Thematic evaluation of European Commission support to respect of human rights and fundamental freedoms (including solidarity with victims of repression)

Final SEMINAR
16 February 2012
(Evaluation managed by DRN)
Dissemination seminar - Presentation

- Introduction: evaluation objectives and scope
- Methodological approach
- The EQs
- Conclusion and overall assessment
- Recommendations
# Introduction: evaluation objectives and scope

## Mandate
- This evaluation has been commissioned by the Evaluation Unit in DEVCO on behalf of the European Commission.

## Objectives
- to assess the EC support to HR and respect of fundamental freedoms by taking into account all rights: political, social and economic.
- to identify key lessons in order to improve the current and future strategies, activities and services' organization in the domain.

## Scope

<table>
<thead>
<tr>
<th>When</th>
<th>Actions over the period 2000-2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where</td>
<td>Global evaluation: worldwide, except accession countries</td>
</tr>
<tr>
<td>What</td>
<td>Spending &amp; non-spending activities (Public diplomacy tools &amp; Dialogues)</td>
</tr>
<tr>
<td>Funds</td>
<td>Thematic and geographic instruments except IPA (responsibility of DG ELARG) and humanitarian relief (responsibility of ECHO)</td>
</tr>
</tbody>
</table>
Methodological approach: the framework

Intervention logic

Evaluation Criteria:
- 5 DAC criteria,
- Coherence,
- EC added value.

10 Evaluation Questions,
30 Judgement Criteria,
88 indicators.
Methodological approach: the evidence

**Data Collection tools**

- **Questionnaire**
  (32 respondents EU Delegations)

- **5 field missions**
  (Ethiopia, Morocco, Vietnam, Guatemala, Kazakhstan)

- **Seminar on Structured Dialogue**
  (Amman, June 2010)

- **EU NGO Forum on HR**
  (Brussels, July 2010)

- **Brainstorming session**
  (EEAS & DEVCO, May 2011)

- **Documentary review**
  (more than 250 documents)

- **Inventory of spending activities**
  (2000-2010)

- **CSP analysis**
  (20 countries, 2 programming cycles)

- **Interviews**
  (more than 100 stakeholders in Brussels and at country level)
Inventory - Overall trend of human rights financial commitments (in mln €)

- Total HR contracted amount: 6.275 mln €
Methodological approach: A complex & challenging exercise

- the sheer scope of the theme & the heterogeneity of local environments;
- the difficulty of ‘isolating’ the specific EC role and contribution towards HR in the broader EU external action;
- the scarcity of evaluation material (beyond EIDHR) and documented learning on HR;
- methodological challenge to assess impact.
- the secrecy surrounding data on EC/EU intervention institutional changes by the Lisbon Treaty
- quite drastic EU policy changes with regard to human rights, announced in the aftermath of the Arab Spring
The EQs - overview

<table>
<thead>
<tr>
<th>EQ</th>
<th>Issue - Theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>EQ 1</td>
<td>HR mainstreaming</td>
</tr>
<tr>
<td>EQ 2</td>
<td>Coherence</td>
</tr>
<tr>
<td>EQ 3</td>
<td>EC response (governments)</td>
</tr>
<tr>
<td>EQ 4</td>
<td>Actors (CS, Regional orgs)</td>
</tr>
<tr>
<td>EQ 5</td>
<td>Instruments</td>
</tr>
<tr>
<td>EQ 6</td>
<td>Dialogue</td>
</tr>
<tr>
<td>EQ 7</td>
<td>HR guidelines</td>
</tr>
<tr>
<td>EQ 8</td>
<td>Capacity development</td>
</tr>
<tr>
<td>EQ 9</td>
<td>Geographic programmes</td>
</tr>
<tr>
<td>EQ 10</td>
<td>Institutional capacity</td>
</tr>
</tbody>
</table>
EQ 1 - To what extent and how has the EC ensured the mainstreaming of HR within its overall organization?

