016 – with the start of the implementation of the Three-Year Programme 2016–2018¹¹ - to 2020, the current year of implementation of the ongoing Three-Year Programme 2019–2021¹².

The focus of this evaluation will be on assessing the relevance and coherence of the HRBA and its effective application within ADC in terms of embedding the approach in its strategies, reports and programs/projects. To that end, the HRBA will be examined along the three strategic levels of intervention outlined above, notably: (i) **Human rights as an ADC principle**; (ii) **Promotion and protection of human rights as an intervention area**; and (iii) **Human rights as a component of political dialogue**. The assessment of the effectiveness of results achieved in partner countries, impact and sustainability of the implementation of ADC's HRBA goes beyond the scope of this evaluation.

An in-depth analysis of ADC's gender approach and engagement in Gender Equality aimed at generating solid findings on coherence cannot be done within the scope of this evaluation. However, throughout the evaluation, specific attention shall be given to the interplays of ADC's human rights-based approach and ADC's commitments and efforts to ensure gender quality and perceptions and examples shall be carved out. The results can also inform the ADC Gender evaluability assessment which is planned to be undertaken end of 2020.

5. Evaluation Questions

The evaluation questions are structured along the OECD/DAC criteria¹³ relevance and coherence and (under coherence) along the three strategic intervention levels outlined above.

Relevance:

1. How clearly and specific were the ADC policy document of 2006 on human rights and the Human Rights Manual of 2010 formulated in order to provide guidance for

¹¹ADC (2015) Three-Year Programme 2016–2018.

https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/3_JP/Englisch/2016-2018_3-YP_UPDATE_2017.pdf

¹²ADC (2018) Three-Year Programme 2019–2021.

https://www.entwicklung.at/fileadmin/user_upload/Dokumente/Publikationen/3_JP/Englisch/3JP_2019-2021_EN.pdf

¹³ OECD/DAC Network on Development Evaluation (2019): Better Criteria for Better Evaluation. Revised Evaluation Criteria Definitions and Principles for Use. Available at: <https://www.oecd.org/dac/evaluation/revised-evaluation-criteria-dec-2019.pdf>.

programmers and implementers given the three strategic intervention levels for the integration of human rights?

2. To what extent has the HRBA as outlined in the policy and manual and as applied at the three intervention levels remained relevant and appropriate to developments/discourses in the field of a human rights-based approach to development?
3. To what extent is current ADC practice aligned with the HRBA as outlined in the policy and manual? Has it been adapted/changed over time, and if so, how? What developments were conducive to adaptations of the original concepts?
4. To what extent are resources (financial, human, time and technical) available and sufficient to ensure the implementation of the HRBA in ADC?

Coherence:

Human rights as an ADC principle (Intervention level 1)

5. To what extent is there a commonly shared conceptual understanding of the HRBA across ADC and its implementing partners? What specificities and complementarities can be identified?
6. To what extent are normative human rights principles (*participation, empowerment, non-discrimination, equal opportunities and accountability*) consistently integrated into programming at strategic and operational level? Assuming there are differing degrees of integration, what are reasons and specificities with regard to context? What role do mechanisms aimed at backstopping, steering and assessing of human rights play (i.e. checklists related to EGSIM)?

Promotion and protection of human rights as an intervention area (Intervention level 2)

7. To what extent are projects/programmes specifically designed to promote human rights in line with, complementary to and/or supportive of ADC's HRBA? To what extent is the scope of projects/programmes based on a systematic approach in terms of rights (what rights), target groups (whose rights) or other aspects?

Human rights as a component of political dialogue (Intervention level 3)

8. To what degree are human rights systematically integrated into political and policy dialogue at bilateral level? Which context-related specificities in policy dialogue at bilateral level can be extrapolated? To what degree are the different types of human rights (economic, social and cultural rights) equally represented?

Coherence of the HRBA and other areas of engagement

9. What attempts have been made to combine ADC's HRBA and mainstreaming of gender equality into a complementary framework and to integrate the HRBA in the planning and implementation of strategic evaluations - and is there room for improvement?

6. Evaluation approach and methodology

The evaluation of ADC's HRBA will be formative, in that it will examine its conceptualization and implementation as a basis for informing its further development within ADC's scope of work.

