

Annex A: Terms of Reference

1. Background

Denmark has a long tradition of promoting human rights in an international context. Denmark pursues a targeted and principled human rights policy and the promotion and protection of human rights is a central priority of Danish foreign policy as well as development policy. In this context, Denmark works both at the bilateral and multilateral level to promote and protect human rights.

In its foreign policy – at the multilateral and normative level in particular – Denmark has for many years promoted the fight against torture, indigenous peoples' rights and gender equality as its three top priorities.¹ In its development policy, the priority given to human rights is underscored in the current Danish development strategy from 2012 “The Right to a Better Life”. Human rights permeate the strategic choices in the strategy and the strategy emphasizes the significance of promotion and protection of human rights as an important transformational force in societies and as a fundamental part of Danish development assistance.

The strategy rests on a human rights-based approach (HRBA) which stipulates human rights as a core value in partnerships, based on the principles of non-discrimination, transparency, accountability and participation and define human rights as a core value as well as a driver of change.² In addition to the HRBA to development, human rights and democracy constitute a separate focus area for Danish development assistance in the strategy. Through its work, Denmark links the international normative work in multilateral fora with work at the bilateral level and the strategy stresses that Denmark will work actively in multilateral fora to strengthen human rights and human rights instruments and encourage more systematic use of these instruments in the cooperation with developing countries. Human rights instruments thus serve as the compass that guides political dialogue, concrete development interventions as well as partnerships.³

Through its development assistance portfolio, Denmark supports a wide range of activities aiming at promoting and protecting human rights, whether they are civil, political, economic, social or cultural. The Right to a Better Life identifies a number of areas as particular priorities for Danish development cooperation, such as freedom of expression and political participation including support for strong civil societies, access to justice and rule of law; women and girls rights, social dialogue and workers' rights and support for openness and transparency.

The Danish support is delivered in partnerships with multilateral agencies, governments in partner countries and civil society. The majority of funding for promotion and protection of

¹ The latest strategic framework for Denmark's foreign policy action in the area of human rights is the Government framework for Denmark's foreign policy action from 2009. It lists a larger number of priority areas, some of which currently receive less singular attention by the MFA, mainly because they are promoted through the EU.

² The Right to a Better Life, 2012, p. 9-14.

³ The Right to a Better Life 2012.

human rights emanates from individual country programmes, including through local CSOs supporting democracy and human rights in various forms. Human rights are also a prominent feature in the Danish Arab Partnership Programme (the DAPP), which has supported democratic reforms in the Middle East through a wide range of government and civil society initiatives. The annual financial frame of the DAPP has until 2015 been approximately 275 million DKK and thus constitutes a large initiative in the area of human rights.

In addition to bilateral support through country programmes and multilateral engagements, Denmark allocates funds to engagements within the area of human rights through a specific account on the annual finance bill, labelled the Human Rights and Democracy Frame. The frame is primarily aimed at providing support to international and Danish civil society organisations, including support to DPID, IWGIA and IRCT. Moreover, the frame has been used to allocate funds to new initiatives, such as for example support to anti-corruption efforts and efforts to fight tax loop-holes. The HRD frame is used by a range of departments in the MFA and is seen as a flexible tool to respond to emerging issues related to the promotion and protection of human rights. Furthermore, the Finance Act includes separate budget lines for core support to the Danish Institute for Human Rights and for DIGNITY.

Danish support in the field of human rights within specific areas and countries has been analysed through a number of Danida evaluations which have documented results and provided recommendations for future interventions.⁴ Available evidence suggests that Denmark has conducted a principled and focused support to human rights, that Denmark has been an active partner in bilateral relations in promoting the rule of law, citizens' voice and strengthening democratic institutions. The 2013 evaluation of the Danish support to Civil Society found that Danish support to civil society in the south has contributed to strengthening democratic debate and citizens' voice and Denmark's role as supporter of civil society advocates for human rights.⁵

The most recent evaluation addressing the issue of human rights was the evaluation of the Danish Arab Partnership Programme (2015), which documented results achieved in priority areas such as the combat of torture, support to judiciaries and citizens voice and accountability. Recent evaluations have also shown that the linkages between the multilateral policy dialogue, the normative work and the bilateral engagements could be strengthened.⁶

This last recommendation is confirmed by the 2013-study conducted by the Danish Institute for Human Rights (DIHR) and commissioned by the MFA which explored the avenues for creating linkages and synergies between Denmark's bilateral and multilateral engagements with regards to the human rights agenda in order to attain an optimal effect. The study concluded, in line with evaluations, that there is room for improvement in linking human rights engagements at the bilateral and multilateral level and the study recommends that partnerships resulting from development cooperation at the bilateral level could be leveraged in multilateral fora.

