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Technical Advisory Services

Review
Danish Institute for Human Rights

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Abbreviations

AAAQ	Availability, Accessibility, Acceptability and Quality
ACHPR	African Commission for Human and Peoples' Rights
AFLA	Africa Legal Aid
Aids	Acquired Immune Deficiency Syndrome
APRM	African Peer Review Mechanism
CA	Co-operative Agreement
CIEL	legal unit of Congress
CSO	Civil Society Organisation
Danida	Danish International Development Aid
DCISM	Danish Centre for International Studies and Human Rights
DFID	Department for International Development
DIHR	Danish Institute for Human Rights
DKK	Danish Kroner
DP	Development Partners
ECOWAS	Economic Community of West African States
ESCR	Economic, Social and Cultural Rights
EU	European Union
FFU	Danish Development Research Council
GIZ	German Society for International Cooperation
GS-CLJR	General Secretariat – Council of Legal and Judicial Reform
HIV	Human immunodeficiency virus
HQ	Headquarters
HRB	Human Rights and Business
HRBA	Human Rights Based Approach
HRE	Human Rights Education
HRO	Human Rights Officer
ICC	International Coordinating Committee
IHRS	International Human Rights System
IJ	the Legal Research Institute
IMS	Indicator Monitoring System
IndFak	Electronic Invoicing system
JTMR	Human Rights Department, Ministry of Foreign Affairs
LAB	Legal Aid Board
LAF	Legal Aid Forum
LCO	Local Courts Officer
LJRS	Legal and Judicial Reform Strategy
LSU	Legal Services Unit
M&E	Monitoring and Evaluation
MENA	Middle East and North Africa
MFA	Ministry of Foreign Affairs
MFA	Ministry of Foreign Affairs
NANGO	National Association of Non-Governmental Organisations
NAO	National Audit Office
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institutions

OECD	Organisation for Economic Co-operation and Development
OECD-DAC	OECD Development Assistance Committee
OH	Overhead
OSCE	Organization for Security and Co-operation in Europe
OXFAM	Oxford Committee for Famine Relief
PAN	Paralegal Advice Network
PAQD	Quality assurance and organisational development
PCLO	Provincial Local Courts Officer
PRISCCA	Association of Prisoners, Zambia
RejsUD	Electronic travel expense settlement system
ROTAB	base-line study on human rights impacts of industries engaged in extractive activities
RPP	Research Partnership Programme
SADC	Southern African Development Community
SMART	Specific, Measurable, Attainable, Realistic, Time bound
TAS	Technical Advisory Services
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGC	United Nations Global Compact
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNWG	United Nations Working Group
UNWomen	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review
WAS	West Africa Strategy
WG	Working Group
ZCSD	Zambia Council for Social Development
ZELA	Zimbabwe Environmental Law Association
ZHRC	Zimbabwe Human Rights Commission

Executive Summary

The Review of Danish Institute for Human Rights (DIHR) Cooperative Agreement was undertaken from August to October 2013. The overall purpose of the review was to assess the performance of the organisation within the CA during the period 2009-2013. The overall objective was:

Assess the potential of the proposed reshaping of the activities financed under the cooperation agreement in light of the DIHR's existing competencies and its role as Denmark's NHRI in light of the performance from 2009 to 2013 under the cooperation agreement.

The review was undertaken by the Technical Advisory Services assisted by consultants and with participation from the Human Rights Department in the Ministry of Foreign Affairs. The review focussed on the activities financed under the CA and undertook field missions to: Niger, Zambia and Zimbabwe.

As part of the review of the CA, a capacity assessment was carried out in order to assess the administrative systems in DIHR. However, the capacity assessment and the review did not undertake any aspects of an audit, neither was it an audit of the financial management systems.

DIHR is in a phase of multiple transitions. Firstly, they are transitioning out of the overall DCISM structure, establishing their own systems and separating administrative and financial systems. Secondly, they are in a process of reorganisation internally due to demands for increased effectiveness and transparency from both the ministry and the National Audit Office; and thirdly, there has been substantial staff turnover, especially in the financial department in the period under review.

The overall conclusion by the review team is that the ministry and DIHR should engage in a process ensuring a multiyear funding cycle for DIHR, of at least three years, as the current practice of annual funding agreements is not conducive for effective implementation of activities. This process was initiated by the ministry and DIHR during the review. The DIHR's proposed concept, developed following discussions between DIHR and the ministry, is not found to be sufficiently backed by analysis and rationale to constitute the exclusive basis of the development of a future funding agreement.

The work under the CA is found to be fully in line with the various strategies of Denmark and the ministry and is therefore in compliance with the requirement of the grant to abide by the overall strategies and policies guiding Danish development assistance.

Generally the work of DIHR in the countries under review was found to be relevant, effective and efficient. DIHR is perceived as a valuable partner and deploys sound technical expertise and processes to projects in the field.

The status as a National Human Rights Institution (NHRI) and fully accredited membership in ICC provides a platform for encouraging and facilitating on-the-ground action that provides the possibility of international influence and expands the possible impact of initiatives. The status as an NHRI, was perceived as an advantage by several partners and ensures that DIHR is not seen as a force of opposition to the states where they operate, but rather as an equal technical partner, especially when working with other NHRIs and other non-executive state institutions.

DIHR seems to have built a level of trust in its capacity with partner institutions which reflects positively on other Danish interventions, especially in West Africa.

DIHR is assessed to have built substantial technical capacity in its thematic areas, especially in justice and human rights and business, but also in the area of public participation, research and education. The thematic areas are assessed as having continued relevance in future agreements with the ministry.

Overall the review finds that it has been a substantial challenge for DIHR to provide programmatic and financial overview of the international operations. More informative systems have only been introduced in 2013. Financial data in 2013 has in general not been comparable to earlier years due to the shift in financial systems/procedures and reporting. A marked improvement in the systems has been noted in 2013, but it is premature to assess the full effectiveness of the revised systems. The review therefore recommends that the financial reporting system should be improved to enable DIHR and its stakeholders to obtain consistent historical records and financial data, including on the distribution of costs incurred in Denmark and abroad, and, relatedly, the cost of staff time spent on capacity building activities to ensure it is possible to cost outputs and outcomes consistently, and to ultimately determine whether the efforts have been value for money and implemented efficiently. Furthermore, an internal audit mechanism and an anti-corruption policy should be developed with procedures for reporting and managing suspected misconduct, including means for protection of whistle-blowers.

DIHR's mandate for international work is very broadly framed in its governing legislation. DIHR is in the process of developing a strategy to guide its international work, which should specifically state what DIHR's aims and objectives are in its international engagement. Following such a clarification, DIHR should consider whether all of its current projects and activities, and all of the countries with which it partners, are relevant to its objectives and fit within the strategy.

In order to enhance its work, DIHR should formulate more clearly what the approach to partnerships is, as it is not consistently and uniformly applied across the thematic areas in the organisation. Also, a common approach to capacity development, the main focus of its work, will enhance the work of DIHR internationally.

In order to enhance the relevance of the research in DIHR to its international activities, DIHR and the ministry should engage in dialogue on how to ensure allocations from the

CA are based on the general needs for its international work, rather than as a block allocation to the research department.

The mandates of the DIHR board and the Human Rights Council should be further defined in the DIHR statute, and a plan should be devised to strengthen the capacity and competence of the board, an effort that has already been initiated by the board and needs to be continued.

In order to facilitate a fruitful policy dialogue beyond the current yearly CA negotiations, the ministry and DIHR should agree on a reporting format that captures the entire international portfolio of DIHR and not only for the CA, since most of the activities outside the CA are funded by embassies and departments in the ministry. Furthermore, DIHR should approach non-ministry donors to ensure they accept a joint reporting format, thereby limiting the amount of resources spent on reporting to a multitude of donors. The ministry should assist DIHR in this dialogue where possible. Dialogue on a comprehensive reporting would also be conducive for wider policy discussion with the ministry on the developments in human rights globally.

Recommendations have been made with regard to follow-up by the ministry with regard to use of CA funding for projects related to commercial activities.

The executive summary is an abbreviated version of the main analysis and recommendations. Please consult the full report for details and additional findings and recommendations. For full overview of recommendations please consult annex K of the report.

1. Background to the assignment

a. Introduction

The DIHR is Denmark's national human rights institution (NHRI), established to promote and protect human rights nationally and internationally in accordance with the UN Paris Principles.¹

As part of its functions, DIHR engages in a range of international development activities, partly funded by an annual grant of DKK 29.2 million under a cooperation agreement (CA) with the Ministry of Foreign Affairs' (MFA) Department of Human Rights. DIHR receives grants from other MFA departments, embassies and other international donors too. But while some consideration is given to the work supported by other means, including the allocation from Parliament that DIHR uses exclusively for its national work, it is primarily the work conducted under the CAs of 2009 – 2013 that are the subject of this review and report.

b. Objectives of the review

As stated in the terms of reference (ToR) for the assignment, the overall objective of the review, is 'to assess the potential of the proposed reshaping of the activities financed under the cooperation agreement with the MFA in light of the DIHR's existing competencies and its role as Denmark's NHRI in light of the performance from 2009 to 2013 under the cooperation agreement'.²

At the same time, DIHR is currently reshaping its strategy for activities financed by the MFA under the Finance Act § 06.32.08.70 (democracy and human rights) and has recently adopted a new Strategy 2013-2016. Unlike previous years though, where the grant has been awarded with only minor modifications required to the original proposal, the recently appointed Grant Committee, required to assess similar proposals on behalf of the MFA, raised numerous questions to the 2013 proposal that led to delays in its finalisation and a perception that future applications might require a different approach to that taken in previous years. In response to this and to initiate further strategic discussions with MFA, including what would emanate from the present review, DIHR prepared and submitted a Concept Note to the MFA that suggests a move towards core funding in support of three main elements for DIHR's future international work in line with the new Strategy:

- International influence (corresponding to the advisory mandate).
- Knowledge and methods (corresponding to the research/analysis and education/communication mandate).
- Geographical activities (corresponding to the implementation mandate and focused on cooperation with other National Human Rights Institutions and international and regional independent human rights mechanisms).

¹ DIHR is established as an NHRI by law (see Act No. 553 of 18 June 2012), which states that DIHR is an independent and self-governing body within the public sector. DIHR is granted A-status by the International Coordination Committee of National Human Rights Institutions (ICC).

² The ToR are attached as Annex A.

While some of the grant would still be used to implement projects and activities, DIHR would mainly seek to raise funds for these from other sources. With this in mind, the team was required to consider the impact if the changes suggested in the Concept Note were put in place. In particular, the ToR required the team to:

1. Assess the possible synergies among, and balance between, the three elements of the proposed reshaping of activities.
2. Assess the performance and achievements during the period 2009-2013 evaluated against stated strategies, objectives and indicators in the DIHR framework.³
 - a. Assess the relevance of the existing focus areas in light of the context in the regions and countries in which they will take place. This will include
 - i. An assessment of the framework for operations,
 - ii. A consideration of the suitability of the programmatic focus,
 - iii. A determination of whether all relevant policies (risk analysis, monitoring, reporting) etc. are in place and aligned according to the new strategy.
 - b. Assess DIHR's comparative advantage for undertaking the proposed international activities.
 - c. Assess the effectiveness and efficiency of the programmes under the framework agreement. This would include an assessment of DIHR's organisational set-up for implementation, procedures, planning processes, disbursements and reporting.
3. Provide recommendations with regard to the future support to DIHR, including whether it is feasible to engage in multiyear framework agreements and grants based on the reshaping of DIHR's international activities under the cooperation agreement.
4. Provide recommendations with regard to the administrative rules and regulations governing a future cooperation agreement.

c. Review team

The review team selected for the mission was:

- René Taus Hansen (team leader), TAS/MFA.
- Greg Moran – team leader for the external, international team.
- John Dwyer – Expert 1: human rights research and programmes in developing countries.
- Jonas Lövkrona – Expert 2: organisational development and human rights institutions.

d. Methodology and approach

The assignment began in August 2013 with a period of desk-based study of the substantial number of documents, applications, reports, legislation, strategies and the like provided by DIHR (although the document review continued throughout

³ 'The framework' is a term regularly used by DIHR staff to describe the CA and appears to be a more accurate translation of the Danish term. For the sake of clarity, and to distinguish it from framework contracts and agreements, the term Cooperation Agreement or CA is used throughout this report. Although the grant for 2013 covers the entire year and activities are thus ongoing, it has been confirmed with the MFA and DIHR that the review will consider progress and impact of the activities to date under this CA.

the assignment).⁴ The international team leader and Expert 2 then travelled to Copenhagen for the first series of meetings and consultations starting 2 September, before being joined by Expert 1 on 8 September. Meetings and interviews continued in Copenhagen before the TAS and international team leaders travelled, together with DIHR staff, to Zambia on 17 September, with the international team leader remaining in Zambia until 24 September while the TAS team leader travelled briefly to Zimbabwe on 23 September before returning to Copenhagen on 25 September. Almost simultaneously, Expert 2 travelled to Niger from 18 – 25 September. The purpose of these country visits was to meet with partners, Development Partners and others and, in the case of Zambia, to visit sites for two pilot projects: one supporting Local Courts in pilot sites in the Eastern and Southern provinces, and the other a pilot legal aid facility (the Legal Services Unit) at the Lusaka Magistrates Court. The primary methodology for interviews in Copenhagen and during country visits consisted of face-to-face meetings or small roundtable discussions.⁵

To conduct the review, the team employed the standard OECD evaluation criteria of relevance, efficiency, effectiveness, impact and sustainability. But given the nature of the assistance provided, the review also considered questions of participation, partnership and coherence. And given that some of the funds under the CA have supported activities in the Research and Education Departments that technically fall under the national division, the review also considered whether these investments are visible in DIHR international programmes.

e. Limits of the review

DIHR conducts a wide range of national and international work and activities with a total budget for 2013 of DKK 120.7 million from various sources. The current budget for international work amounts to DKK 82.2 million of which only DKK 29.2 million is financed under the CA. Coupled with the fact that DIHR has been subjected to, and is still subject to, a comprehensive financial audit by the Danish National Audit Office, it is important to state at the outset what the review could and did not cover (which is also acknowledged by and reflected in the ToR):

- The review does not assess the national work of the DIHR in relation to its role as an NHRI, or any international activities undertaken with other funding from MFA or other sources - although it does consider the interaction and possible synergies with these activities.⁶

⁴ A full list of documents consulted is attached as Annex B.

⁵ A full list of those consulted is attached as Annex C.

⁶ To this end, DIHR were requested early on in the assignment to provide the team with an overview of all of their international work during the period under review (2009) and to identify clearly which activities are or have been funded with which funds to allow the team, *inter alia*, to determine the linkages between the activities funded by the grant with those funded from elsewhere and what impact it would have on international work if the grant were to be used primarily as core funding. But while the Education Department provided the team with a list of all courses conducted from 2009 and the team were provided with an overview of all CA activities from 2009, the team also requested an overview of all work conducted by the International Division from 2009 (since measuring the coherence by CA and non-CA supported activities is clearly required by the ToR). However, the latter

- The review is not a financial management review, but it does assess the administrative procedures and management guidelines for DIHR's international activities. The review also assesses whether DIHR is implementing activities in accordance with its policies, procedures and strategies (some recently developed and improved), whether it has done so efficiently and effectively, and whether it will have the capacity to do similarly in the future, especially if its strategy for future international work is implemented.
- While the review team visited Zambia and Niger as part of the review process, with a short field visit to Zimbabwe, it did not visit other countries where activities have been conducted using funds provided under the CA. Instead, the review of activities in other countries is based exclusively on existing reports and on discussions with DIHR staff in Copenhagen, with due consideration given to whether lessons learned during visits to Zambia and Niger can be generalised across support to other countries as well.

2. Overview of projects and activities funded under the CA: 2009-13

In this section, we present a brief overview of the main projects and activities supported by the CA. The current approach of an annual grant has meant comprehensive reporting each year. However, subtle changes in the way the reports are prepared has meant that the names of certain projects change over time and are reported on under different headings and as different parts of the report. Together with the fact that most projects are multi-annual whereas the reporting is annual, tracking activities is time-consuming and difficult. To assist, DIHR provided the team with a comprehensive and very helpful overview of all activities and projects. What follows then is based on the annual reports, interviews and discussions, but also quite extensively on the matrix of activities provided. It may be that minor activities or those closing at the beginning of the period under review have slipped through the cracks, but every endeavour has been made to avoid this and to capture everything that has been achieved.

Lastly, while DIHR are currently moving to a matrix style of management and have arranged projects differently to suit this, the team have elected to provide an overview based on the approach followed for most of the period under review and to group projects under the following headings:

- Access to justice, primary justice and rule of law.
- Public participation and civil society.
- Research.
- Education.
- International Human Rights System.
- Human Rights and Business.
- The West Africa Programme.

was only provided late in the process (given the tight timeframes) and only for 2013, which means that clear statements of coherence in this regard cannot always be provided.

a. Access to justice, primary justice and rule of law

Since the mid-1990s, DIHR has been involved in state building with a special focus on justice systems and state actors within the chain of justice, such as judges and the police.⁷ Much of the work in this area predates the period under review and some projects and activities considered below, such as in Rwanda, Vietnam and Cambodia, began before 2009 but carried on into the period under review.

i West Africa

Rule of law and access to justice activities have been conducted as part of the West Africa programme for the entire period under review, although these are described separately in the section on the West Africa programme below.

ii East Africa

Building on earlier work on legal aid in the region, DIHR together with the East African Law Society began carrying out studies in 2009 on access to justice in East Africa - particularly in Kenya, Uganda and Tanzania. A draft comparative study of legal aid schemes in Kenya, Tanzania and Uganda was completed during 2010 presenting good practices and recommendations for cooperation and coordination and linkages between the different legal aid providers. The study was published in 2011 and is reported to continue to contribute to DIHR's legal aid methodologies elsewhere. But while some thought had been given to focusing on East Africa as a region, changes in leadership in partner organisation led to a loss of momentum and, since legal aid work was making progress in Zambia, it was decided to focus on Zambia (and later, the Southern African region) instead.

iii Informal justice study

In 2009, DIHR won an assignment to carry out a comprehensive study of informal justice systems for UNICEF, UNIFEM and UNDP. The objective of the study was to contribute to research and programming on informal justice systems in examining how engagement with these can build respect and protection for human rights. The study was complete during 2010 and a report prepared during 2011 that was launched by UNDP, UNICEF and UNWomen in 2012.⁸

According to UNDP, the study and report are 'the most comprehensive UN study on this complex area of justice to date'. But while this is no doubt true, DIHR decided to invest funds from under the CA to support it during 2010 to 'enable preparation for and participation in a number of conferences and networks discussing the theme of informal justice as well as in-depth work on quantitative analysis tools in connection with the study', which is problematic.⁹ However, it appears that the contract was applied for (and won) in 2008 when rules and procedures were not in place for the proper calculation of costs related to

⁷ Report on CA 2012 – page 14.

