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Lessons Learned on the Danish Human Rights-Based Approach

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The views expressed are those of the authors and do not necessarily represent the views of the Ministry of Foreign Affairs of Denmark. Errors and omissions are the responsibility of the authors.

Table of Contents

ACKNOWLEDGEMENTS	2
LIST OF ABBREVIATIONS	3
EXECUTIVE SUMMARY	5
1 INTRODUCTION	12
1.1 BACKGROUND	12
1.2 THE CONTENT OF THE DANISH HRBA	12
1.3 METHODOLOGY	14
2 LESSONS LEARNED FROM THE DANISH HRBA	16
2.1 POLITICAL AND TECHNICAL CHANGE PROCESS	16
2.2 PRAGMATISM IN IMPLEMENTATION	19
2.3 DIALOGUE AND BUDGET SUPPORT	20
2.4 MONITORING, EVALUATION AND RESULTS	23
3 DIFFERENCES MADE BY THE DANISH HRBA	25
3.1 HUMAN RIGHTS STANDARDS	25
3.2 HUMAN RIGHTS PRINCIPLES	26
3.3 RIGHTS-HOLDERS	27
3.4 DUTY-BEARERS	28
3.5 COUNTRY AND THEMATIC OBJECTIVES	29
3.6 INNOVATIONS IN SECTOR PROGRAMMES	30
3.7 RISK MANAGEMENT	32
3.8 SUMMARY OF DIFFERENCES AND VALUE ADDED	33
4 HRBA EXPERIENCES OF OTHER DEVELOPMENT ORGANISATIONS	35
4.1 LESSONS LEARNED FROM OTHER ORGANISATIONS	35
4.2 LESSONS FROM DENMARK FOR OTHER ORGANISATIONS	38
5 THE SUSTAINABLE DEVELOPMENT GOALS AND THE DANISH HRBA	39
6 CONCLUSIONS AND RECOMMENDATIONS	41
6.1 CONCLUSIONS	41
6.2 RECOMMENDATIONS	42
ANNEX A: TERMS OF REFERENCE	46
ANNEX B: LIST OF INTERVIEWS	50
ANNEX C: BIBLIOGRAPHY	51
ANNEX D: OTHER DONORS AND ORGANISATIONS	59
SWEDEN	59
GERMANY	61
UNICEF	62
UNDP	64
DANCHURCH AID	66
CARE INTERNATIONAL	67
ANNEX E: COUNTRY CASE STUDIES	68
CASE STUDY COUNTRIES SELECTION	68
BANGLADESH CASE STUDY	69
MALI CASE STUDY	75
TANZANIA CASE STUDY	80

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List of Abbreviations

<i>AGETIER</i>	NATIONAL AGENCY FOR EXECUTING RURAL INFRASTRUCTURE (MALI)
<i>BEST</i>	BUSINESS ENVIRONMENT STRENGTHENING FOR TANZANIA
<i>BLAST</i>	BANGLADESH LEGAL AID SERVICES TRUST
<i>BMZ</i>	FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT (GERMANY)
<i>CNPM</i>	NATIONAL COUNCIL OF EMPLOYERS (MALI)
<i>CSO</i>	CIVIL SOCIETY ORGANISATION
<i>CSR</i>	CORPORATE SOCIAL RESPONSIBILITY
<i>DCA</i>	DANCHURCHAID
<i>EU</i>	EUROPEAN UNION
<i>GBS</i>	GENERAL BUDGET SUPPORT
<i>GIZ</i>	DEUTSCHE GESELLSCHAFT FÜR INTERNATIONALE ZUSAMMENARBEIT
<i>HRBA</i>	HUMAN RIGHTS-BASED APPROACH
<i>ILO</i>	INTERNATIONAL LABOUR ORGANIZATION
<i>LGBTI</i>	LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PERSON
<i>LIC</i>	LOCAL INVESTMENT CLIMATE PROGRAMME (TANZANIA)
<i>MDG</i>	MILLENNIUM DEVELOPMENT GOAL
<i>M&E</i>	MONITORING AND EVALUATION
<i>MFA</i>	MINISTRY OF FOREIGN AFFAIRS (DENMARK)
<i>NGO</i>	NON-GOVERNMENTAL ORGANISATION
<i>OECD</i>	ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
<i>PACEPEP</i>	THE PRIVATE SECTOR PROGRAMME (MALI)
<i>PASS</i>	PRIVATE AGRICULTURAL SECTOR SUPPORT TRUST (TANZANIA)
<i>SDG</i>	SUSTAINABLE DEVELOPMENT GOAL
<i>SIDA</i>	SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY
<i>SRHR</i>	SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS
<i>UN</i>	UNITED NATIONS

UNDP UNITED NATIONS DEVELOPMENT PROGRAMME
UNICEF UNITED NATIONS CHILDREN'S FUND
UPR UNIVERSAL PERIODIC REVIEW
VAW VIOLENCE AGAINST WOMEN

Executive Summary

Purpose and methodology

In 2012, the Government of Denmark launched a new development strategy, “*A Right to a Better Life*”, in which it committed itself not only to promoting poverty reduction but also to human rights. In 2013, the Ministry of Foreign Affairs (MFA) issued a guidance note on a Human Rights-Based Approach (HRBA) to development. The 2016 Danish development cooperation strategy, focused on the Sustainable Development Goals (SDGs), has retained a commitment to the HRBA, although with a narrower scope as compared to the 2012 strategy.

The purpose of this desk study is to identify what is specific about the Danish HRBA, including lessons learned from implementation to date, in particular the extent to which the 2013 guidelines and human rights principles have been operationalised, what difference they have made and their value added. In order to put the Danish experience in context, the study reviews the HRBA experiences of other bilateral, multilateral and non-governmental organisations (NGOs) and suggests how HRBAs and the 2015 SDG agenda can be better linked in Danish policy and interventions. It makes recommendations to strengthen operationalisation in the future as part of Danida’s 2016 development cooperation strategy.

The study is based on three case studies of Danish bilateral assistance in Bangladesh, Mali and Tanzania complemented by additional Danida country examples identified through interviews. These case studies offer illustrations of some of the benefits and challenges of the Danish HRBA, on the basis of which more generalisable findings have been drawn. The study also reviews two bilateral donor agencies (Sweden and Germany), two multilateral agencies (UNICEF and UNDP) and two NGOs (DanChurchAid (DCA) and CARE International).

The Danish HRBA

The way in which the HRBA is applied in official Danish development cooperation is described in the 2013 guidance. It explains the human rights institutional apparatus and highlights the respective roles of rights-holders and duty-bearers.

The Danish HRBA includes international human rights standards as objectives: the universally agreed commitments and legal frameworks to protect human dignity, such as the rights to life and to an adequate standard of living, for which duty-bearers (e.g. state actors) are responsible and that rights-holders (e.g. citizens or refugees) can claim and hold state actors accountable for. The Danish approach also requires the systematic application of four human rights principles derived from international treaties which shape the

processes of development: Participation and inclusion, Accountability, Non-discrimination and Transparency.

The guidance requires MFA staff to balance pragmatism and realism with the integration of these human rights standards and principles in programmes and policy dialogues. The starting point is country- and context-specific.

The inclusion of a HRBA in Denmark's official development strategy did not imply that human rights work had not been pursued before. Those involved in designing the MFA guidance expected the continuation of past practices:

- Targeting of the poorest to achieve poverty reduction.
- Strategic mainstreaming of gender equality.
- Other Danish human rights priorities, such as indigenous peoples.
- Good governance programmes with civil society, parliaments, justice and other accountability bodies.
- Human rights dialogue, for example around budget support.

They also had the following expectations of change, at times implicit:

- Greater understanding and attention to international human rights standards, norms and systems, such as the United Nations (UN) Universal Periodic Reviews (UPR).
- Moving beyond targeted, stand-alone human rights projects, often with a focus on oversight institutions and with an orientation towards rights-holders, towards greater attention to duty-bearers (e.g. in the executive or the private sector) in addition to rights-holders, as well as to the relationship between the two.
- More structured and systematic application of human rights principles across the full programme, but in a selective manner.
- Other innovations in objectives, activities and partnerships.
- Improved Monitoring and Evaluation (M&E), including use of process and outcome indicators.
- Pragmatism in the approach.

Lessons learned from the Danish HRBA

Overall, the MFA was successful in introducing its HRBA in a pragmatic way from 2012 onwards. The combination of political leadership and technical support generated ownership across Danida, building on a tradition of human rights considerations in Danish development programmes. Including the HRBA as part of the new Danida country programming system made its roll out more systematic, in particular through the human rights and gender screening tool. Technical support from Danida headquarters in

Copenhagen facilitated the decentralised implementation of the approach by Embassies. The ongoing internal Danida review and approval process seems to have led to a strengthening of the HRBA, installing a sense of ownership of the HRBA among country-based staff.

A selective and pragmatic approach made the Danish HRBA more feasible, recognising trade-offs between human rights and other objectives; accepting the implicit use of human rights; and reinforcing complementarities with other MFA approaches (such as gender and political economy analysis).

Across other management approaches implemented by the MFA at the same time as the HRBA, tensions with aid effectiveness may be the greatest. General budget support (GBS) has led to the delay or suspension of funding which affects aid predictability in Tanzania (the only case study country with GBS). The HRBA does not seem to have fundamentally changed the Danish approach to budget support and associated dialogue but it formalised it. Danish human rights dialogue is mostly coordinated with other development actors, multilateral as well as bilateral. Dialogue is becoming more difficult in the current context of closing space for civil society and reduction in the influence of aid. By contrast, human rights dialogue associated with targeted assistance may be more effective than linked to GBS. For example, Danida was able to influence the Tanzania Big Results Now Presidential initiative in order to have a focus on sexual and reproductive health and rights (SRHR). Other types of human rights dialogue include Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons in Uganda and Tanzania or around minority and indigenous people's issues in Bangladesh.

Finally, M&E remains a challenge. It has been improved though the introduction of human rights-based indicators required by the screening tool, but there is no evidence of solid efforts to document change among e.g. vulnerable groups. It is not yet possible to identify HRBA results because the HRBA was only introduced in 2013. Despite some use of HRBA indicators, ongoing monitoring of changes in HRBA processes and results is so far weak.

Differences made by the Danish HRBA

Overall, the Danish HRBA did make a number of differences to how the MFA designs and delivers its policy dialogue and programmes, improving its potential effects on poverty reduction for all.

The Danish approach is stronger at the design stage. The human rights and gender screening tool played a key role in improving analytical rigour and providing a more systematic focus on the empowerment of vulnerable groups identified as rights-holders. This is one of the most significant value added of the Danish HRBA. Targeting of the poorest, including the rural poor, to achieve poverty reduction is not a HRBA

innovation but is reinforced by it, especially by non-discrimination, equal access and a focus on vulnerable groups. The HRBA can provide a more systematic focus on the empowerment of vulnerable groups identified as rights-holders rather than charity. The HRBA reinforced attention to other vulnerable groups or issues, such as indigenous peoples in Bangladesh and SRHR in Tanzania. It also generated greater attention to new groups, requiring targeted assistance, such as the landless poor in Bangladesh and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons in Uganda and Tanzania.

The HRBA has probably reinforced the MFA's commitment to women's rights and gender equality, especially the non-discrimination and participation principles. This was consistently found in all the reviewed activities, even in difficult contexts with little government ownership and societal resistance to gender such as Mali.

Human rights principles appear to be now more systematically considered across the design of a country programme, not just in governance but also in sector interventions (e.g. health or business). Non-discrimination is the most consistently applied principle, with regards to vulnerable groups with a focus on equity and accessibility. While participation has a long track record, inclusion is a newer concept. Accountability is mostly applied to demand-side and oversight interventions across political, legal and horizontal dimensions. It also refers to service delivery and to government financial accountability linked to budget support. Transparency is probably the least consistently applied principle.

The HRBA has enabled a broader focus on the relationships between duty-bearers and rights-holders, including beyond state-citizens relations to also encompass the role of the private sector, another significant added-value. Attention to rights-holders responsibilities include decentralised service delivery providers in Bangladesh; improved allocation of resources to meet rights obligations in the Tanzania health system; or identifying the responsibilities of private sector actors in Mali, through codes of conducts and other corporate social responsibility (CSR) measures.

Interactions between rights-holders and duty-bearers have included advocacy as well as collaborative, multi-sectoral and decentralised activities, rather than enhanced confrontational situations. They cover a wide range of interventions, from engaging in duty-bearer coordinating services in Bangladesh (extension services) to Violence Against Women one-stop crisis centres against in the same country; opening up the Tanzania dialogue on private sector enabling environment to more civil society organisations; and facilitating the participation of women, youth and refugees from Northern Mali in the peace process as well as well as Government and the International Community's willingness to hear their recommendations.

The HRBA was not designed to fundamentally influence the MFA's strategic objectives at the country level as part of the pragmatic roll-out. This was in part because programmes had been already partly designed before the HRBA was introduced; a strong

consistency in sectors over several phases in Danish assistance; and the similarity between pro-poor and HRBA objectives. Instead, the HRBA provided a new consistent language across the MFA which made the human rights aspects of policy and programmes more explicit.

The MFA pays attention to international human rights norms and systems, such as using UN UPRs. However, the potential for a more systematic consideration of human rights standards in analysis does not appear to be always realised.

The HRBA has enabled the MFA to more systematically consider other human rights standards beyond civil, political and women's rights early on in the policy and programming cycle. This includes a number of innovations to promote social, economic and cultural rights through sectoral programming. This is not a radical departure but the HRBA has implied greater consistency in its application. This helped Danida move beyond targeted, stand-alone human rights projects, which are a continued feature of all three country programmes reviewed in this desk study (e.g. good governance targeted thematic programmes with civil society, parliaments, justice and other accountability bodies).

There have been some innovations in terms of activities and partnerships, for example targeting new implementing partners that can reach out to vulnerable groups or use social accountability methods. The HRBA led to new activities and new partnerships in some programmes (e.g. CSR in Tanzania and Mali, health sector social accountability in Tanzania). HRBA has also implied, at least in Bangladesh, a decentralisation of governance support.

There have been fewer innovations in terms of risk management. Human rights risks are often identified in terms of human rights violations. Political dialogue is often used as a measure to mitigate human rights risks.

Experiences of other organisations

Overall, Denmark's HRBA experiences, though more recent, seem consistent with that of other organisations. At the policy level, the reviewed agencies have maintained their commitment to a HRBA overtime, though it is evolving. For example, UNDP has integrated human rights with environment, gender and women's empowerment considerations, an evolution which in line with the SDG agenda.

There is also a broad consensus across organisations in the elements of a human rights-based approach. As in the Danish MFA, human rights principles seem to be pursued more systematically than standards. In contrast to the Danish approach, there is often a gap between organisational commitments at headquarters and country level practices, as found in UNICEF's evaluation or interviews with CARE International staff.

The benefits of a HRBA are consistent with those found for the Danish MFA and in other reviews. HRBA is seen as providing more analytical rigour; a focus on target groups; power relations; and multi-sectoral activities. It also enables political advocacy and collaborative strategies between Governments and civil society. DCA found that political space for such engagement is reducing.

As is case with, monitoring the results of a HRBA is often weak across organisations but they can show concrete benefits for poor and vulnerable people. However, qualitative tools, such as the German “Promising Practices” can complement indicators-based HRBA monitoring.

The Sustainable Development Goals and HRBA

The SDGs have the potential to drive human rights implementation more strongly than any previous global development agenda. It is based on a vision of empowered citizens making duty-bearers and international actors more accountable; transparent and accountable institutions; and inclusive and participatory processes of empowerment. SDG goals and targets have significant overlaps with human rights standards and principles, such as the commitment to “leaving no one behind”. Denmark has an important role to play to maintain a focus on human rights as part of the implementation and monitoring of the SDGs. This will require establishing coalitions with others, such as those active around goal 16 on peaceful and inclusive societies, and paying attention to the three levels of SDG implementation (domestic, regional and international).

Recommendations

Recommendation 1: In order to continue implementation of its HRBA, as anticipated in the draft 2016 strategy, management need to identify a minimum core staff resource in Copenhagen to support implementation with a clear policy lead, access to technical support, improved knowledge management, a simpler and shorter screening tool and updated management guidelines.

Recommendation 2: The MFA should prioritise practical advice and sharing lessons on the HRBA by focusing on the priorities in the draft 2016 strategy, in particular fragile situations, private sector development, and how to support civil society in a more restrictive context.

Recommendation 3: The MFA, and development partners in general, need to develop new ways of engaging in human rights dialogue in a context where aid has become less influential and human rights are increasingly contested, for example linked to the SDGs or thematic priorities.

Recommendation 4: In order to demonstrate results, the MFA needs to track progress with both HRBA principles and standards in programming through improved M&E and a focus on how rights-holders, especially vulnerable groups, benefit from HRBA supported activities. This should include the use of qualitative case studies in addition to human rights indicators, and an update of the management guidelines to give greater attention to the HRBA in ongoing M&E.

Recommendation 5: Denmark could share with other agencies some of its lessons learned, in particular how it succeeded in generating ownership, the value of the screening note and its pragmatic approach. It could also encourage multilaterals to have a more consistent understanding on how to operationalise human rights principles.

Recommendation 6: Denmark should explicitly support human rights integration in the SDGs, linked to both economic and social rights and to civil and political rights implementation. It should collaborate with relevant alliances, such as the ones already established around Goal 16 on peaceful and inclusive societies. It should emphasise the importance of human rights principles throughout the three levels of SDG implementation (national, regional and international).