- Limited progress >
  - EU’s difficulties to reconcile values and interests (The Arab Spring as an eye-opener on the limits of the “stability versus HR approach”).
  - Coherent action remains ad hoc, unsystematic and insufficiently supported from the hierarchy.
  - ‘Dilution’ of the HR component as the cycle moves downstream.
  - Lack of political and managerial leadership to provide adequate incentives for the promotion of mainstreaming.
  - A generalized deficit of practical guidance on mainstreaming HR.
HR still too much addressed in a “ghetto”....

The world of development cooperation (aid)

The world of human rights

A-political approaches
HR as a “separate” issue

Normative approaches
Focus on political rights
RBA
EQ 2 - To what extent and how has the EC promoted coherent policies in support of HR in the framework of EC/EU development cooperation policies and CFSP?

- Good efforts, but...
- Various constraints at policy and organisational level.
- In the CFSP context: the EC/EU often experienced difficulties to reconcile values and interests (political, economic or security interests)
- In many situations: lack of consistent political backing for a coherent EU policy towards HR (esp. in countries where HR are most at risk)
- The Lisbon Treaty provides a promising structure for a more effective action in the field of HR, but there are risks: the EU can be left largely ‘on its own’ to deal with sensitive HR issues while Member States pursue their specific foreign policy interests.
DENIAL OF REALITIES RESULTING IN LACK OF CREDIBILITY
EQ 3 - How has the EC engaged with partner countries on the promotion of HR, identified relevant entry points, support strategies, and adapted responses to different country contexts?

- Improved quality of context analysis & strategies, but....
  - Increased expertise to engage with national gvmnts, (designation *focal point*), but lack of practical guidance on intervention in (difficult) local contexts & different EUD approaches.
  - Political dialogue as essential tool, but effectiveness and impact vary hugely.
  - Smart partnerships with MS & UN agencies to increase leverage, but purpose, outreach & impact are mixed.
  - Involving civil society: crucial but subject to many hindrances.
  - The EC response capacity: largely confined to diplomatic tools.
EQ 4 (a) - To what extent and how has the EC developed dialogue and partnerships relations with CSOs to enhance the value of its HR strategies and programmes in relation to the achievement of its different objectives?

- Well-documented set of positive experiences with dialogue and financial support for projects (esp. through EIDHR) with evidence of impact at various levels.

- The challenge: to further deepen the strategic partnership with CSOs to cope with the existing limitations mainly due to:
  - Lack of a comprehensive and clearly spelled out strategy to engage with CSOs – beyond projects - in different country contexts.
  - Ill-adapted procedures and funding modalities (funding for small projects & limited time frame > difficult to provide smart forms of institutional support to help structure/consolidate CSOs).
EQ 4 (b) - To what extent and how has the EC developed dialogue and partnerships relations with ROs to enhance the value of its HR strategies and programmes in relation to the achievement of its different objectives?

- Existence of various strategic partnerships: globally ROs received 11% of the total amount of the EC HR funds (2000-2010)
- Overall architecture for the policy dialogue well developed and a trustworthy arena for facing common challenges, but:
  - levels of empowerment of regional bodies dealing with HR remains rather limited (e.g. the AU and related bodies – ACHR & AC);
  - overall cooperation to be enhanced as ROs present a potential added value (as norm entrepreneurs) and enjoy greater levels of legitimacy in the eyes of their members than external actors such as the EU.
A variety of financial and non-financial instruments to support the HR policy, but limited complementarity. Complementarity not supported by a well developed strategy at local and HQ level and HR dialogues not strategically linked to financial instruments. Direct support to HR mainly channelled through thematic instruments, notably the EIDHR with good track record, but facing political constraints in hostile countries (where actions diverted to less controversial areas or abandoned).

Opportunity to give stronger visibility to HR component in structural reforms’ programs funded by geographic instruments.
EQ 6 - To what extent and how have the EC/EU HR dialogues and programming processes (at national/regional level) contributed to advance towards respect for HR in third countries?