⁸ 'Informal Justice Systems, Charting a Course for Human Rights-based Engagement – A Study of Informal Justice Systems, Access to Justice and Human Rights'. Publication was apparently delayed until 2012 due to UN final revisions and UN agencies' decision to select the launch date.

⁹ Annexes to the 2010 report, page 65. According to the report, the budget for this activity was DKK 1.062.730, of which UNDP contributed DKK 548.444 with the balance of DKK 514.286 provided from under the CA.

commercial services and that internal rules and procedures on the use of CA funds and calculation of costs in relation to commercial services were subsequently changed to prevent a repetition (as described in more detail in Annex J).

iv 'Konceptet'

Work on the '*Konceptet. Om Institut for Menneskerettigheders arbejde med retsforløbet*' (flow of justice concept) publication was completed in 2010 and published in Danish in 2011. According to the 2010 report on activities and results:

'The overall objective is to disseminate knowledge about the knowledge, know-how and experience of DIHR as the Danish national human rights institution with regards to state-building and justice reform processes. The book documents the methodologies applied in partnerships by DIHR and is intended to inspire partners, potential partners and other practitioners about possible justice reform and state-building approaches. The book will be disseminated to relevant decision-makers, journalists, commentators, human rights activities etc.'

The approach in the book is generally followed by DIHR in all its justice related work and training of DIHR's international partners (based on the English version) will be provided during 2013 based on two course modules specifically developed for them.

v Cambodia

The DIHR 'Implementation of Legal and Judicial Reform in Cambodia', in partnership with the General Secretariat – Council of Legal and Judicial Reform (GS-CLJR), began in 2001 and continued for 11 years. The first phase (2001-2003) focused on the development of the programme and the Legal and Judicial Reform Strategy (LJRS). The second phase (2003-2005) focused on the development of the Plan of Action and Project Catalogue, while the final phase (2005-2011) focused on the DIHR support to the implementation of the LJRS.

The objective of the programme was to contribute to the creation of an integrated sector approach to legal and judicial reform, based on the values enshrined in the Constitution, the LJRS, and international human rights instruments to which Cambodia is a State Member. Activities during the period under review included:

2009	2010	2011
<ul style="list-style-type: none"> • Indicator Monitoring System (IMS) manual. • Concept for dialogue platform. • Idea paper regarding independent judicial administration. • Idea paper for the 	<ul style="list-style-type: none"> • Implementation of GS-LJR management calendar. • Secretariat's strategic plan, action plan and work plan for 2011 revised. • Technical update of the LJR Plan of Action 2011-2014. • Planning Guide for 	<ul style="list-style-type: none"> • Posting of HR Officer with the Secretariat. • IMS implemented, including calendar, user manual, appointment of 15 focal points and related training. • Project document to transfer best practices from the Khmer Rouge Tribunal to courts of first instance developed. • Desk studies of three fundamental laws (law on organization and functioning of the supreme council of the magistracy,

implementation of reform programmes based on human rights-based legal analysis.	Justice Sector Institutions updated and approved. <ul style="list-style-type: none"> • Two provincial dialogue meetings with civil society. • Preparation of a national legal aid policy initiated. 	draft law on the organization and functioning of the courts, draft statute for the judges and prosecutors) to be used in the process of reviewing these laws. <ul style="list-style-type: none"> • Hearing of justice system actors regarding the desk studies. • Plan of action updated. • Development of a legal aid policy initiated.
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The project was externally evaluated during 2012, which noted considerable progress with revitalisation and regaining donor trust in reform, but also that while there was still ‘technical will’, there was no longer political will for reform.¹⁰ Significant progress was reportedly achieved in all three phases at both the strategic level (funding and political guidance) and on the tactical level (concrete implementation). ‘The specific DIHR partnership approach combined with a high level of responsiveness to the contextual political and capacity needs of the partner, ensured that the ownership of the process was placed where it belonged, with the RGC’.¹¹ Technical assistance and advice to the RGC and LJRS management structures was also found to be highly beneficial.

With regard to the third phase (2005-11), the review found that ‘the DIHR partnership with the RGC has produced a valuable example on how a third world country can apply modern new public management inspired techniques and approaches to ensure an effective conduct and performance of administrative structures’ and ‘around 70 % of the planned activities under the Strategy have been implemented ... Important laws have been passed as part of the implementation: Law on Media /Press; Law on Domestic Violence; Civil Code; Civil Procedures Code; Penal Code; Penal Procedures Code; Law on the Penitentiary system and correctional services, Law on Provinces and Municipalities; Anti-Corruption Law; Land Law; and Law on Commercial Arbitration’.¹² But despite the review team’s recommendation that the project continue for another five years, it was agreed to terminate support from 2013. The primary reasons for the decision were the declining protection of human rights in the country and the lack of reform progress, which meant that the effect of DIHR support to the reform through the partnership with the GS–CLJR decreased.¹³

vi Vietnam

DIHR began working with legal aid in Vietnam in 2001, in partnership with the National Legal Aid Agency. During 2009, CA funding was used to produce a Trainers’ Guide – ‘Foundational Training on Human Rights for Legal Aid Officers and Collaborators’, ‘Standards on Legal Aid under International and Vietnamese Law’, and a Legal Aid Manual. However, it was decided to phase out the project in 2009 because it had been running for almost 10 years, a wide range

¹⁰ ‘Evaluation of DIHR’s partnership programme with the GS-CLJR – Implementation of legal and judicial reform in Cambodia’ (2012).

¹¹ *Op. Cit.* page 4.

¹² *Op. Cit.* page 5 and 6.

¹³ Report on CA 2012, page 16.

of themes in relation to human rights and legal aid had been addressed, the Danish Embassy in Vietnam had begun a bilateral programme of support for good governance and human rights in 2008 with substantial support to access to justice and human rights, and various other major donors (including Norad, Sweden and Switzerland) were also supporting similar areas.

vii South America

Various projects and activities related to access to justice and rule of law were implemented in South America during the period preceding 2009, including:

- Planning base, Central America extended to Latin America to develop a platform for informed interventions that included desk studies and Analysis of NHRI mandates in Latin America.
- Collaboration between the legal unit of Congress (CIEL) and the Legal Research Institute (IIJ) to carry out law review and legal methodological research and to develop a coherent legal framework in Honduras in line with the Constitution and international human rights obligations.

However, for various reasons including instability in the region (at least in Honduras), Danida decided to withdraw completely from Latin America in 2009. Although limited activities were reported for 2010 (finalisation of the planning base, country profiles and constitutional analysis; and expressions of interest in cooperation), DIHR decided to pull out of Latin America and no further activities were conducted under the CA.¹⁴

viii Rwanda

Faced with an enormous need for lawyers following the 1994 genocide, Rwanda's transitional national assembly, in addition to creating a formal Bar, provided for the creation of a lower-ranking category of independent legal professionals known as the Corps of Judicial Defenders, (*défenseur judiciaire*) – essentially, paralegals with the right to represent anyone before first instance tribunals, including those facing charges of genocide.¹⁵ In response to the need for these to be trained, the Judicial Defenders Project was launched in the beginning of 1998 by DIHR aimed at the education and deployment of 102 judicial defenders intended to both respond to the urgent need while at the same time contributing to building a more permanent resource base in Rwanda.¹⁶ The project also built the institutional capacity of the Corps of Judicial Defenders over a number of years and approximately DKK 2,5 million was contributed per annum. But while the project was successful at first, the introduction of the Gacaca Court system in 2001 meant that the need for legal defenders in genocide trials rapidly decreased (although

¹⁴ Although not mentioned during the mission, it appears that a law reform package was passed in Honduras in September 2013 related to the role and rights of childhood and family in Honduras. DIHR has subsequently analysed the results and found that 80% of the law reforms proposed are based on the work that was developed during the cooperation with stakeholders and based on countrywide consultations.

¹⁵ The text in this introduction is drawn primarily from the Mid-Term Evaluation of the Danish Centre for Human Rights Project 'Judicial Defenders in Rwanda (2000) and interviews with Fergus Kerrigan.

¹⁶ The three main donors to the project were DANIDA, SIDA and the ministry of foreign affairs of the Netherlands. Further donors to the project included GIZ, Trocaire and CIDA.

genocide trials in ordinary courts in Rwanda continued until 2003, as did representation by judicial defenders).

Access to justice remained an issue in Rwanda and during 2004, DIHR conducted a mapping of legal aid providers in the country that identified various projects providing legal aid and assistance but limited cooperation between them.¹⁷ In response to this, the Legal Aid Forum (LAF) was established in October 2006 and a Charter adopted based on the work of CSOs to build a common understanding of legal aid, identify the LAF's vision, mission, aims and objectives, and agree on work modalities. The resultant 'Building the Foundations of Access to Justice in Rwanda' project aimed to contribute to the realisation of equitable access to justice in Rwanda through the development and provision of high quality, accessible legal aid services using four main approaches:

- Strengthening the LAF.
- Building technical capacity and research and advocacy skills of legal aid providers.
- Through pilot projects aimed at providing services to poor and vulnerable groups, improving the quality of legal aid services, building on the legal and policy framework.
- Developing mechanisms through which organisations can collaborate, engage at a regional level and begin to attract further funding.

DIHR hosted the LAF Secretariat until 2009, when the LAF was registered as a national NGO network with its own legal personality (although DIHR continued to provide technical assistance and to act as the grant manager for the Legal Aid Civil Society Fund established in terms of Output 4 of the LAF Logical Framework).

The LAF was externally evaluated in 2010, which identified various milestones and successes, including:

- Development and implementation of an improved documentation and monitoring system for legal aid providers amongst a pilot group.
- Development of a Paralegal Practice Manual launched in November 2009.
- A research project in 2009 on Public Interest Litigation in Rwanda, with a focus on locus standi and *amicus curiae*.
- Pilot projects from May 2008 to provide legal aid services at community based level and in the criminal justice system benefiting 2,776 indigent and vulnerable in 2008, 6,354 persons in 2009 and a projected 10,000 for 2010.¹⁸

Activities implemented under the CA during 2010 and 2011 included:

¹⁷ Text in this section is based on the Three-Year Evaluation of the Legal Aid Forum for the Period 2008-2010 (2010).

¹⁸ *Op.cit.* page 10.

2010	2011
<ul style="list-style-type: none"> • Assistance in the development of a website and five-year strategic plan for the Forum (2011-2015). • “Usage Manual on Basic Principles of Monitoring, Evaluation and Reporting for Legal Aid Providers in Rwanda”, including training. • Translation, nation-wide distribution of, and training related to the Kinyarwanda version of the Paralegal Practice Manual. • Conducting a second ‘Legal Aid Week with 18 member organisations providing legal aid services to 2 819 beneficiaries. • Nine legal aid projects implemented by nine member organizations to 12,196 beneficiaries. • Legal aid services to 15,015 (an increase of 86% compared to 2009). • Input to a comprehensive Legal Aid Policy. • Several publications in English and French, some in Kinyarwanda. 	<ul style="list-style-type: none"> • Assistance to manage the Legal Aid Civil Society Fund and selection of projects to be funded. • Support to development of documentation tools for use in projects. • Eight projects supported providing services to more than 11,000 beneficiaries. • Support to the LAF in operationalising the strategic plan and in (successful) fundraising from embassies. • Positive external evaluation.

DIHR also assisted the LAF to conduct fund-raising activities in both 2010 and 2011 that bore fruit in 2011 when the EU agreed to further funding. Although DIHR have in the main exited Rwanda as a result, the EU contract includes up to 40 days per annum of technical assistance by DIHR to the Forum.

ix Nepal

A partnership was initiated with the National Society of Nepalese Jurists during 2012 on awareness and debate about state restructuring and the new constitution. However, given the current situation in Nepal, it is not yet clear how this work will be taken forward and the DIHR is currently considering only working with the Nepal Human Rights Commission in the immediate future.

x Zambia

Support to Zambia began during 2009 with the placement of a Human Rights Officer in Lusaka with regional responsibility and some salary hours at HQ under the regional programme, network assistance, and an elaborate access to justice situation analysis. Current activities in the area of informal justice and access to justice funded under the CA centre around two pilot projects – one with Local Courts and one with a Legal Services Unit at the Lusaka Subordinate Court.

Local Courts. Local Courts are the lowest level of the Judiciary in Zambia and have the potential to provide access to affordable, quality and accessible justice for most of the population. However, they are seriously under-resourced and while rules have been changed recently to allow for better-qualified and younger Magistrates to be appointed (thus ensuring they spend more time on the bench before compulsory retirement), Magistrates are non-lawyers who are largely untrained. In addition, many occupy courts in areas under traditional leadership where conflicts and competition often arise between traditional leaders and the courts. The main objective of the pilot project (as stated in the project document and MoU with the Judiciary) is ‘the development, testing and evaluation of a

model for enhanced operation of Local Courts through optimisation of support and supervision mechanisms within the judiciary and cooperation with other primary justice actors and stakeholders at various levels of the Zambian justice system'. But while the Courts have the power to deal with certain minor criminal offences, access to justice in the criminal sector is currently well supported by the EU/GIZ Access to Justice Programme, while no major donor covers access to civil justice. Given the important role Local Courts play in this regard, the project focuses on civil rather than criminal justice.

Support in this area began in 2010 with a scoping mission to Southern Province on traditional courts and paralegals. During 2011, the CA was used to develop a concept note and project proposal on Local Courts and Community Justice and to conduct scoping missions by DIHR and the Judiciary to Local Courts in Eastern and Southern Provinces. Limited support was also provided to developing a Concept Note and process action plan for the development of national legal aid policy and a DIHR adviser was also posted to Zambia in October of that year.

A further scoping mission of Local Courts in Choma and Chipata districts was conducted in 2012 and a reporting template and guidelines on supervision of the Courts was developed and disseminated to 11 pilot courts (four in Choma and seven in Chipata). Five training workshops were held for Local Court Magistrates, clerks and officers, paralegals and traditional leaders (based to some extent on training materials previously developed by GIZ and subsequently 'adopted' by the Danida Governance Programme). Two Legal Days were also held in the two provinces to bring Magistrates, clerks, the Local Courts Officer (LCO), Provincial Local Courts Officer (PCLO) and the local courts directorate together to discuss cases the courts are dealing with and to share experiences and find solutions to difficult cases encountered.

Activities to date during 2013 include:

- Two training workshops (one in each province) for chiefs, traditional leaders and paralegals.
- Training sessions (two days each) in seven chiefdoms for chiefs, traditional leaders and paralegals, with Local Court Magistrates.
- Two Legal Days (one per province).
- Field follow-ups in April, July and August with the LCO/PLCO office on the reporting template and 2012 guidelines on supervision of the courts.
- Field follow-up mission conducted in August 2013 to three local courts to assess pilot model first results.

Legal Services Unit (LSU). The LSU is a pilot project aimed at improving access to justice and providing legal representation, information, advice and assistance for those facing criminal charges. To this end, a unit has been set up at the Lusaka Subordinate Court staffed by a paralegal (provided by a local NGO) and a legal aid assistant (provided by the Legal Aid Board), supported by fully qualified Legal Aid Board (LAB) attorneys (although only one was initially

envisaged) and overseen by a Steering Committee.¹⁹ The approach is in keeping with the draft legal aid policy for Zambia, which includes legal assistance by paralegals, and has been strengthened by two additional legal aid assistants to meet the increased need.

Work towards the LSU began in 2012 as a partnership with the LAB, Judiciary (who provide two offices at the Court) and PRISCCA, a local NGO with extensive experience in working with paralegals in the criminal justice system. The LSU began operations in January 2013 and was formally launched in March 2013. To date, it has provided legal assistance and advice to 625 people – the majority those facing criminal charges at the Lusaka Court, although assistance and advice is also provided to those with civil matters, primarily by referring them to other networking partners such as the Local Courts, LAB, labour offices, small claim courts, or social welfare.

Other activities. Additional activities were also conducted during the period under review that were not funded under the CA, but that have contributed to the development of the above projects and activities, including technical assistance to the Paralegal Advice Network (PAN) to develop its strategic plan (although some technical assistance does appear to have been paid for through the salary to the HRO); technical assistance and advice towards the development of the national legal aid policy; the contracting of DIHR as a resource expert in connection with the development of the new *Zambian justice sector strategy*; and capacity assistance and development for the Commissioner for Investigations (2009-11). Law and Justice courses were also provided for members of the criminal justice system in 2009, 2010, 2011 and 2012, paid for under the access to justice component of the Support to Good Governance programme.

DIHR also secured a contract with the Governance Secretariat in Zambia (funded by the Danida Support to Good Governance in Zambia Programme) to conduct a Situation Analysis on access to justice in 2009. For various reasons, the contract took some time to finalise with the final report only submitted in 2012. But while the report is extremely detailed and highly valuable for anyone providing support in the areas of access to justice, it appears that at least some funds from the CA were used to ‘enhance quantitative and qualitative analysis’ and thus to supplement funds provided under a separate contract in violation of the rules and procedures put in place to prevent this.²⁰

xi Zimbabwe

Work on access to justice is at the earliest stages in Zimbabwe and has focused on a Legal Aid Analysis and Mapping in conjunction with a local partner (Legal Resources Foundation). The first phase of this was conducted and reported on in

¹⁹ Legal aid assistants are those who have completed their legal qualifications at university, but who have yet to complete the professional education required to practice law at the Zambia Institute of Advance Legal Education.