1 Introduction

1.1 Background

In 2012, the Danish Parliament approved an International Development Cooperation Act which made human rights promotion an overarching objective, together with poverty reduction and promoting Denmark's interests. In the same year, the Government of Denmark launched a new development cooperation strategy, "*A Right to a Better Life*", in which it committed itself not only to promoting poverty reduction but also to human rights.¹ This was accompanied in 2013 by a guidance note on a Human Rights-Based Approach (HRBA) to development.

The purpose of this desk study is to identify what is specific about the Danish HRBA, including lessons learned from implementation to date, in particular the extent to which the 2013 guidelines and human rights principles have been operationalised, what difference they have made and their value added (chapters 2 and 3). In order to put the Danish experience in context, the study reviews the HRBAs experiences of other bilateral, multilateral and non-governmental organisations (NGOs) (chapter 4) and suggests how HRBAs and the 2013 Sustainable Development Goals (SDGs) agenda can be better linked in Denmark's policy and interventions (chapter 5). It makes recommendations to strengthen operationalisation in the future (chapter 6). The terms of reference are at Annex A. The Ministry of Foreign Affairs (MFA) has also commissioned a separate evaluation on human rights interventions to deepen its evidence-base.

1.2 The content of the Danish HRBA

The way in which HRBA is applied in official Danish development cooperation is described in the 2013 guidance. Denmark's approach is informed by the 2003 United Nations (UN) Common Understanding and also bases itself on numerous lessons learned by multilateral and bilateral agencies, especially Swedish and German experiences.

The guidance note explains the human rights institutional apparatus, including the nine core UN conventions and the regional human rights systems. It also highlights the respective roles of rights-holders and duty-bearers. The Danish HRBA includes international human rights standards as objectives: the universally agreed commitments and legal frameworks to protect human dignity, such as the rights to life and to an adequate standard of living, for which duty-bearers (e.g. state actors) are responsible and that rights-holders (e.g. citizens or refugees) can claim and hold state actors accountable for. The Danish approach also requires the systematic application of four human rights principles

¹ Ministry of Foreign Affairs (February 2013). *A Human Rights Based Approach to Denmark's Development Cooperation. Guidance for Policy Dialogue and Programming*. Danida.

derived from international treaties which shape the processes of development: Participation and inclusion, Accountability, Non-discrimination and Transparency.

Non-discrimination is related to equal access to public services and to security and justice in the guidance note. A key element is the empowerment of the poor and marginalised to fight for their rights as active individuals. *Participation* is coupled with *inclusion* and related to freedoms and local ownership. The guidance emphasises meaningful participation but does not define it further. *Transparency* refers to access to information and freedom of expression. *Accountability* includes the responsibility of the state to respect, protect and to fulfil human rights as core obligations. The rule of law, democratic and inclusive legislative processes are related to governance, and seen as pre-requisites for human rights accountability.

The guidance requires MFA staff to balance pragmatism and realism with the integration of human rights standards and principles in programmes and policy dialogues. The starting point is country- and context-specific, based on a thorough political economy and human rights analysis.

The scope of policy implementation also includes influencing other international actors to adopt a HRBA (such as the European Commission in which the Minister took a personal interest), Danish NGOs (through incentives in central funding) as well as internal MFA systems (e.g. greater transparency and public consultations).

The inclusion of a HRBA in Denmark's official development strategy did not imply that human rights work had not been pursued before. Denmark has a long track record on human rights support in parallel to other development objectives. Those involved in designing MFA guidance expected the continuation of past practices:

- Targeting of the poorest to achieve poverty reduction.
- Strategic mainstreaming of gender equality.
- Other Danish human rights priorities, such as indigenous peoples.
- Good governance programmes with civil society, parliaments, justice and other accountability bodies.
- Human rights dialogue, for example around budget support.

The 2012 innovation was to fight poverty with human rights as well as with economic growth and to consider a HRBA as a driver of change cutting across all sectors of development. Interviews with those involved in designing the guidance revealed that they had the following expectations of change, at times implicit:

- Greater understanding and attention to international human rights standards, norms and systems, such as the UN Universal Periodic Reviews (UPR).
- Moving beyond targeted, stand-alone human rights projects, often with a focus on oversight institutions and with an orientation towards rights-holders, towards

greater attention to duty-bearers (e.g. in the executive or the private sector) in addition to rights-holders, as well as to the relationship between the two.

- More structured and systematic application of human rights principles across the full programme, but in a selective manner.
- Other innovations in objectives, activities and partnerships.
- Improved Monitoring and Evaluation (M&E), including use of qualitative indicators (of processes).
- Pragmatism in the approach.

Together, this desk study and the concurrent separate evaluation aim to assist Denmark continue its support for human rights as part of its new 2016 Strategy, currently only available in draft.² To promote both Danish external and domestic interests, the draft strategy proposes that Denmark aim to fight poverty, promote sustainable growth and economic freedom, peace, stability, equity and a rules-based international order. The draft 2016 strategy retains the following commitment to a HRBA:

“Danish development cooperation is based on the principles of non-discrimination, participation and inclusion, transparency, and accountability and on the distinction between rights-holders and duty-bearers. This will help us to achieve our global obligations in order to make the sustainable development goals a reality for all. Denmark will continue to apply a human rights-based approach to development.”

1.3 Methodology

The study is based on three case studies of Danish bilateral assistance in Bangladesh, Mali and Tanzania (2013-2016) complemented by additional country examples identified through interviews. These case studies offer illustrations of some of the benefits and challenges of the Danish HRBA, on the basis of which more generalisable findings have been drawn. The study also reviews two bilateral donor agencies (Sweden and Germany), two multilateral agencies (UNICEF and UNDP) and two NGOs (DanChurchAid (DCA) and CARE International).

The three countries were selected to represent a mix of contexts, in terms of Danida engagement and human rights challenges. Different thematic programmes and aid modalities were reviewed, in order to cover Danida’s four policy areas (governance and human rights; social sectors; green growth; protection and stability) and a mix of implementation partners. The three full case studies are at Annex D.

This study does not examine multilateral or civil society assistance which are managed centrally from Copenhagen and does not evaluate the entire human rights portfolio. It complements a more comprehensive field-based evaluation of Denmark’s support to human rights. It is a desk study, using documentary material from Danish, bilateral and

² Verden 2030. #vovesDKaid. Udkast til Danmarks udviklingspolitiske og humanitære strategi. The strategy will in all likelihood be renamed Development Cooperation and Humanitarian Assistance Strategy.

multilateral donors and NGOs (bibliography at Annex C). Interviews with Danish country representations, NGOs and with a few bilateral donors have been undertaken over video/phone and in Copenhagen (Annex B).

As most of the programmes are new and few mid-term reviews have been conducted, there are limited available data to assess results. It is difficult to attribute changes to the HRBA in the absence of baseline data and due to the significant continuation with past Danish practices. Lessons can nonetheless be learned from design and implementation efforts and from interviewed MFA staff.

2 Lessons Learned from the Danish HRBA

This chapter reviews how the HRBA was implemented by Denmark. It identifies a number of lessons learned to assist future implementation. Lessons related to innovations associated with the HRBA are included in the next chapter, which identifies the differences made to the content of MFA programming.

2.1 Political and technical change process

Lesson: the combination of political leadership and technical support generated ownership across the MFA.

The introduction of an explicit HRBA in 2012 was a political decision by the then Development Minister. He was highly engaged in defining and implementing the policy during his two years in office, based in part on his practical experience in DanChurchAid. A staff member noted “I have never seen such strong leadership under a minister”.

A central team of Danida technical experts developed the guidance note in early February 2013, prepared associated training material and were involved in the HRBA rolling out. While interviews confirmed a number of staff were sceptical, seeing it as "old wine in new bottle" given Danida's longstanding attention to human rights, there was no strong internal resistance to its implementation. This is in contrast to other development organisations where there can be a greater gap between headquarters and country programmes (see chapter 4). The 2016 Organisation for Economic Co-operation and Development (OECD) peer review of Denmark concluded: “extensive efforts to inform and train staff, including in Embassies, on the new priorities and the strategy’s human rights-based approach has ensured wide ownership within the administration”.³

Implementation has also been facilitated by Denmark's integrated approach: development cooperation (often referred to as Danida, now more a brand than an organisation) is part of the Ministry of Foreign Affairs and Embassies integrate all aspects of Danish foreign relations (development as well as diplomacy, security and trade interests). Given job rotations and the small size of many country representations, a significant number of staff appear to have gained exposure to human rights, for example through being involved in diplomatic human rights reporting and dialogue or in governance programmes.

Challenges included the very large number of new Danida policies and guidance associated with the 2012 strategy. The Peer Review notes “the broad definition of objectives within *The Right to a Better Life* has required numerous sub-strategies and extensive management

³ OECD (2016), OECD Development Co-operation Peer Reviews: Denmark 2016, OECD Publishing, Paris.

guidelines, leading to the multiplication of internal documents to facilitate implementation”.⁴

Lesson: Including the HRBA as part of the new MFA country programming system made its roll out more systematic, in particular through the human rights and gender screening tool.

The roll out of the Danish approach to HRBA has been very systematic as it coincided with the introduction in 2011 of a more rigorous system for the preparation of country programmes. This required an overall country policy rather than simply separate activities. Country Policy Papers developed from 2013 onwards establish the overall country objectives of Danish development cooperation and outline Danida thematic assistance under each country objectives. Country Programmes, thematic programmes and individual development engagements under each theme provide more operational details. The HRBA was also included in Danida’s programme management guidelines, which institutionalised it further.

The *Tool for Human Rights-Based Approach and Gender Equality Screening* was instituted during 2013.⁵ As illustrated in the next chapter, the screening tool was the most important step for country representations to implement the HRBA. Its purpose was to complement the HRBA guidance note and to facilitate the HRBA application as well as to strategically mainstream gender equality programming. The screening tool was applied to the Concept Note stage of country programming documents, which were presented to Danida’s Programme Committee for its approval. It was intended as an inspirational checklist for staff, whether at headquarters or in Embassies. The screening tool raises questions about whether key recommendations from the UPRs or the UN Treaty Bodies were considered in thematic programmes. It prompts an assessment of how HRBA principles have been applied in the preparation and design of the programmes. The tool also requires the identification of human rights-related indicators and encourages definition of partner dialogues. The gender screening element encourages use of the Convention for the Elimination of All Forms of Discrimination Against Women and of gender equality indicators.

Lesson: technical support from Danida headquarters in Copenhagen facilitated the decentralised implementation of the approach by country representations.

In addition to a strong political ministerial demand for change, the implementation of the HRBA as part of the new country programming approach was initially supported through technical expertise. Visits by a “flying squad” of Danida HRBA specialists ensured every priority country representations received training on the new programming approach, including the HRBA element. Interviews confirmed they had been useful. However, there was no training for Denmark’s country partners, who nonetheless needed to understand the approach. The roll out focused on MFA staff, with training courses, an intranet with

⁴ *Ibid.*

⁵ See <http://amg.um.dk/en/technical-guidelines/hrba-guidance-and-screening-note/>.

case studies and the identification of Human Rights focal points in a number of teams (who had to promote the HRBA as part of their job description, such as the Bangladesh Embassy gender expert). While recent Danida restructuring means there is no longer an explicit central capacity, HRBA training is still available: a two hours pre-deployment session, training for all new staff and in “Working for Denmark” courses as well as in an e-learning package.

Implementation was seen as the responsibility of individual teams in Embassies and headquarters, in particular technical specialists rather than Ambassadors / mid-management level. Interviews showed that some staff were confused by the guidance or found it vague; they would have appreciated more practical examples. By contrast, headquarters wanted to give Embassies the freedom to interpret and implement the guidance to suit their local contexts. Embassies relied at times on external Danish human rights consultants rather than local human rights NGO experts (such as to support the Tanzania process) and exchanged examples with other Danish representations (for example Mali drew on Burkina Faso and Kenya experiences).

Lesson: The internal MFA review and approval process seems to have led to a strengthening of the HRBA.

In the years following the policy and the guidance, country representations had to respond to headquarters demands for continued implementation, such as through formal review points (e.g. the approval of country programmes), or to domestic Danish political responses (e.g. homophobic events in Uganda and Tanzania). Examples of how headquarters engagement strengthened the HRBA include:

- The Tanzania health sector programme was designed in 2013. It was criticised internally for being initially weak on HRBA and was supported by a dedicated HRBA consultancy. As a result, it combines two approaches to realising human rights: *access* to quality services to all (health systems strengthening) as well as a prioritisation of *specific rights for target groups* (sexual and reproductive health and rights, maternal mortality, etc.).
- The Mali transition programme was also criticised for initial weaknesses with regards to a HRBA. The review process noted that some HRBA elements were not new (such as participation, inclusion and accountability in the governance programme). The business and water programmes had been designed prior to the HRBA; while the business programme contained a number of relevant measures, the water programme only offered a focus on equity and targeting of the poorest. The General Budget Support (GBS) programme was seen as consistent with a HRBA. As a result of the review process, peace and governance development engagement documents in Mali have a dedicated section to systematically consider the implications of a HRBA and gender.
- In Bangladesh, the review process led to a strengthening of human rights-based indicators in the country programme document and a focus on indigenous peoples in the maintenance of support for the Chittagong Hills Tract.

2.2 Pragmatism in implementation

In line with expectations, Danida has shown pragmatism at various levels in how it implemented the approach. This somewhat inhibited a systematic implementation, as noted in the next chapter.

Lesson: selectivity and recognising trade-offs made the approach more feasible.

Danida has not forced all country programmes to fundamentally review their objectives with a HRBA. Rather it encouraged country representations to be selective and identify the sectors and interventions which seemed most relevant to them.

Danida explicitly recognises the trade-offs involved in implementing a HRBA. There is a specific section in the screening tool to identify such challenges. Country representation discussions also create space for reflection. For example, the design of the Tanzania health programme recognises the tension between efficiency and special investments to reach the poorest and most vulnerable groups, or public health practices such as quarantine which may restrict some rights. The recent Mali programme document for 2017 to 2021 acknowledges more clearly the tensions between peace and human rights than the earlier transitional programme had done.

Lesson: an implicit and subtle approach can at times be more effective than using explicit human rights language.

Denmark is comfortable with an “implicit” HRBA when appropriate. For example, support to the Mali peace process through international NGOs, such as the Centre for Humanitarian Dialogue, is framed in the conflict sensitive language adopted by these NGOs. The development engagement document for the Centre for Humanitarian Dialogue convincingly shows how human rights are relevant though implicit. In Bangladesh and Tanzania, the MFA supports indigenous people’s rights without always using this language as it is not accepted by partner Governments.

Country representations are committed to engaging with counterparts in a way that does not impose human rights as a foreign concept but strengthens local dialogue. Denmark, together with the rest of the international community, learned the lessons of the initial engagement in Uganda with regards to LGBTI rights. The 2014 Uganda Anti-Homosexuality Act made access to health information and services difficult for LGBTI persons. The Act was overturned by a constitutional challenge but the Ugandan Government continued to criminalise LGBTI.⁶ In response, a number of donors cut Government aid in 2014. For example, the Danish trade and development minister was very vocal in his condemnation and decided to divert \$9m away from the Government

⁶ Key Correspondents (2015).

towards civil society and the private sector.⁷ LGBTI civil society actors were negatively affected by these well-intentioned but heavy-handed external reactions and requested more discreet support in the future. This lesson was applied in Tanzania, when the media reported homophobic statements and proposals. According to staff interviews, Denmark avoided "megaphone diplomacy" and reached out in a more subtle manner.

Lesson: there are complementarities between HRBA and other MFA management approaches but tensions with aid effectiveness may be the greatest.

Interviews with MFA staff at headquarters or in Embassies did not identify significant tensions between a HRBA and other approaches. Political economy analysis used by Denmark can reinforce the identification of the drivers of conflict and barriers to progress (e.g. the 2013 political economy *Drivers of Change* study commissioned to inform the Mali country programme on potential agents of change after the coup d'état). Human rights analysis is not limited to international and domestic legal standards but extends to how they are realised or constrained in practice, paying attention to political, economic and social barriers. Theories of change can make human rights assumptions more explicit. Flexible programming to respond to opportunities can enable new human rights-relevant interventions (e.g. decentralisation in the post-transition Mali country programme). Potential tensions with Danish business interests or migration concerns, which are becoming more significant in Danish development policy, were however not examined.

The main tension identified by this review was with aid effectiveness, as human rights-based decisions affected the predictability and choice of some aid instruments. The use of Government systems was challenged in the context of the Mali peace process (where the Embassy did not want to support the Malian Government as a party to the peace process, though it facilitated other mediation efforts with citizens) as well as in Uganda (in response to the President's support for a homophobic law). Human rights affected aid predictability when linked to GBS (see section 3.2) but the instrument has a declining importance as Denmark, along most donors, is moving away from it.

The benefit of the HRBA for aid effectiveness has been to target aid to the most vulnerable, even though this could lead to more costly interventions. For example, the Tanzania Local Investment Climate project focused on remote regions. The HRBA also broadens understanding of national ownership beyond the executive, and sets expectations on how executives should relate to citizens and vulnerable persons.

2.3 Dialogue and budget support

Lesson: The HRBA does not seem to have fundamentally changed Denmark's approach to budget support and associated dialogue. Dialogue is becoming more difficult in the current context of closing space for civil society and reduction in the influence of aid.

⁷ The Guardian (2014) and Voice of America (2014).