- HR dialogues represent a formal platform for the EU to express concern on a number of ad-hoc issues, seek information about HR developments and keep national governments engaged on HR issues, but the impact:
  - is difficult to measure (tend to be veiled in secrecy);
  - are not adequately connected to cooperation interventions;
  - are not always underpinned by a coherent and shared EU political agenda (EU interests vs. HR promotion);
  - are highly formalised (limited space for a thorough, multi-actor & evidence-based discussion on progress);
  - contribute to a more favourable environment for HR in the long run.
On Human Rights Defenders (HRDs):  
– Existence of a sophisticated policy framework and set of instruments to support HRDs.  
– Usefulness of HRDs guidelines to provide sense of purpose, coherence and legitimacy of EC actions, to facilitate dialogue and coordination among EC and EU MSs (e.g. the ‘Grupo Filtro’ in Guatemala), to improve the focus of funding on HRDs and to ensure a speedy and relevant support to HRDs across the world.  

Main challenge: to better integrate HRD support into the overall HR strategies.
EQ 7 (b) - To what extent and how have EC efforts to ensure an effective application of EU HR guidelines contributed to progress towards respect for HR in third countries?

On death penalty:
– High importance on the EU political agenda (main outcome: resolution on the global moratorium presented at UNGA with 108 acceptance votes).
– Good track record through EIDHR.

Main challenge: to take action on this subject in authoritarian countries or in those where death penalty is supported by the public opinion.
EQ 8 (a) - To what extent and how have EC supported capacity development (CD) programmes (through thematic and geographic instruments), targeted at national governments, ROs & CSOs contributed to empowering/enabling these actors to promote HR

Considerable amount of funds (35% of the total HR funds) to support CD of various actors, but the EC strategy has not been systematic in supporting relevant stakeholders to work across demand and supply side mechanisms.
EQ 8 (b) - To what extent and how have EC supported capacity development (CD) programmes (through thematic and geographic instruments), targeted at national governments, ROs & CSOs, contributed to empowering/enabling these actors to promote HR

With regard to CSOs:
  - The EC support has been very important (to strengthen the institutional capacity and to enhance the awareness on a concrete set of rights)
  - The challenge is: to focus more on legal empowerment (to identify opportunities and necessary capabilities to use/activate the existing institutional systems and the domestic mechanisms of redress).
With regard to national governments:

- the EC support mainly focused on: (i) institutional capacity of national bodies, (ii) development of national HR policies; (iii) HR awareness raising activities.

- Good support for local administrators, but limited to cases where they are ideally placed to engage directly with communities and civil society on the achievement of HR at the local level.

- More generally, the CD strategy not well integrated in the global reform process of duty bearers (supply side) despite positive examples (South Africa).
With regard to regional organisations:

- The CD interventions for ROs were mainly directed at strengthening regional institutions or at supporting the implementation of *ad-hoc* regional initiatives.

- The support to HR regional judicial systems was minor (sometimes due to administrative constrains as in the case of African Court).
EQ 9 - To what extent and how have EC supported geographic programmes (directly or indirectly dealing with human rights) contributed to promoting HR in third countries?

- A growing sophistication of EC approaches to analysing HR situations in CSPs and related preparedness to better use geo. instruments, but direct support to HR remains limited.
- Increasing EC investment in structural governance reform programmes (offering the potential to create - indirectly- a more conducive environment for HR), but 1st generation programmes pay a less than optimal attention to the HR component.
- The linkages between EC action and support to the effective implementation of UPR recommendations remain limited.
EQ 10 - To what extent and how has the EC developed its internal capacities to deal effectively and efficiently with HR, ensured political leadership and contributed to establish an overall institutional architecture conducive for HR in EU external action?

- Clear signs that the EC has developed more capacity to deal effectively with HR (incl. through ‘learning by doing’ & training).
- Promising good practices on how to better share the burden of information gathering and knowledge, but...
  - beyond quantity and quality of skills, it is important to set clear priorities, promote collaboration between specialist HR units and other staff and effective forms of collaboration & networking.
  - the EC has not been pro-actively to promote a more conducive institutional architecture for HR in EU external action.
Conclusions & overall assessment

The overall EC track record in promoting HR as a “core value” of the Union in its external action has been mixed.