²⁰ Page 35 of the Annexes to the 2010 report indicates an amount of DKK 951.468 for additional research and analysis. This issue too is discussed in further detail elsewhere in this report.

2012, with a second phase planned for 2013. The 2013 elections led to some delay and it was agreed with the partner to hold off on the next phase for the time being and to assess the post-election political will and priorities of the organisations to work together in order to make this a meaningful and useful exercise.

Note

Access to justice activities in Zimbabwe and Zambia are now part of the new 'regional approach' to Southern Africa. This issue is discussed later in this report.

xii Rule of Law Department Strategy

A strategy to govern the work of the Department responsible for rule of law and access to justice (2013-16) is in the process of development and a draft copy was supplied to the team. However, the draft is still fairly sketchy and cannot be assessed at this stage.

b. Public participation and civil society

In terms of the DIHR strategy of public participation and civil society produced during 2012, DIHR will 'focus both on the promotion of enabling conditions for participation and on facilitating direct participation for specific issues of human rights concern'²¹ and will work for an enabling environment, to create empowered individuals, and to strengthen a representative civil society.²² Essentially, this entails working in collaboration with partners:

- For an enabling environment for public participation by assisting partners to promote laws and policies that facilitate and protect participation.
- To empower individuals through education, information and awareness raising.
- To strengthen a representative and coordinated human rights civil society and their ability to engage in advocacy and constructive dialogue with the state.²³

CA funding during the period under review has been used in Cambodia, Malawi and West Africa, as well as more recently for the development of methods and tools and to attempt to influence the international agenda towards the development of a right to public participation.

i West Africa

Public participation activities have been conducted as part of the West Africa Programme for the entire period under review. These are described in the section on the West Africa Programme below.

ii Cambodia

During 2009, support to the Cambodia Civil Society Project Formulation Project focused on the formulation of an unsuccessful project proposal to the Danish Representation in Cambodia to contribute to building the capacity of CSOs to monitor the model court jurisdiction and to enhance their legitimacy as recognized stakeholders of the justice system. In 2010, a workshop was held to introduce

²¹ 'Working for Public Participation and Civil Society Strategy', page 2.

²² *Ibid*, page 6.

²³ Report on CA 2012, page 26.

Service Charters to CSO partners in Cambodia, but work in this area ceased when DIHR decided to end their engagement in Cambodia in 2011.

iii Malawi – Service Charters

The focus on capacity development in Malawi prior to the period under review led to the development of the Service Charter System and the implementation of a pilot programme in three districts. Service Charters are developed in consultation between government service providers and civil society and set out the standards of services that citizens can expect, how they may communicate and interact with service providers, and how and where they may complain. The development objective for the project is stated as:

To ensure that basic services are accessible to local communities, correspond to the needs of the poor, and are provided in accordance with transparent and accountable standards developed through a consultative and interactive process between the government and its stakeholders in service delivery.

The aim is thus to strengthen access to basic services; improve civic participation, rule of law and non-discrimination by creating transparency and tools to empower the population to claim their social and economic rights; and to increase Government's accountability. Besides working with the Office of the President and Cabinet to facilitate the formulation of a Malawi government programme for the implementation of a Service Charter System, data was also collected from the Malawi Service Charter System to assist in the preparation of a generic DIHR Service Charter Concept that could be used in various other countries and contexts, and to provide a framework for further methodological development and documentation at DIHR.

During 2009 and 2010, the CA supported the development of the concept, pilot activities, the identification of external funding sources, and internal seminars with stakeholders. During 2011, an implementation framework was developed and tested, a manual produced, and three service charters developed with funding from GIZ, EU, Irish Aid and DFID. A further four service charters were developed during 2012 with funding from the same sources, and a concept note was developed for the Ministry of Education. However, no CA funding was used for Malawi from 2011 onwards since DIHR had effectively decided by then to exit Malawi altogether. DfID, who had initially undertaken to fund the roll out of the initiative, also decided to pull out of Malawi around the same time (2011), under pressure from the British Parliament given the then political situation and levels of corruption in Malawi. Nonetheless, district level service charters still continue today with funding and technical support from GIZ (largely as a result of DIHR's efforts to source additional support to cover the project once DIHR support came to an end).

iv Zimbabwe

DIHR conducted a scoping mission to Zimbabwe in 2010 to identify key issues, challenges and opportunities in the Zimbabwean context. Three areas were highlighted for potential engagement: support to civil society coordination on public participation; support to the emerging NHRI; and support to coordination

between actors in the area of access to justice. In consultation with partners (including the National Association of Non-Governmental Organisations - NANGO), a Public Participation Audit was conducted to ‘build a platform across civil society actors at local and national level to analyse the scope for participation, identify key challenges, and initiate a common agenda for advocacy and dialogue with the state’.²⁴ Based on this, a working group developed a five-year strategy for the platform during 2011, with three intervention areas: establishment of a platform for public participation, education of citizens, legislators and policymakers in participatory processes, and dialogue on public service delivery.²⁵ The strategy aims to ensure that communities and decision makers in pilot districts have the necessary knowledge base and capacity to analyse challenges, identify key priorities, and develop realistic action plans with identified responsibilities for implementation, monitoring and evaluation.

v Zambia

The development objective for Zambia is stated in the consolidated report provided to the team as: ‘A Zambian society where key national actors within civil society, primary justice providers and independent institutions are capacitated and empowered to provide services in the field of justice, participation and business based on international human rights standards’.

As a first step in DIHR’s public participation engagement in Zambia, consultations were held with between 25-30 CSOs and some government departments in June 2012. A working group was created including the Human Rights Commission and Zambia Council for Social Development (ZCSD), while a public participation audit/context analysis was carried out by potential partners and local researchers. This included a case study of participation in natural resources management, particularly land, making it slightly different from that done in Zimbabwe in that it focused on a particular issue.²⁶ The final report is expected in October 2013, which will allow DIHR and potential partners during the latter stages of 2013 to decide on the scope and focus of cooperation from 2014.

Note

Public participation activities in Zimbabwe and Zambia are now part of the new ‘regional approach’ to Southern Africa. This issue is discussed later in this report.

vi Concept development and public participation products

Since 2011, the Civil Society and Public Participation Department has had a special focus on developing the concept of public participation and related methodologies, and to test and adjust them in cooperation with partners through a

²⁴ 2010 Report, page 18. (Noting that this is recorded in the 2010 report but was reported as happening in 2011 in the matrix of activities provided to the review team). Public Participation Audits were part of the new direction of the department, focusing more on participation not just as a method, but also as a right in itself. The audit is essentially a context analysis conducted with the participation of potential partners that facilitates agreement on common priorities and the scope for future action.

²⁵ 2011 Report, page 50. The tool has also been used in Burkina Faso, Niger, Mali, Tajikistan, Zambia and Egypt.

²⁶ Funds are channelled through Zambia Governance Foundation, but they are not part of the working group.

platform of strategic stakeholders. In 2011, work on public participation was used to consolidate the DIHR public participation toolbox and short practical 'how to notes' on key methods for partners.²⁷ An issue paper on NHRIs and public participation was also produced.

Lessons learned in Southern Africa have also contributed to the decision of DIHR and partners to focus on participation at the regional level, particularly in relation to public services (water). And during 2012, a sharing workshop was held in Copenhagen with partners across all country programmes focused on the shrinking space for participation, common barriers, the experiences in different countries, and how partners were working to address them.

More recently, the Department has begun a process to influence the international agenda in the area of public participation. As a result of these efforts, DIHR have established a Working Group on public participation with the first meeting scheduled to take place in Copenhagen during October 2013.²⁸ Major International NGOs focused on public participation and related rights (such as Article XIX and Afrobarometer) have been invited to attend. The Department is also contemplating working with the UN Special Rapporteur on Freedom of Opinion and Expression towards the development of a right to public participation. Various concept and discussion documents have or are being produced towards this goal.

c. Research

The current enabling legislation gives the Institute the mandate 'to carry out independent and autonomous ... research ... in the area of human rights'. Thus while the Research Department is technically part of the national division, it has the additional responsibility of support to international activities and is assigned a specific budget for that purpose.²⁹

The strategy for the Department is set out in two documents covering the period under review: DIHR's Strategic Framework (2009-2012) that includes specific references to the Research Department, and the strategy developed for the Department covering the period 2011-2015.³⁰ The Strategic Framework describes the Department's function as carrying out independent and autonomous research in the field of human rights with a particular focus on human rights issues pertinent to DIHR's strategy. It includes engaging in cooperation with universities and the broader research community nationally, internationally, and at all

²⁷ Including on public participation audits, public driven reform, human rights dialogue, civic education, civic mobilisation, local sub-granting, service charters, HR capacity building of NGOs, HR networks, HR resource centres, monitoring and reporting and HR communication and information.

²⁸ The Working Group includes NHRIs from South Africa, Australia and Palestine, the special rapporteurs on HR Defenders, Assembly and Association and a Democratic World Order, as well as representatives from ICNL and Article 19. It will be further expanded based on recommendations from the first meeting.

²⁹ The budget is global though and, in the form presented to the review team, is not disaggregated to allow an analysis of the distribution of monies towards various activities.

³⁰ The Department is currently in the process of developing a new strategic emphasis (for submission to management and the Board) to ensure that it conducts research that is both academically sound and has a practical application for DIHR.

academic levels, including the education of Masters and Ph.D. students and the exchange of guest researchers and visiting professors.³¹ It goes on to say that DIHR will increase institutional synergy between projects and research: for example, by using research as the foundation for practical projects and human rights implementation.³²

The Department's strategy for 2011-2015 situates the Department firmly within the Institute as an NHRI, with the expectation that research should be of a nature and scale to make DIHR a centre of knowledge and expertise. According to the strategy, the role of the Department is to carry out research; provide timely and research-based advice; disseminate research-based knowledge; and develop and maintain a leading position within the DIHR's strategic focus areas.³³ The strategy lists nine categories of 'research products' (such as academic articles and expansion of research networks), but does not directly address support to field activities on either the national or international side of the house.³⁴

The Department establishes a research agenda under the CA each year (which varies from year to year), in consultation with the Director of the International Division. The final agenda also takes into account the research aspirations of individual researchers with specific fields of expertise. Many of the activities, such as research into human rights and counter-terrorism, are pure research into thematic areas of interest, although grounded in the work of the DIHR, whilst others are more narrowly focused or grounded in operational issues that confront the DIHR, such as research into human rights indicators and the Flow of Justice project (*'Konceptet'*, described above), or directly related to program activity (as with the on-going support by a researcher to the Chair of the UNWG on HRB). The agenda also responds to the 2009 review that recommended DIHR develop their advisory function in the area of human rights and development as part of its role as an NHRI, with Institute using its research capacity to support this advisory role. And finally, the Department provides on-going support and advice to the international Department and its staff, as well as other actors, on an ad hoc on demand basis.

i Research conducted by Research Department with CA funds

Research under the CA for the period under review has focussed on the following thematic areas: China (largely related to public participation); North Korea (examining entry points for human rights dialogue); Human Rights Indicators (both generalised and with regard to the CA application and reporting documents); Nation-building in the Arab World (Thesis); Justice; Counter-terrorism; Women & Children; MDH & ESCR; NHRIs and ESCR; as well as a few activities that cannot be easily grouped. In addition, the agenda included cooperation and networking with the Boltzmann Institute at the University of Vienna, the Association of Human Rights Institutes (a largely pan-European plus

³¹ Strategic Framework (2009-2012), at page 20

³² *Ibid.*

³³ Op cit, page 11

³⁴ Op cit, pages 11 and 12

UK grouping, although 2 out of the 43 members come from outside the continent³⁵), the Nordic Network of Human Rights Institutions, a seminar series with the University of Southern Denmark and memberships in a large number of research groups and boards.

Tables setting out the research activities in the period under review are attached as **Annex D**.

ii Research Partnership Programme (RPP)

Although housed in the Research Department, the RPP is managed by a project manager from the International Division and offers guest research opportunities to researchers from developing and transitional countries.³⁶ The RPP requires researchers to develop an article (in line with their proposals) of ‘standard’ journal length and offers support and coaching to bring the research to publishable quality. The programme also offers researchers the opportunity to participate in a Seminar Series which both provides experience in presenting research results, and an opportunity to network with established researchers in Denmark.

The RPP aims to upgrade and expand the research capacities of those working in the human rights area in developing and transitional countries, contribute to the development of a body of work along a similar theme, and enhance networking opportunities for participants.³⁷ And should the research paper have practical application and be implemented, some on-the-ground impact might also be achieved.

During 2009-10, the RPP had a geographic focus on Asia, particularly post-communist Asia, under the themes of migration and access to justice.³⁸ But for the last three years, the RPP has targeted informal justice as its thematic area, with Africa as its geographic focus, with the following two caveats: the applicant must be attached to an African research institution; and the research proposal must be of practical orientation and not entirely academic. Four of the 12 researchers working on informal justice systems have come from Southern Africa, two from Uganda, two from Kenya, one from Tanzania and three from Ethiopia. The researchers thus all came from countries that are highly relevant to both DIHR and Danida. In 2012, DIHR applied for funding from the Danish Development Research Council (FFU) on the issue of informal justice systems, but was unsuccessful since the FFU focus related to fragile situations.

A list of papers produced under the RPP during the period under review is attached as **Annex E**.

³⁵ www.ahri-network.org

³⁶ The Research Department has the following major responsibilities for the programme:

- Training in research methodology (legal and other).
- Supervision by a senior researcher.
- Organising and participating in seminars where researchers present their work.

³⁷ *Research Partnership Program Overview 2012*, at page 3.

³⁸ In 2009 there were seven researchers: four from China, two from Kyrgyzstan and one from Laos. In 2010, only one researcher from China attended, as the funding for the RPP was cut drastically.

Note

During the two years immediately preceding the period under review (2007-8), the RPP focused geographically and thematically on family law in West Africa. The regional research programme on family law in West Africa began with the work of the group of RPP researchers working on family law, who formed the core of the network of West African researchers at the beginning of the project.

d. Education

Prior to 2009, education was not the function of one department, but fell instead within each of the DIHR thematic areas. The Education Department was re-established in mid-2009 to strengthen and further develop national and international human rights education activities, gather experiences, and to develop and implement DIHRs national and international human rights education strategy and action plan. At the beginning of 2010, the Education Department was merged with the Communication Department before being separated out again into two departments in 2011. As a result, the Department has been through some turbulent times that have impacted on its effectiveness, although progress since 2011 has far more rapid and steady.

With only two to three staff members for 2009-10, most of the activities for 2009 can be classified as ‘start-up’ activities. During 2010, around DKK 4.5 million was allocated from the CA for education and communication projects. Activities were again mainly start-up related and focused on the development of an education strategy and new methodologies and tools, including the first draft of the Human Rights Education (HRE) tools that would later develop into the HRE Toolbox. Internal HRE seminars were held for DIHR staff and a human rights educators website and resource base on HRE was developed to share materials amongst those attending courses.³⁹ An HRE workshop was held for participants from partner countries (Nepal, Yemen, Morocco, China, Rwanda, Malawi and Zambia), while Copenhagen staff participated in international HRE fora, including seminars related to the UN World Programme on Human Rights Education, and HRE conferences organised by the Fundamental Rights Agency and the Office for Democratic Institutions and Human Rights under the Organisation for Security and Co-operation in Europe.

Work on knowledge, tools, methods and networks to enhance the effect of human rights education carried out by organisations and actors in CA-supported countries continued in 2011, leading to the finalisation for testing purposes of the HRE Toolbox that year. Also during 2011, the HRE website was developed and launched, but educators seemed not to be interested in using it and though the website was put in place, it was not used and is reportedly no longer ‘live’.

A second outcome under the CA for 2011 was to improve knowledge and skills amongst NHRIs to equip them to conduct human rights education in their own

³⁹ www.humanrightscourses.dk

countries. A study tour for the Bangladesh Human Rights Commission was conducted and dialogue with Zimbabwe Human Rights Commission was established, with HRE flagged as a priority area for future collaboration. Other training provided under the CA during 2011 included:

- The human rights based approach (HRBA) to programming for DIHR partners - representatives from state, civil society and NHRIs.
- The role of an NHRI for the Bangladesh Human Rights Commission (covering the Paris Principles, the role of an NHRI, complaints handling, communication and HRE, and partly funded by UNDP Bangladesh).
- Two workshops on HRE: one for the DIHR Justice Department and one for the Public Participation Department.

Funds were also used to build the capacity of human rights organisations, public institutions, and government offices in partner countries to promote human rights through HRE.

Similarly during 2012, CA funds were used primarily to build the capacity of NHRIs, human rights organisations, civil society partners and others to conduct HRE, particularly the Human Rights Commissions of Zimbabwe and Nepal. An MoU was signed with the Nepal Commission, but while a course format was developed and agreed upon with the Zimbabwe Human Rights Commission (ZHRC), they preferred to wait for their legislation to be finalised before going any further. The HRE Toolbox was finalised and formally launched in 2012, and has been disseminated through DIHR's website and professional networks during 2013. Although the Toolbox was developed partly in response to requests from international project managers who needed assistance with training, it was soon realised that it would be equally useful for project partners and could be used in Denmark by project managers. It is available in English and Spanish and is expected to be translated into Arabic during 2013, although it is noted that translations are financed outside of the CA.

During 2012, the following training was provided to partners under the CA:

- A two-week partner course on HRE held in Copenhagen from November–December 2012.
- An introduction to HRE, Participation and Universal Periodic Review (UPR) for 19 Asian NHRI representatives.
- An international seminar on human rights education was organised for 31 national and international participants from Nepal, Pakistan, Indonesia, Cambodia, Ireland and Denmark to exchange knowledge and experiences on HRE in formal and informal settings and to share experiences of such work by NHRIs, civil society organisations (CSOs) and public schools.