⁴ The available material covers the broad spectrum of human rights support, from evaluations of citizens' voice and accountability (2009), evaluation of anti-corruption efforts (2011), evaluation of the Danish support to civil society (2013), evaluation of the Access to Justice Programme in Zambia (2012) and the evaluation of the Danish Strategy for Sexual and Reproductive Health and Rights (2014).

⁵ Evaluation of Danish Support to Civil Society (2013).

⁶ E.g. Evaluation of the Danish Strategy for Sexual and Reproductive Health and Rights (2014).

Conversely, the multilateral engagements could be enriched by sourcing information from bilateral engagements.⁷

2. Purpose and Scope of the Evaluation

To assess Denmark's engagements in the area of human rights and to learn from past experiences in order to inform future work, the Evaluation Department is commissioning an evaluation of Danish support to human rights as part of Danish foreign policy and development cooperation. The evaluation will serve both learning and accountability purposes, with the main emphasis on providing inputs to further strengthening efforts to promote and protect human rights.

The evaluation will address the following two overall questions:

1. What are the results and impact of the Danish support to promotion and protection of human rights exemplified through the support provided in five selected focus areas?
2. What are the lessons learned from promoting and protection of human rights as analysed through the above areas?

The purpose of the first objective is to provide an overview over the results and possible impact that Danish policy initiatives and development cooperation engagements has had on the promotion and protection of human rights within the four selected focus areas. In particular, it is of interest to record results of a transformational nature. It is recognized that Danish activities are carried out in cooperation with partner countries and development partners as well as national and regional stakeholders, and therefore it may be difficult to attribute changes and impact directly to the Danish interventions. Hence the emphasis may be on the contribution provided by Denmark and the value added from the Danish activities.

The purpose of the second objective is to provide lessons learned with a view to informing future activities. The focus will be on lessons learned with regards to linkages and synergies between multilateral and bilateral interventions in the same policy area, the effectiveness and efficiency of the strategies chosen to promote human rights, including the choice of activities, partners and modalities. Evidence of approaches that have proven effective and demonstrates a unique added value by Denmark should be emphasised.

The evaluation will focus on assessing the impact and deriving lessons learned from activities related to the following selected priority areas within the Danish support for human rights:

1. *Support for human rights institutions such as national, regional and international human rights institutions and human rights commissions:* Denmark has over the years provided substantial support to the establishment of national and regional human rights institutions and commissions in order to strengthen the respect for human rights at national and regional levels in accordance with human rights conventions. A considerable share of the support provided to the Danish Institute for Human Rights has been aimed at this objective.
2. *Freedom from torture:* Denmark works in multilateral fora and in the EU to strengthen international human rights instruments to fight torture, e.g. by driving UN-resolutions on the

⁷ George Ulrich: Synergies and linkages. The Danish Institute for Human Rights, 2014.

subject and spearheading cross-regional initiatives against torture, i.e. the Convention against Torture Initiative. In addition to the policy work, Denmark also supports the work of international NGOs to combat torture including through partnerships with Amnesty International, ICRT and DIGNITY.

3. *Rights of indigenous peoples:* For many years, Denmark has worked to promote and protect the rights of indigenous peoples. At the international level, Denmark has played a key role in the establishment of the UN Permanent Forum for Indigenous Peoples Rights, established in 2000, and Denmark has jointly with Greenland participated actively in negotiations on the UN Declaration on the rights of Indigenous Peoples, adopted in 2007. In addition, Denmark has supported initiatives through regional and bilateral engagements in partner countries as well as through IWGIA and UN-Funds, among others.