The evaluation will draw mainly on secondary data and will be largely desk-based. Some primary data can be gathered during visits to Vienna. No field visit is foreseen as part of this evaluation. The evaluation will draw on a range of data sources and data collection methods to ensure the reliability of results, promote impartiality, reduce bias, make sure that findings

are based on the most comprehensive and relevant information possible and to allow for triangulation¹⁴. This may include:

- **Desk/literature review:** can be done of relevant literature on the concept of the HRBA to development, ADC' Human Rights policy document (2006) and Manual (2010) as well as selected strategic and operational ADC documents.
- **Qualitative content analysis:** the appraisal of ADC's HRBA can be based on a content analysis¹⁵ of selected documents (i.e. country/sector strategies, country reports, programme/project/report). To extrapolate the explicit and implicit representation and characteristics of concepts, it is suggested that the content analysis contains at least in parts a qualitative content analysis¹⁶. Analysis of categories can be done manually or supported by computer programmes, such as NVivo¹⁷ or Atlas.ti¹⁸.
- **Key informant interviews:** semi-structured interviews along topic guides may be carried out with current/former thematic experts and programme staff at MFA and ADA Headquarters and ADC Country Offices and possibly implementing partners and human rights experts as well as key international organizations working on Human Rights in development cooperation. Interviews should be done off-site as well as during a visit to Vienna.
- **Focus groups:** can be arranged to enhance the understanding gained during key informant interviews and provide an additional method to cross-reference and triangulate information.
- **Survey:** an online survey may be considered if it fits well in the overall evaluation process (e.g. to see to which extent information can be generalizable or to screen the environment as a basis for further examination). In case a survey is proposed, its objectives, targeted respondents and intended analysis as well as the timing of the survey within the evaluation process should be adequately outlined in the offer.

Throughout the evaluation process, good practices, lessons learnt and ways of enhancing the conceptualization and application of the HRBA in ADC, shall be identified.

ADC strives to strengthen a human rights-based approach to evaluations¹⁹. Proposals should therefore indicate concrete measures aimed at integrating human rights in this evaluation.

Methodological rigor will be weighted significantly in the assessment of proposals. Bidders are therefore invited to question the methodology presented in this TOR and improve on it, or propose an approach that is deemed more appropriate.

7. Envisaged process and deliverables

The Evaluation consists of three phases:

1. Inception phase (May - July 2020):

¹⁴ See for example Flick, U. (2004): *Triangulation: Eine Einführung*. Springer.

¹⁵ See for example Krippendorff, K. (1980). *Content analysis: An introduction to its methodology*. Beverly Hills: Sage Publications.

¹⁶ See Mayring, P. (2010): *Qualitative Inhaltsanalyse: Grundlagen und Techniken*. Weinheim, Basel: Beltz Verlag. Hsieh HF & Shannon SE. (2005). Three Approaches to Qualitative Content Analysis. *Qualitative Health Research*. 15(9): 1277-1288.

¹⁷ NVivo qualitative data analysis software; QSR International Pty Ltd. Version 12, 2018.

¹⁸ Atlas.ti qualitative data analysis software; Scientific Software Development GmbH. Version 2017

¹⁹ See UNEG (2014). *Integrating human rights and gender equality in evaluation: Towards UNEG guidance*. Available at: <http://www.unevaluation.org/document/detail/980>

The first phase comprises of the following actions/deliverables by the evaluation team:

- a. A study/desk review of documents provided by ADA;
- b. Initial interviews with selected key informants;
- c. A virtual kick-off meeting²⁰ with the reference group members;
- d. Submission of a draft inception report to the ADA Evaluation Unit who will provide comments and share the adapted version with members of the Reference group for comments, and who will provide consolidated comments back to the evaluation team;
- e. Presentation of the inception report²¹ in Vienna;
- f. Incorporation of the written comments and comments received throughout presentation into the inception report and submission of final inception report.

2. Inquiry Phase (July - September 2020)

The second phase starts upon written approval of the inception report by the ADA Evaluation Unit. The main components of the second phase are:

- a. Data collection through document analysis, (qualitative) content analysis and interviews from off-site;
- b. Additional data collection in Vienna;
- c. Data Analysis and synthesis;
- d. Presentation of preliminary findings²² in Vienna.