After extensive consultation and dialogue, DIHR signed an MoU with the ZHRC based on a contract with the EU, and will soon sign two more contracts with Norway and Denmark for support to the ZHRC. Training to be provided under the CA for 2013 includes:

- Training for international partners on the flow of justice concept (based on the English version of *Konceptet*), strategic planning, and the international reporting mechanisms, to be provided by the Research, Education and Justice Departments.
- Capacity development of (at least) two partner NHRIs in Zimbabwe and Nepal to strengthen their ability to implement their mandates on human rights education.
- A two week course in Denmark for 18 participants from African NHRIs on human rights, the role and mandate of NHRIs, effective human rights promotion methodologies within the mandate areas (incl. HRE), and sharing experiences and good practices on strategic and organizational development.
- Two courses on the role of an NHRI in election monitoring (introduction to election monitoring and the role of an NHRI; and how to monitor and report on a national election with a focus on human rights violations) for the ZHRC (partly funded by the CA and partly by the EU).
- The role of an NHRI for the Nepal Human Rights Commission.
- Introduction to HRE and the DIHR HRE Toolbox for Denmark based CSOs.
- Economic, social and cultural rights for African NHRIs.
- Strategy Development workshop for the ZHRC.

Recognising that a lot of education in the form of workshops and technical assistance is provided by DIHR staff who do not fall under the Education Department (for example, DIHR staff working on the West Africa Programme regularly organise and conduct training programmes in that country), the Department also provided internal capacity building seminars on both HRE and HRBA to all relevant staff members during 2012 and 2013. It will continue to enhance its web-based network among NHRIs and provide support to preparatory work on the establishment of an International Coordinating Committee (ICC) working group on HRE. Considerable thought is again being given to the development of e-learning tools, which have the potential to greatly extend the Department's outreach. Work is also being done on a strategy, but it is not yet developed to a stage that merit thorough review.

e. Human Rights and Business

International concern for the issue of human rights and business can be traced to the UN's decision in 2000 to create the United Nations Global Compact (UNGC) meant 'to encourage business worldwide to adopt socially responsible and sustainable policies and gained momentum in 2005 with the appointment of a Special Representative of the Secretary General to deal with the issue.⁴⁰ DIHR is recognised as a leading authority on HRB garnered, *inter alia*, through extensive direct engagement with multinational companies.⁴¹ By the time the ICC Working Group (WG) was established, the DIHR had developed self-assessment tools for companies to ensure their business alignment with human and labour rights and had built a department specialising in research on issues relating to HRB. It was therefore well positioned to carry the issue forward.⁴² Not surprisingly given its

⁴⁰ See for example, *Internal evaluation of the first phase of the NHRI Working Group on Business and Human Rights 2009 – 2011*, at pages 15 & 16.

⁴¹ See *Cooperation Agreement: Reporting on 2010 Activities*, at page 21

⁴² See *Internal evaluation*, at page 16

expertise in the area, DIHR was nominated as Chair of the WG on HRB, which put it in a position to steer activity. Both members of the ICC and the ICC Sub-Committee contacted during the review acknowledge the leading role played by DIHR in this area.

DIHR's Strategic Framework 2009-2012 defines the work in the HRB sector as being twofold: developing direct engagement with business; and developing concepts, methods and tools with cutting-edge application in the field. Work in this area is also intended to support the national and international agenda-setting and to promote the inclusion of human rights in the development of new regulatory frameworks, including an 'emphasis on partnership with regional and international organisations, stakeholders and initiatives, as well as close cooperation with states, NHRIs, and civil society organisations'.⁴³

The Strategy for the HRB Department (2011 – 2015) states that the objective of the Department is 'to focus, implement and disseminate the insights gained through 12 years of business engagement. This means applying tools, methodologies and results to wider spheres, such as industry sectors and international frameworks, and ensuring human rights compliance not just in companies, but the market environment itself'.⁴⁴ It will do this by engaging in five focus areas: corporate engagement (enabling companies to mainstream human rights commitment and compliance in all operations); knowledge base and innovation (developing concepts, methodologies and tools to ensure human rights compliance and improve practices in businesses); international frameworks and agenda setting: (supporting the inclusion of private-sector impacts in international frameworks); capacity building of state and civil society (undertaking strategic actions to build the human rights and business capacity of governments, public bodies and civil society, with a focus on developing countries and vulnerable groups); NHRI work (to contribute to the development of the business and human rights agenda in Denmark, in its capacity as an NHRI, and internationally, in collaboration with NHRIs).⁴⁵

The Department has defined four result areas as enabling and promoting business capacity to respect human rights; capacity of state actors to protect human rights in the corporate sector; capacity and role of NHRIs in relation to HRB; positive human rights impact of business.⁴⁶ More specifically, the focus of HRB work 'has been and remains: capacitating ... NHRIs to fulfil their Paris Principle mandate with regard to business and human rights, and integrating NHRIs into relevant governance frameworks, towards this objective'.⁴⁷

⁴³ *Strategic Framework 2009-2012*, at page 17

⁴⁴ At page 3.

⁴⁵ Op cit, page 4

⁴⁶ *Human Rights and Business ... What is it? ... What's our strategy ... What are we going?*, Internal document, undated, prepared by the Director, HRB, for the review team.

⁴⁷ *Human Rights and business – Note for Review of DIHR DANIDA Cooperation Agreement*, Internal document, undated, prepared by the Director, HRB, at page 1.

The vast majority of DIHR activity during the period involved:

- International Agenda Setting: Efforts to ensure that its experience and positions informed the development of the UN ‘Protect, Respect, Remedy’ Framework and its Guiding Principles on Human Rights and Business, and that those standards were strong and had the potential to be effective. DIHR contributed to the revision of the Global Reporting Initiative, the review of the OECD Guidelines for Multinational Enterprises, the development of the ISO-26000 Standard, and the UNGPs process. It also consulted with the UN Special Rapporteur on HRB and attended a variety of related conferences.
- Support to the ICC and its WG on HRB: DIHR was successful in encouraging the establishment of the WG – the first such WG that addressed substantive human rights issues as opposed to procedural matters. It was the inaugural Chair of that WG and functioned as its Secretariat and led in the drafting and adoption of the ICC Edinburgh Declaration on Business and Human Rights and, through the WG, the conduct of a baseline study of NHRIs and HRB. It also supported lobbying on International Agenda Setting and in this regard was successful in ensuring that the UN Guiding Principles on Business and Human Rights referred explicitly to NHRIs.
- Support to the UNWG HRB: the Chair named to the WG was a DIHR employee, a reflection of the capacity that DIHR is seen to have in the area as well as the regard in which it is held. It has also supported the development of a strategy for the WG, as well as its visit to Mongolia, including by developing a template for the visit to guide the WG’s investigations and in-country work.
- Support to NHRIs on HRB: Support to NHRIs has centred around the support given to three regional workshops on HRB as well carrying out pilot training for NHRIs in Algeria and Sierra Leone and specific training to the Sierra Leone NHRC. It has also spearheaded the development of tools such as a Guidebook with an African Supplement, guidance for NHRIs on national baseline studies and action plans line on the UN’s Guiding Principles. And it has supported the NANHRIs including by helping it conduct a baseline study for African NHRIs on HRB.⁴⁸

Much of these efforts were carried out through the ICCWG HRB, which DIHR chaired for the first two years, and which it supported through a Secretariat throughout. In this regard, it is clear that the DIHR was the driving force for the initiative.⁴⁹

More recently, DIHR has partnered with Barrick Gold in Zambia and begun to engage with stakeholders towards the development of a pilot HRB ‘portal’ – essentially, a website housing all relevant legislation, policy and documents related to the HRB situation in the country that will be accessible to all. An excellent Business Guide has been prepared detailing the situation in Zambia and it is expected that DIHR will launch the Business Guide Portal at the UN Annual Forum on Human Rights and Business in December 2013.⁵⁰ DIHR is working with the Zambian Human Rights Commission to finalise the Guide.

⁴⁸ The only variance to this is work conducted in 2009 and 2010 towards the development of tools designed specifically for the corporate sector. Since these efforts are truly the exception they are not reported here.

⁴⁹ Op cit, page 39

⁵⁰ It is noted that the HRB portal is not funded under the CA.

The HRB agenda also includes a key result area to build the capacity of a civil society network in Zimbabwe to analyse, monitor and cooperate and advocate in relation to human rights and business. To this end, a comprehensive mapping and dialogue during 2012 led to the identification of two potential partners in Zimbabwe: Zimbabwe Environmental Law Association (ZELA) and a working group under the National Association of Non-Governmental Organisations (NANGO) focusing on issues related to water rights. The cooperation with ZELA was further consolidated during meetings held in conjunction with the Pan-African Conference on Human Rights and Business: African Perspectives, organised by Africa Legal Aid (AFLA) and supported by, among others, DIHR.

As discussed in the section on West Africa, a partnership has been developed with a NGO with the aim of conducting a baseline study in the extractive sector in Niger, a further indication that the process of embedding HRB into DIHR partner countries is bearing fruit.

As mentioned earlier, one of the research activities supported under the CA focused on the development of generic tool for measuring the adequacy of access to economic and social rights using the principles of Availability, Accessibility, Acceptability and Quality (AAAQ).⁵¹ Based on the results of the public participation audit conducted in Zimbabwe, which showed a number of barriers to public participation at both at the national level and at the local level, DIHR and its partners decided to focus on the local level where the key issue was limited participation and accountability related to social and economic rights and – particularly related to the right to adequate water. In dialogue with partners and members of the HRB Department, it was decided to pilot the AAAQ model in Zimbabwe. The tool has been workshopped with partners, who will soon be using it to conduct research in the field.

An overview of all of the work in this area is attached as **Annex F**.

f. International Human Rights System (IHRS)

IHRS is a new programme area and so there are no strategic statements that apply to it directly, although one is currently under development. Generally though, the work falls under programme interventions relating to monitoring and reporting. In this regard, the Strategic Framework 2009-2012 indicated that the purpose of the engagement with the IHRS was to ‘increase the level of international and regional cooperation among NHRIs and other organisations in respect to the UN Treaty Body System and other international institutions and networks, including providing input to comparative studies of national legislation and providing parallel reports or information to the international Community’.⁵² During the period under review, the IHRS engaged in three definable areas of programme

⁵¹ The idea for the tool is based on various comments by the Based on a UN Special Rapporteur on Economic, Social and Cultural rights, where reference is often made to measuring such rights in terms of adequacy, availability, accessibility and acceptability.

⁵² *Strategic Framework 2009-2012*, at page 18.

activity: supporting the Universal Periodic Review (UPR) process with regard to State reporting and shadow reporting by civil society and NHRIs; undertaking work to ensure that the NHRIs were positioned to act on their mandate to promote and protect the rights of those with HIV/Aids; and supporting the strengthening of the African Court.

With regard to work in the area of the UPR, this has been an on-going activity that started before the period under review and is likely to be carried forward into the future. The 2009 Thematic Review noted the significant work that DIHR had done in the area, calling it ‘a genuine strength’ and suggesting that it should be systematically tracked ‘at organisational level - for integration into institutional memory’.⁵³ During the period under review, work done in the area and funded by the CA was clearly not as wide-spread as noted in the 2009 Review and mostly involved developing guides and other tools that might be applied by all stakeholders in the UPR process. This is not to say that that effort was neither substantive nor important: tools developed have been posted on line by UPR Info⁵⁴ and used by the UNDP in training initiatives. At present, DIHR engagement bi-laterally is limited to Niger. (Please see the section on the West Africa Programme below for more detail.) In DIHR’s view, given the support available to civil society, its future collaboration will likely be with NHRIs and with human rights ministries/government focal points on human rights.

Work in the area of HIV/Aids was a time-bound initiative, closely linked to the expertise the DIHR had at the time in the form of a staff member being supported to obtain a PhD and who spearheaded activity in the area in two main areas: a legal mapping of the treaty body referral to the issue (which formed DIHR’s contribution to a report on HIV/AIDS considered by the Human Rights Council at its 156th session), and four regional workshops on the issue targeting NHRIs to support their capacity building in the area, including by encouraging them to integrate HIV into their work programmes in promoting human rights.⁵⁵ A bi-lateral intervention in the area was also undertaken with the Ethiopian HRC. DIHR engagement in the area has been noted by UNAIDS and it is DIHR’s view that the initiative achieved the results intended and that these are sustainable, and that no further activity is therefore required. As a result, DIHR has no general plans for on-going efforts to support NHRIs to develop and implement programming on the issue.

Work with the African Court was also time-bound and limited to engagements in 2009 and 2010 (included under the of Justice thematic area in CA applications). In 2009, the framework for a regional colloquium to be held in 2010 were laid, the

⁵³ *Thematic Review 2009*, at page 7

⁵⁴ UPR Info is an NGO based in Geneva with Special Consultative Status to ECOSOC. Its aim is to build awareness of the UPR process and to provide capacity-building tools to the various actors in the process. Further information may be found at www.UPR-info.org.

⁵⁵ This was subsequently reinforced at an ICC meeting in 2010 which discussed the role of NHRIs in promoting and protecting HIV-related human rights, an agenda item requested by the DIHR.

aim of which was the development of a legal aid system for the Court.⁵⁶ The colloquium was held and project proposals for a legal aid system for the ECOWAS Court and the SADC Tribunal were prepared. Funding was not available through the CA and evidently, while efforts were made to secure funds elsewhere, alternative funding did not materialise.

In addition, since late 2011, DIHR has been supporting the ICC Secretariat directly through the secondment of a staff member there. This is seen as essential to ensure that the objectives of the ICC are met given their serious lack of capacity and staff. All ICC members contacted confirmed the need for the support being given, as well as the value-added to the ICC.

Tables setting out the activities in the area of IHRS are attached as **Annex G**.

g. The West Africa Programme

i Introduction and activities in partner countries

In this section, we consider the West Africa Programme as a whole. But in addition to documents and interviews related to this, the team also conducted a field-visit to Niger. As a result, information regarding programme activities in Niger is more fulsome than that provided on the regional platform of the programme or on activities in the other focus countries in the region. It appears though that the findings and conclusions apply fairly generally to the all partner countries under the programme since interventions at the regional level and in all countries were undertaken by the same international staff of DIHR and, in many cases, were built using methodologies and approaches piloted in Niger.

The West Africa Strategy (WAS) 2007-2011 had the overall objective ‘to strengthen institutions, organisations and networks with a special mandate to promote and protect human rights, making them key players in the development and consolidation of a democratic society’.⁵⁷ Four intervention areas were identified: Institution building of human rights actors; Family Law; Security; and Human Rights Education and Documentation. These four main intervention areas are retained in the WAS 2012 – 2016, although the overall objective has been redefined thus: ‘to stimulate positive human rights change through the work of DIHR partners in West Africa’. In addition, the new strategy adds a fifth intervention area - Mining Industries - based on the growing concern in the region that foreign extractive industries provide little benefit to local populations.⁵⁸ It should be noted that the inclusion of this intervention area is presented as an example of when ‘local needs trump DIHR priorities’ as recommended by the Internal review of the WAS,⁵⁹ since mining issues were added after noting that there were common problems being reported in Niger and Mali by civil society

⁵⁶ CA Application 2010 at pages 47 and 127 of the Annex.

⁵⁷ *West Africa Strategy 2007-2011*, internal DIHR document dated 7 July 2007

⁵⁸ As above, page 41

⁵⁹ *West African Strategy Evaluation 2007-2011*, at page 15.

partners as well as a strategic desire from Headquarters to engage in that area in geographic programmes.⁶⁰

Although falling under a West African Strategy, many of the activities funded under the CA have actually been funded through the Rule of Law and Public Participation Departments, as indicated in the sections below. A table setting out the main activities undertaken related to the regional platform is attached as **Annex H**, while an overview of the main activities in each of the partner countries is attached as **Annex I**.⁶¹

ii Access to justice / rule of law

Activities in the region began in Niger in the late 1990s, when DIHR was requested by the Danish Cooperation office in Niamey to prepare an evaluation of the human rights situation in the country. Gradually, DIHR established itself as a trusted player in the country and the Police approached it to support the development of training material for human rights courses to be integrated in the training carried out by the Police Academy. This in turn led to similar engagements with the National Guard and the Ministry of Justice (training of judges),⁶² and an activity was undertaken to support both the Ministry of Justice and Human Rights to prepare the Niger Universal Periodic Review (UPR) and to support civil society to participate in the process. DIHR was also able to identify other role players that had the potential to be ‘agents of change’ as potential partners.

This building block process also explains the expansion of partnerships and programmes in Mali and Burkina Faso, as interactions with human rights actors in Niger led to contact with anomalous actors in the countries in the region. The DIHR reputation as ‘supportive’ as opposed to ‘imposing’ partners also became known, while partners in Niger also played an important role in supporting such engagements.

Based on its experience in the area and the links between countries, the West African Strategy (2007-2011) set out a programme of action for the region based largely on the existing national-level work being done. By 2009, further regional components were added to the Regional Platform, although the program remains one that is largely implemented through national programmes. Support to the region, funded under access to justice and rule of law, has included:

- Institution building for the Ministry of Human Rights in Burkina Faso, the National Human Rights Commission in Mali and the Ministry of Justice and Human Rights in Niger (such as assistance to develop its Strategic Plan), and the development of a Human Rights Manual for Judges.

⁶⁰ Email response by the West African Team to questions posed by reviewer on the WAS Evaluation.

⁶¹ Given the sheer number of engagements over the period under review, it would be impossible to describe in detail the full range of activities undertaken with and through the partners identified - nor is this necessary to come to conclusion in this review.

⁶² *Introductory note to Niger*, undated internal document provided to the review time.