Positive aspects:

1. *The profile of HR has been enhanced at EC/EU level*
   (by placing it more firmly on the map as an integral part of the EU external action, most notably through declarations of the EC political leadership, the proliferation of HR dialogues and démarches, the adoption of dedicated guidelines, the establishment of strategic partnerships with CSOs)
Conclusions & overall assessment

...But also several systemic constraints:

2. There is a deficit in political commitment towards implementing an effective and coherent HR policy (such commitment is often incomplete, ambiguous and selective)
An unfinished and not optimally used “architecture” for human rights

- EU VALUES
- GREY ZONE MANY MISSING LINKS
- Weak local foundations
- WIDE RANGE OF ACTIONS & SUPPORT MEASURES
- POLITICAL ROOF
Conclusions & overall assessment

3. *EC action on HR is too often confined to a ghetto* due to the separation between the world of HR (characterised by values, legal norms and technical complexity) and the arena of foreign policy/development cooperation (driven by interests, needs and aid processes)
DIFFERENT VIEWS ON STATUS HUMAN RIGHTS
(‘THE TALIBANS OF HUMAN RIGHTS’)
Conclusions & overall assessment

4. There are innovative practices (in terms of incorporating a sound HR analysis in the CSPs; the promotion of a decentralised, multi-actor and iterative dialogue process on HR; the establishment of a virtuous link between the political dialogue and the programming exercise; etc.).

However they remain too much ad hoc initiatives pushed through by committed EC officials, but not properly institutionalised.
5. *The knowledge, capacities and incentives provided are not commensurate with EC ambitions.*

The deficits mainly concern: (i) a specialist (legal) knowledge, (ii) the mix of incentives for EC officials to mainstream HR, (iii) the overall EC institutional set-up for dealing with HR; (iv) the collaboration with MSs; (v) the use of local sources of knowledge and expertise; iv) the incentives from the political and managerial leadership to ensure an effective and coherent HR mainstreaming.
Discourses on HR not matched with coherent and sustained action
Conclusions & overall assessment

6. **Results have been achieved yet the full EC/EU potential to promote HR remains largely under-utilised**

There is evidence of positive effects, e.g.:
- the EC support to HRD & CSOs has been repeatedly described as a ‘lifeline’ for the actors involved;
- the EC support to justice sector reforms and the fight against impunity have contributed to improving the overall environment for HR protection;....

Yet many opportunities to build on promising local dynamics, to structurally support drivers of change or to promote HR through other cooperation programmes and instruments are missing
Overall recommendation

Upgrade the political status of HR in the EC/EU external action to ensure coherent action and increased impact.
MAKING THE ICEBERG VISIBLE:
or how to reconcile values and interests
How to define realistic ambitions?
Specific recommendations

1. Clarify the political agenda of the EU with regard to HR and translate this in common implementation strategies

Operational

- Ensure a clear link between a revitalized political dialogue and geographic/thematic instruments.
- Define clear methodologies and conditions to activate HR clauses.
- Ensure political leadership in terms of putting together the “right package of incentives” and ensuring an optimal use of the geographic instruments.
- Specify realistic benchmarks, milestones and outcomes for the progress to be achieved.
- Put in place an effective system for the monitoring and evaluation of the results achieved.
- Enhance the overall accountability towards the EP.
- Create the role of the Special Representative of HR.
Specific recommendations

2. Develop a comprehensive strategy to localize HR

Operational

- Assess local HR situation & domestic capabilities in cooperation with relevant actors
- Identify specific HR needs & windows of opportunities
- Common EU/MSs Local HR Strategy
- Combine Political/HR dialogues & financial instruments
- Integrate the local HR strategy in the programming at bilateral level (CSP)
- Relate to International framework & UPR
Making Rights substantive and real

DEEPENING OF INEQUALITIES DEMANDS FOR SOCIAL JUSTICE

LOCALISING HUMAN RIGHTS

SEARCH FOR INCLUSIVE AND EQUITABLE GLOBAL ECONOMIC SYSTEM

EXPANDING LEGAL FRAMEWORK FOR HR (ESP. SOC-ECON. RIGHTS)
Specific recommendations

3. Revitalize the political dialogue on HR by clarifying its objectives while ensuring an inclusive, iterative and result-oriented approach

Operational

- Defining **a clear mandate for the political dialogue**, focused on a realistic set of priorities and backed up by high-level political support from EU MSs.
- Ensuring **inclusivity** by organising an effective, decentralized multi-actor political dialogue involving civil society and actors from the ‘political society’.
- Organizing **systematic linkages** between the political dialogue, the programming processes and the various instruments (incl. budget support).
- Defining **public indicators of progress** for HR, reflected in results and concrete commitments.
- Promoting **transparent information & communication flows** on the outcome of the political dialogue among actors involved in the country and in Europe.
Specific recommendations

4 (a). Overcome the divide between human rights and development through smart forms of mainstreaming and direct support to HR.