4. *CSR:* With the increased focus on the private sector in Danish development assistance and the importance of involving the private sector in promoting and protecting human rights, Corporate Social Responsibility is a potential for making a difference in the countries where companies work. In the multilateral arena, Denmark has actively supported the UN's work on CSR through the Global Compact. Future engagement in this area is undefined, but the evaluation will rest on the premise that some attention to the link between private sector engagement and human rights will be given.

5. *The promotion of rule of law and access to justice through justice sector reform:* Through its bilateral development cooperation Denmark supports a large range of programmes aimed at strengthening rule of law and access through justice sector reform, including institutional strengthening, law reform and support to CSOs.

These five areas have been selected as they represent areas where Denmark has focused its support within the broad field of human rights.⁸ During 2016, a new strategy for development cooperation will be elaborated and approved, and the specific focus areas for the strategy are yet to be defined. As a result, the evaluation inception phase will include an analysis and decision-making process for defining in more detail and possibly reducing the number of priority areas for the evaluation from five to four. This inception phase analysis will be informed by the progressing elaboration of the development cooperation strategy.

Important priority areas such as gender equality and sexual and reproductive health and rights are covered by other recent and ongoing evaluations and will therefore not constitute a significant part of the evaluation focus.⁹

The evaluation will assess Danish engagements over the past 10 years, taking into consideration changes in policies and resources allocated to specific areas. For specific issues, the evaluation might assess engagements prior to 2006 in order to provide the complete picture of Danish engagements.

⁸ International Human Rights Cooperation – Strategy for the Government's Approach, 2009(?)

⁹ The 2014 Evaluation of the Danish Strategy for the promotion of Sexual and Reproductive Health and Rights 2006-2013 and the ongoing evaluation study on lessons learned from interventions aiming to promote gender equality.

The HRBA to development has been applied across Danish development interventions since the launch of the Right to a Better Life strategy in 2012, but it has been found too early to evaluate the results. Rather, the HRBA to development will be the subject of a study later in 2016 and will not be covered by this evaluation.

3. Evaluation Questions

The overall evaluation questions to be addressed by the evaluation are listed below:

Q1: What have been Danish priority areas within the field of human rights and how have they been addressed by the MFA and its partners?

Q2: How has engagements been distributed between the thematic areas, channels of support and between partners?

Q3: What results have been generated as a result of the Danish engagements within the four selected focus areas? And to what extent has these results led to transformative changes for target groups, for countries and at the global policy level?

Q4: What factors have influenced or constrained the achievement of specific results? And what lessons of a general nature can be learned from this?

Q5: How may coherence and synergy between the multilateral track and the bilateral track be strengthened?

Q6: Under what circumstances has Denmark been most effective in promoting the human rights agenda (foras, countries, themes) – and what are lessons learned of a general nature as a result of this?

Q7: What is the value added of the various channels and modalities and how do they interact?

The evaluation should focus on assessing results that have led to transformative changes, that is development results that have been achieved and can be sustained over time by institutionalizing these changes.

The evaluation team selected for this assignment will – based on the considerations mentioned below – formulate a full set of evaluation questions and prepare an elaborate evaluation matrix in the Inception Report.

4. Approach and Methodology

The evaluation shall be conducted in accordance with the Danida Policy for Evaluation of Development Cooperation and the Evaluation Guidelines including layout guidelines as well as the OECD/DAC Evaluation Quality Standards (2010). In line with these, the evaluation must be based on a sound methodology to be unfolded in the Inception Report and briefly described in the Evaluation Report. The evaluation team should further develop the proposed approach and methodology in these ToR in the technical proposal and in the inception report.

In order to assess the human rights engagements in-depth, a case study approach is proposed as one element of the evaluation with each of the thematic focus areas constituting a case. It is expected that the evaluation team elaborates workable theories of change for each of the cases in order to provide a framework against which results can be measured. Once theories of change have been established, the evaluation should apply contribution analysis in recognition of the complexities involved in assessing effects of addressing human rights at both policy level and through other implementation channels, given the wide range of stakeholders within this field. Establishing clear causal pathways may therefore prove difficult, and the evaluation should therefore aim at documenting contribution rather than attribution, with an emphasis on the value added of the Danish engagements.