- Police reform activities with the police of the three partner countries, including training and the development of a regional forum on the human rights challenges in the implementation of the codes of ethics of the national police in Burkina Faso, Mali and Niger.
- Engagement with the African Commission for Human and Peoples' Rights (ACHPR). Early efforts to support Strategic Planning at the African Commission included a focus on policing and the establishment of a focal point on policing and human rights within the Secretariat, leading to a formal partnership MoU signed with the Commission.⁶³ But while integrating policing and human rights into the Commission's work means that more countries will potentially be positively affected, it is recognised that the engagement with the Commission should be broadened and that efforts need to be made to make sure that a fully-fledged special mechanism is established. This will require continuous engagement and, as a result, the programme is being moved out of the WAS and into the IHRS, where it properly belongs.⁶⁴
- Partnerships with legal aid providers such as the Association of Women Lawyers in Burkina Faso and the NGO DEME SO in Mali.

iii Public Participation

Various public participation activities have been undertaken in West Africa during the period under review with CA funds. From 2009, the then Freedoms and Civic Participation Department assisted in implementing activities under the West Africa programme in addition to activities in Cambodia and the Malawi Service Charter Concept. Common to three projects as that they all revolved around 'Capacity Building', 'Documentation' and 'State Public Dialogue'. Capacity building activities during 2009 focused on the development of manuals and workshops and training for judges in Niger, while a regional workshop was held in Senegal with NHRIs and civil society organisations focused on HIV/AIDS in West and Central Africa.

Public participation activities have included national studies on public participation in each of the three focus countries (Burkina Faso, Mali and Niger), where the findings were debated with national stakeholders before the reports were finalised. The studies were then presented at a regional workshop where three priorities were identified to promote public participation in the target countries: strengthening civil society's capacities in public budget monitoring; access to information and the governance of the security sector.

⁶³ With regard to the focal point, in partnership with a South African NGO, DIHR supports the work of a person in the Secretariat who ensures that the issue of policing and human rights remains a focus when the Commission goes on a promotion missions to state parties or considers a State Party report. He also organises advocacy and sensitisation events on this thematic area during the ordinary sessions of the Commission, and coordinates the publication of a biannual newsletter on Police and Human Rights in Africa, which is widely distributed.

⁶⁴ In 2010, the DIHR engaged with the African Court, although this was outside of the WAS. The engagement included a high level colloquium for various regional and sub-regional courts and quasi-judicial institutions with a human rights mandate. However, while project documents for legal aid development projects with the ECOWAS Court and the SADC Tribunals were prepared funding was not available under the framework agreement and so work did not proceed. *CA 2009-2013 Results Overview*, internal document provided the Review Team at page 30.

Public participation and freedom have also been mainstreamed across all activities in West Africa, including support to public debates in promoting the practice of participation; support to human rights radio that ensures access to information; strategic development of networks; civil society reporting; participation in a number of human rights issues defined by the WA strategy; and as a focus in the work with police and police training and integrated across the support to strategic planning for civil society and network development. In the area of State Civic Dialogue, DIHR supported both state and civil society in Niger with regards to Niger's Universal Periodic Review (UPR). Public participation has also been promoted through support to the two legal aid NGO partners in Burkina Faso and Mali, to the human rights network in Niger and to the three human rights documentation centres (one in each country) where human rights debates and conferences are conducted. The centre in Niger, which broadcasts its debates activities through a radio partner and runs human rights courses has become a focal point for all human rights actors in the country.

During 2010, a major study on civil society, the right to association and access to information was supported across the partner countries in West Africa (with funds other than those in the CA), with DIHR providing advice on methodology. The study was aligned to the Department's focus on analysis of the space for public participation/shrinking democratic space, and the question of key barriers. A consolidated report was prepared in 2012 that reportedly provided important knowledge to initiate policy-oriented dialogue with the ICC on the role of NHRIs in the promotion of public participation.⁶⁵

In the area of 'documentation', DIHR has supported the preparation of various publications as well as supporting Human Rights Documentation Centres in each of the three partner countries the region over all of the years under review.⁶⁶ These Centres have organised several conferences and debates each year during which State and non-State actors can share thoughts on important and topical human rights issues. These are broadcast on radio to ensure as wide diffusion as possible. For example in 2011, the Mali NHRI hosted a debate on 'Human Rights and Religion', the first time there had been a national debate on the issue in that country.

iv Regional activities

Regional activities during the period under review have included:

- A regional police platform that was essentially used as an entry into working with the Police in Burkina Faso and Mali. At the end of November 2013, the three police services from Burkina Faso, Mali and Niger will attend a three-day regional meeting in Burkina Faso with participation of the ACHPR.

⁶⁵ 2012 CA Report, page 27.

⁶⁶ One is based at the ministry for human rights in Ouagadougou in Burkina Faso, the second is located in Bamako at Mali's National Commission for Human Rights and the third was developed with the human rights association ANDDH in Niamey in Niger.

- Chaire UNESCO. This essentially supports the education of Masters students from the region in human rights and support to education of human rights professionals as a way of building regional and national capacity in the area.
- The Regional Program on Family Law is, at least in part, a regional (and national) manifestation of the Research Partnership Project (RPP).⁶⁷ Discrimination in family law is a human rights concern in all focus countries and it was felt that regional engagement would demonstrate commonalities of experience and might facilitate more open dialogue. As a result, four researchers, one each from Mali and Burkina Faso and two from Niger, attended the RPP in 2007 and 2008, which meant that the activity would not only be of use in creating wider knowledge on the human rights issue at play, but would also support building the human rights research capacity within the region. The national and regional manifestation involves, *inter alia*, conducting on-the-ground research on the instances and real-life consequences of discriminatory practices, and using workshops throughout the process to lay the groundwork for success through on-going sensitisation on the issue.

Given the mandate and strategic vision of the DIHR, there was a natural desire to include partnerships with NHRIs in the regional and national platforms. To this end, a study on NHRIs in West Africa was undertaken that showed that NHRIs in the region had very weak compliance with the Paris Principles, including that of independence, and that they had limited internal capacity to promote and protect human rights. As a result, the programme includes little by way of NHRI engagement in the region.

h. Movement to a Southern African regional approach

Based on comments received from the Ministry and others (dating back to comments in the 2009 review), and in line with its current strategy, DIHR began a process during 2013 to develop a regional approach and programme for a new geographical focus on Southern Africa with projects in the region (primarily in Zambia and Zimbabwe) falling under Primary Justice, Public Participation, and Human Rights & Business grouped together as a Southern African regional programme. Aiming to build on the successes in the West Africa programme, but not wanting to rush the process, DIHR is currently exploring synergies between existing partnerships and activities and developing baselines in the different areas towards a more coordinated regional approach. For example, synergies are already developing between participation and business, and are being explored between AAAQ/participation and Justice through the potential of an increased focus on redress, complaints and the like, and a mapping of legal aid providers in Zimbabwe has been carried (in partnership with the Legal Resources Foundation of Zimbabwe) based on a request by NGO legal aid providers. DIHR has also been engaged in two justice sector activities outside the CA: a cooperation with UNICEF and the Ministry of Justice on a study on Juvenile Justice, and a cooperation on support to the Judicial service commission on the development of a training programme for the judiciary and their newly adopted strategic plan (supported by the Danish Embassy).

⁶⁷ See discussion on the RPP contained in the section dealing with the research Department for further details on that programme.

3. Relevance

Relevance is the first evaluation criterion set by the OECD, who defines relevance it thus:

‘The extent to which the aid activity is suited to the priorities and policies of the target group, recipient and donor. In evaluating the relevance of a programme or a project, it is useful to consider the following questions:

- To what extent are the objectives of the programme still valid?
- Are the activities and outputs of the programme consistent with the overall goal and the attainment of its objectives?
- Are the activities and outputs of the programme consistent with the intended impacts and effects?’⁶⁸

To begin to answer these questions, it is necessary to first consider the key, relevant Danida policies (referred to by Danida as ‘strategies’) and the legislation and strategies governing the DIHR.

a. Key Danida strategies

Danida has various policies and strategies related to international development assistance, including the following of specific relevance to DIHR’s international work:

Democratisation and Human Rights for the Benefit of the People – Strategic Priorities for Danish Support for Good Governance (June 2009), which states *inter alia* that Denmark will:

- Promote human rights as a universal value system that provides a shared normative framework for dialogue and cooperation.
- Assert that human rights are central objectives of development and instrumental for sustainable development, poverty reduction, peace and security.
- Strengthen efforts to support democratic societies based on justice and the rule of law, by:
 - Increasing its focus on national human rights institutions.
 - Supporting the development of informal systems of justice that respect human rights or that are willing and able to change norms and practices that infringe on human rights.
- Address the particular challenges of fragile states and fragile situations.
- Maintain a strong commitment to mainstream human rights and democracy in all development cooperation.
- Increase the synergies between bilateral programming in partner countries, political dialogue and engagement in multilateral forums.
- Increase cooperation with regional human rights bodies.
- Maintain commitment to the UN and increase cooperation with the EU and international financial institutions in support of human rights and democratisation.⁶⁹

⁶⁸ OECD website: www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm

⁶⁹ Pages 3-4.

In addition, the strategy states that Denmark will promote dynamic interaction between the state, civil society and other non-state actors.⁷⁰

The strategy also recognises that the participation and voice are especially important for democracy and states that Denmark will ‘promote formal and informal processes and institutions that:

- Support the participation of poor and marginalised groups in formulating and voicing their demands; and
- Empower them to engage in democracy and take decisions regarding their own lives’.⁷¹

With regard to NHRIs in particular, the strategy states that Denmark will:

- Promote autonomous and independent NHRIs to monitor and report on human rights issues.
- Encourage political commitment by states to ensuring NHRIs have the necessary mandate and adequate resources to perform their functions.
- Encourage NHRIs to cooperate with government and civil society (including the media), the UN, and regional human rights bodies.

Recognising that respect for the rule of law, ensuring access to justice, and public participation in decision-making are core components of ensuring people are able to claim and protect their rights, and that most people struggle to access justice in the formal justice system, the strategy states that Denmark will:

- Support access to justice for the poor, women and the marginalised.
- Increase its focus on informal justice systems - with particular attention to the respect for human rights.
- Support civil society organisations to assist people to formulate their demands, carry out advocacy and provide legal assistance to poor and disadvantaged groups.
- Include support to:
 - Improving knowledge of basic rights through education and information.
 - Making legal services accessible – physically, and in terms of language, procedures, and the availability of affordable legal aid, lawyers, paralegals, mediators and defendants (all of an acceptable standard).⁷²

Recognising the role of global partners, the strategy states that Denmark will *inter alia*:

- Actively promote the vision and values outlined in this strategy and in the Danish strategy for the Government’s approach to international human rights work from 2009 in relevant international and regional forums - such as the UN, EU, OSCE, OECD-DAC and international financial institutions.
- Create linkages between efforts at the multilateral level (such as the UN and EU), and efforts to promote democratisation and human rights at country level.
- Support international bodies (such as UN development organisations) to strengthen their human rights service, capacities and coordination.⁷³

⁷⁰ Page 15.

⁷¹ Page 27.

⁷² Pages 39-40.

The strategy also recognises the role of partnerships and the need to work together with partners who are capable of competently engaging in technical issues; have country-specific knowledge of the sectors and areas in which support is provided; and have knowledge of the political economy and of relevant contextual factors in individual partner countries.⁷⁴

Freedom from Poverty, Freedom to Change – Strategy for Denmark’s Development Cooperation (2010). Following on from the Democratisation and Human Rights for the Benefit of the People – Strategic Priorities, this strategy sets five priorities for Denmark’s development cooperation:

- Freedom, democracy and human rights.
- Growth and employment.
- Gender equality.
- Stability and fragility.
- Environment and climate.

The strategy again stresses the need for partnerships at the national, regional and international levels.⁷⁵ Although once again calling for a focus on fragile states⁷⁶, the strategy also calls for stronger engagement in fewer countries and includes the following principles for engagement:⁷⁷

- Development need, assessed on the basis of a broad understanding of poverty, freedom, vulnerability and sustainable development.
- Relevance in relation to the needs and challenges the country faces, including in the form of tyranny, instability and vulnerability to conflict and the effects this can have on neighbouring countries and the rest of the world.
- Impact and results, assessed on the basis of the opportunities available for Denmark to make a difference and help produce results. The will of the primary actors to change, the demand for Danish competencies and the involvement of other donors, and the opportunities for international division of labour will play a role in the assessment.⁷⁸

The Right to a Better Life – Strategy for Denmark’s Development Cooperation (June 2012). This is the latest strategy for Danish development assistance and states that the aim of Danish development policy is to fight poverty and promote human rights. It places the human rights based approach (HRBA), public participation and working in partnerships at the centre of Danish development assistance and states that Denmark will:

- Apply human rights as a core value in our partnerships and use principles of non-discrimination, participation, transparency and accountability in all phases of our development cooperation.

⁷³ Page 43.

⁷⁴ Page 49.

⁷⁵ Page 8 ff.

⁷⁶ Page 25.

⁷⁷ Page 11.

⁷⁸ *Ibid.*

- Work to promote all human rights – economic, social, cultural, civil and political – with a special focus on women’s rights and equal access to decision-making, resources and opportunities.
- Systematically strengthen capacity of public authorities, civil societies and rights holders.
- Work to strengthen the participation of the least developed countries in the development of the international legal order.⁷⁹

In addition, the strategy states:

- Denmark’s development cooperation will be strengthened by consistently applying the principles of non-discrimination, participation and inclusion, transparency and accountability.⁸⁰
- Denmark will focus on building societies based on the rule of law, provide support to NHRIs, and work for greater access to justice for all.⁸¹
- Denmark will support the ability of CSOs to hold government accountable for social goals and commitments.⁸²
- Denmark will cooperate actively with and exert influence on multilateral organisations to ensure that they as far as possible promote our aims, use their mandates effectively and ensure synergy with its bilateral interventions; seek partnerships with new development actors where they have common interests; and engage the private sector in efforts for development and poverty reduction.⁸³

This strategy includes the same guiding principles for engagement as those in the Freedom from Poverty, Freedom to Change strategy – development needs, relevance, impact and results.

b. DIHR legislation

Two Acts have governed DIHR during the period under review:

- Act no. 411 of 6 June 2002 governing the Establishment of the Danish Centre for International Studies and Human Rights.
- Danish Institute for Human Rights – Denmark’s National Human Rights Institution Act of 2012.

In terms of the 2002 Act, the DIHR shall in the execution of its activities take its outset in the human rights recognized at any given time by the international society, including in particular those laid down in the United Nations Universal Declaration, conventions adopted by the United Nations and the Council of Europe, and the civil rights contained in the Danish Constitution. The Institute shall work to strengthen research and information relating to human rights in times of peace and under armed conflict, in particular:

1. To carry out independent and autonomous Danish research in the area of human rights.
2. To advise Parliament and the Government on Denmark’s obligations in the area of human rights.

⁷⁹ Page 8.

⁸⁰ Page 10.

⁸¹ Page 13.

⁸² Page 23.

⁸³ Page 32.

3. To conduct and promote education at all levels in relation to human rights, including the provision of public information.
4. To promote equal treatment of all persons without discrimination on the basis of race or ethnic origin, including the provision of assistance to victims of discrimination to have their complaints dealt with, with due regard for the rights of the victims, the associations, the organizations and other legal entities, to initiate independent analyses on discrimination and to publish reports and to make recommendations on issues relating to discrimination.
5. To provide information on human rights to volunteer organizations, researchers, public authorities and the interested public.
6. To ensure modern publicly accessible library and documentation facilities relating to human rights.
7. To support volunteer organizations and others in collecting human rights documentation.
8. To promote the coordination between and assisting the volunteer organizations' work in the area of human rights.
9. To support and strengthen Nordic and other international cooperation in the area of human rights.
10. To contribute to the implementation of human rights domestically as well as internationally.⁸⁴

In terms of the 2012, DIHR is established to promote and protect human rights in accordance with the UN Paris Principles.⁸⁵ The Act retains essentially the same mandate as the earlier legislation and states that the duty of the DIHR is to promote and protect human rights in times of peace and during armed conflicts by:

- 1) Undertaking monitoring of and reporting on the human rights situation in Denmark;
- 2) Conducting analysis of and research into the human rights area;
- 3) Advising parliament, government and other public authorities and private stakeholders on human rights;
- 4) Promoting the coordination of and assistance to civil society organisations' work with human rights;
- 5) Implementing and promoting education in human rights;
- 6) Providing information on human rights;
- 7) Ensuring library facilities regarding human rights; and
- 8) Contributing to the implementation of human rights nationally and abroad.⁸⁶

DIHR interpret the Act as providing it with a broad mandate to undertake both national and international work to contribute to the implementation of human rights in all of the areas listed in all of the areas listed (save those that relate specifically to its work in Denmark).

c. DIHR strategies

Much of the work during the period under review took place under the **DIHR Strategic Framework (2009-2012)**, which sets the vision for DIHR during the period as – 'through a process of consolidation and development - to emerge as a leading NHRI on the global human rights scene, as well as to strengthen its role as a preferred partner of governments, international organisations, civil society

⁸⁴ Quoted in the DIHR Strategic Framework (2009-2012), page 8. Emphasis added.

⁸⁵ Section 1. The authors have relied on the unofficial translation of the Act provided by DIHR.