3. Reporting Phase (September – End November 2020)

- a. Submission of a draft report to the ADA Evaluation Unit, who will provide first comments and will share the version with the integrated comments with members of the Reference Group;
- b. Incorporation of the written comments and submission of the report's solid draft version to the ADA Evaluation Unit for coherence screening;
- c. Presentation²³ in Vienna of the evaluation results and refinement of recommendations with input of the participants;
- d. Refinement of the recommendations and submission of the final report to ADA Evaluation Unit.

The evaluation team is expected to deliver the following deliverables:

- **Draft and final inception report** (should not be longer than 15 pages, excl. annexes) that must contain at least the following points:
 - Detailed presentation of the approach and the methods to be applied during data collection and analysis, sequencing of data collection, sampling strategies, judgement criteria/ reference frameworks and means to ensure quality, risks and limitations and proposed means to control them, interview partners to be met, approximate number of interviewees;
 - The Evaluation Matrix, data collection instruments, a list of documents and a tentative structure of the final report need to be annexed.

²⁰ Evaluators are expected to share a ppt prior to the meeting with ADA EVAL and incorporate comments

²¹ See note 20 above

²² See note 20 above

²³ See note 20 above

- **Draft and final evaluation report** (should not be longer than 30-35 pages, excl. annexes);

The final report must contain an executive summary and a list of recommendations made by the evaluation team. The executive summary should summarize key findings and recommendations (three to five pages) and needs to be submitted as part of the final draft report.

An outline of the report's structure needs to be agreed upon during the inception phase.

The quality of the reports will be judged according to the following criteria:

- Does the report contain a comprehensive and clear executive summary?
- Were the Terms of Reference fulfilled and is this reflected in the report?
- Are all evaluation questions answered?
- Are the methods and processes of the evaluation sufficiently documented in the evaluation report?
- Are the conclusions and recommendations based on findings and are they clearly stated in the report?
- Does the report clearly differentiate between conclusions, lessons learnt and recommendations?
- Are the recommendations realistic, specific, actionable and is it clearly expressed to whom the recommendations are addressed to?
- Were the most significant stakeholders involved consulted?
- Does the report present the information contained in a presentable and clearly arranged form?
- Is the report free from spelling mistakes and unclear linguistic formulations?
- Can the report be distributed in the delivered form?

All reports must be written in English.

8. Tentative Timeline

The Evaluation should start in May/June 2020. The final report is to be shared the latest at the last week of November 2020.

INCEPTION PHASE	
Document review and initial interviews	May/June 2020
Kick Off Meeting (virtual)	May 2020
Draft Inception Report Submission	June 2020
Presentation Inception Report in Vienna	June 2020
Integration of Feedback and Submission Inception Report	June/July 2020
INQUIRY PHASE	

Data Collection from off-site	July-September 2020
Data Analysis & Synthesis	August-September 2020
Presentation of preliminary findings	September 2020
REPORTING PHASE	
Draft Report – Submission	September/October 2020
Integration of feedback and submission solid draft report	November 2020
Solid draft Report – Presentation in Vienna and refinement of recommendations	November 2020
Submission/Approval final report	End November/First week December 2020

9. Co-ordination Arrangements/Management of the Evaluation

The evaluation is commissioned by ADA Evaluation Unit which together with the Evaluation Unit of the MFA will be responsible for managing the evaluation and providing quality assurance. The ADA Evaluation Unit approves the inception report and the final report.

A Reference Group (RG) will be established to act as a sounding board, and to facilitate and review the work of the evaluation. It will be composed of representatives from the Austrian MFA and ADA. The Reference Group will provide inputs at important stages of the evaluation (draft inception report, preliminary findings, draft report).

In addition, a peer reviewer will be selected to support the evaluation. The peer reviewer will have proven expertise in the field of Human Rights and evaluations. He/she will participate in the kick-off meeting and contribute to the quality of the strategic by commenting in writing on the draft reports (inception and evaluation reports) and data collection tools.

The Evaluation Team will be responsible for the rigorous conduct of the evaluation and for the timely submission of quality deliverables.

10. Payment modalities

Payment will be based upon deliverables and involve two installments, as follows:

- An advance payment of 40 % of the total budget will be transferred upon acceptance of the inception report by ADA;
- The second and final payment of 60 % of the total budget will be settled by ADA after the submission and approval through EVAL of the final report.