Danish Embassies have a range of channels through which to engage in human rights dialogue, from the political level (with Ambassadors / Heads of Missions often with European Union (EU) coordination), political officer's level (to discuss civil and political rights), General Budget Support dialogue, donor technical working groups and targeted bilateral engagement. Interviews showed that Denmark usually engages in dialogue as part of multilateral processes rather than bilaterally, for example as part of a coordinated European process. The hypothesis that human rights issues have been more systematically or more forcefully raised in dialogues than before the 2012 policy was adopted could not be confirmed. Interviewees had mixed views and documents were too sensitive to be shared.

Denmark has been using budget support modalities in order to transfer resources directly to partner Governments to deliver their priorities since 2001. The 2012 strategy anticipated an increased use.⁸ While planned Danish budget support in Mali was cancelled due to delays in the EU State-Building Budget Support instrument, it has been a significant element of the Tanzania portfolio which is why lessons from its use are reviewed here. The country programme allocated DKK 615 million to general support to the Government's budget for the 2011 to 2015 period. It did not have explicit human rights objectives but included considerations of equity (*inclusive* economic growth, *equity* in provision of services) and public sector *accountability*.

Human rights are explicitly analysed in the GBS arrangement through the shared "underlying principles" agreed with Government and Development Partners in Tanzania. They include five elements: fundamental values (human rights and corruption); implementation of pro-poor national development policy framework; macroeconomic stability; public financial management; transparency and budget oversight. Human rights are once again mostly associated with governance, civil and political rights, with a focus on human rights violations and vulnerable groups (elections, media, killings of albinos and women accused of witchcraft). There is some attention to equity in service delivery, budget transparency and accountability.

Budget support has been affected in Tanzania by governance concerns with corruption and elections in Zanzibar but not wider human rights issues. The 2013/2014 GBS assessment noted that "The fundamental values of human rights, democratic principles and rule of law are assessed as met even though recent concerns regarding human rights and incidents relating to press freedom have been expressed." Concerns over media led to political dialogue and project interventions (as part of the Good Governance and Human Rights programme) but not GBS suspension. However, the 2014 corruption scandal led to delayed Danish GBS disbursements and the last tranche of budget support in 2016 was not disbursed due to concerns over political rights: the Zanzibar elections. The finding that

⁸ Ministry of Foreign Affairs of Denmark (2014) *Review of Budget Support Operations*. Evaluation Study.

GBS seemed to have limited impact on human rights is consistent with a synthesis study on GBS across agencies.⁹

Interviews suggested the 2012 *Right to a Better Life* strategy gave Danish diplomats an explicit point of reference to raise human rights concerns as part GBS dialogue. The multilateral dialogue and prioritisation of governance, civil and political rights issues appear consistent with past Danish engagement or that of other development partners which may not have an explicitly adopted a HRBA.

Lesson: human rights dialogue associated with targeted assistance may be more effective than linked to General Budget Support.

Sector budget support potentially offers a more targeted focus for human rights, with specific sector level improvements which could be promoted through financial resources and technical assistance. The Tanzania Phase V Programme Support for Health includes a DKK 300m Health Basket Fund (out of a total of DKK 494m). However, despite the amount of resources, there does not seem to have been any particular HRBA to this component beyond a general commitment to improving “access to health for all” as found in national policy.

The Danish country representation was nonetheless able to improve on this initial situation. It influenced the “Big Results Now” Presidential initiative in order to have a focus on sexual and reproductive health and rights (SRHR) and make it a condition for sector budget support. The new Government health sector strategy includes both specific vulnerable groups (e.g. under 5 nutrition, HIV-AIDS) and specific rights (e.g. access to abortion in family law). This influence was achieved through joint lobbying with UNICEF and providing technical assistance with regards to a HRBA to measurement and key performance indicators. The final Big Results Now health plan focuses on underserved geographical areas and populations to ensure equity and equality, including in resource allocation, and in breaking down the barriers to achieve this. It was integrated (without any changes) into the new Health Sector Strategic Plan IV (2015 – 2020). It is currently being implemented and monitored using the agreed human rights-based key performance indicators. According to the Danish adviser involved in the process, this influence can be attributed to the Danish MFA and its HRBA.

By contrast, over the period covered by this review, GBS has become less favoured by Denmark and the aid community in general. By 2016, only Denmark and one other development partner made contributions to Tanzania. This reduced the influence of GBS-linked policy dialogue. In addition, the size and influence of aid in general has generally

⁹ One of its conclusions is that “Respect for human and civil rights, upholding democratic accountability and other aspects of good political governance may constitute legitimate entry conditions, but are unrealistic objectives for change under a budget support programme.” Ministry of Foreign Affairs of Denmark (2014) Review of Budget Support Operations. Evaluation Study.

declined in Tanzania; the way in which the corruption scandal was addressed worsened Government-Development Partner relations. The Government has become more assertive with Development Partners. Following the expiration of the GBS framework, a separate dialogue process is likely to continue, not attached to GBS (which is the responsibility of the Ministry of Finance rather than ministries involved in the human rights issues raised).

Human rights dialogue can be effective outside of general or sector budget support the emphasis on human rights broadens the emphasis on governance and rights issues to one where rights violations, inclusion and empowerment concerns are more clearly stated. In Bangladesh, the political dialogue has focussed on minority issues, on failing dialogues between Government and opposition, and on corruption and the need to see civil society as a necessary and empowering factor. In cooperation with other donors, Denmark has succeeded in including civil society actors in the Local Consultative Group on governance co-chaired by the Cabinet division of the Government and by the EU.

2.4 Monitoring, evaluation and results

Lesson: the screening tool has helped identify new HRBA indicators to track progress.

The screening tool was helpful in requiring country representations to identify human rights indicators for their thematic sectors. For example, the Tanzania programme screening note includes indicators that track human rights violations (e.g. gender-based violence), disaggregated benefits for women and men, as well as monitoring human rights principles. While the Bangladesh Governance and Rights programme does not represent a radical break with its predecessor, the HRBA is well reflected in its indicators. The outcome indicator focuses on vulnerable groups and on accountability. Several of the output indicators focus on transparency, accountability, and on specific marginal and vulnerable groups. By contrast, the Mali water programme, an intervention which was not designed with a strong HRBA, did not have disaggregated indicators to track target groups' improved access or qualitative participative processes.

Lessons learned: Despite HRBA indicators, ongoing monitoring of changes in HRBA processes and results is so far weak.

There is limited evidence of HRBA results to date as the explicit HRBA approach is only a few years old. Ongoing monitoring also seems weak. Documents examined for this desk review do not systematically track how HRBA commitments were being implemented and what differences they had made. Most thematic programmes developed after the introduction of a HRBA reviewed for this study have not yet reached their mid-term review point. More routine monitoring also does not seem to be systematic in capturing progress against human rights indicators or noting required action. This lack of monitoring undermines the identification of HRBA results and lessons learned to date.

For example, the Mali business sector programme 2015 annual report does not mention progress or make recommendations with regards to the HRBA despite innovative

proposals, such as around accountability. Governance procedures were to include redress mechanisms for infrastructure projects in Mali but whether they had been established and used could not be confirmed. One exception is an *ad hoc* review of the implementation of inclusion, gender and green growth dimensions of the Mali business sector programme in 2015. It helpfully identifies progress and areas for improvement, in particular with regards to women's participation and representation, such as women's enterprises.

It is a challenge to document positive change beyond the introduction of new processes (e.g. such as codes of conducts or grievance mechanisms). The most challenging metric involves documenting how a HRBA is effective in improving the livelihoods of vulnerable or marginal groups. These groups are not always easily identifiable and assessing improvements in their livelihoods remains a challenge. While other donors seek to supply case studies with promising practices reflecting on achievements (see chapter 4), the MFA does not yet seem to have a strategy on how to measure the effects of the HRBA beyond the introduction of HRBA indicators.

3 Differences made by the Danish HRBA

This chapter examines the differences that the Danish HRBA made to MFA programming and partnerships, first in terms of the core elements of the HRBA and second in terms of key aspects of the country policy and programming cycle. It is difficult to attribute some of these changes to the HRBA as there was no baseline prior to its introduction and, in many ways, it is a continuation of several aspects of Danish assistance.

The study of Danish innovations, in conjunctions with those of other donors, demonstrates a number of positive differences reviewed below. They should be considered hypotheses until they are confirmed by future reviews relying on more substantive data.

3.1 Human rights standards

Difference: the potential for a more systematic consideration of human rights standards in analysis does not appear to be always realised.

The human rights screening tool is the main human rights analysis tool and requires country representations to review key sources of information. The Mali transitional programme did not require human rights screening to speed up the process, and the human rights analysis is as a result lighter. However, even when the screening tool is used, the analysis of human rights standards does not appear to be always very comprehensive. In the case of the Tanzania 2013 screening note, it is mostly limited to health sector issues and does not cover other issues relevant for the country portfolio, such as labour rights.

The authors of the HRBA guidance hoped to see greater understanding and attention to international human rights norms and systems, such as UPRs. While there is no baseline for a comparison before and after the HRBA was introduced, a review of documents show there is regular use of the UPRs and special rapporteurs in Denmark's human rights analyses and dialogues with countries (e.g. Tanzania and Mali Concept Notes, Mali transitional programme as well as in some development engagement documents). Embassies development cooperation staff are involved in human rights reporting and provide recommendations to UN processes in New York or Geneva. They have also used some of the UN guidance that helps explain how specific human rights standards are to be understood and supported (e.g. Office of the United Nations High Commissioner for Human Rights guidance on human rights-based approach to health was used in design of Tanzania health programme). However, use of such guidance is not always visible and it is not clear whether and how assistance is provided from Copenhagen to make sure country representations can regularly access the latest international HRBA guidance and lessons from experience.

3.2 Human rights principles

Difference: human rights principles appear to be now more systematically considered not just in governance but also in other sector programmes.

Denmark has a long track record of paying attention to human rights principles even though they might not always have been framed from a human rights perspective before the 2012 strategy. The benefit of a HRBA is that this attention has become more systematic and encompasses all four principles. The screening tool helps Embassies consider how these principles will be realised through programmes.

Non-discrimination is the most systematically applied principle in programming, with attention to specific vulnerable groups. The focus includes equity and accessibility in service delivery programmes (e.g. water in Mali, health in Tanzania including more equal distribution of resources at the district level); access to finance for rural populations in Tanzania; or tender procedures that promote labour-intensive approaches in Mali. Gender is a particular focus in all programmes, including equal participation and benefits in the Farmer Fields School in Bangladesh; or counselling and representation for women entrepreneurs establishing or expanding businesses in Tanzania. In Mali, this includes vocational training that aims to reduce gender or social stereotypes with location and duration that facilitates women's participation. Value added chains prioritise economic activities in which women are involved, such as agriculture or animal husbandry.

Participation and inclusion: Danida has worked on participatory approaches at least since the 1980s. However, inclusion is a concept which has become more prominent with the HRBA and is now strongly grounded in the SDG goals and targets. The dual concepts of participation and inclusion adds strength to the objective of including vulnerable groups in development efforts.

Participation and inclusion are both intrinsic objectives of HRBA and operational and procedural instruments for Denmark's human rights-based support. In the country cases studies, these principles relate to:

- A direct objective of peace-building and good governance engagement (e.g. participation of women and youth from Northern communities for an inclusive peace process in Mali).
- The way in which programmes operate in order to deliver results (e.g. local committees in health or water programmes in Tanzania and Mali; Making Markets Work for the Poor approach to private sector in Tanzania and Bangladesh; inclusion of landless labourers in Bangladesh; and participatory action research to identify proposals for peace in Mali).

Accountability seems to be most systematically applied in demand-side governance and human rights, and to decentralised supply-side programming, such as supporting political accountability (parliament in Mali and Tanzania); legal accountability (access to justice in

Mali and in Bangladesh); horizontal accountability (media in Tanzania, violence against women in Bangladesh); and decentralised service provision (in Bangladesh and local health Mali). Government financial accountability is linked to budget support (Tanzania and Mali).

Transparency is probably the least consistently applied principle it is not always used in the widest human rights sense of access to information and media freedoms. It seems to be mostly applied to governance programming, such as the focus on Government of Tanzania budget transparency and oversight linked to GBS or health sector funds, as well as supporting Tanzania participation in the Open Government Partnership. In Bangladesh, transparency with an anti-corruption focus is part of the recent Governance and Rights programme engagement with Transparency International. In sector programmes, transparency is linked to social accountability, such as the Sikika Tanzania health sector example above (e.g. provision of information on health sector performance to citizens). It is justifiably not applied to all activities, such as in sensitive peace negotiations in Mali.

The principle is also applied to Denmark's development cooperation beneficiaries as well as itself, an achievement praised in the OECD Peer Review. For example, transparency in the tender procedures of private sector partners, or the new Danida open data and transparency websites, making information about Danish aid more easily available.¹⁰ Danida now invites feedback on country policy and programme documents. The 2016-2020 Myanmar Country Policy Paper was particularly noteworthy as the August 2015 Danida Programme Committee had to consider nine responses from civil society organisations, in Denmark and beyond, on the Concept Note. Feedback included the approach to justice sector (which should go beyond training judges and lawyers), the need to coordinate with other actors in Myanmar and identified programme risks. The Embassy had to take into account this feedback as part of the Country Programme formulation and appraisal process.

3.3 Rights-holders

Differences: The HRBA can provide a more systematic focus on the empowerment of vulnerable groups identified as rights-holders. Targeting of vulnerable groups has become more systematic. The HRBA has probably reinforced Denmark's commitment to women's rights and gender equality.

The HRBA has provided a more systematic focus on specific vulnerable groups, including through a compulsory assessment at the screening note stage which can lead to a long list. For example, the Tanzania 2013 human rights screening note identifies the following rights-holders: "The poor, vulnerable, marginalized – including special focus on quintiles 4 and 5 in terms of poverty; women and girls; the disabled (mental and physical); LGBTs; populations living in remote and rural areas; civil society including media."

¹⁰ See <http://um.dk/en/danida-en/about-danida/Danida-transparency/> and <http://openaid.um.dk>

There is systematic focus on poor and rural population, which as, a development organisation with a poverty reduction mandate is to be expected, and therefore is not a direct consequence of the HRBA.

There seems to be a strong and systematic focus on women through all interventions, such as in the peace, governance, service delivery and business sector programmes in Bangladesh, Mali and Tanzania. This includes efforts to encourage equal participation in activities, as well as concrete benefits such as more equal salaries in intensive-labour programmes in Mali or subsidies in Tanzania. In Bangladesh, the HRBA implied a target of 50% women as participants in the Farmer Fields Schools programme. Targets and indicators are often sex-disaggregated. This gender focus has a long track record. (For example, Denmark has supported the empowerment of Tanzanian women since 2002.) It cannot be solely attributed to a HRBA though it is certainly reinforced by it.

Other vulnerable groups have been targeted consistently in some programmes, for instance indigenous groups, a traditional Danish priority, in the Bangladesh Chittagong Hill Tracts and in a number of Tanzanian activities, such as making sure that the Land Tenure Support Programme does not discriminate against pastoralists and hunter-gathers. It is as a result of the HRBA that landless groups have been included for the first time in the Bangladesh Agricultural Growth and Employment programme.

The approach is not only to provide more assistance to vulnerable groups (a traditional charity-based approach) but to empower them to claim their rights and obtain more resources from the state (e.g. more equal health sector funding in Tanzania) or from local duty-bearers (e.g. the Bangladesh Agricultural Growth and Employment project trains women and vulnerable groups to speak in public). Groups may also be supported to participate in decision-making processes that affect their lives and from which they might be excluded (e.g. Northern Mali women and youth participation in peace mediation as well as urban poor in water provision in Mali).

3.4 Duty-bearers

Difference: the HRBA enables a broader focus on the relationships between duty-bearers and rights-holders, including beyond state-citizens relations to also encompass the role of the private sector.

The Bangladesh, Mali and Tanzania Country Programmes all have demand-side interventions with rights-holders in stand-alone governance and human rights development engagements. These focus on a range of institutions which can enable the claiming of rights by rights-holders and holding duty-bearers to account: parliament, justice, civil society or the media. This approach pre-dates the HRBA. For example, governance engagements in Mali include a local human rights NGO, Deme So, facilitating access to justice and popular participation, as well as assistance to the National Assembly. The focus on vulnerable groups and accessibility is noticeable (e.g. greater attention to women Parliamentarians, or women and youth detainees, provision of information to the public

about National Assembly activities). However, the Danida 2014 pre-assessment review of the Mali programme concluded there was no evidence that this focus had been adopted as a response to the HRBA.