⁸⁶ Section 2 of the Act.

groups and other key partners'.⁸⁷ With regard to its international work, the strategy states that the DIHR will:

- Increase cross-departmental cooperation, integrate our national and international work and engage in progressive, credible, and challenging communication on human rights.
- Support national and international agenda-setting in the field of human rights and business, develop the quality and capacity of our human rights monitoring activities and competence building efforts and increase our domestic activities in the justice sector.
- Increase research capacity by means of external private and public funding, develop a comprehensive communication strategy, and explore the further integration of documentation and library facilities into everyday activities.⁸⁸

The strategy highlights the DIHR partnership approach to projects and commits the institution to engaging in participatory processes to secure ownership of process and accountability of result in all reform programmes.⁸⁹

With regard to international work in particular, the Strategy states that:

The Institute sees no distinction in principle between implementing human rights in Denmark and abroad, and pursues an integrated approach to our national and international work. The Institute will increase cross-departmental cooperation to achieve the highest standards of quality, impact, and sustainability, and integrate research, education, communication, knowledge-sharing, competence development, and documentation into project and programme activities.⁹⁰

The strategy focuses on the human rights based approach, partnerships, rule of law and access to justice (in both the formal and informal justices systems), civic participation, non-discrimination, human rights and business at both the national and international levels, human rights monitoring, education and competence building, research, communication, documentation and library, and administration and human resources. It also emphasises the need to work with NHRIs and to 'develop and refine its technical and legal assistance to sister NHRIs for their institutional establishment and adherence to the Paris Principles'.⁹¹

Recently, the Institute has developed a new **DIHR Strategy (2013-2016)**. While less detailed than the 2009-2012 Strategic Framework, the Strategy centres activities around knowledge generation, knowledge sharing, advocating equal treatment, strengthening human rights in other countries, and prioritising lasting changes. At the international level, the strategy is sub-titled 'Focused Efforts in Local Partnerships' and states that:

⁸⁷ Page 6.

⁸⁸ *Ibid.*

⁸⁹ Page 7.

⁹⁰ Page 10.

⁹¹ Page 29.

‘Our independent status as a national institution for human rights places us in a unique position that enables us to engage in dialogue with various stakeholders in states, civil society organisations, the business community and independent institutions. In this way, we help our partners to strengthen the implementation of human rights in their countries... We will focus on making significant contributions to a solid and dynamic anchoring of human rights in collaboration with national and international stakeholders. Our primary focus will be geographically oriented initiatives, while secondly we maintain consulting activities on a global scale. We have therefore selected three focus areas which will guide our efforts in coming years:

1. Geographical focus.
2. Knowledge and method.
3. International influence.’⁹²

Geographical focus

According to the Strategy, DIHR will maintain a geographical focus on Southern Africa, West Africa, the Middle East and North Africa (MENA), Eurasia and Afghanistan, Southeast Asia and China. To this end, the Institute will prepare long-term regional and national programme initiatives informed by the national context; base their initiatives on strategic analyses founded on baselines and with clear entry and exit criteria; and anchor the implementation process with permanent geographical teams.⁹³

Knowledge and method

The Institute aims to strengthen its knowledge and develop methods and tools for international partners and others. In particular, DIHR will focus its efforts on the rule of law and informal legal systems, civic rights and participation, human rights and business, and human rights education.⁹⁴

International influence

Recognising that the international human rights system is key for implementing human rights in both Denmark and internationally, DIHR aims to use its knowledge to help strengthen development in many areas in the international system. It aims to develop international collaboration on human rights standards and structures in those areas where it holds specialist expertise, increase collaboration with other NHRIs to strengthen NHRIs and networks to protect and promote human rights regionally and internationally, and to develop its ability to bring its knowledge into play in the relevant international fora.⁹⁵

d. International Strategy (background note)

DIHR has begun work on an international strategy and has formulated a background note in this regard that explains how DIHR is currently operates under the DIHR strategy and the three strategic focus areas listed above. Draft strategies are in the process of being formulated on each of the thematic areas and

⁹² Page 9.

⁹³ Page 10

⁹⁴ Page 11.

⁹⁵ Page 12.

a programme strategy is being prepared for work in MENA and West Africa. The process will continue after the current review, with involvement of top management and the Board, integrating key findings of the review.

e. Partnerships

Although DIHR has long followed a partnership strategy in its work in countries and has at least two publications covering aspects of partnerships ('Partners in Progress' (2nd edition) and 'Towards Partnerships'), it has as yet not developed a separate policy or strategy in this regard and there is some suggestion that the approach is not consistently applied. The background note mentioned above includes a paragraph on which local partners to work with and why. Although it doesn't really answer the question at this stage, it does go on to set out both long term and short-term strategies that provide a more insight into the approach:

- The long-term strategy is to establish a national human rights system, where the DIHR will work via governmental focal points on human rights such as human rights ministries or directories in ministries of justice or foreign affairs, presidential working groups etc. Recognising that these focal points don't always exist, the strategy goes on to say that, depending on the context, the Institute will work in partnerships with key human rights stakeholders such as 'state powers' (including NHRIs), NGOs, media, religious communities, the business sector etc.⁹⁶ The strategy recognises NHRIs as 'catalysts for all the actors in promoting that society's behaviour builds on human rights with respect for the checks and balances principle and in accordance with the rule of law. This is done through monitoring, reporting and providing advice to parliament, government, judiciary, organized civil society, the business sector and through awareness raising and education also to the public as such'.⁹⁷
- The short-term strategy is described as 'partnerships with key actors from the human rights system', which is similar to the long-term strategy but which recognises that not all of the institutions listed above exist and that it may be necessary to gradually build such partnerships in accordance with the long-term strategy.

This description of the approach is valuable and could form the basis of a more comprehensive strategy or policy in this regard.

f. Human rights based approach (HRBA)

The human rights based approach (HRBA) informs all of DIHR's international work and has been developed and followed over a long period of time and work in this area has followed two broad tracks: the HRBA has for a number of years provided a set of guiding principles informing DIHR's work generally; and DIHR has for many years carried out a large number of activities about HRBA because of identified needs in contexts and requests for expertise.

But while a draft policy paper is under development, the clearest statements on the HRBA to date are to be found on the DIHR website, which states:

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

The HRBA is a concept that provides answers and methods on applying human rights in daily practice. The HRBA activates the human rights system and clarifies the roles, rights and obligations of rights holders and duty bearers. The approach takes point of departure in human rights instruments and mechanisms as a guide to the work of duty bearers and civil society actors.

The HRBA makes the human rights framework work for human development by relating development goals to human rights standards and applying human rights principles to the work process, including the programming and implementation of programmes, projects and activities.⁹⁸

According to the same website, key HRBA activities undertaken by DIHR include:

- HRBA education of civil society organizations and NHRI's and development and facilitation of HRBA courses for Danida partners for Danida Fellowship Centre.
- An internal capacity development process, which includes a qualitative needs assessment, establishment of a HRBA working group, formulation of a HRBA concept paper/policy and drafting of tools and strategies for applying a HRBA to DIHR's work.
- Coaching, tool development and expertise input to the Danish Ministry of Foreign Affairs as part of the ministry's efforts to roll out a HRBA in Danish development cooperation.
- Expert advice to Danish embassies on applying a HRBA in practice – most notably in the area of human rights and business.
- Advice, training and exchange with key development actors such as NORAD, Finland, the EC and the WB.
- Growing strategic partnerships on furthering HRBA with Danish and international actors such as the German Institute for Human Rights, the FORDI network and Concord Denmark.
- Development of HRBA tools and concepts such as the 'AAAQ-framework' and a 'HRBA to public service charters'.
- Capacity building of DIHR staff – e.g. through courses in HRBA and justice sector reforms at the International Human Rights Network.
- Development and implementation of a DIHR HRBA to human rights education concept.

g. Assessment

The approach of DIHR to its international work and to activities funded through the CA is clearly aligned to all Danida strategies. With regard to the governing legislation, both Acts covering DIHR during the period of review give the Institute a broad mandate to engage in international human rights related work, including in the areas of monitoring, reporting, advising, analysis, research, education, libraries and communication. All activities are also clearly in line with the previous and current DIHR strategies covering the period of review.

⁹⁸ [http://www.humanrights.dk/focus+areas/human+rights+based+approach+\(hrba\)](http://www.humanrights.dk/focus+areas/human+rights+based+approach+(hrba))

Both **access to justice** (including through traditional and informal justice systems) and **rule of law** are clearly in line with Danida strategies and policies and are highly relevant as a result. Activities in these areas are also clearly in line with the DIHR strategies, and DIHR has built considerable knowledge, experience and work methods and tools in this area over a long period of time. Although not always mentioned in countries' own national development plans⁹⁹, access to justice, especially for the poor and vulnerable groups, is a major issue in the developing world and increased access to justice and compliance with the rule of law is essential not only in the criminal justice system, but also in civil justice and for ensuring the protection of human rights generally. As a result, all projects and activities in these areas are certainly relevant.

Public participation is given high priority in Danida strategies and participation and empowerment are crucial features of any rights-based development, and are hence features of Danida's overall development policy. Activities in this area are therefore relevant when measured against Danida strategies and priorities, in improving democratic governance, and when considered from the perspective of the HRBA (where people will be empowered to better hold government to account and to demand and access services and rights to which they are entitled). Recognising that public participation audits provide valuable context analysis for decisions on the scope and focus of future engagements, some of those interviewed noted that these are even more relevant when linked to a particular issue (as with the AAAQ survey on access to water in Zimbabwe or the linking of the public participation audit in Zambia to natural resources).

Research, while housed in the national division, is a key area of DIHR's work both nationally and internationally, is clearly in line with its mandate and strategies, and is highly relevant as a result. But while recognising that it has never been a condition of the various CAs that research funded by the CA should relate to other work funded under the agreement, and that research into how to engage with countries such as North Korea and research related to China are no doubt relevant to DIHR's international work in general, it is not always apparent how some of the research funded under the agreement complements other work funded under the CA. That said, there are clear cases this is the case, such as research to support the HRB initiative (although this technically falls outside the period under review) and the work currently being done to develop human rights indicators. Much clearer complementarity is evident in support to the RPP (which has focused on informal justice for the past three years) and clearly links to both West and Southern Africa, and research in these areas is thus of more direct relevance to other aspects funded by the CA. However, research conducted under the RPP does at times seem quite academic. Although this no doubt contributes to building research capacity in partner countries, it might be useful to consider funding some research in this area that might have more practical application in partner countries.

⁹⁹ See for example Zambia, where this was a priority under the Fifth National Development Plan but disappeared, along with governance generally, under the revised Sixth National Development Plan

Human rights education is highly relevant to both promoting and protecting human rights and, when seen as a whole, the work of the Education Department is relevant to the needs of CSOs, NHRIs, state partners and business partners in partner countries, and the development of the Toolbox, which responds to needs identified by partners and which puts the HRBA to human rights education at the forefront, is relevant to both partners and is clearly in keeping with DIHRs general approach to international work. More funds have been allocated recently than earlier in the period to actual training programmes, but while some of these have covered topics of particular relevance to NHRIs (such as training to the Zimbabwe and Nepal HRCs), many of those funded by the CA have tended to focus primarily on human rights education rather than on the knowledge and skills required by partners. Of course, training provided by the Department using other funds seeks to address these needs and are thus highly relevant, but it does raise a question as to what the purpose of providing education is – is it aimed at capacity development or merely to increase knowledge and understanding of human rights? If the former, mentoring and technical advice does not appear to be as valued as capacity building methods when compared to education. This suggests the need for a clear capacity building strategy and perhaps for mentoring and advice to be more formally housed in the education department.

Although **human rights and business** is not specifically dealt with in all of the strategies listed above, there is reference to it in ‘The Right to a Better Life’ and all of those listed earlier include a focus on working with international partners towards the realisation of human rights, making support to the **International Human Rights System** (including work related to HRB in the international system, HIV/Aids, the African Court, and that related to the UPR) very relevant.¹⁰⁰ It also seems clear that the objectives and activities in both of these areas are entirely relevant with the organisations through which the IHRS and HRB programmes are delivered: the ICC and its WG HRB, Regional Networks of NHRIs and, most recently, the UNWG. Engagement with other NHRIs is also recommended in the Paris Principles and is a *raison d’être* of the ICC. It would seem only natural that a NHRI in a developed country with recognised expertise would, to the extent possible, want to support their sister institutions in the developing world. Finally, since effective NHRIs can support the objective of ensuing understanding of and respect for the principles and standards that apply at the country level and have the power to promote these principles, monitor their realisation, and provide remedies, engagement with them is also highly relevant.

It is also noted that the ICC, Regional Networks and UNWG HRB are the only existing international and regional vehicles in place to support their respective mandates. The ICC and Regional Networks allow fora through which NHRIs can engage internationally and regionally and are vehicles through which collective

¹⁰⁰ The team was unable to interview representatives of any of the NHRIs who have been engaging bilaterally with the DIHR on HRB; however, it must be concluded given that they initiated the initiative that they feel it is pertinent to them.

efforts might be taken to support their work; and the UNWG HRB has the internationally sanctioned mandate to promote the UN Guidelines and principles on HRB, and is the international vehicle through which non-compliance can be documented and reported.

In **West Africa**, the various programmes being implemented are in the main relevant to the overarching strategies of Danida and the DIHR and also align with the West African Strategies covering the reporting period.¹⁰¹ Since the partners themselves determine the content of the programmes, all activities and the programme itself are relevant and reflect the priority choices of partners. All partners interviewed in Niger confirmed that the programme objectives were relevant at the time the programme was initiated and remain relevant today, although the focus might have changed with regard to some.

On a more general note, in terms of the new DIHR strategy, there is an increased focus on knowledge and methods and many new tools and approaches are being developed. It is not yet clear though how relevant these are to countries, whether they have been used or are being used by partners, and whether or not there was a need for them in that similar tools may already exist. And while most of the activities are relevant to countries and fit within Danida's priorities, a question remains as to whether the support provided under the CA remains relevant to DIHR's objectives.

h. Recommendations

1. Recognising that DIHR is in the process of developing the strategy to guide its international work, and that its mandate for international work is very broadly framed in its governing legislation, the development of the strategy should consider what DIHR's aims and objectives are in working internationally at present (noting that this may change over time as new issues come to the fore), to refine all of its strategies currently under development to meet these objectives, and then to consider whether all of its current projects and activities, and all of the countries with which it partners, are relevant to its objectives and fit within the strategy.
2. To further enhance its work, the following policies or strategies should be developed in addition to those currently under development to cover two approaches underlying much of DIHR's international work: a consolidated and comprehensive partnership policy; and a capacity building strategy that includes not only education, but also mentoring, advice and other capacity development activities undertaken on the ground
3. While no one should interfere with the Institute's ability to set its own research agenda, the Ministry and DIHR should discuss and agree how to

¹⁰¹ The one possible exception is programming on HRB, which is not aligned with the strategic objective set out by the HRB Department - which is directed at supporting capacity development of NHRIs, and ensuring that the international framework is in place to support their engagement in this area. On the other hand, the WA Team has noted that there were no NHRIs with which to engage at the time the programme commenced and that the activity is limited to establishing a base-line that might be used by other potential partners, including the newly formed NHRI in Niger.

align future research funded under the CA more closely with other work funded under the CA to improve the relevance of the research to the work supported by the CA.

4. The stated intention of the Education Department to focus on developing e-learning tools (such as the e-learning tool on HRB for NHRIs developed with the ICC WG on HRB) that could help extend the Department's, and DIHR's, outreach should be prioritised in the next CA.

4. Effectiveness

a. Overview

Effectiveness is essentially a measure of the extent to which an aid activity attains its objectives. In evaluating effectiveness, the main question is whether or not the programme or project achieved what it set out to achieve.¹⁰² Although the projects and activities supported each year do not fall within a clear, long-term programme (that being the nature of the grant), the team has considered whether or not DIHR has broadly met the objectives set in each of the applications, whether delays were experienced, what caused these and what was done to mitigate them.

In the area of **access to justice and rule of law**, some delays were experienced during the period under review: in some cases as a result of changes in the political landscape or priorities of the partner country (as in Cambodia); occasionally as a result of coups (for example in Honduras); and changes in staff amongst partner organisations. Some activities simply took longer to implement than originally planned, while some were delayed or occasioned by partners rather than DIHR. Many of the causes of these delays were therefore outside of the control of the Institute and DIHR has largely achieved what it set out to each year.¹⁰³

In the area of **public participation**, the development of Service Charters in Malawi was effective in that these were developed with relatively little expenditure and activities met the objectives in the funding applications without too much delay. Some of the processes (such as the Public Participation Audit in Zambia) appear to have taken some time to implement even though there were no actual delays, but it is accepted that these processes are highly consultative and that 'faster is not necessarily better'.

In **education**, the length of time taken to finalise the Toolbox raises questions as to how effectively the activity was implemented. Again recognising that this process was consultative and involved testing of the product before finalisation, many activities and other parts of the Toolbox are based on similar manuals that should have helped to speed up the process. The attempts to build a network of

¹⁰² OECD website: www.oecd.org/dac/evaluation/daccriteriaforevaluatingdevelopmentassistance.htm

¹⁰³ It is noted that some reporting shows delays under the grant for that year, but this is partly a result of having to report each year on projects that are really multi-annual and in practice, where activities were not completed, they were moved into the next year.

educators, primarily through the development of a website, have also not borne fruit despite the fact that a lot of time has been devoted to this. On the other hand, training activities set for each year have taken place and appear to have been effectively organised and conducted.

When it comes to **HRB**, activities in the main appear to have been highly effective, especially at the international level, and all of the objectives set for these have been achieved each year. In particular, engagement internationally to support the development of strong international standards and machinery to promote the principles underpinning the human rights and business initiative has been successful. At the end of the period under review, the UN Framework¹⁰⁴ and Guiding Principles are in place and take into account the positions advanced by the ICC, ICCWG on HRB (and DIHR). Efforts to ensure NHRIs are equipped to deal with the issue have also been successfully supported,¹⁰⁵ and the UNWG HRB is established and, with the support of DIHR, is engaging on the ground. This is a marked change over 5-years and one that should be acknowledged. And while it may be too soon to measure the effectiveness of engagement with NHRIs, representatives of Regional Networks contacted indicated that DIHR technical support and expertise was crucial for the successes they report. At the national level, HRB activities have only recently commenced and while the work to date (particularly the analysis of the situation in Zambia) appears to be very good, it is hard to measure yet whether it has been or will be effective.

In the area of **IHRS**, engagement with partners on the UPR has been effective and reports and shadow reports have been prepared and submitted. More generally, however, given the important role that the DIHR was seen to have played in supporting the UPR process in the Thematic Review of 2009, it is surprising to see so very little (relatively speaking) activity in the area during the period under review. With regard to HIV/AIDS only one such engagement was recorded and appears to have been effectively implemented. In fact, no major delays are reported or noted in any of the activities in this area.

