

## **Management response and follow-up note**

### **Evaluation study – Lessons Learned on the Danish Human Rights Based Approach**

*This Management Response and Follow-up Note summarises the final evaluation study report, including its main findings, conclusions and recommendations, and Danida's comments and follow-up to the study. The evaluation study was commissioned by Danida's Evaluation Department and conducted by a study team from the Danish Institute for Human Rights.*

#### **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 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).

## Management response

### General comments:

The Ministry of Foreign Affairs (MFA) appreciates the timing and the ensuing discussing the study has generated. The MFA agrees with most of the evaluation's conclusions and finds the recommendations helpful in the work towards implementing the new Danish development cooperation strategy and the ongoing update of the aid management guidelines.

Overall, the MFA is satisfied with the evaluation study, which highlights the value added of the Danish Human Rights Based Approach and confirms the continued relevance of the HRBA in Danish development assistance.

### Specific comments to recommendations:

#### ***Recommendation 1: Management need to identify a minimum core staff resource in Copenhagen to support implementation and a simpler and shorter screening tool and updated management guidelines.***

The MFA has undertaken a revision and simplification of its aid management guidelines. With the revision, the HRBA and gender screening note has been included in a core consolidated catalogue of analysis that should be undertaken as part of the formulation of new programmes. TQS has staff available with HRBA expertise as do the wider pool of development and policy specialists in the ministry.

#### ***Recommendation 2: The MFA should prioritise practical advice and sharing lessons on the HRBA.***

Given the current level of resources, the MFA will approach this in a pragmatic and ad-hoc manner during important encounters with bilateral and multilateral partners and MFA staff.

#### ***Recommendation 3: The MFA needs 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.***

The MFA will continue to engage in multilateral forums and with partners at country level as well as at the international level to promote and protect human rights. In addition, the Danish candidacy for the UN Human Rights Council and the comprehensive campaign prior to the election in 2018, Denmark will work actively to promote Danish priorities in relevant forums. In keeping with the HRBA and the indivisible, interdependent and interrelated nature of human rights the dialogue aims to promote and protect all human rights and fundamental freedoms.

#### ***Recommendation 4: The MFA needs to track progress with both HRBA principles and standards in programming through improved M&E, including update of guidelines to give greater attention to HRBA in M&E.***

The MFA notes the recommendation and continues to emphasise HRBA in formulation and implementation. HRBA standards and principles will be a focus in the normal quality assurance cycle,

both prior to approval and during recommendation. The effect of the HRBA approach will be documented through the achievements of the programmes designed according to the principles.

***Recommendation 5: Denmark could share with other agencies some of its lessons learned on HRBA.***

The MFA welcomes the recommendation and will continue to disseminate the lessons learned from the Danish HRBA in relevant forums with likeminded donors and development actors.

***Recommendation 6: Denmark should explicitly support human rights integration in the SDGs***

SDGs constitute an important element in the new strategy for development cooperation. Furthermore the new Strategy highlights the HRBA and the 4 key principles of the approach. Denmark actively promoted strong language on human rights in the negotiations leading up to the adoption of the SDG and will continue to support human rights in the implementation of the SDG's.