The document review and interviews suggest an emphasis on interactions between rights-holders and duty-bearers in order to engage the accountability of duty-bearers:

- In Bangladesh, the Violence Against Women (VAW) and the Local Government Service Delivery programmes implemented by UNDP stimulate cooperation and advocacy between rights-holders (the users of services) and duty-bearers (local governments), and, with regards to VAW, prosecution of perpetrators (a state responsibility towards victims).
- In Mali, the Centre for Humanitarian Dialogue is both supporting civil society's participation and inclusion in the peace process, in particular women and youth in Northern communities, as well as Government and the International Community's willingness to hear their recommendations in the peace process.
- The Business Environment Strengthening for Tanzania (BEST) Dialogue expanded criteria of eligible organisations to allow applications from trade unions, non-government and community-based organisations wishing to engage in advocacy or dialogue on business environment issues.
- Budget support for Governments in Tanzania and Mali has been complemented with support for Civil Society Organisations (CSO) budget monitoring activities. For example, in the Tanzania programme Concept Note, Denmark sought to “push for greater inclusion of rights holders’ voices in the Development Partners policy dialogue with GoT (as illustrated in funding of a ‘Community Perspective Study’ to complement the Mid Term Review of the Health Sector Strategic Plan III.”
- The screening tool requires an assessment of duty-bearers, which in the case of Tanzania Concept Note includes: “Government of Tanzania; international development partners; private sector (CSR); private health providers; civil society”. A direct consequence of the HRBA according to interviews has been to make more explicit the responsibilities of non-traditional duty-bearers beyond state actors e.g. such as safeguards checklists or codes of conduct for private sector organisations in Mali or Tanzania. In Bangladesh, the Access to Justice Programme run by a local NGO (Bangladesh Legal Aid and Services Trust) facilitates mediation between vulnerable groups (such as women subject to violence or households threatened by eviction) and non-traditional duty-bearers: male perpetrators of violence or groups in control of housing.

3.5 Country and thematic objectives

Difference: the HRBA does not seem to lead to new country priorities but provided a new consistent language across the MFA which made the human rights aspects more explicit.

In many development organisations, the introduction of a HRBA is expected to result in new overarching objectives for country programmes or policy areas. In Danida, the HRBA was not designed, or used, to review fundamental country objectives even though it was placed at the strategic “Country Concept Note” stage. Timing mattered. Tanzania was one of the first programmes to use the HRBA in the 2013 country planning. It was applied to existing priorities (business sector, health, governance, GBS) rather than used to identify new priorities. In Mali, the Embassy designed a transition programme for 2015-2016 to maintain activities following the 2012 crisis which did not require a human rights screening note.

A number of thematic objectives are consistent with a HRBA, but pre-dated the HRBA, for example the good governance and human rights programmes which explicitly address a range of civil and political rights as well as core principles, or the targeting of the poorest and rural populations in social, agricultural or business sector programmes.

In Bangladesh, the Country Programme Document states explicitly that “Past experience shows that the efforts to support rights-based efforts have performed better than interventions in public governance, where results have been disappointing [...] Given the lessons learned [...] the Thematic Programme will focus sharply and support strategic and robust rights-based NGOs, duty-bearers, international organisations and watchdogs”. This also led to a decentralised cooperation on governance with UNDP, in contrast to the more centralised governance support during the previous Human Rights and Governance programme.

That apart, it is difficult to assess if objectives changed as the result of a HRBA, in part because the design of a number of thematic programmes were well advanced when the HRBA guidance was introduced in 2013. In addition, human rights language can be very close to development objectives, such as “promoting access, availability and quality in Tanzanian health services, which are key human rights” (Tanzania country programme) or a focus on *inclusive* growth (Mali and Tanzania business sector programmes). At a minimum, the HRBA made these elements more explicit and provided a new, consistent language across the MFA.

3.6 Innovations in sector programmes

Difference: The HRBA helped the MFA move beyond targeted, stand-alone human rights projects and has led to innovations in sector programmes.

Denmark has a very long track record of addressing specific human rights issues, in particular support for oversight institutions and for rights-holder focused activities through targeted governance and human rights projects. The combination of a more systematic attention to human rights standards and principles during the approval process and screening note has led to stronger HRBA elements within thematic programmes and development interventions.

The country case studies indicate that the HRBA has enabled Danida to systematically consider other human rights standards early on in the policy and programming cycle, such as support for the right to services in Ghana¹¹ or greater attention to labour standards in the Tanzania and Mali business sector programmes. The HRBA has therefore helped Denmark consider how social, economic and cultural rights can be promoted through sectoral programming. This is not a radical departure, as prior to 2012 Danish representations already regularly considered social rights objectives, such as SRHR in the Tanzania 2009 health sector programme.

The HRBA has led to new activities within selected sectors. For example, both the Mali and Tanzania business sector thematic programme documents include a long list of new commitments related to corporate social responsibility (CSR) as a direct consequence of being explicit about a HRBA. This includes preventing violations (a safeguard approach through the use of checklists which identify child labour as well as environmental issues); a systematic approach to ensuring equal benefits for women (including sex-disaggregated data to track progress); and attention to human rights principles in ways of conducting business (complaints mechanisms, tender transparency). Some development engagement obligations under the Business Sector Programme in Mali (such as with the Government agency which builds infrastructure) require implementers to respect human rights and gender equality and integrate them in their procedures, projects analysis, implementation and tender procedures, as well as equal participation of women and men in decision-making. In Bangladesh, the HRBA led to a new accountability-focused activity (Promoting Social dialogue and Harmonious Industrial Relations in Bangladesh Garment Industry). It began during the present country programme (2016-2021) and is implemented by the International Labour Organization (ILO) with a focus on handling workers' grievances.

Service delivery programmes also saw innovations. In the Tanzania health sector, the HRBA led to a new social accountability partnership with the NGO Sikika. It supports local citizens monitoring of drugs availability, medical supplies and equipment; complaints mechanisms in health facilities; and participates in the joint Government-Development Partners health sector reviews thus influencing overall Government policy. In Ghana, service charters in the health sector were the results of the Governance and Rights to Services programme.¹²

Lesson: the HRBA has led the MFA to identify new implementation partners.

Innovations include new partnerships to deliver human rights objectives. In the Tanzania health sector, to complement Sector Budget Support which is not targeted, Denmark is

¹¹ Sano and Anyidoho (2016).

¹² *Ibid.*

investing in new public-private partnerships specifically to reach the disabled or victims of gender violence, promote social accountability and advance SRHR. For example, the partnership with Marie Stopes International provides family planning services for poor women with an increasing focus on under 20 years old girls and the partnership with the Comprehensive Community-based Rehabilitation in Tanzania focuses on disability. The five public-private partnership agreements are currently being updated with explicit human rights elements.

In Bangladesh, the HRBA led to a shift in focus from central Government to the decentralised level in order to better reach citizens. Denmark is withdrawing its support for public financial management, leaving it to other partners better placed to do so. Instead, the Danish governance programme supports CSOs working country wide or provides resources for the Regional Council of the Chittagong Hill Tracts.

3.7 Risk management

Difference: the HRBA seems to have led to few innovations in risk management.

Human rights continue to be identified as major risks in country programme documents, with a traditional focus on violations (e.g. violence and discrimination against targeted groups; land grabs; media restrictions in Tanzania) or deterioration of the human rights situation as in Bangladesh. Human rights risks are not always consistently identified; for example, they are absent from Mali's peace and reconciliation development engagements despite the role of armed groups in peace process activities supported by Denmark. However, Embassies use other mechanisms to monitor and mitigate human rights risks at the project level even if they are not visible in the documentation, such as through Embassy meetings and field visits, which could not be examined in a desk review.

Human rights risks are managed through the traditional methods of monitoring, dialogue and the threat of aid cuts. In the Tanzania contextual risk matrix, “significant breach would impact budget support disbursements” and “dialogue with government” is the risk management measure. In Bangladesh the envisaged remedy for increased risks of violations (against e.g. religious minorities) is enhanced monitoring of the human rights situation by the Embassy and stronger attention to human rights in dialogues with Government partners.

The HRBA has allowed innovation in risk management through a focus on human rights principles and positive interventions in other sectors. For example the risk of “low emphasis on equity in service provision” in Tanzania is to be addressed not just through the health sector programme but also in “demand-side accountability, participation, transparency and non-discrimination through the thematic programme on governance”.

3.8 Summary of differences and value added

This section summarises the extent to which the Danish HRBA met the expectations of those that had designed it (as set out in section 1.2). The case studies confirm that the HRBA continued previous attention to the following priorities which are consistent with, but not unique to, a HRBA:

- Targeting of the poorest, including the rural poor, to achieve poverty reduction is not a HRBA innovation but is reinforced by it, especially by non-discrimination, equal access and a focus on vulnerable groups. The HRBA can provide a more systematic focus on the empowerment of vulnerable groups identified as rights-holders rather than charity.
- Strategic gender equality mainstreaming has probably been reinforced by the HRBA, especially the non-discrimination and participation principles. It was consistently found in all the reviewed activities, even in difficult contexts with little Government ownership and societal resistance to gender such as Mali.
- The HRBA reinforced attention to other vulnerable groups or issues, such as indigenous peoples in Bangladesh and SRHR in Tanzania. It also generated greater attention to new groups, requiring targeted assistance, such as the landless poor in Bangladesh and LGBTI persons in Uganda and Tanzania.
- Good governance-targeted thematic programmes with civil society, parliaments, justice and other accountability bodies are a continued feature of all three country programmes reviewed in this desk study.
- Human rights dialogue continues, for example around budget support in Tanzania or LGBTI in Uganda and Tanzania or around minority and indigenous peoples issues in Bangladesh. Danish human rights dialogue on politically sensitive issues is mostly coordinated with other development actors, multilateral as well as bilateral. The HRBA does not seem to have fundamentally changed Denmark's approach to budget support and associated dialogue but it formalised it.

There has been more mixed improvements in the areas where HRBA guidance authors expected innovations. This is consistent with the desired “pragmatic” approach which does not require systematic implementation:

- Denmark pays attention to international human rights norms and systems, such as using UPRs. However, the potential for a more systematic consideration of human rights standards in analysis does not appear to be always realised.
- The HRBA has enabled the MFA to more systematically consider other human rights standards beyond civil, political and women's rights early on in the policy and programming cycle. This includes a number of innovations to promote social, economic and cultural rights through sectoral programming. This is not a radical departure but the HRBA has implied greater consistency in its application. This helped Denmark move beyond targeted, stand-alone human rights projects.
- Human rights principles appear to be now more systematically considered across the design of a country programme, not just in governance but also in sector

interventions (e.g. health or business). Non-discrimination is the most consistently applied principle, with regards to vulnerable groups with a focus on equity and accessibility. While participation has a long track record, inclusion is a newer concept. Accountability is mostly applied to demand-side and oversight interventions across political, legal and horizontal dimensions. It also refers to service delivery and to government financial accountability linked to budget support. Transparency is probably the least consistently applied principle and not always used in its broadest sense of media freedom. It is also applied to Danida itself, such as access to official documents.

- The HRBA enables a broader focus on the relationships between duty-bearers and rights-holders, including beyond state-citizens relations to also encompass the role of the private sector.
- There have been some innovations in terms of activities and partnerships, for example targeting new implementing partners that can reach out to vulnerable groups or use social accountability methods, but less in terms of risk management.
- The HRBA was not designed to fundamentally influence Denmark's strategic objectives at the country level. This was in part because programmes had been already partly designed before the HRBA was introduced; a strong consistency in sectors over several phases in Danish assistance; and the similarity between pro-poor and HRBA objectives. The HRBA made the human rights elements of objectives more explicit.
- M&E has been improved through the introduction of human rights-based indicators but there is no evidence of a greater use of qualitative indicators. It is not yet possible to identify HRBA results because it is too early and monitoring is weak.

In addition to differences within Danida, the case studies also point to some added value (the fundamental learning points deriving from the Danish implementation of HRBA with an importance also for other actors and donors,):

- The HRBA has led to a more systematic analysis of country and stakeholder situations during the design phase. The analytical gains have been prompted by Danida's Country Policy Papers, Country Concept Notes with HRBA screening and dialogue with the Programme Committee. The analytical gains have implied an approach more inclusive of vulnerable rights-holders.
- The HRBA has implied a much stronger focus on the interactions between rights-holders and duty-bearers. This ranges from legal aid, advocacy to combat human rights violations, agricultural extension, service delivery (e.g. health) and private sector projects. These efforts have included advocacy as well as collaborative activities, rather than enhanced confrontational situations.
- HRBA work with duty-bearers may imply multi-sectoral engagements such as the one stop crisis centres in Bangladesh. These gains resonate with Swedish International Development Cooperation Agency (Sida) lessons on the value of a broad approach in order to make HRBA effective (see chapter 4).

4 HRBA experiences of other Development Organisations

4.1 Lessons learned from other organisations

The study examined six other organisations in order to solicit lessons from their human rights-based work. Two bilateral donors, Sida and GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit) and two multilateral agencies, UNICEF and UNDP, have early HRBA experiences. DanChurchAid (DCA), a Danish NGO, and CARE International, an international NGO, have adopted broad HRBAs with an overlap between environmental and human rights concerns.

The six case studies, together with a recent multi-donor review on the integration of human right in development assistance,¹³ show a number of similarities in approaches and remaining challenges to operationalise a HRBA.

Commitment to HRBA

Lesson: agencies' organisational commitment to a HRBA seems enduring though it evolves.

- The policy commitment to a HRBA to development in Germany, Sweden, UNICEF and DCA has remained constant over time. In 1997, Sida established human rights as a central tenet of its foreign and development policy and, in 2003, a new law made poverty reduction and human rights the basis of all Swedish trade, development and migration policies. This has not been questioned in any significant manner despite political change. By contrast, Germany adopted a HRBA much more recently, in 2011, with responsibility shared between the Ministry of Development and Cooperation (BMZ) and GIZ. The 2017 German elections may influence the commitment.
- UNDP shows how the commitment evolves over time to adjust to new priorities. Human rights were integrated along with Social and Environmental Standards and Gender Equality and Women's Empowerment. This contributed to retaining a commitment to HRBA also consistent with the SDGs that cover environmental issues. These Social and Environmental Standards led to a needed detailed guidance on HRBA after 2014.
- In UNICEF, the policy commitment remains unchanged from the organisational centre according to an evaluation from 2012.

¹³ World Bank and OECD, 2013. *Integrating Human Rights into Development. Donor Approaches, Experiences, and Challenges*. OECD, Paris.

- Among the NGOs, the DCA commitment remained unchanged. In CARE International, humanitarian concerns seem to be receiving stronger priority, leading to a reduced commitment to HRBA over the last few years.

Content of a HRBA

Lesson: There is a broad consensus across organisations in the elements of a human rights-based approach.

- There is broad consistency across the six organisations in terms of how they define a HRBA, though CARE prefers to refer to “rights-based” approach, maybe in order to avoid a language being perceived to be too legalistic.
- All emphasise both human rights standards and principles. Principles differ somewhat but are broadly consistent. They all pursue principles more consistently than standards in their operations, as does Denmark.
- The application of human rights principles by multilaterals seems somewhat loose, especially with respect to non-discrimination. For example, UNICEF’s evaluation found a lack of clarity with respect to equality and non-discrimination. In future support to these organisations, Denmark could encourage a common understanding of how human rights principles are operationalised.

Challenges in implementation

Lesson: there is often a gap between organisational commitment at headquarters and country level practices.

- All organisations found challenges with implementation. A recent UNICEF evaluation identified considerable variation in how a HRBA is applied by country offices. In fragile and undemocratic states, it can be difficult to identify appropriate Government partners. It found HRBA fully applicable with humanitarian settings.
- In CARE, there also seems to be a gap between headquarters and country teams, a scenario reinforced by the fact that central organisational guidance on the approach is somewhat dated.

Benefits from implementation

Lesson: a HRBA is seen as providing benefits in terms of analytical rigour, focus on target groups, power relations and multi-sectoral activities.

- All six organisations base their work on flexible and context-specific approaches. Most describe themselves as pragmatic, as Denmark does.
- All found gains in terms of analytical rigour. The focus on vulnerable target groups has become more precise and power relations addressed through human rights.
- The impetus to engage in multi-sectoral activities was seen as an asset of human rights-based work, especially by Sida and DCA.

Advocacy and political space

Lesson: a HRBA enables political advocacy and collaborative strategies between Governments and civil society but political space for such engagement is reducing.

- The HRBA has meant a stronger focus at the political advocacy level (in contrast to a technical one) and a stronger emphasis on social rights according to experienced staff in GIZ.
- Multilateral and bilateral studies indicated a space for collaborative strategies among rights-holders and duty-bearers. For example, a Sida study on justice advocacy through dialogue and HRBA¹⁴ found that the HRBA focus on rights-holders, civil society and duty-bearers generate collaborative strategies which could yield positive impacts.
- The context is becoming more difficult. DCA found that political space for civil society advocacy work appears to have narrowed.

Results-based management

Lesson: monitoring the results of a HRBA is often weak across organisations but they can show concrete benefits for poor and vulnerable people.

- Results management and reporting remains weak, as is the case in the Danish MFA. Only one NGO evaluation by DCA used indicator-led results assessment to track results on the ground. The 2012 UNICEF evaluation recommended guidance on linking HRBA with results-based management, particularly in terms of a greater use of indicators to measure the application of the approach's principles. The absence of reliable data precluded UNICEF country offices from identifying and targeting vulnerable groups.
- As in Danish assistance, there is often more attention to a HRBA in design than in monitoring. Sida's digitalised project management system mainly focuses on HRBA during appraisal, not implementation and monitoring.
- UNDP achieved good results in terms of enhancing UN frameworks to advance the rights of minorities, indigenous peoples and persons with disabilities. However, these were policy level achievements rather than achievements of improving the rights the vulnerable groups themselves.
- The German "Promising Practices" methodology shows achievements in terms of participation, accountability, and protection of vulnerable groups with respect to civil and political as well as social rights. Positive examples relate to access to services for marginal groups, equitable access to health care, and women's and girls' access to vocational training.

Lesson: qualitative tools can complement indicators-based HRBA monitoring.