Overall, most **Research** activities were effectively implemented, although there are exceptions to this rule:

- Research on Nation-building in the Arab World that commenced in 2010 was delayed as the individual being supported stopped work on his thesis to engage more directly in events transpiring in his home country. Although it is reported that both the university supervisor and the co-supervisors at the DIHR remain on board, it is estimated that 3-6 month's work would be needed to complete the project, pushing finalisation into early to mid-2014 at the earliest.
- A model course on human rights research that commenced in 2011 remains unfinished.
- Proposed research in 2012 on human rights and the right to development was not done.

¹⁰⁴ *Internal evaluation of the first phase of the NHRI Working Group on Business and Human Rights 2009 – 2011, at page 24,*

¹⁰⁵ *Op cit, page 39.*

- A planned analysis in 2012 of DIHR's international work, meant to draw lessons on how to strengthen human rights compliance through project intervention, was scrapped when initial investigation showed that DIHR's international work did not 'fit' the proposal.

With regard to the **RPP** in particular, the first objective is to support the enhancement of research capacity, which is measured through the 'publishability' of research papers developed. But while all papers produced during the period under review were published by the DIHR, only two were peer-reviewed and published by outside journals. DIHR agree that more could be done to raise the profile of the papers (for example, through incorporation into a general DIHR RPP series) and that more support and encouragement should be given in terms of pursuing subsequent peer-review publications. As a whole though, the activities undertaken in the Research Department were mostly consistent with the stated objectives in applications, although there are some activities where this is not necessarily the case:

- For several years the CA has been supporting research and other activities looking at the possibilities for, and modalities of, starting a human rights dialogue with North Korea. One might ask though what broader conclusions might be drawn from this research that could be used elsewhere in DIHR.
- The CA has supported DIHR participation in the AHRI, the Nordic Network, researcher membership in a variety of board and executive committees, and participation in a large number of national and international research-related networks. These fall under the objective related to creating new knowledge to enhance the conceptualisation and quality of effecting human rights and development.

There is little doubt that these activities benefit the researcher, the DIHR, and the state of knowledge generally, that networking and memberships in networks and boards is important, and a connection can be drawn from them to the international work being carried out. However, the connection seems highly theoretical and/or tangential to international work, and is a few steps removed from common notions of development assistance.

In **West Africa**, DIHR have generally achieved all that they set out to do. There were occasional delays caused by events beyond anyone's control¹⁰⁶, and some initiatives remain incomplete – for example, only a third of the sitting judges in Niger have been trained, and engagements with Police in both Burkina Faso and Mali have only really just begun, but activities and projects have by and large been effectively implemented. However, some questions remain as to the degree to which the research process on family law has been effective. The process of developing the topic and undertaking field research has been a long one,

¹⁰⁶ For example, the development of the judge's manual in Niger was delayed during the 6th Republic when the constitution was changed to make it unfriendly to human rights principles and a Minister of Justice was appointed who supported that regime and its constitution. Similarly, engagements with the Ministry of Human Rights in Burkina Faso have been slow to show results due to a rotating door of Ministers and senior staff and the merging and de-coupling of the Ministry with the Ministry of Justice.

stretching from even before the period under review, although it could be argued that such a gradual process is necessary to effect change since the issues involved are deeply rooted and complex.¹⁰⁷

b. Recommendations

Given that the general assessment is that activities have by and large been effectively implemented, no recommendations are made in this regard.

5. Efficiency

a. Capacity assessment

In keeping with the requirements of the ToR, the review team has conducted a comprehensive capacity assessment of the Institute, particularly when it comes to systems and procedures required by the 2009 Thematic Review and conditions imposed by MFA over the years, and the extent to which these have been implemented to date. A detailed analysis in this regard is attached as **Annex J**. A summary of the main points are described below.

DIHR has gone through several reorganisations that have affected the management of the international work supported by the CA. Since 2012, the international division has a matrix structure consisting of thematic departments and geographical and thematic programmes. This new structure has facilitated the process of prioritising resources, improved internal coordination and communication, and created better opportunities for making use of DIHR's expertise on issues across projects. Nevertheless, as the new structure has formally been in place less than a year, it is too early to make an informed assessment of possible efficiency gains. Interviews indicate that reporting and communication lines continue to be somewhat blurred, and the boundaries between different roles still have to be worked out. Indications are also that the mandate of the board is somewhat vague, especially in relation to the approval and oversight of policies, strategies and plans, and that further capacity has to be developed to this end.

The “matrix organisation” was established as part of a wider process of quality assurance and organisational development (the, so called, PAQD process). This process has also involved the preparation of a new DIHR strategy, which was eventually finalised and approved by the board in 2012. DIHR is currently in the process of drafting an international strategy as well as departmental sub-strategies, to be followed by the preparation of new regional and country strategies, including baseline assessments. This implies that the overall DIHR Strategy 2013-2016 will effectively not be operationalized before 2014. The DIHR Strategy 2013-2016 emphasises the need for a geographical focus and, as requested by MFA, written ‘country entry and exit strategies’ and criteria for selecting and entering into new countries have been developed. However, these strategies and criteria are sufficiently broad to accommodate most of the countries in the regions

¹⁰⁷ The WA Team point to the failure of a parallel initiative – where a high level working group was struck to redraft the law only to find that they could not get Parliament to consider it due to the opposition of religious groups – as evidence of why a slower approach is required.

where DIHR works. DIHR claims that it has phased out of five countries since 2009, but DIHR is still active in several of these countries, and the regional programmes also include partnerships with actors in other countries.

The need for strengthening programme and project management is emphasised in the 2009 Review and reflected in several of the deliverables in the PAQD process. By the end of 2011, DIHR had established standard templates for project proposals, project reports, LFA and cooperation agreements. In addition, during 2012 and 2013, specific procedures for commercial services were developed and formalised in written guide on externally financed activities. The different phases in the project management cycle and the quality assurance mechanisms in place are further defined in the DIHR “project portal”, which was introduced in August 2013. Available on a shared network drive, the project portal has links to other resources, including the DIHR project report format and a project checklist. A major advantage of the new project portal is that it allows for the regular updating and instant dissemination of new guidelines and tools. However, there is currently a lack of guides and tools in the portal on how to manage the more substantive aspects of a project. Specifically, there is little information on, for instance, how to define a project, evaluate its overall profitability and strategic relevance, identify stakeholders and assess the capacity of partners, analyse risks, and how to exit a project in an orderly manner. The review team notes that project information is not always readily available, and that checklists, forms and quality management tools remain to be fully integrated and systematised. DIHR is in the process of developing a new organisation-wide project management handbook and plans to procure a customised project management database/system.

DIHR has been haunted by financial difficulties and shortcomings related to weak administrative systems and limited human resources dedicated to financial management and control. The seriousness of the situation came to light after revelations, in 2011, of over-spending and the inadequate manner in which the losses had been accounted for.

Additional issues have since emerged, especially in connection with the audits of NAO. Following the adoption of the National Human Rights Institution Act, DIHR has also had to engage in an extensive process of transferring administrative and financial systems from the old DCISM-structure. The review indicates that the “new” DIHR has by now operationalised the basic systems for accounting, payments, and business travel prescribed by the Danish Finance Act (i.e. Navision, IndFak and RejsUD). A new project budget model, a monthly budget follow-up process, and a written guideline on procurement of goods and services have also been developed. DIHR continues to apply the DCISM Anti-Corruption Code of Conduct, and agreements with partners include the standard anti-corruption clause required by the guidelines for Danish framework organisations. Human resources for financial management and control have also been strengthened. Since 2012, DIHR has a team of three controllers, who according to interviews play an increasingly important role in quality assurance of budgets, financial reporting and implementation of project agreements and contracts.

It is likely that DIHR's efforts to strengthen administrative and financial management capacities and systems will lead to greater organisational efficiency. As can already be observed, the level of transparency and accountability within financial procedures has been improved, as a result of the clarification of roles, the financial empowerment of the project manager, and by recording action taken in checklists. The project checklist and the new project budget model also reduce the risk of future over-spending and other mismanagement of funds. Nevertheless, several of the new guidelines and checklists have only been introduced in the last few months, and remain to be fully and routinely applied on an organisation-wide basis. Systems for ensuring partner organisations' compliance with DIHR terms and conditions can also be further improved.

The developments of the past two years indicate that DIHR attaches increasing importance to human resource management and development. In 2010, DIHR instituted a competence mapping process and a system for regular staff development talks. With funding from the Danish competence fund, staff training has been provided on project management, administrative procedures, leadership skills for managers, the human rights based approach, and other topics related to DIHR's general mandate. Recently, DIHR has drafted a sub-strategy on competence development to more clearly link competence development efforts with the strategic goals for the period 2013-2016. However, this strategy remains to be finalised and translated into concrete plans. It is also noted that the DCISM systems for human resource management, including recruitment procedures, have yet to be fully transferred and adapted to the context of the new DIHR. While the DIHR management secretariat has been progressively strengthened, the international secretariat in the international division has only one full-time staff member, which is deemed inadequate given the significant functions allocated to this organisational unit.

Recommendations

5. DIHR should clarify reporting and communication lines, and the boundaries between different roles, in the matrix organisation. A formal review of the functioning of the matrix structure should be carried out.
6. The mandates of the DIHR board and the Human Rights Councils should be further defined in the DIHR statute, and a plan should be devised to strengthen the capacity and competence of the board.
7. Strategies and criteria for ensuring a clearer thematic and geographical concentration should be developed in the connection with the finalisation of DIHR's international strategy, departmental sub-strategies and regional programme strategies.
8. The financial reporting system should be improved to enable DIHR and its stakeholders to obtain consistent historical records and financial data, including on the distribution of costs incurred in Denmark and abroad, and, relatedly, the cost of staff time spent on capacity building activities.

9. DIHR should develop an anti-corruption policy with procedures for reporting and managing suspected misconduct, including responsibilities for investigation and means for protection of whistle-blowers.
10. An internal audit mechanism should be introduced to regularly monitor compliance with new policies and procedures. Systems for ensuring partner organisations' compliance with DIHR's terms and conditions should be strengthened by instituting procedures for assessing and building these organisations' administrative and financial capacity.
11. DIHR should review and possibly strengthen the capacity of the international secretariat in view of its current and potential future mandate and role in terms of administration, financial management and general management support.
12. The sub-strategy on competence development should be finalised and translated into concrete training plans with adequate budgets.

b. Efficiency of activities and projects

In this section, we focus on an analysis of efficiency, which is defined by the OECD as a measure of 'the outputs - qualitative and quantitative - in relation to the inputs. It is an economic term which signifies that the aid uses the least costly resources possible in order to achieve the desired results. This generally requires comparing alternative approaches to achieving the same outputs, to see whether the most efficient process has been adopted'.

As can be seen from Annex J and the text above, DIHR has faced difficulties in programme and financial management in the period under review. However, the current review has had difficulties in obtaining comparable and useful data on disbursements and at the time of reporting not been able to get a full financial and programmatic overview of the international portfolio. While reports have been provided to the ministry which fulfil the requirements covering the CA a one-to-one link between programmes/ outputs and expenditure was not available for assessment by the RT. The financial management system had not been established with this aim in mind¹⁰⁸. While the detailed reporting of this nature is not required by the overall guidelines for reporting to the ministry, it is expected that DIHR has the information in order to provide overall management and assess the efficiency of its operations.

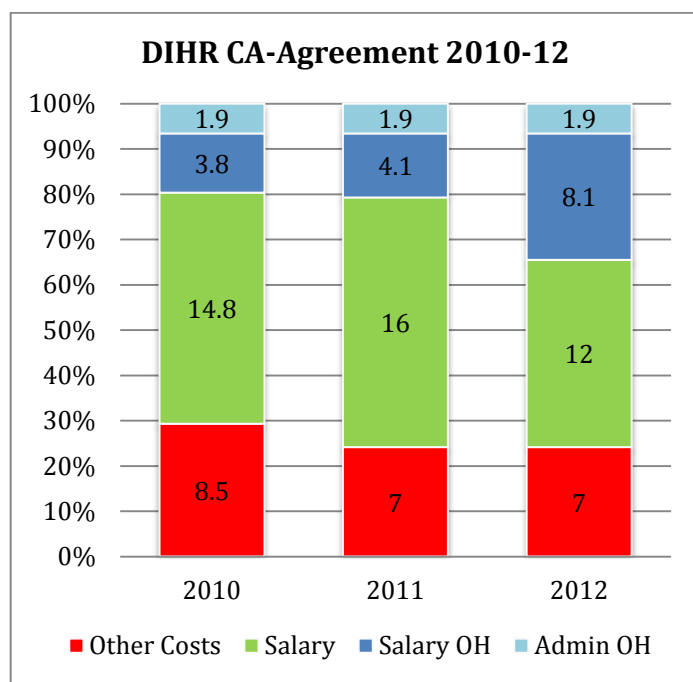
Furthermore, the comparison of outputs over the years have been made difficult by the fact that there has been a change of indicators, outputs and targets which has made it difficult to compare across the period of review. As described elsewhere in the review, the yearly planning horizons and annual application procedures have been a contributing factor in this regard. Nonetheless, the following observations are made.

¹⁰⁸ During most of the review period the financial management systems were merged with DCISM, which may not have had the same focus on internationally implemented projects and programmes where the link between budgets and outputs were required.

DIHR is in a phase of multiple transitions. Firstly they are transitioning out of the overall DCISM structure, establishing their own systems and separating administrative and financial systems. Secondly they are in a process of reorganisation internally due to demands for increased effectiveness and transparency from both the Ministry and the NAO, thirdly, there has been substantial staff turnover, especially in the financial department in the period under review.

Overall the RT finds that it has been a substantial challenge for DIHR to provide programmatic and financial overview of the international operations. More informative systems have only been introduced in 2013 and it is thus too early to evaluate the effectiveness or whether or not they have contributed to greater efficiency as yet. Data in 2013 has in general not been comparable to earlier years due to the shift in financial systems/procedures and reporting.

With the information provided the team has made an overall analysis of the funding patterns, which indicates that the distribution between cost for Salaries, Overheads (OH) and other cost charged to the CA has been as follows:¹⁰⁹



¹⁰⁹ The data presented in the table has been provided after the completion of the draft review report and differs slightly from the data collected during review process by the review team. Therefore the data collected has not been validated by the review team. It is the opinion of the review that the differences are marginal.

Allocation in % according to cost category			
	2010	2011	2012
Overhead, of which:	19,7	20,7	34,5
<i>Administrative Overhead</i>	6.6	6.6	6.6
<i>Salary Overhead</i>	13.1	14.1	27.9
Salary	51.0	55.2	41.4
Other Cost	29.3	24.1	24.1
Total	100	100	100

There has been a dramatic increase in the amount of overhead (OH) charged to the CA. DIHR has stated that it is because the institution undercharged the CA in terms of OH in 2010 and partly in 2011. In 2011 and 2012 the overhead rates for salaries were applied more consistently according to the DIHR guide on calculation of overhead rates which included charging 80 % on salary cost according to ministry guidelines.

The team has been provided with a copy of the DIHR guide to charging OH on salaries. While the guide seems to comply with ministry guidelines. It should be clarified whether the calculated ‘sales price’ used by DIHR is in fact the actual cost, and whether the Ministry accept a calculated sales price or actual cost as basis for overhead calculations.

Given the fact that DIHR has operated under a fixed ceiling for a number of years (29,2 mio DKK), the CA, adjusted for annual inflation (DK) in 2010-2012 has been reduced by 7,3%. Combined with increased charges for overheads, the purchasing power of the CA for programme activities (salaries and other costs) have been reduced by a total of 22,1%.¹¹⁰ This decrease in funding for programme activities further highlights the need to continuously focus activities and ensure that informed prioritisation of resources is done to ensure the objectives of the programmes are achieved most efficiently and effectively.

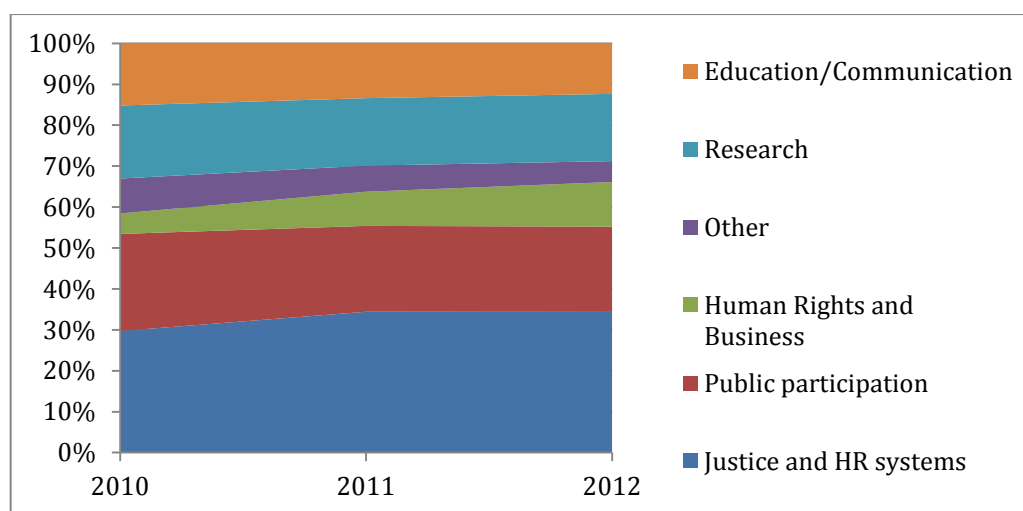
The high share of salary cost and declining share of ‘Other Cost’ (travel, transfers to partners, cost associated with postings and country offices etc.) points to the priorities in DIHR to use staff to assist partners in their work either through educational activities or through technical assistance. However, as suggested in the section on monitoring and evaluation, programme monitoring is focussed on indicators that do not capture the true value of this input by DIHR. The bulk of the resources are used for expenditure that cannot easily be assessed for impact and quality, which suggests that DIHR need to develop indicators for the services they provide to partners, and what their criteria for success is. In future it would be useful for DIHR to be able to at least trace the following dimensions in the programme expenditure:

- Transfers to partner organisations.
- Support to partner organisations such as equipment purchases, in kind support etc.