Operational

- Clarifying the concept and practical use of rights-based approaches in EU development cooperation (esp. in the area of SECRs) for mutually reinforcing bridges between dev. & HR.
- Providing clear political guidance on EU HR in a particular country, while ensuring linkages with the programming exercise and the various geographic and thematic instruments.
- Removing artificial barriers between different work streams within the broader ‘governance agenda’ such as support to democracy, civil society development and the rule of law.
- Promoting the effective integration of the ‘rights dimension’ in key sectors (e.g. health, education, food security), economic governance (e.g. natural resource management) and domestic accountability (e.g. by strengthening the capacity of citizens to claim rights and demand accountability).
Specific recommendations

4 (b). Overcome the divide between human rights and development through smart forms of mainstreaming and direct support to HR.

Operational

- **Strengthening the link between budget support and HR** (through selectivity and criteria to promote progress on HR).
- Reviewing the overall effectiveness of EU approaches to using **trade** as a tool for promoting HR (carrying out a learning evaluation).
- Further supporting **responsible behaviour by EU investors and operators** all along the global supply chain.
- Putting in place **quality control systems** on mainstreaming strategies and results achieved.
- Supporting **experimentation and joint learning** on how best to mainstream HR and **creating incentives at political, managerial & implementation level** to take the mainstreaming more seriously.
- Using the revision of the EU instruments to **systematically embed HR in future practices**.
Specific recommendations

5. **Better use the added value of the EC to support systemic reforms that help realizing rights**

**Operational**

- Improving *the political economy analysis of the structural reforms* (i.e. the power relations, interests and incentives that drive these processes).
- Strengthening *the HR dimension in structural reforms* and related EU support strategies by including conditionalities and specific benchmarks (esp. on the independence of the judiciary).
- Associating *the various stakeholders in the process* (including the right holders).
- Ensuring that (budget) sector support programmes include a component and funds to strengthen the capacity of non-state actors to access justice or enjoy protection.
- Regularly monitoring *the impact of the structural reform programmes* on the HR situation.
Specific recommendations

6. Deepen the strategic engagement with citizens, civil society political actors and regional organisations

Operational

- Enhancing the EU’s knowledge on politics and dynamics in the realm of citizenship, within civil society and in the relations between state and society.
- Developing strategies to support active citizenship, including through awareness raising activities (civic education) and capacity building of ‘right holders’.
- Adopting a more strategic approach to engaging with civil society.
- Extending relationship with ‘political society’ for the promotion of HR (including parliaments, political parties, political personalities).
- Deepening the strategic partnership with regional organisations that can act as legitimate norm-setter and monitoring agency within the global rights system.
Specific recommendations

7. Create an enabling institutional environment for effective delivery of a coherent EC/EU action on HR

Operational

- Spelling out a clear strategy to strengthen the overall EU’s institutional architecture for dealing with HR.
- Allocating clear responsibilities and adequate levels of expertise to key political bodies (esp. Cabinet of the EU HR for FASP) and dedicated HR units (in EEAS & DEVCO).
- Providing the ‘right mix’ of political, managerial & individual incentives for the mainstreaming of HR.
- Defining a comprehensive CD strategy to respond to an expanding HR agenda and to the EU higher ambitions.
- Providing users-friendly operational guidance for integrating the HR various dimensions in EU external action.
- Investing more in smart partnerships with EU MSs & specialised UN agencies.
- Specifying in the local HR strategies how a better use can be made of local sources of knowledge and expertise on HR.
For more information

The report is available on the DEVCO web site:


Contacts of the evaluation team

- Federica Petrucci (team leader): f.petrucci@drn-network.com
- Jean Bossuyt (senior expert): jb@ecdpm.org
Thank you!