- Germany reports “promising practices” with a systematic, fixed format approach, in some cases based on solid monitoring data.¹⁵ UNDP provided similar case narratives as GIZ, but with fewer studies that dealt with issues on the ground.¹⁶
- Case studies should not replace indicator-based monitoring, but can supplement conventional monitoring. The qualitative form of this tool may provide a more thorough learning of what can be achieved on the ground using a HRBA.
- The consistent focus on vulnerable groups in DCA evaluations is beneficial. A gender perspective is important, but not sufficient when seeking to operationalise a HRBA which focuses on a wider range of vulnerable groups.

4.2 Lessons from Denmark for other organisations

- Whereas other organisations are still reporting difficulties and strong variations among country and regional offices of how to programme in a HRBA way, Denmark seems to have achieved a good understanding in its country representations. Factors that facilitated this ownership included strong political leadership at the start, ongoing technical support and feedback from headquarters, and including the HRBA as part of the new Danida country programming system.
- The Danish screening tool is an innovation that others should consider, particularly how it has been used to facilitate dialogue between country representations and headquarters. This helped make specific human rights analysis and programming commitments, and strengthened ownership of the HRBA.
- Finally, Danida could also share lessons with other agencies on the pragmatic way in which it has implemented the approach. Recognising trade-offs, accepting the implicit use of human rights, reinforcing complementarities with other MFA approaches such as gender and political economy analysis all made the Danish HRBA more feasible.

¹⁵ GIZ (2016). <http://www.institut-fuer-menschenrechte.de/en/publications/dc-promising-practices/>. The Promising Practices format includes Background, Towards a human rights-based approach, Achievements and impact, and Challenges.

¹⁶ UNDP (2013). Mainstreaming Human Rights in Development. Stories from the Field.

5 The Sustainable Development Goals and the Danish HRBA

This chapter examines how the Danish MFA can further the realisation of human rights through the SGDs, which have become the dominant global development framework.

The Millennium Development Goals (MDGs) served as proxies for a number of economic and social rights (e.g. right to health or education) but did not contain explicit references to human rights objectives (standards) or processes (principles). For example, they did not focus on those groups less likely to benefit from general investments and needing more targeted assistance.¹⁷ By comparison, the SDGs agreed in 2015¹⁸ encompass a much stronger human rights normative and operational perspective:

- There is a commitment to human rights principles in how the SDGs are to be achieved. “Leaving no one behind” will guide the SDG process and contributes to non-discrimination and the universal realisation of rights. Accountability is an important element of Goal 16 and of the “means of implementation”.
- Human rights principles are reflected in goals and targets, such as attention to “inclusive”, “equitable”, “empowerment”, “universal access”, “for all”, equal rights”, and the “poor and those in vulnerable situations”. Goal 5, on gender equality, and Goal 10, on equality within and among nations, are designed to combat discriminatory practices and to enhance equality.
- Human rights standards are also reflected in goals and targets, such as “decent work”, “access to justice”, “end all forms of discrimination”, and “end ...all forms of violence against and torture of children”.
- While the targets and indicators mostly relate to economic and social rights (especially Goals 1, 3, 4 and 8) and to women’s rights (Goal 5), there are explicit references to civil and political rights which were not included in the MDGs, especially Goal 16 dealing with peaceful and inclusive societies.
- Overall, the approach is one of human rights protection and fulfilment combined with efforts to combat discrimination and harmful practices. The SDG agenda is built on a vision of empowered citizens making duty-bearers and international actors more accountable.

¹⁷ See, for example, Mac Darrow, “Master or Servant? Development Goals and Human Rights” (chap. 4), and Thomas Pogge, “Poverty, Hunger, and Cosmetic Progress” (chap. 8), in *The Millennium Development Goals and Human Rights: Past, Present and Future*, ed. Malcom Langford, Andy Sumner, and Alicia Ely Yamin (Cambridge: Cambridge University Press, 2013).

¹⁸ UN (2015). A/RES/70/1 - Transforming our world: the 2030 Agenda for Sustainable Development, preamble.

SDG implementation can lead to significant human rights gains if attention is retained on linking human rights implementation to the SDGs.¹⁹ The way in which targets have been formulated (encompassing human rights principles and specific rights captured in human rights standards) can reinforce human rights.²⁰

The SDG agenda may, depending on country contexts, drive human rights implementation more strongly than any previous global development agenda. However, SDG negotiations during 2012 to 2015 demonstrated that not all Governments were fully committed to all human rights through the SDG process. A coalition of Governments and civil society actors nonetheless managed to maintain attention to human rights, using at times implicit language where necessary. Denmark has an important role to play to ensure this focus is maintained through SDG implementation and monitoring processes.

In its new draft development cooperation strategy, Denmark has decided to prioritise the following goals:

- For countries and regions deemed poor and fragile: Goal 1 on poverty, Goal 2 on hunger, Goal 4 on education, Goal 5 on gender equality and Goal 8 on decent work and economic growth.
- For poor and stable countries: Goal 1 on poverty, Goal 4 on education, Goal 5 on gender equality, and Goal 8 on decent work and economic growth.
- For both fragile and stable poor countries: Goal 16 on peaceful and inclusive societies and Goal 17 on the means of implementation and global partnerships.
- For transition and growth economies: Goals 6 on water and sanitation, Goal 7 on energy, Goal 11 on sustainable cities, Goal 12 on responsible consumption and production, and Goal 13 on climate change are added to the ones mentioned in relation to the poor countries. Goal 1 on poverty is not a focus.

Chapter 6 makes a number of specific recommendations on the SDGs and human rights.

¹⁹ See also Jonas Christoffersen and Eva Grambye. (2016) Lige muligheder – lige rettigheder. Verdensmålene og menneskerettighederne – hinandens drivkraft. [Equal Opportunities – Equal Rights. The Sustainable Development Goals and Human Rights – Mutual Driving Forces]. In Steen Hildebrandt (ed), *Baredygtig udvikling*. Djøf 2016.

²⁰ See The Danish Institute for Human Rights (2016) Human rights relevance of SDG monitoring data: analysis of the current indicator framework proposed by the iaeg-sdgs.

6 Conclusions and recommendations

This final chapter draws out the main conclusions from this desk study (6.1) and makes a number of recommendations (6.2). The aim is forward-looking, to inform how Denmark can implement its renewed commitment to a HRBA in its new 2016 development strategy.

6.1 Conclusions

First, Denmark was successful in introducing its HRBA in a pragmatic way from 2012 onwards, as chapter 2 has demonstrated. The combination of political leadership and technical support generated ownership across Danida, building on a tradition of human rights considerations in Danish development programmes. Including the HRBA as part of the new Danida country programming system made its roll out more systematic, in particular through the human rights and gender screening tool. Technical support from Danida headquarters in Copenhagen facilitated the decentralised implementation of the approach by country representations. The ongoing internal Danida review and approval process seems to have led to a strengthening of the HRBA, installing a sense of ownership of the HRBA among country staff in representations.

A selective and pragmatic approach, recognising trade-offs, accepting the implicit use of human rights, and reinforcing complementarities with other Danida approaches such as gender and political economy analysis, made the Danish HRBA more feasible. As MFA management considers how to continue to implement a HRBA as part of its new 2016 strategy, it needs to build on these positive lessons from its short HRBA experience.

Second, the Danish HRBA did make a number of differences to how Denmark designs and delivers its policy dialogue and programmes, improving its potential effects on poverty reduction for all, as described in Chapter 3. The approach was stronger at the design stage. The human rights and gender screening tool played a key role in improving analytical rigour and providing a more systematic focus on the empowerment of vulnerable groups identified as rights-holders. The targeting of vulnerable groups has become more systematic and the HRBA has most likely reinforced Denmark's commitment to women's rights and gender equality.

The four human rights principles appear to be now more systematically considered, not just in governance but also in sector programmes which has helped Denmark move beyond targeted, stand-alone human rights projects. The HRBA has enabled a broader focus on the relationships between duty-bearers and rights-holders, including beyond state-citizens relations to also encompass the role of the private sector. The application of the principles facilitates this perspective. It highlights the non-discrimination, participation and inclusion of rights-holders as well as the accountability and transparency of duty-bearers,

and encourages multi-sectoral and collaborative engagement. The HRBA provided a new consistent language across Danida which made the human rights aspects of policy and programmes more explicit. The human rights principles are consistent with the SDGs. The implementation of the SDG framework, which is becoming a new Danish priority, will therefore reinforce the application of these principles over the coming years.

Third, the Danish HRBA experiences, though more recent, seem consistent with that of other organisations, as shown in Chapter 4. Ownership of HRBA approach by country representations (a result of political leadership, technical support and introducing it as part of a new country programming system); its screening tool which improved analysis and targeting of vulnerable groups; and its pragmatic approach seem more advanced than in other organisations which have adopted a HRBA. Denmark could share its lessons with others. In return, it could learn from others to improve its HRBA M&E, for example through qualitative case studies to report results and learning, as a parallel effort to the monitoring of HRBA indicators.

6.2 Recommendations

Recommendation 1: In order to continue implementation of its HRBA, as is anticipated in the draft 2016 strategy, MFA management need to identify a minimum core staff resource in Copenhagen to support implementation with a clear policy lead, access to technical support, improved knowledge management, a simpler and shorter screening tool and updated management guidelines.

Since 2015, there have been significant cuts to the Danish aid budget and staff in line with the new Government policy. The Danish Government is reducing its Official Development Assistance/Gross National Income ratio to 0.7%. Spending on refugees within Denmark is expected reach 30% of Denmark's gross Official Development Assistance, reducing development assistance managed by the MFA by 42%. Staffing cuts are equivalent to 9% of its headquarters and posted staff.²¹ These changes have reduced available resources and will make support for the implementation of the HRBA even more challenging than it has been to date.

The OECD Peer Review notes the significant recent staffing cuts (including of technical experts at headquarters and of Danish staff in Embassies) and recommends that “Following the release of the new strategy, Denmark would benefit from assessing whether its new organisation is fit for purpose.”²²

Interviews with headquarter staff suggested that no one team currently had a clear lead on the overall HRBA, though individual teams had specific interests (e.g. legal team on human rights monitoring and support to Danish human rights institutions; performance team on HRBA quality assurance). Interviews with country representations indicated they were receiving fewer messages on HRBA implementation and were not clear who was

²¹ OECD (2016).

²² *Ibid.*

responsible with providing back-up support. This gap could undermine implementation of the HRBA elements of the 2016 strategy.

Applying OECD Peer Review insights to the implementation of the HRBA, MFA management should consider how best to support continued implementation, if a HRBA is retained in the 2016 strategy. This would include a clear policy lead, access to technical resources to support country representations and an improved knowledge management system to learn from Danish field experiences and from other organisations. It is not recommended that the MFA develop new guidance documents, as it can draw on those produced by other organisations but it could simplify the screening tool (which is rather long). It should also update its management guidelines to reflect the findings from this desk review, in particular provide ongoing attention to the HRBA beyond the country programme design phase, into implementation and M&E.

Recommendation 2: The MFA should prioritise practical advice and sharing lessons on the HRBA by focusing on the priorities in the draft 2016 strategy, in particular fragile situations, private sector development, and how to support civil society in a more restrictive context.

Danish development assistance is changing, with a greater focus on fragile countries and regions, and on private sector development. Human rights are particularly challenging in these contexts, given the perceived tensions between peace and human rights in the short term and often very weak capacities. Private sector interventions may also not prioritise some human rights (such as labour rights which will be perceived to increase costs). A thoughtful HRBA is required for increased Danish work in these contexts and sectors. This could pay attention not just to CSR (which may be optional for individual firms) but also to the wider enabling environment for growth and prosperity, including mandatory standards and effective accountability mechanisms in case of violations, to insure more inclusive outcomes that benefit all. Additionally, business corporations might be urged to be more alert to human rights impact assessment methods.

Civil society organisations are crucial partners to implement a HRBA. However, there are growing restrictions on media and civil society in many of Denmark's partner countries. A new approach to assisting civil society should be considered. This could include: greater sharing of information with other funders, more risk analysis, revising communication strategies, more remote operations and working directly with local funders, as well as more protective funding for domestic civil society.²³

²³ Thomas Carothers. (2015). "The Closing Space Challenge: How are Donors Responding?" Carnegie Endowment for International Peace. November. <http://carnegieendowment.org/2015/11/02/closing-space-challenge-how-are-funders-responding-pub-61808>.

Recommendation 3: Denmark and development partners in general, need to develop new ways of engaging in human rights dialogue in a context where aid has become less influential and human rights are increasingly contested, for example linked to the SDGs or thematic priorities.

Policy dialogue linked to GBS has been an important source of lessons over the last 15 years as it had become a high profile multi-donor aid instrument. However it is no longer a significant tool for Denmark and several other donors and dialogue had been difficult as the instrument is too blunt (aid delay or suspension). Dialogue linked to Sector Budget Support, possibly also linked to UPR processes, or undertaken as part of work on thematic priorities, seems to have been more successful as it is more targeted. EU processes, such as Cotonou Agreement Article 8, already encourage joined up multi-donor processes.

Human rights dialogue is likely to become even more difficult in the future in most of Denmark's partner countries, in particular given the growing trend of restrictions on civil society and the media.²⁴ A new approach needs to be developed, that welcomes the growing assertiveness of partner countries, where developing countries and development partners are treated on a more equal partnership basis rather than a conditionality model with a threat of aid suspension. The SDG framework provides a new entry point for dialogue and alliances.

Recommendation 4: In order to demonstrate results, the MFA needs to track progress with both HRBA principles and standards in programming through improved M&E and a focus on how rights-holders, especially vulnerable groups, benefit from HRBA-supported activities. This should include the use of qualitative case studies in addition to human rights indicators, and an update of the MFA management guidelines to give greater attention to the HRBA in ongoing M&E.

This review showed that Denmark is putting more emphasis on its HRBA in its country policy and high level programming stages. The interviews and document review did not demonstrate the MFA had a structured way of maintaining a focus during implementation. While the screening tool encourages the identification of human rights-based indicators, routine monitoring does not capture progress with HRBA implementation, in terms of processes (linked to human rights principles) and results (linked to human rights standards).

It is a challenge to document positive change beyond the introduction of new processes (e.g. such as codes of conducts or grievance mechanisms). The most challenging metric is to document how HRBA is effective in improving the livelihoods of vulnerable or marginal groups, as these groups are not always easily identifiable and as assessments of progress in their livelihoods often remains a challenge. While other donors seek to supply case narratives or promising practices reflecting on achievements, the MFA does not yet seem to have yet a strategy for how to measure the HRBA beyond the introduction of HRBA indicators.

²⁴ *Ibid.*

Recommendation 5: The MFA could share with other agencies some of its lessons learned, in particular how it succeeded in generating ownership, the value of the screening note and its pragmatic approach. It could also encourage multilaterals to have a more consistent understanding on how to operationalise human rights principles.

In the early days of the Danish HRBA, the MFA invested time and energy in influence the European Commission's adoption of a HRBA. It has also made HRBA a key element of its support to civil society organisations, including through financial incentives for those that could demonstrate they were adopting the approach. Denmark could share with other organisations the lessons identified in this review and seek to learn from others, in order to improve the international community's global understanding of a HRBA.

Recommendation 6: The MFA should explicitly support human rights integration in the SDGs, linked to both economic and social rights and to civil and political rights implementation, collaborating with relevant alliances, such as the ones already established around Goal 16 on peaceful and inclusive societies. It should emphasise the importance of human rights principles throughout SDG implementation.

The implementation of the SDGs provide an opportunity to focus on both on human rights standards and on core human rights principles of inclusion, non-discrimination, empowerment, and accountability.

To strengthen the implementation of the human rights elements of the SDGs in the poorest countries, Denmark should, in collaboration with others:

- Link the recommended improved Danish HRBA monitoring to the SDG implementation and monitoring, including potentially through a revised screening note.
- Link support for SDG implementation to economic and social rights, especially but not exclusively, regarding support for Goal 1, 2, 4, 5 and 8.
- Support the implementation of civil and political rights by joining alliances already established around Goal 16 on peaceful and inclusive societies.
- Retain a perspective on non-discrimination and equality across all goals and ensure that the implementation of the SDGs becomes an agenda of inclusivity and accountability, as intended.
- Support (in addition to Governments) non-state human rights actors engaged in ensuring the fulfilment of human rights as part of efforts to realise the SDGs.
- Work constructively with the private sector in Denmark, partner countries and internationally to maximise their contributions to human rights through the SDGs.²⁵
- Support the integration of SDG discourse on specific rights in UPR dialogues.
- Denmark could integrate these HRBA elements through the implementation of the SDGs at the national, regional and international levels.

²⁵ See for example Institute for Human Rights and Business (September 2015). "State of Play: Business and the Sustainable Development Goals: mind the implementation gap". <https://www.ihrb.org/pdf/state-of-play/Business-and-the-SDGs.pdf>

Annex A: Terms of Reference

Terms of Reference for a lessons learned study on the Danish Human Rights Based Approach

Background

In 2013, Danida launched a guidance note for working with a Human Rights Based Approach to development. This followed the endorsement of the 2012 development strategy “A Right to a Better Life”. The guidelines outline the approach Denmark will apply to political dialogue, development interventions and partnerships and focus on a pragmatic and realistic approach to the operationalisation of the HRBA to all aid instruments.

There is no single approach to a HRBA. Denmark’s particular approach to a HRBA will balance pragmatism and realism with the integration of four principles: non-discrimination, participation & inclusion, transparency, and accountability. Central to the Danish approach is seeing human rights as both a means and an end in development cooperation, and efforts have been made to integrate this approach in policy dialogue as well as programming.