11. Evaluation team

The evaluation should be conducted by a team of two consultants (estimated total working days of 50-60 days). The team leader will take the lead in designing the methodology of the evaluation and writing the evaluation report.

The team should combine the following **qualifications**:

Experience/knowledge:

- Extended experience in leading and conducting strategic and thematic evaluations in the international development cooperation arena
- Long-standing professional experience and advanced knowledge of contemporary discourses and developments in the field of a human rights-based approach to development

Languages:

- Fluency in both oral and written communication in English is a requirement

Other skills:

- Strong analytical skills and ability to work with and as a part of teams
- Excellent report-writing and editing skills
- Excellent data presentation and visualization skills

12. Contracting and selection process

For the hiring of the evaluation team, ADA will pursue a direct contracting process. Several experts/companies will be invited to submit a proposal. Furthermore, a call for expression of interest (including the Terms of Reference) will be published in a variety of platforms and networks. Interested candidates/firms should provide a technical offer (maximum 10 pages) and a costs proposal (in EUR).

The **technical offer** should include the following:

- Brief description of the understanding of the assignment
- Presentation of a proposed approach
- Presentation of a detailed work plan including time schedule and division of tasks
- Detailed CVs and references of similar assignments of the team leader and the other evaluator
- and the consulting firm (if applicable) as annexes

The **cost proposal** (financial offer) should follow the following breakdown (in EUR):

- Personnel costs: name of experts, estimated number of working days, fee rate per working day, total amount
- Travel costs for visits to Vienna: Costs for return travel to Vienna, daily living allowances, accommodation and other travel costs
- Other costs (for communications, etc.)
- VAT (if applicable)

Please note that proposals should be in the range of 40.000 - 55.000 EUR net. Proposals exceeding this budget will not be considered in the selection process.

Some documents sporadically might be only available in German language. The evaluation team needs to make arrangements for translation.

The received proposals will be assessed by a commission. The technical and financial proposals will be weighed 70:30 respectively. Criteria that will be used to assess the proposals include:

- Expertise, relevant experience and suitability of evaluation team
- Relevant experience and capacity of consulting firm (if applicable)
- Quality and coherence of the proposal, incl. methodology, timeline and work plan

- Methodological rigor and individuality of approach that matches this evaluation's information needs
- Coherence of financial and technical proposal; efficient use of resources.

Please note that personal data included in the proposals (like CVs) will be stored and used by ADA internally during the review of the Proposals.

The consultants must not have been involved in the design, implementation or monitoring of ADC/ADA policy/guidance documents related to Human Rights or MFA/ADA funded projects/programmes including Human Rights engagement.

13. Documentation

- ADC Three-Years Programmes relevant to the timeframe of the evaluation 2016-2020, <http://www.entwicklung.at/en/media-centre/publications/programmes/>
- ADC Country and Regional Strategies (2016-2020), <http://www.entwicklung.at/en/ada/funding/country-and-regional-strategies/>
- ADC Policy Document Human Rights, https://www.entwicklung.at/fileadmin/user_upload/PD_Human_rights_July2011_EN.pdf
- ADA Human Rights Manual and its Annexes, https://www.entwicklung.at/fileadmin/user_upload/Manual_Human_Rights.pdf
https://www.entwicklung.at/fileadmin/user_upload/I_Instruments_and_methods_July2010.pdf
https://www.entwicklung.at/fileadmin/user_upload/II_Policy_documents_July2010.pdf
- ADC Strategic Evaluation Reports (2016-2020), <https://www.entwicklung.at/en/ada/evaluation/evaluation-reports>
- OECD Development Co-operation Peer Reviews: Austria 2020, <https://www.oecd.org/dac/peer-reviews/oecd-development-co-operation-peer-reviews-austria-2020-03b626d5-en.htm>
- Institutionelle Evaluierung der Austrian Development Agency (ADA), https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Entwicklungszusammenarbeit/Institutionelle_Evaluierung_der_Austrian_Development_Agency_ADA_DE.pdf

A comprehensive package of background literature, reports, data etc., including the above-mentioned documents, will be provided to the evaluation team at the beginning of the assignment.