The analysis of changes brought about will be further informed by country visits in order to enable the bilateral perspective of the engagements within the four thematic areas. It is expected that the evaluation team will travel to Burkina Faso and Niger (one mission) and Uganda and Tanzania (one mission). The selection of case countries is based on availability of data as well as significant Danish engagement in the promotion and protection of human rights in the countries selected within the four areas chosen.

Due to the different nature of the selected focus areas, a mixed-method for data collection and analysis is proposed. Some focus areas should be analysed as desk studies and key informant interviews, while others require a larger range of methods for data collection and analysis, for example through country visits.

Where at all possible, the evaluation will seek the views of the direct beneficiaries with a view to informing the evaluation about issues related to the relevance and impact of the Danish engagements.

The evaluation falls into three distinct phases:

1. Portfolio analysis and inception phase
2. Assessment, field work, analysis and reporting phase
3. Dissemination phase

The portfolio analysis should document and provide an overview of the Danish engagements within the field of human rights, how these have been distributed between thematic areas, channels and support and between partners. The portfolio analysis should specify the different types of support and channels for implementation. The portfolio analysis will provide the foundation for the evaluative work assessing results of human rights engagements as well as for the assessment of the possible linkages between the policy track and the development assistance track.

The following elements are envisaged to be part of the evaluation methodology:

- A review of relevant documentation from bilateral engagements, multilateral engagements, policy dialogue and NGO support;
- Interviews with key stakeholders in the MFA, including amongst others the relevant departments and representations in the MFA;

- Interviews with key stakeholders external to the MFA; multilateral partners, NGOs and researchers;
- Focus group discussions where relevant;
- Country missions to the countries selected as well as a possible mission/Video Conference to Geneva and New York.

The evaluation should include analyses and evaluations conducted as background material.

5. Outputs and timetable

The outputs of the Evaluation are:

1. An inception and a portfolio analysis report in draft and final version (not exceeding 15 pages excluding annexes) including:
 - Preliminary ToCs for each of the focus areas;
 - an evaluation matrix indicating evaluation questions, judgement criteria and data sources;
 - a detailed portfolio analysis providing a broad overview of the theme;
 - a detailed methodology for the field work;
 - a detailed work plan;
 - suggested outline of the evaluation report.

The draft inception report should be submitted to the Evaluation Department and the Evaluation Reference Group for comments, based on which a final version will be prepared for approval by EVAL.

2. A country debriefing note from each of the country visits addressing the relevant evaluation questions and outlining preliminary findings. The debriefing notes should provide the foundation for brief country reports of 10 pages each to be included as annexes in the final evaluation report
3. A short paper on overall preliminary findings of the Evaluation to be discussed with EVAL and the ERG.
4. An Evaluation Report in draft (possibly several draft versions) and in final version according to the agreed outline not exceeding 40 pages excluding annexes and with cover photo proposals. The Evaluation Report must include an executive summary of maximum four pages, introduction and background, presentation and justification of the methodology applied, findings, conclusions and recommendations. The Evaluation Report should follow Danida layout guidelines for evaluations and will be made publicly available by the Danida Evaluation Department.
5. Dissemination of evaluation results. The Evaluation Team Leader is expected to participate in a dissemination event in Copenhagen in late-2016.

The following time table is proposed:

Milestones	Date (2016)
Expression of Interest published on Danida's website ToR finalized	8 March
Selection of evaluation team and signing of contract	June
Initiation of assignment and start-up meetings in Copenhagen.	June
Draft inception report (and meeting in ERG)	Early August
Field studies in two countries	September
Submission of country debriefing notes	September
Findings paper (and meeting in ERG)	Mid-October
1st Draft Evaluation report (and meeting in ERG)	Early November
Final Evaluation Report and end of assignment	Early December

6. Organisation of the Evaluation

Management of the Evaluation will follow the Danida Evaluation Guidelines (2012) and the OECD/DAC quality standards for evaluations (2010).

There are three sets of roles in the evaluation process: a) the Evaluation Management b) the Evaluation Team (Consultant) and c) the Evaluation Reference Group.