Purpose

It is too early to evaluate the outcomes of this approach to establish whether and how it leads to better development results, however it is useful to take stock of lessons learned so far of the Danish approach in order to assess the extent to which guidelines and principles have been operationalised. The intention is that this study should provide the basis for a future evaluation of the HRBA. The purpose of this study is to seek answers to the following questions:

- What constitutes the particular approach of Danish HRBA?
- What have we learned so far about applying a Human Rights Based Approach to policy dialogue and programming?
- What can be said about the differences the Danish approach makes in comparison with not working Rights-Based?

Scope and method of work

The study will take as a starting point a description of the Danish HRBA and seek to provide a broad overview of:

- How far Danida has come in applying a Human Rights Based Approach by reviewing policy and programme documentation as well as progress reports and other relevant material – selected countries and sectors as well as partners – NGOs and multilateral organisations, (8-10 pages);
- The experiences of other development organisations (international NGOs, bilateral, multilateral organisations) that initiated HRBA before Danida and what

they have learned – what difference does it make? And what are examples of best practice? (10 pages)

- The HRBA and the implementation of the SDGs: New ways forward including opportunities of stronger human rights integration in implementation of the SDGs. (7-8 pages)
- Conclusion and suggestions for the way forward including focus for a future evaluation of the Danish HRBA (e.g. identification of questions to be addressed in an evaluation).

The study will be desk-based and based on available and relevant documentation from Danida and from other development agencies applying a HRBA. Furthermore, interviews with selected key relevant staff members in the Ministry of Foreign Affairs and/or Danish Embassies abroad should be conducted. The study will assess lessons learned against the intentions of the HRBA as expressed in documentation from the Ministry and analyse the operationalisation of the approach in policy dialogue, partnerships and programming.

Deliverables

The study team will elaborate an inception report based on document review and interviews with key stakeholders, to be discussed in a reference group set up by EVAL, consisting of relevant stakeholders in the MFA. The inception report will provide an overview of existing documentation, suggestions for selection of multilateral engagements and bilateral programs including sectors to be analysed in-depth. Furthermore, the inception report will outline and describe the study report structure and the content of the report.

The final outcome is a study of not more than 40 pages including a 4 page executive summary.

Timeline 2016

Late-June	Initiation of assignment
July	Desk study
August	Interviews with key stakeholders in the MFA
August	Inception report, selection of programmes/multilateral organisations for review in the study
Early September	Discussion of first draft report with relevant stakeholders in the MFA
Late September	Final draft submitted

Organisation of the study

The study will be managed by the Evaluation Department (EVAL) and a study Reference Group consisting of key MFA stakeholders will be established. The role of the Reference is to provide advisory support and inputs to the study through comments to the report.

Composition and qualifications of the study team

The study team must possess substantial experience and knowledge about applying HRBA in programming, with specific experience and knowledge about the Danish approach to HRBA. The study team should consist of 2 consultants (one team leader and a consultant) with the following profiles:

Team Leader:

General qualifications:

- Higher academic degree, preferably Ph.D., within human rights, economics, social science or related field;
- A profile with major emphasis on human rights, HRBA and development assistance with 15 years or more of relevant experience

Adequacy for the assignment:

Experience with the Danish HRBA approach and/or Danish development assistance, and international human rights policy dialogue preferably through prior assignments;
Research experience in the field of development assistance, HRBA and human rights, preferably with published research in academic journals

Consultant:

General qualifications:

- Higher academic degree within human rights, economics, social science or related field;
- A profile with major emphasis on human rights, HRBA and development assistance with 10 years or more of relevant experience

Adequacy for the assignment:

- Experience within the field of governance, human rights and HRBA and Human Rights;
- Experience with HRBA in international organisations and bilateral donors;
- Research experience in the field of development assistance, HRBA and human rights

At least one member of the team must be able to read and write Danish. The team members are expected to complement each other, and the team leader is expected to participate throughout the process. A personnel assignment chart must be included in the technical proposal with the exact input of person days proposed. The team will be assessed as a whole.

Financial proposal

The total budget for the consultancy services is a maximum of 200.000 DKK. This includes all fees and project related expenses required for the implementation of the contract.

Requirements of home office support

The study team's home office shall provide the following, to be covered by the consultants' fees:

- General home office administration and professional back-up
- Quality Assurance (QA) of the consultancy services in accordance with the quality assurance system described in the Tender. EVAL may request documentation for the QA undertaken in the process.

Annex B: List of interviews

Danida Headquarters teams

René Taus Hansen, Chief Technical Adviser, Department for Technical Quality Support

Torben Lindqvist, Chief Technical Adviser, Department for Technical Quality Support

Hanne Carus, Chief Technical Adviser, Department for Technical Quality Support

Jane Werngreen Rosales, Chief Technical Adviser, International Law Department

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Cecilie Fenger Michaelsen Head of Section, Development Policy and Financing

Maria Ana Petrera, Chief Technical Adviser, Development Policy and Financing

Marianne Vestergaard, Special Technical Adviser, Evaluation Department

Country representations (Embassies)

Montarin Mahal Aminuzzaman, Gender, Bangladesh

Frank Rothaus Jensen, Deputy Head, Mali

Fenja Yamaguchi Fasting, Governance and reconciliation, Mali

Bocar Dit Siré Ba, Private sector, Mali

Steen Sonne Andersen, former Deputy Head, Tanzania

Camille Christensen, Deputy Head, Tanzania

Kirsten Havemann, Health sector, Tanzania

Mette Melson, Economic development and General Budget Support, Tanzania

Samweli Kilua, Business sector, Tanzania

Other donors and NGOs

Birgitta Weibahr, Sida

Juliane Osterhaus, GIZ

Carol Rask, DanChurchAid

Sarah Rattray, UNDP

Sofia Sprechmann, CARE International

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Annex D: Other donors and organisations

Sweden

In 1997 Sida established human rights as a central tenet of its foreign and development policy and in 2003, a new law made poverty reduction and human rights the basis of all Swedish trade, development, and migration policies.²⁶ A 2013 policy provides specific directives with regards to HRBA application.²⁷

The main purpose of Sida's HRBA is the empowerment of 'boys, girls, men and women to claim their human rights (as rights-holders) and to increase the capacity of those who are obliged to respect, promote, protect and fulfil those rights (as duty-bearers)'.²⁸ The HRBA is an analytical instrument to 'identify target groups, problem areas, power relations, and structures, and thereby leads to a more efficient collaboration with cooperation partners and countries'.²⁹

A 2012 study on justice advocacy through dialogue and HRBA in Swedish development assistance³⁰ found that broad, multisectoral approaches add value to Sida and are central in contexts of decentralisation. It confirmed that decentralisation was an important accompanying factor in HRBA implementation. The HRBA focus on rights-holders, civil society and duty-bearers generate collaborative strategies which could yield positive impacts on men and women. The study does not provide very detailed information on the potential improvement of rights-holders' living conditions.

Sida's digitalised system of project management mainly focuses on HRBA during appraisal, not implementation and monitoring. It provides inadequate information on results on the ground. However, according to material sent from Sida, Sida's representatives in Embassies have been able to draw up a number of examples concerning the effectiveness of HRBA of improving poverty and living conditions. These examples relate to the relative success in creating an enabling framework for claim-making from e.g. forest people to authorities or to successes in influencing duty-bearers through para-legals or through the actions of local CSO partners. However, they are not very specific on the actual livelihood gains for marginalised groups.

²⁶ Ministry for Foreign Affairs of Sweden. 2003. Shared Responsibility: Sweden's Policy for Global Development. Stockholm 2002/03

²⁷ Ministry for Foreign Affairs of Sweden. 2013. Aid Policy Framework – the direction of Swedish aid Stockholm 2013-14.

²⁸ Sida HRBA Portal. <http://www.sida.se/English/partners/resources-for-all-partners/methodological-materials/human-rights-based-approach-at-sida/>. Accessed October 2016.

²⁹ 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., p. 154.

³⁰ Sida 2012, *Results for Justice and Development*.

The 2015 CSO evaluation of Sida was not altogether well received within the organisation as there were serious doubts about the methods applied. However, one observation on the ultimate target groups may be interesting for other donors: active citizenship is not always feasible. The poorest and most marginalised suffer from deprivation, violence, and discrimination. They often demonstrate 'rational passivity' even when CSOs offer their support.

Germany

Germany adopted a HRBA in 2011. Mainstreaming of human rights covers five pillars: i) support for legal and institutional frameworks; ii) human rights risk assessment for all programmes and projects; iii) transparency and accountability; iv) capacity building; and v) policy coherence³².

Guidelines for implementation of human rights principles in programme proposals were introduced in 2013.³³ The principles referred to are empowerment, non-discrimination and equality of opportunity, transparency and accountability.

Responsibility for HRBA rests with human rights staff across GIZ, the implementing agency, and BMZ, the Ministry which sets policy and provides support through appraisals and monitoring missions, as well as trainings for other development officials.³⁴

A comprehensive environmental and social risk assessment is currently being elaborated similar to what UNDP is doing presently. It will strengthen the human rights assessments of programmes. The main policy documents outlining HRBA's role in German development cooperation do not include guidance on measurement and evaluation.

According to experienced staff in GIZ, the HRBA has meant a stronger focus at the political advocacy level (contrasted to a technical one) and a stronger emphasis on social rights. Flexibility is a concept that applies to German implementation models, but pragmatism seemed to be a concept that did not resonate strongly with the GIZ staff interviewed. Non-discrimination applies to gender, but has also important implications in terms of disability and indigenous populations. Water, health and education are more easily linked to HRBA than other sectors. Land tenure is sensitive, and agricultural, energy and infrastructure support may not integrate HRBA as easily as the social sectors.

GIZ and the German Institute for Human Rights have compiled 14 “Promising Practices” of the application of the human rights-based approach by German development assistance across a number of countries and sectors.³⁵ They show achievements in terms of participation, accountability, and protection of vulnerable groups with respect to civil and political as well as social rights. Positive examples relate to access to services for marginal groups, equitable access to health care, and women's and girls' access to vocational training.

³² BMZ. 2013. *The BMZ Human Rights Strategy – Its main provisions and implications*, Berlin.

³³ BMZ. 2013. *Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation*. Bonn.

³⁴ 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., p. 168.

³⁵ GIZ, 2016. <http://www.institut-fuer-menschenrechte.de/en/publications/dc-promising-practices/>.

UNICEF

In 1998, UNICEF made a human rights-based approach to programming an institutional priority. Considerable energy was invested in providing guidance to heads of offices, regional directors, and country offices. HRBA was, during the early 2000s, linked to results management. Responsibility for developing and implementing the approach was shared between headquarters and country offices, beginning in Africa and Latin America.³⁶

UNICEF's application of HRBA to programming was evaluated in 2012. The evaluation report examined qualitative as well as quantitative evidence.³⁷

The evaluation found that UNICEF staff's conceptual understanding of HRBA varied considerably. The aid effectiveness agenda had created new opportunities and challenges for the integration of HRBA, and UNICEF had taken some positive steps to lead in the thinking around these issues. The lack of clear harmonisation between UNICEF's focus on equity and HRBA led to some confusion among staff and human rights experts alike. The evaluation found that HRBA and equity are reconcilable, but remaining issues have to be clarified.

Regarding the application of the approach and its principles in programming, UNICEF applied HRBA principles in varied ways at the country level. In particular, normativity was the best-applied principle, while the application of the principle of participation was more mixed due to a lack of explicit references to how programmes are affected by the participation of rights-holders, the lack of a common understanding of the principle within UNICEF, and external political and cultural constraints. The application of non-discrimination was found to range from satisfactory to weak, with a lack of strong, disaggregated data, thereby making it difficult to identify and target the most vulnerable. The application of transparency was similarly between satisfactory and weak, reflecting positive efforts by UNICEF Country Offices to promote the transparency of duty-bearers and their lower level of success at ensuring the transparency of rights holders. The application of the principle of accountability was largely satisfactory, however, as a result of a lack of documentation on accountability mechanisms and of systems of complaint or redress within Government or UNICEF programmes.

The evaluation team provided a number of recommendations, some of which could also be considered in Danida's context:

- UNICEF should develop a strategy to coordinate the mainstreaming of foundational strategies, of which HRBA is one.

³⁶ For a critical assessment of the roll out in Africa, see Munro L (2012), "The "Human Rights-Based Approach to Programming" A Contradiction in Terms?" in Hickey S and Mitlin D (eds), *Rights-Based Approaches to Development Exploring the Potential and Pitfalls* Kumarian Press.

³⁷ UNICEF, 2012. Global Evaluation of the Application of the Human Rights-Based Approach to UNICEF Programming. Final Report, vol. 1. Evaluation Report.

- Staff should be given guidance on linking HRBA with results-based management, particularly in terms of a greater use of indicators to measure the extent of the application of the approach's principles.
- The linkages between HRBA and the equity approach should be clarified.

UNDP

UNDP adopted the HRBA as early as in 2003, based on the UN Common Understanding. UNDP focuses on the following human rights principles: universality, non-discrimination, attention to vulnerable groups, participation, empowerment, transparency and accountability. Guidance was issued in 2007.³⁸

An evaluation of the UNDP Global Human Rights Strengthening was undertaken during 2015, but has only now been made available. The programming supporting human rights running from 2008 to 2015 was successful in building capacities for national human rights institutions, and in shifting UNDP's culture towards applying a HRBA to programming including through new environmental and social standards. Prior to these standards most human rights support had been in the area of governance, and some in poverty, but hardly any in the environment. Also deemed successful were the efforts of UNDP to forge new ways to support the international human rights machinery, e.g. through the UPR. Through these efforts, UNDP contributed to the rights of minorities, indigenous peoples, and persons with disabilities. However, gaps were identified in the design and implementation of the programme in terms of results-based management. This resulted in lack of outcome indicators, limited monitoring of progress, and absence of reviews or opportunities for feedback on strengths and weaknesses to allow for adjustments of implementation failures.³⁹

A UNDP 2013 publication provides a series of qualitative assessments of achievements of HRBA in a number of thematic country programmes. However, it lacks cross-cutting conclusions to assess progress with UNDP's HRBA.⁴⁰ The 2015 evaluation of UNDP's contribution to Gender Equality and Women's Empowerment does not make any reference to HRBA.

The current assessment in the interview with UNDP is that the HRBA is not so well understood as a programming tool though many country offices feel comfortable with the approach.

The current focus is to improve guidance at a more detailed level, stimulated by the SDGs, the 2016 UNDAF (UN Development Assistance Framework) Guidance and well as UNDP's 2014 Social and Environmental Standards. These standards seek to underpin UNDP's commitment to mainstream social and environmental sustainability in programmes and projects. The Social and Environmental Standards combines three overarching policies and principles: Human Rights, Gender Equality and Women's Empowerment, and Environmental Sustainability. UNDP is developing a screening

³⁸ UNDP (2007) Operationalizing Human Rights-Based Approaches to Poverty Reduction.

³⁹ UNDP (2015). Evaluation of the UNDP Global Human rights Strengthening Programme 2008-2015.

⁴⁰ UNDP (2013) Mainstreaming Human Rights in Development. Stories from the Field.

guidance note to ensure that potential social and environmental risks, impacts and opportunities are systematically identified and addressed in UNDP's programmes

DanChurchAid

DanChurchAid (DCA) started to work on HRBA during the early 2000s. It is committed to ensuring that human rights standards and principles are an integral part of all its efforts. DCA supports partners that facilitate the empowerment of poor women and men to know and to act upon their rights and more equal gender relations. DCA also supports partners through advocacy and capacity building to ensure that Governments and other actors live up to their obligations. DCA understands a human rights-based commitment as ensuring the incorporation of the five principles in international work: Participation, Accountability, Non-discrimination and equality, Empowerment and Link to human rights standards.⁴¹ The three goals of its 2015-2018 strategy are to save lives, build resilient communities, and fight extreme inequality, pursued through five strategic intervention areas: Active citizenship, Right to food, Sexual and Reproductive Health Rights, Humanitarian action, and Safer communities. The strategic goals are therefore partly formulated according to human rights standards (right to food or SRHR) or according to agency domains (citizenship and advocacy) that are inherent in HRBA.

An evaluation of DCA HRBA activities is currently under preparation. According to the interview, preliminary findings on results and achievements of DCA's HRBA include:

- The political space for civil society has diminished, making advocacy work more challenging, but also increasingly relevant. Active citizenship can be a challenge for this reason.
- In some cases, partners have succeeded in legislative changes, for instance on forest rights reaching the rights of tribal people.
- However, success has been achieved in enhancing the capacity of rights-holders to engage with duty-bearers, not least at the community level.
- Reduced discriminatory practices are documented in evaluative work in e.g. India and in Africa. Reduced practices of discrimination may relate to women's and girls' rights and to caste groups, e.g. Dalits.⁴²
- Awareness work and local advocacy have in some cases contributed to increased reporting on domestic violence or to the introduction of district byelaws prohibiting domestic violence.⁴³
- Rights-holders' narratives and retrospective reviews seem more relevant than the establishment of baseline studies to demonstrate results.
- How to document the impact of HRBA on poorer rights-holders is a major gap in evidence.

⁴¹ DanChurchAid, 2014. International Strategy 2015-2018. Copenhagen.

⁴² See for instance DanChurchAid India, 2012. Enabling the Marginalised to Realise their Right to Food. Learning from the Food Rights Programme (2006-2012). DanChurchAid Malawi, 2015. Joint Evaluation of Active Citizenship and HIV and AIDS/Sexual and Reproductive Health Rights. Final Synthesis Report.

⁴³ See DanChurchAid Uganda, 2015. Joint Programme Evaluation.

CARE International

CARE International started to integrate rights-based programming during the early 2000s. The emphasis was on a rights-based, not human rights-based, approach, to allow for environmental rights and accommodate audiences not whole-heartedly embracing human rights.

RBA is still a tool in CARE's programming cycle, but views differ within the organisation as to how important is it. One perception is that humanitarian concerns are prioritised and less energy is devoted to HRBA. Country contexts and managers in countries play an important role in ensuring a continued commitment. This is particularly true in a situation where much of the intellectual work in CARE on HRBA has somewhat waned. It was not possible to retrieve publications on the subject by CARE – except for CARE Denmark – after 2008. It has not been possible to obtain evaluation material from CARE International.

The guidance offered to CARE's staff stresses that the analytical framework should include all human rights. CARE International emphasises four principles:

- people's rights to participate in decision-making processes.
- identifying and seeking to address the roots of poverty and suffering.
- refusal to tolerate discrimination and inequities.

Annex E: Country case studies

Case study countries selection

Country	Strategy	Context	Sectors examined	Partners reviewed
Bangladesh	Danida priority country	Asia	Agricultural growth and employment (2013-2018, DKK 330m)	Government of Bangladesh
	40 years Danish gender and human rights engagement	Poor stable country	Human rights and governance (2011-2016, DKK 190m)	
	Country Policy 2013-2017	Domestic HRBA capacities	Stability: Chittagong Hill Tracts	UNDP and ILO
	Country Programme 2016-2021 (DKK 335m)	Dialogue with government possible	Water and sanitation (2012-2016, DKK 200m – design pre-dates 2013)	NGOs (BLAST)
Mali	Danida priority country	Africa	Private sector programme (2013-2018, DKK 300m)	Government of Mali
	Priority country since 2006 including some human rights engagement	Poor, fragile country	Access to water and sanitation (DKK 75m additional – not reviewed as design pre-dated 2013)	Ministry of Industry agencies
	Transition Programme 2015-2016 (DKK 210m)	Response to military coup and peace process in Northern Mali	Democracy, peace and reconciliation (Northern Mali peace process, access to justice, parliament, NGOs – DKK 55m additional)	Private sector
	Country Policy 2016-2021			Parliament and NGOs
	General budget support		General budget support via EU (DKK 80m allocated but not initiated)	
Tanzania	Danida priority country	Africa	Business sector support 2014-2019 (DKK 600m)	Government of Tanzania, including health sector at national and local levels
	Over 50 years Danida engagement	Poor stable	Health sector programme 2015-2020 DKK 550m (DKK 300m sector budget support and 160m public-private partnerships)	
	Country Policy 2014-2018	Weak national HRBAs capacities		Donors providing general and health budget support
	Country Programme 2014-2020 (DKK 1350m)	Dialogue with government increasingly difficult	General Budget Support 2011-2015 (DKK 615m)	
	General and health sector budget support		Governance and rights 2011-2015 (DKK 250m) (not reviewed as covered by separate evaluation)	NGOs and private sector health providers
	First Embassy to apply HRBA in 2013			Private sector

Bangladesh Case Study

Country Policy 2013-2017

The country Policy Paper for Bangladesh runs from 2013 to 2017 and was published in September 2013. It identified four goals: 1. poverty reduction, 2. promotion of democracy, human rights, rule of law and good governance, 3. Promotion of commercial cooperation between Denmark and Bangladesh, and 4. Strengthened collaboration on global issues. The Policy Paper stressed a number of challenges: poverty and social development, governance and human rights, security, indigenous peoples, climate change, and working conditions and labour rights. The HRBA was emphasised in the introductory remarks defining the objectives of Danish development assistance as well as in the outline of the specific goals of poverty reduction and on democracy and human rights. The HRBA did not receive a lot of attention in the presentation of the goals of commercial promotion and on the collaboration on global issues. Some relevant human rights indicators in the Policy Paper indicators include access to sanitation in poverty reduction related to human rights as well as most of the indicators under the democracy and human rights goal.

The Concept Note and the Screening document

The Concept Note for the Bangladesh Programme 2016-2021 was elaborated by the Embassy in Dhaka using the screening tool. The Concept Note suggested three thematic programmes: 1. Agricultural Growth and Employment, 2. Climate resilience and Sustainable Energy, and 3. Governance and Rights. The four thematic programmes of the country policy document were therefore reduced to three. Agriculture, agribusiness and employment captured to some extent the former objectives of poverty reduction and commercial development. Climate resilience and energy put a stronger focus on what had been termed green growth in the country Policy Paper which had earlier also been mentioned under the somewhat vague label of collaborative work on global issues. The long title of the democracy, human rights, rule of law and governance objective of the country policy was shortened to Governance and Rights.

The Concept Note was discussed in a Programme Committee Meeting on 19 November 2014. The Committee requested more elaborate indicators. The Committee also emphasised that while indigenous peoples were mentioned in the HRBA/Gender screening note, this group was not reflected in the Concept Note.

The Country Programme 2016-2021

The Programme document maintained the three thematic programmes of the Concept Note: 1. Agricultural Growth and Employment, 2. Climate Resilience and Sustainable Energy, and 3. Governance and Rights. However, the total thematic programme budget was cut by DKK 165 million in the programme document due to the general cuts of Danish development assistance during 2015. Of the 165 million, the Agricultural and Employment programme was cut by 24% , 39% of the downsizing went to the Climate

Resilience and Sustainable Energy programme, and 36% of the cuts were for Governance and Rights. Relatively speaking, the Agricultural Growth and Employment programme was therefore somewhat cushioned in terms of cuts compared to the other two thematic programmes.

The programme document related all thematic programmes to economic growth and poverty reduction. Inclusive growth was related to empowerment of citizens and their enhanced capacity over time, through empowerment and citizenship, to benefit from basic services and equal rights.

The importance of dialogue was stressed in the assessment of risk factors in the country programme in order to mitigate risks. Political unrest, lack of reform, and extremism prompted a policy dialogue in cooperation with other partners, in particular the EU. Dialogue with the Government on human rights issues was prompted by a perceived deterioration in the human rights situation. Again, the dialogue would be undertaken by likeminded development partners and the country programme directly addressed the human rights situation through watchdogs and human rights NGOs. On the positive side in the risk assessment in terms of human rights, the election of Bangladesh to the UN Human Rights Council was noted.

With respect to indigenous peoples and the comments raised in the Programme Committee during 2014, the programme document clarified cooperation as far as this issue was concerned in the work and partnerships on the Chittagong Hill Tracts.

The external Grant Committee of Danida assessed the programme document at a meeting 15 March 2016 and recommended to the Minister the approval of the programme. The Grant Committee did not make further comments on indigenous peoples, but raised three issues in particular with respect to human rights.

It recognised that the budget cuts had led to discontinued direct cooperation with the National Human Rights Commission in favour of indirect cooperation through UNDP support, which was in line with the appraisal team's recommendations. However, it noted that the management of the Governance and Rights thematic programme could be a challenge with fewer partners. Synergies between partners were therefore to be explored.

Questions were raised on the Violence Against Women engagement and on the sustainability of the effort to redress practices which affected eight out of ten women. The Government had shown strong ownership of these programmes, however, by financing more than 75% of the budget.

On political development, the Committee had concerns about a political culture where it seemed difficult to raise a critical voice. The importance of robust CSOs was stressed.

Finally, on synergy and on strategic alliances, the Embassy was recommended cooperation with UNDP and ILO in particular, which were followed up in the programme document.

Agricultural Growth and Employment

The objective of this thematic programme is inclusive growth achieved through better skills, organisation and market access. The theory of change envisages that agricultural growth and employment can be furthered by making small and poor farming households more productive through adult education. These educational processes are also seen to lead to processes of empowerment enabling poor farmers and women in agriculture to become in charge of their own lives. Adult education takes place through Farmers Field Schools. In addition, the programme aims to conduct training on market access for poor farmers across all districts in the plains and in the Chittagong Hill Tracts.

The Farmer Field Schools date back to the 2006 Agricultural Sector Programme Support. The present programme titled Agricultural Growth and Employment runs from 2013 to 2018, while the programme presented in the new country programme is intended to run from 2019 to 2021. According to the 2013-2018 programme document, this programme was already influenced by the Danida *Right to a Better Life* strategy.

There is some degree of continuity between the original programme thinking of 2006 and now. The main target groups are similar: poor, marginal, and small farmer households. However, the 2013 Agricultural Growth programme in addition includes landless households. The human rights-based perspective has contributed to a more inclusive approach at the lowest levels of the farming communities.

The current programme strengthened the gender balance: now 50% of the participants in Farmer School training have to be women. As far as empowerment and participation are concerned, the evaluation of the Farmer Field School in 2011 indicates that empowerment of women was a component of programme thinking already then, and that participation of women in organisational issues was also inherent in programme thinking. Non-discrimination, however, is more strongly voiced in the 2013-2018 programme document.

However, these are perspectives according to the documents. The question is what has changed on the ground in Danida's thematic agricultural support as a result of HRBA? This was discussed with staff from the representation in Dhaka in a video interview. Three perspectives stood out with respect to agriculture programming:

- A lot of continuity in terms of the basic programming modality: the concept of FSS, women as a key target group, the importance of empowerment in sensitising the target groups that they could voice their concerns. HRBA was seen as “old wine in new bottle”. What remained important in the eyes of the representation was ‘what worked’. Given that a track record had already been established on what worked positively in agriculture, there seemed no need to change the fundamental mode of operation.

- A growing emphasis on the landless, but mostly in terms of training and sensitising them to their rights to make demands. Nutritional issues are also part of the training. However, the evidence on how this perspective has succeeded in mobilising landless populations and what positive results are emerging as a result of this is not available.
- A more systematic perspective on duty-bearers at the local level, i.e. integrating a duty-bearer perspective in addition to the rights-holder emphasis. This has also involved inducing stronger cooperation across diverse extension agencies at the local (Upazila Parishad) level, i.e. the duty-bearer perspective has succeeded in bringing time consuming and better coordinated extension to the door steps of the farming communities.

The continuity of the agricultural thematic programme with former programmes may have played a role in determining that the outcome indicators of the current Agricultural Growth and Employment Programme only reflect a human rights-perspective in the emphasis on males and females of marginal and small farm household. At the output level, only a limited number of indicators refer to human rights principles.

Generally, as in human rights programming of other donors, the Bangladesh thematic programme in Agriculture and Employment succeeds in integrating vulnerable groups in programming document. The follow-up in relation to these groups other than genderised groups tends to be weakly defined in indicators.

Governance and Rights

Denmark has supported Human Rights and Good Governance since the early 2000s. A first Human Rights and Good Governance programme ended in 2005. A second phase ran from 2006 to 2011. The programme already aimed to build the capacity of ‘rights-holders’, while the concept of duty-bearers was not used. The programme was eloquent on the need for oversight institutions in building public accountability and expressed some concerns that the National Human Rights Commission had not been established.

The third phase from 2011 to 2016 emphasised three human rights elements: support for the National Human Rights Commission (now in operation), support for human rights NGOs in order to enhance rights advocacy and demand led governance. With respect to this component, the programme mentioned the importance of holding duty-bearers accountable. Finally, the programme also supported efforts to combat violence against women. The latter component constituted an important effort to support human rights protection of vulnerable groups. The indicator established for the immediate development objective was to reduce incidences of violation against women by 50% according to Government reports and court registers.

The thematic Governance and Rights programme of the current Bangladesh country programme runs from 2017 to 2021. Taken at the level of the wording of the thematic

programme, the human rights contents of the title is somewhat weaker than the former programme formulations, even though it is the first programme in the rights and governance field formulated after the acceptance of the human rights-based approach in the Danida strategy. However, the theory of change of the thematic programme bases itself solidly on a human rights-based perspective: it argues that duty-bearers, rights-based NGOs, international monitoring organisations and watchdogs will promote rule of law, accountability and rights in particular for poor and vulnerable groups – processes that in turn are thought to lead to better access to justice, more accountability and rights upheld.

The thematic programme focuses therefore on four types of actors strategically, two with duty-bearers around respectively violence against women (a Government programme continuing the former programme activity) and around access to services in the Chittagong Hill Tracts undertaken in partnership with the Local Government Division and UNDP. The support for human rights-based NGOs focuses on access to justice and protecting the rights of citizens. Also support for a watchdog NGO (Transparency International Bangladesh) is intended to enhance accountability. Finally, the programme supports ILO as an international organisation in its efforts to promote better industrial relations through social dialogue.

The new thematic governance programme continues therefore human rights activities already under implementation under the 2010-2016 programme. This goes for the project on violence against women, the project on support for access to justice led by NGOs, and the support for land rights, for instance in Chittagong Hill Tracts. Due to budget cuts, the direct support the Bangladesh National Human Rights Commission was discontinued. The support for worker relations in the garment industry undertaken in cooperation with ILO is new. A project managed by UNDP and the Ministry of Local Government supports pro-poor, accountable service delivery by Union Parishads. This project, together with the project on Violence Against Women, takes the major share of the resource allocations for the Governance and Rights programme (37%).

While the programme components of the Governance and Rights programme do not represent a radical break with the previous programme, the human rights-based approach is well reflected in the indicators of the individual projects. For the Sustainable Democratic Union Parishad project, the majority of indicators revolve around the human rights principles. The Industrial Relations project has indicators that mainly focus on dialogues between rights-holders and employers, and on grievance handling.

With respect to results obtained in the human rights and governance field, the current country Programme Document states that human rights-based efforts have performed better than interventions in public governance, where results have been disappointing. One example are efforts to reduce VAW, with one stop crisis centres under the Ministry of Women and Children Affairs, Bangladesh. This includes a multiagency approach which has contributed to alleviation for victimised women. During the previous 2011-2016

programme, an indicator for the development objective (“Reducing all forms of violence against women”) was “Reduced incidence of VAW at least 50%”. There are no data for this very specific indicator on prevention. However, the Danish representation in Dhaka assesses that the VAW programme has been successful, also due to ownership. The representation assessed that the coordinated efforts by the professionals and stakeholders through multi-sectoral approach contributed to change the stereotyped mindset of the culture of silence to the gender-based violence. The engagements of the Government machineries, human rights-based institutions, non-government organisations, citizen’s groups through mass awareness and advocacy programmes promote VAW prevention and help to share the good practices. Introduction of one stop services, forensic DNA profiling, psychosocial counselling and 24 hours helpline supports enhanced the access to justice to the women victims of violence. Inclusion of issues such as human rights, gender-based violence, sexual and reproductive health and rights in the textbooks contributed a growing awareness of adolescents and youths. A National Action Plan to prevent violence against women and children has created opportunity to develop sectoral engagement.

Whether the programme is successful in preventing violations is not clear, however. The crisis centres support incidence report and possibly legal aid, but so far, there is no documentation in the preventative field. The VAW project is one of the examples where human rights standards have been the focus, rather than human rights principles.

The current Programme Document also stresses the positive results obtained via human rights-based NGOs. This support in the current programme relates to legal aid. As the author of this case study has conducted research (so far not reported) on this type of support in slum areas of Dhaka, it can be stated with assurance that these efforts reaches the poorer sections of the population and that they provide relief to the slum dwellers in terms of violence and eviction.

Dialogue on human rights

Bangladesh represents a good case of how dialogue on human rights is conducted under the HRBA umbrella. While the Concept Note of the new country programme was silent on indigenous peoples, the Programme Committee ensured that they were included in the final programme. However, in the final programme document, the Embassy does not actively use the term as it is not a recognised concept in the country.

LGBTI is also a sensitive issue in Bangladesh; generally sexual minorities are not a subject that can be address directly. However, Embassy staff emphasised that “there is nothing we can’t address”, expressing confidence in the dialogue and its potential.

Mali Case Study

Transitional Country Programme for 2015-2016

Mali became a Danida priority country in 2006 following decades of Danish assistance. It was seen as a model for democratisation in Africa. During 2011 to 2012, a deep crisis combining a Tuareg uprising, violent Islamic groups taking control of the North and a military coup destabilised the country and caused mass displacements. Danida was one of the few donors which remained engaged, restructuring its development engagements away from the state towards parastatals, international and Malian civil society organisations. Denmark contributed to improved security and the return to democracy through a combination of diplomatic, military and development instruments. For example, the Danish military contributed to the French-led military intervention in Mali in 2013 as well as to the UN Mission in Mali in 2015. Denmark also funded the African-led military peace support mission in Mali. A peace agreement was signed in June 2015.

In this fragile and unstable context, Danida developed a Transitional Country Programme for 2015-2016 through which it mostly continued existing interventions without preparing a prior Country Policy Paper and Programme Concept Note with a human rights screening. A Drivers of Change study in 2013 identified deep social fractures as well as a public desire for a “new Mali” without consensus politics, corruption and impunity. It recommended that donors engage sensitively, with a long term perspective, promoting inclusion and not avoiding difficult issues.

The immediate priority and strategic objective of the transitional programme is “to contribute towards laying the foundations for a sustainable peace and economic recovery” while the longer term goal is “to contribute to the development of a peaceful, inclusive and legitimate state that fights poverty and work for the strengthening of human rights”. Danida planned to provide GBS and three thematic programmes: 1. promotion of democracy, peace and reconciliation; 2. improving access to water and sanitation; and 3. strengthening private sector development. Denmark’s other efforts to increase security and strengthen resilience include humanitarian assistance, the regional Sahel programme, the support to MINUSMA, the EUCAP Sahel and framework agreements with Danish NGOs in Mali.

The programme was not based on a human rights screening note but nonetheless included human rights elements in its analysis. It identified not only continued human rights violations by the army and abuses by armed groups in the North but also more deeply rooted violations of women’s rights, children’s rights, and slavery. Poverty and inequality is

based not just on a North-South divide but also across ethnic groups, urban-rural settings and gender. Danida made use of UN system human rights reports in its analysis.

The programme design process took place during 2014 and required a number of adjustments before it was approved by the Danida external grant committee in 2015. An original design undertaken by external consultants had to be redone by an internal Danida team. The 2014 pre-appraisal report made a number of recommendations to strengthen the HRBA, in particular under the democracy, peace and reconciliation programme given the need to better explain a HRBA in a conflict context and to strengthen gender dimensions.

The desk study focuses on the three themes of the 2015-2016 transitional programme, as described below.

Democracy and peace

The democracy, peace and reconciliation programme objective is “to promote an environment conducive to democracy, peace and reconciliation in Mali in order to strengthen the resilience of the Malian population, especially vulnerable groups, against current and future crises” (DKK 55m). It is mostly a continuation of ongoing activities with the National Assembly (to strengthen the legislative functions, the control of Government action and the representation of the National Assembly DKK 9m), a local NGO (to provide legal assistance to vulnerable groups and promote citizen participation in DEME SO’s intervention zones DKK 4m), and support to the peace process through international NGOs (to contribute to paving the way for an inclusive and sustainable peace in Mali with the Centre for Humanitarian Dialogue DKK 15m and to contribute to the restoration of trust as well as the development and implementation of sustainable solutions for peace and reconciliation with Interpeace DKK 7.5m). The programme addresses a number of root causes of conflict in order to ensure long term sustainable change: lack of inclusion of vulnerable groups, their right of access to justice and peace negotiations as well as impunity.

It is a targeted human rights and democracy intervention which directly aims to improve the inclusion of rights-holders in decision making processes and in the national dialogue, particularly those affected the most by the crisis. The principles of participation and non-discrimination are applied to the mediation and conflict prevention, paralegals and National Assembly processes with a focus on women and youth. The main difference with the past engagement is a mainstreaming approach to the inclusion and empowerment of women in each engagement, instead of being confined to a separate engagement. These interventions also promote accountability and empowering rights-holders to claim their rights and reverse the dynamics of conflicts and strengthening duty-bearers’ capacity to fulfil their duties. Transparency is not an explicit dimension. The programme only works with demand-side and accountability bodies, not the state, on the ground that the Malian Government is an active participant in the peace negotiations.

The programme includes a range of human rights relevant indicators, such as a reduction in violations (number of refugees returning to North Mali and % decrease in violent attacks in North Mali), improved access to rights (vulnerable groups in Deme So's intervention zones have access to justice) and improved capacities (of members of parliament, the staff and the members of the High Court of Justice and the conflict resolution capacity of parties to the conflicts and its mediators). It also includes process-based and not just quantitative measures (e.g. local recognition of inclusive and participatory dialogue as a mechanism to effectively develop solutions for peace and foster trust).

Reconciliation activities have an implicit HRBA, for example in the Center of Humanitarian Dialogue Engagement Document. "Implicitly, however, the intervention, through its mediation and conflict prevention work has potential for empowering rights holders to reverse the dynamics of conflicts through addressing the causes of conflicts and their linkages to basic socio-economic and civil rights". Relevant activities include mediation efforts to contribute to ending human rights violations caused by violence in the North and support for the Truth, Justice and Reconciliation Commission to assist victims of the conflict claim their rights and compensations. Interventions also support the key principle of participation and inclusion by facilitating engagement by women, youth and communities from the North in the peace process. Accountability is supported from both the rights-holders and duty-bearers side, helping civil society formulating its grievances, vision and concrete political, social and economic measures, as well as working with Government and the UN MINUSMA mission to enable the peace process to receive these recommendations. Apart from noting that the transparency principle cannot be fully respected in order to protect mediation efforts, the document does not recognise a number of trade-offs between peace and human rights, such as engaging with armed actors or religious groups which might have been involved in human rights violations.

Water and Sanitation

The water and sanitation programme consolidates results from 2010 to 2014 with additional resources for urban water supplies (DKK 75m) via a para-governmental structure SOMAPEP. It recognises that water is a human rights, that lack of adequate access to drinking water often generates local conflicts and that the population has called on elected members of local governments to put pressure on the central Government. Providing adequate services at a fair price is seen to contribute to peace by improving government legitimacy. The objective for the two-year period is more explicitly human rights-based, recognising the quality, equity, access and affordability dimensions of the right: "to ensure better and more equitable access to safe drinking water in a sustainable way and at a fair price". The programme focuses on the construction and extension of distribution networks in four urban centres which have been prioritised based on limited access, poverty and non-affordability: i) the drinking water access rate vary from 15% to 56% and the majority of households not served are under the poverty line, ii) the urban growth rate is 4%, iii) water expenses in household budgets can be as high 30%. It aims to reduce the burden of water collection for women and children. The design makes a commitment to

participation in the selection of the location of public pipes and promotional private connections to give voice to the poorest households and women's involvement in decision making and management structures. There is no particular explicit attention to transparency and accountability. The design process did not extend to human rights-based indicators. Indicators tracked additional persons with access to water and sanitation. They are not disaggregated in terms of sex, age or income to monitor non-discrimination and inclusion; nor do they track qualitative participatory processes.

Business Sector Programme

The Private Sector Programme (PACEPEP) was appraised and approved in 2013. Its objective is to “promote private sector driven inclusive growth leading to increased income and employment generation” through the agricultural sector (DKK 300 million of which DKK 108 million is budgeted for the two-year period 2015 to 2016). The programme includes three objectives:

- Strengthen the competitiveness of the private sector by providing access to business development services through CNPM, Mali's national council of employers (DKK 84m) and facilitate access to credit for Small and Medium Enterprises (SME)s through the Guarantee Fund for the Private Sector in Mali (DKK 15m)
- Develop economic infrastructure to promote production through AGETIER the National Agency for Executing Rural Infrastructure (DKK 99m) and strengthen public institutions to improve the environment of targeted value chains (Ministry of Industry and Investment Promotion DKK 4.9m)
- Contribute to the competitiveness of economic sectors through vocational training focused on employment (through the Swiss Development Cooperation DKK 40m)

Adjustments were made after the initial design to take into consideration Green Growth and the Human Rights Based Approach through a CSR perspective. Agreements with implementing partners were meant to be updated to reflect the principles of non-discrimination, participation and inclusion, transparency and accountability though these are not always visible. Associated implementation procedures were reviewed to include human rights safeguards and codes of conduct (e.g. CNPM code of ethics and code of conduct and with AGETIER). The standard construction contracts include a clause to prevent the use of child labour and to promote gender aspects. Non-discrimination and participation mostly focus on the selection of value chains that benefit the rural poor and women, vocational training for women and youth, and the use of labour-intensive construction methods with local labour and material. Gender is the most visible dimension, with preferential treatment for women in a number of activities. It was not possible to confirm the implementation of activities to improve accountability (e.g. such as the

proposed redress mechanisms) or to respect some commitments made regarding salary (minimum wage, parity for men and women). Transparency is limited to decision-making procedures and to tendering which follows the implementers' procedures.

These HRBA design adjustments do not appear to extend to human rights indicators and M&E. The 2015 inception report tracked progress against HRBA commitments and concluded that improvements could be made with regards to gender under the first and second components. The 2015 annual report does not track HRBA and a separate note specifically on the HRBA was commissioned. It also identifies the need to improve women's participation.

General Budget Support

Finally, the transitional programme was meant to include GBS via the EU (DKK 80m). Due to delays in EU state building development contract and Danida budget cuts in 2015, resources were instead directed towards peace dividend in the North once the peace accord signed (DKK 36m). Complementary civil society budget monitoring activities have started.

Mali Country Policy 2016-2021

The Mali Country Policy's overall vision is that "the people of Mali enjoy sustainable peace and development, underpinned by an inclusive and legitimate state with respect for human rights." It is supported by three strategic objectives: 1. Promotion of peaceful coexistence and increased stability and security; 2. Strengthened democratic and inclusive governance and 3. Increased inclusive and sustainable economic growth.

The Country Policy makes commitments to human rights and gender equality, including for Denmark to "assert political influence to ensure that human rights and especially girls and women's rights are protected and promoted". The HRBA is seen as helpful to address the root causes of Mali's crisis, using key principles from initial analysis to final evaluation.

Mali Country Programme 2017-2021

In 2016, a Concept Note for a Country Programme (2017-2021) was prepared to operationalise the country policy. The main change in the Danida portfolio is the end of the water programme and its replacement by a focus on decentralisation at the request of the Government. The programme attributes weakness in the realisation of human rights "to sociocultural traditions amongst the population, often attributed to religion" as well as "a fragmented and weak secular civil society". Human rights principles are central to the theory of change: "If peace building, decentralisation and economic growth are promoted to be inclusive, transparent and participatory processes, then it will contribute to sustainable peace and reduced poverty underpinned by a legitimate state and respect for human rights."

The promotion of human rights, and the principles of non-discrimination, participation, transparency and accountability are seen as a basis for an inclusive and stable Malian society with empowerment. The programme recognises the importance of strengthening the relationship between the Malian state and its citizens, looking at both duty-bearers and rights-holders levels, and a particular focus on women and youth as agents for change.

The HRBA screening note annexed to the Concept Note provides a detailed analysis of the human rights situation. It notes challenges to a HRBA, including the Government's rejection of several Universal Period Review recommendations concerning women's rights, fundamental rights and social and economic rights on the grounds of "national and social cohesion" or "lack of resources". In addition, it notes that the prioritisation of peace and consensus-building translated into several setbacks in the implementation of women's human rights and gender equality. The screening note is weaker on the analysis of the decentralisation and private sector programmes than for the governance and peace programme. It is also not complete, as operational implications and indicators are left for the identification and formulation stage.

Danida has opened up its policy and programme making processes to external consultation. Four organisations provided comments as part of the Mali Country Policy Paper in 2015. Three organisations (Danish Family Planning Association, BØRNEfonden and Save the Children Denmark) noted that the HRBA could be better implemented, with a focus on sexual and reproductive health and rights such as fighting female genital mutilation, as well as on children's rights and on focusing on barriers to access rights. Another (VedvarendeEnergi) noted the need, amongst other issues, to strengthen civil society and to pay more attention to regional factors. Only one organisation (Architects without Borders) commented on the Country Programme in 2016. It is not evident how the policy and programme changed as a response to these external comments, which would make the process more meaningful, though they at least had to consider this external feedback.

Tanzania Case Study

Country Policy 2014-2018

Tanzania was the first African Danish partner country. It has been receiving more Danish development assistance than any other country, for over 50 years. Tanzania was one of the first country programmes to introduce a HRBA in its policy and programming process during 2013, at the same time as the HRBA guidance was being developed at headquarters.

The 2014-2018 Country Policy Paper overall vision is "to enable all Tanzanians to take an active part in the country's development and to ensure a continuation of its long history of peaceful coexistence, democracy and development." The strategic objectives are to assist and promote the Tanzanian Government's efforts to 1. reduce poverty and inequality and to ensure equal access of quality social services; 2. promote inclusive green growth and

employment, and 3. strengthen democracy, good governance, rule of law and respect for all human rights.

Focus areas include: health sector, agricultural sector, demand to ensure good governance and human rights for all, and regional peace and stability. A Development Contract (with GBS and associated assistance) complement these objectives. Beyond development cooperation, the partnership aims to strengthen commercial relations and political cooperation, both regionally and globally. It also includes cultural and research partnership dimensions.

The Policy Paper commits Denmark to adopting a HRBA. It includes an assessment of human rights, noting the relatively good civil and political rights situation but also concerns over freedom of the press and challenges regarding unemployment, gender inequalities and lack of secure sexual and reproductive health and rights, as well as discrimination faced by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons, people with albinism and indigenous groups.

Concept Note, Screening Note and Country Programme 2014-2019

The 2014-2019 Tanzania Country Programme operationalises the Country Policy. With a total budget of DKK 1950m the overall objective is “to reduce poverty and inequality and ensure equitable delivery of quality social services, especially within health”. Danish support is designed to target inequality and the distribution of economic growth, and to contribute to strengthening of human rights. Three thematic programmes and a development contract address income poverty, non-income poverty, governance and rights.

The country programme document has an explicit aim to establish linkages to the core human rights principles in the country programme as a whole and within each thematic programme. The analysis notes Tanzania’s relatively good human rights record and that it accepted a number of recommendations from the 2011 Universal Periodic Review, considered a sign of the Government’s continued commitment to improve human rights. Concerns include freedom of the press, pressures around the 2015 elections and the realisation of women’s rights, in particular in education, sexual and reproductive health and gender-based violence. Contextual level risks include a number of human rights violations, such as discrimination against indigenous groups, violence against women and girls and land grabbing in the natural resource sector. A negative trend in press freedom has also been observed which could impact GBS and will require dialogue with the Government.

A HRBA screening note grounds the approach. It examines human rights standards (with a focus on the right to health), government commitment, rights-holders and duty-bearers as well as the operational implications of each human rights principles. It proposes a long list of HRB indicators, some of which follow international best practice. It notes some of the

tensions with HRBA, such as with public health (e.g. regarding quarantine) and some of the tensions between efficiency and the extra costs to meet the most excluded.

Development Contract

Danish GBS to Tanzania started in 2001. A fifth phase of DKK 550 (2014-2019) allocates DKK 375 m for GBS with the rest for supporting public financial management and other measures. It includes 80% as a fixed annual tranche and 20% dependent on fulfilment of performance agreements in selected areas. The joint analysis of the underlying principles of the GBS Development Contract include the core human rights and are assessed on a semi-annual basis, with issues brought up in the high-level policy dialogue with the Government. If Tanzania is found to be in breach of any underlying principle, the country is not eligible for either fixed tranches or variable tranches. Development Partners decide whether there is breach on the basis of the joint assessment. The governance and rights programme is viewed as the demand side complement of GBS which supports Government as the main “duty-holder”.

Health Sector Programme

Danish support has been in the form of a sector programme support since the Government of Tanzania initiated health reform in 1996. The objective of the programme (fifth phase) is to “improve the health and well-being of the poorest sections of the Tanzanian society by strengthening national systems to enhance the delivery of and equal access to quality health services for all.” It adopts human rights and equity serving as guiding principles (DKK 500m). DKK 300m support Tanzania’s Health Sector Strategic Plan III and IV through the Health Basket Fund and the rest is for Public- Private Partnerships and technical assistance to enhance responsive and equitable health care provision. The programme design included an explicit attention to a HRBA with:

- Human rights standards: attention to the legal basis: the right to health is not in the Constitution but in the 2007 national policy, stating that every individual has the right to health care and equitable distribution of health resources in the country.
- Non-discrimination: equity in service provision for the poor and marginalised groups through direct support to health service delivery, associated policy dialogue with Government of Tanzania and public-private partnerships to serve specific groups. There is a specific focus to sexual reproductive health and rights for women and girls and to LGBTI rights.
- Participation and inclusion: Support to civil society organisations that work for the participation of disadvantaged people, and support pluralism and voice within the health sector
- Transparency: Improved transparency regarding allocation of Local Government Authority funds and budgeting processes through sector policy dialogue together with funding to civil society to enhance social accountability

- Accountability: Improved accountability at national and council levels, through both direct support and Social Accountability Monitoring (Sikika PPP).
- Policy dialogue: on strengthening health systems, advance quality health services for all, and to respect, protect and fulfil Sexual and Reproductive Health and Rights

Business Sector Programme

Denmark has been supporting Tanzania’s business and private sector development since the early 1990s. The Business Sector Support (Phase 4) was approved before the overall country policy and programme with a budget of DKK 600m. The objective is “improved employment and income opportunities for farmers and micro, small and medium enterprises through green inclusive growth.” It includes the Agricultural Markets Development Trust, addressing value chain constraints (DKK 130m); enabling business environment through development engagements on Local Investment Climate, BEST Dialogue and twinning of the Confederations of Tanzanian and Danish Industries (DKK 215m); improving access to finance through development engagements with Financial Sector Deepening Trust and Private Agricultural Sector Support Trust (PASS) (DKK 185m).

The formulation of the business sector programme drew on expertise from the Danish Centre for Human Rights to adapt a human rights-based approach to private sector development. The main focus is on *inclusive* growth in line with the principles of non-discrimination and inclusion. Value chains target those that can benefit women most. The programme document makes commitments to human rights due diligence and for key human rights risks to be incorporated in partner plans, including M&E. It also proposes preferential treatment for vulnerable groups: for example, PASS is providing a higher guarantee percentage for loans for female-headed SMEs. Programme indicators are sex-disaggregated and explicitly include “Partner organisations abide to principles of Human Rights as well as the Green Growth agenda and take active steps to promote these in their implementation”. Unallocated funds can be used to make the programme more rights-based. Risks do not include human rights considerations.

Good Governance and Rights

The Democracy, Human Rights and Good Governance programme has not been included in this stock-take as it is the subject of a separate human rights evaluation. Danish support started prior to the abolition of the one-party system in 1992 and is therefore not a new innovation following the HRBA. The programme focuses on the demand side, the principles of accountability and transparency, and gender (DKK 250m unallocated in the programme document). Given elections and a constitutional process, the full governance and rights programme was only approved in 2016.

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