¹¹⁰ 7,3% reduction in purchasing power due to inflation, combined with an increase in overheads of 14,8 percentage point from 2010 to 2012.

- Resources used for capacity development of partners.
- Resources used to maintain DIHR structures, travel, postings, offices etc.
- Management and supervision.
- Overhead.

The institute has also not been able to account for costs associated with each output/outcome in their programmes. However, there are indications this will improve in the system revisions from 2013, and should be actively pursued. From the information available, distribution of funding across main activity areas show some shift in priorities in the period under review:



Justice, including support to HR systems, has been increased, as has HRB. Public participation and the expenses listed as ‘other’ have decreased, as has the allocation to education, albeit only slightly.¹¹¹ Research seems to have retained a virtually static allocation share over the review period.

c. Subsidising or synergies

The CA covers much of DIHR’s basic infrastructure costs in the International Division, enabling it to work with partners in countries and maintain a large pool of skill in HQ. This has enabled it to attract funding from other partners, among them other departments in the MFA and embassies. A high degree of funding from non-CA agreements is therefore channelled to programme activities, as the core costs are covered by the CA. In most cases, this can be seen as leading to positive synergies, and an indication that the CA funding is being multiplied by contribution from others.

However, DIHR also needs to be mindful of the fact that this approach could lead to the CA subsidising other donor programmes that may not be within the objective of the CA. Since other donors need not contribute to expenses related to staff (such as the salaries of staff developing funding proposals) and physical

¹¹¹ ‘Other’ cost is associated with some organisational development cost and monitoring and evaluation. It is not to be confused with the notion of ‘other cost’ in the previous illustration, which covers travel costs, transfers to partner institution etc.

infrastructure, there is the possibility that the CA could subsidise non-activity related expenses. Two examples that indicate this issue are the UN Informal Justice Study and the Access to Justice Situation Analysis in Zambia dealt with earlier. Both of these projects were commercial contracts with the UN and government of Zambia respectively, but costs of around DKK 500,000 for each of the programmes were charged to the CA.¹¹²

Although both of these instances took place in 2009 and DIHR have acknowledged the problem and taken steps to prevent it recurring, it will be important in future to ensure strict compliance with policies in terms of not utilising CA funding for activities that can be seen as subsidising commercial activities (such as using CA funding for preparing bids for tenders or for undertaking activities on commercial assignments, consultancies or education initiatives funded by others).

d. Annual funding cycle

A key issue that has arisen as a constraint in both DIHR and the ministry is the current yearly funding cycle. Significant capacity in the international department is diverted from programme activities to prepare yearly applications and report on changing indicators year by year. This is not conducive for longer term sustainable planning for programme activities and is not conducive for longer term development of partnerships in the programmes. Annual negotiations and preparation of annual grant agreements also strains the administrative and management capacity of the department in the ministry responsible for the grant to DIHR. It is therefore a very clear finding that the ministry and DIHR should engage in a process to ensure multiyear funding arrangements.

Note

The ToR required the team to consider whether other funding mechanisms would be more appropriate than the current CA. However, at the beginning of the review, the Ministry reported JTMR would lead a process (in consultation with other departments within the Ministry) to consider what (if any) other funding mechanisms exist under the Finance Act that might allow for multi-annual or other forms of funding. As a result, this aspect of the review has been left to the MFA and DIHR to consider based on the findings of this process.

e. Delays, reporting and changes to programmes

DIHR has experienced delays in the release of funds as a result of issues related to its financial management and the non-approval of the first application for 2013. The annual funding cycles and additional workload occasioned by these have also contributed to delayed approval of agreements. Despite this, DIHR appear to have managed funding gaps well, but delays have naturally strained some partnerships in this particular period. There is a sense though that funds nonetheless generally reach partners without delay (although this can only be

¹¹² Apart from the informal justice analysis (DKK 514,286) the figures are hard to identify as they have been merged in larger programme budget lines.

assessed from comments by partners in Zambia and Niger) and that there have been no major delays in implementation as a result of blockages.

It is also noted that DIHR is very responsive to feedback from the ministry and external grant committee - to the extent that programmes risk shifting dramatically after comments have been received. This is generally a positive indication on willingness to adapt, but also an indication that dialogue may need to be more frequent and less determined by the need for urgent reactions to rapidly emerging issues. Both the ministry and DIHR have expressed the desire to have a more structured and systematic policy dialogue in which adjustments or changes to programmes can be discussed and various options considered before strategic decisions are announced. This will also give the ministry time to consolidate positions in relation to pertinent issues in DIHR.

The team notes that there has been a discussion on whether DIHR's international work is being jeopardised by conditionality on international funding via the CA. It is the observation by the team, supported by DIHR, that DIHR has chosen to use the CA funding to largely cover that part of its mandate that includes its international role, whereas the core funding from Parliament (that could be used for its entire mandate) is only used for its domestic work. The team has assessed the act and the mandate for the institution and agrees with DIHR that the parliamentary allocation can also be used to fulfil the international mandate DIHR is pursuing.

f. Cost-effectiveness

A major aspect of efficiency is whether activities, projects and programmes are cost effective or whether the same results could be achieved for less. Since the team has not been provided with sufficient financial data, it is not possible to accurately determine this. However, given the amount of money allocated to salaries, especially for staff in Copenhagen, and the amount of time it takes to implement activities when working in a partnership approach, there is a sense that activities in countries might be more cost effectively implemented by others not having to cover costs of staff based abroad or following a different approach to DIHR's partnership approach. However, it is not possible to accurately determine this with the data available and it is noted that this is the nature of the current grant and that any Danish NGO receiving a similar grant would probably cost the same amount to implement similar activities. The discussion earlier in the section on what type of expenditure is tracked by DIHR in the future should be considered in this regard.

g. Recommendations

13. MFA and DIHR should engage in a process (already begun) to consider a multiyear funding arrangement - a minimum three-year arrangement would be desirable - which should be accompanied by a multiyear planning cycle in DIHR.
14. MFA to follow up on whether the funding to projects that have been awarded as commercial contracts can be drawn from the CA. DIHR to

ensure the guidelines on use of CA in relation to commercial contracts, and other grants, are in place and implemented

15. Linked to the earlier recommendation that research projects should be more relevant in terms of contribution to the objectives funded by the CA, funding for research should be on the basis of identified needs and not in the form of a virtually fixed annual allocation to the research department.
16. Tracking of expenses should enable DIHR to trace the cost of key services provided such as transfers to partners, resources used for capacity development, salaries at head office and in the field etc. and ensure it is possible to cost outputs and outcomes consistently to ultimately determine whether the efforts have been implemented efficiently.
17. The ministry and DIHR should engage in a more structured policy dialogue, backed by consolidated reporting by DIHR on its entire international portfolio.

6. Coherence

When considering how coherent the activities supported under the CA have been, the team sought to consider (a) whether there is coherence between activities in the International Division supported by the CA with the activities undertaken by DIHR as a whole; (b) whether the activities undertaken under the grant are coherent when considered with other activities in the International Division; and (c) whether there is coherence between the work in partner countries with government programmes and with programmes and projects supported by other Development Partners (DPs).

a. Coherence between International and National work

With regard to the first test, very few conclusions can be drawn. The National Division does not focus on access to justice or rule of law specifically and so there is no need for coherence in this area. In the area of public participation, some coherence is noted between the national and the international division, particularly in relation to the UPR-process where DIHR developed a handbook and best practice resources that were used in parallel with Danish and international civil society organisations, and coordinated by DIHR. On the other hand, some products and methods being developed (such as public participation audits and service charters) would be highly useful for national work as well, although these do not yet seem to have been shared yet with the National Division to any great degree.¹¹³ With regard to research in particular, the Head of the Research Department describes an internal planning structure that could improve coherence between the research agenda in the National Division with activities carried out in the International Division.¹¹⁴ In addition, the RPP is housed in the Research Department but managed by a project manager from the International Division, which is a very good example of cross-divisional and departmental cooperation.

¹¹³ Some aspects of service charter development are reported to have been tried in Denmark, but to a very limited degree.

¹¹⁴ This structure is informal in the sense that there does not seem to be a paper trail documenting decisions.

In the area of HRB, there have been clear demonstrations of coherence between national and international work. DIHR's national experience in working on HRB meant that it was well positioned to support international engagement in the area, while the experience on HRB gained internationally is also reported to have been applied nationally (although these national activities were not considered during the review). Similarly in the area of IHRS, the work done nationally on the UPR gave DIHR the insights and experience that allowed it to speak authoritatively on the matter in its international programming.

With regard to education, it has been suggested by the Head of Department that coherence could be improved through (a) the development and introduction of modern e-learning technologies to improve learning nationally and internationally; (b) increasing the number of courses and seminars available to civil society in Denmark based on lessons learned in training partners in partner countries; and (c) tailor made courses and seminars available to specific target groups based on new DIHR research, developed methods, and new knowledge. All of these ideas are supported by the team.

Recognising that both the Acts governing the Institute and its strategies during the period of review emphasise the fact that the Institute's international work is intrinsically linked to its role as Denmark's NHRI, organisationally, the change back to two divisions has the potential to lead to two institutions developing within the DIHR – an NHRI and one that operates more like an International NGO. Other than in meetings between the Director and two Deputy Directors, there is really no space for the two divisions to meet and jointly plan activities to meet the objectives and aims of DIHR as a whole. Perhaps more space should be created for sharing between the divisions and it is noted that the Board could also play more of a role in ensuring coherence between national and international work. However, the current Board by its own admission lacks capacity to engage at this level. Acknowledging that it is a challenge to create a Board with sufficiently strong skills in tackling both national and international aspects of DIHR's work, the Institute has established a working group to look into the issue. As an aside, and as a suggestion to the working group, it is noted that it is far easier to see DIHR's strengths in international work when visiting partner countries and seeing first-hand how effective staff and projects are on the ground. Occasional experience gathering trips for Board members could be considered to improve their understanding of, and value attached to, DIHR's international activities.

b. Coherence between activities under the CA and other activities in the International Division

Although the team requested an overview of all of the projects and activities in the International Division on various occasions, this was not provided until late in the process and what was provided is merely a list of projects and topics for 2013. As a result, while it is clear that there is coherence between training provided by the Education Department under the CA with that provided using other funding sources, it is not really possible to comment more broadly on whether or not there

is coherence in other projects and activities. However, it should also be noted that there is a need for greater coherence between the Education Department and other Departments in the International Division since at least some of these are conducting education and training activities without consulting or involving the Education Department.

The fact that there is no clear overview of the work done by the Division as a whole could partly be attributed to the fact that DIHR receives various grants from the MFA, from other sources, and through contracts. Each of these requires DIHR to report on specific activities funded by the grant or contract, which perhaps accounts for the fact that there is no clear overview of all of the international work. To assist in this regard, the MFA should consider introducing a joint reporting format to cover all activities funded under the CA, by other grants, and with funds from embassies. Other DPs should also be approached by DIHR to request that they accept a joint reporting format. Full reporting on the whole international programme will increase transparency and lessen the burden on DIHR while at the same time as increasing the quality of reporting and enhancing the level of policy dialogue with the ministry, and possibly other donors.

c. Coherence of country projects with government and DP supported programmes

When it comes to coherence between support provided by DIHR and support by others in countries in **Zambia**, there is coherence between DIHR **access to justice** activities and the main access to justice programme in the country (supported by the EU, although implemented by GIZ), especially in that the EU/GIZ programme focuses primarily on criminal justice. However, there is also some suggestion that the EU/GIZ programme might in future support civil justice – which does not seem to have been fully explored with the **Zambian Governance Department** responsible for overall coordination and implementation of the access to justice programme.¹¹⁵ The Governance Department also has a focus on economic governance as part of the role they play in the African Peer Review Mechanism (APRM), which could link with work being done on HRB, but this too has not been explored. In addition, while there are HRB and public participation activities in both **Zimbabwe** and **Zambia**, there is not yet coherence between activities in the two countries generally – largely explained by the fact that this is a new ‘region’.

In **West Africa**, the various programs and activities carried out under the WAS are largely coherent within themselves. In fact, the building-block approach to the programme encourages this in that one activity leads to another, both within the country and more widely in the region. Synergies and linkages are also noted

¹¹⁵ The Governance Department was formerly known as the Governance Secretariat, established with support from the Danida Good Governance Programme and responsible for the Facilitation and Coordination of Governance Initiatives and Access to Justice components of that programme. It was recently ‘adopted’ by the government of Zambia as a full blown Department within the Ministry of Justice.

between activities undertaken in Niger and activities within the broader West African Strategy. For example, based on the work the DIHR was doing with the police in Niger, the National Guard approached DIHR to do the same for them. Based on its work with those two organisations, those in charge of training judges in the Ministry of Justice approached DIHR to apply the same approach for magistrates. The process and methodologies used in the first instance were adapted and informed the process and methodologies used for subsequent activity. And a similar dynamic played out regionally: the experience gained in producing a police manual in Niger facilitated DIHR entry to undertake similar work in Burkina Faso and Mali. Working the other way around, the assistance DIHR provided to Burkina Faso in producing its UPR created a logical entry to support the same in Niger, as well as allowing regional technical informational exchange.

As to whether the work being done in West Africa is coherent with other DP-supported programmes and projects, the review team can only comment on Niger, where no major DPs specifically support the human rights sector. However, there are examples of how DIHR support has been used to attract other donors into a project – for example, support for ROTAB (base-line study on human rights impacts of industries engaged in extractive activities) was sufficient to encourage OXFAM to co-fund the activity.

d. Recommendations

18. Consideration should be given to increasing the space for dialogue, discussion and sharing to increase coherence across the two divisions.
19. The MFA should consider introducing a joint reporting format to cover all activities funded under the CA, by other grants, and with funds from embassies. Other DPs should also be approached by DIHR to request that they accept a joint reporting format.
20. In Zambia, DIHR needs to urgently meet with the Governance Department to see how to align their interventions with the work being done in access to justice and HRB with the Department and the government generally, and to find ways of working together towards common objectives.

As indicated elsewhere, there needs to be greater coherence between the research funded by the CA with the research needs of the international division, and particularly those countries supported under the grant, but this recommendation is not repeated here.

7. Partnerships

a. Overview

The partnership approach underpins all of DIHR's work in countries and is central to all of the work conducted at the international level with partner countries and partner institutions and organisations. Although the partnership approach is crystallised in the background document to the new international

strategy, there is evidence that the approach is not uniformly followed and that some partnerships, especially those that have been in existence for some years (as is the case in West Africa) work far better than others, such as in Zimbabwe in the area of around human rights and business, which has been short-term and more in the interests of DIHR than local partners. There are also at least some cases, such as in the implementation of public participation tools and methods, where it seems that partners are not involved in developing these and that, instead, they are rather being asked to use DIHR models and concepts.

In addition, while it is accepted that partnerships are leading to increased capacity amongst partners, it is hard to measure this since much of this is done through technical advice and assistance (which is not a criticism of the approach but rather recognition of the problem DIHR face in showing impact at this level).

In **West Africa**, which provides a good example of DIHR's approach, the modalities of the partnership arrangements applied are as follows: potential partnerships are identified through an analysis of mutual interest in a DIHR thematic area and the capacity of the potential partner to be an agent of change; a needs-based analysis is done to identify areas of intervention that could form the basis for the partnership; a Partnership Agreement is entered into which defines the roles and responsibilities of the partners; an annual Activity Plan is developed according to the budget allotment determined by DIHR; the plan is considered and accepted if it matches the agreed areas of intervention and money is transferred to the Partner¹¹⁶; the Partner implements activities in accordance with the plan and with the coaching, advice and support by DIHR on a scheduled and ad hoc basis as necessary; the Partner prepares quarterly reports on the realisation of activities; DIHR local office certify financial transactions and budgets on a quarterly basis.

Commitment to partnership goes beyond this process though: every partner met in Niger indicated that theirs was a true partnership with DIHR in every sense of the word. Partners felt that they were valued, that they decided the activities to pursue (so long as they were consistent with the WAS and DIHR principles), and that they were responsible for delivering the programme with on-going advice and assistance from DIHR. These observations are echoed in various evaluations conducted during the period under review, all of which support the notion that DIHR approaches are participant driven.¹¹⁷

At the same time, while it is acknowledged that partnerships take time to build and come to fruition, experiences in West Africa suggest to some degree that

¹¹⁶ The DIHR local office maintains control of the budget when the Partner is unable to meet conditions regarding financial control, but as a generality, Partners in WA receive their allocation directly.

¹¹⁷ See the 2009 Thematic Review, WAS Evaluation of 2011, 2012 impact analyses of Police and National Guard Programs. By way of example, the 'Thematic Review of the Danish Institute for Human Rights (2009)' cites as a finding that "DIHR's emphasis and commitment to partners' ... ownership of development processes is high", at page 10 & 11. In addition, the first and second key findings listed in Partner Evaluations of the DIHR under "Strengths" were "participatory working methods" and "participatory approach" at page 9 of the West African Strategy Evaluation.

some partnerships continue after they have run their course. For example, although the partnership will end in 2013, relationships with an early partner, ANNDH, have sputtered forward over the last couple of years despite difficulties DIHR noted in their management structure and alleged fraud by an accountant they hired.¹¹⁸

Similarly, partnerships may continue even when the original objectives of that partnership have been achieved, as noted with regard to the Police and National Guard in Niger. This is not to say that valuable and relevant work hasn't been carried out since, or to ignore the strong arguments made by organisations for retaining partnerships to ensure that results achieved are sustained and expanded. Nor is it to forget that, at least with regard to the Police, their expertise and experience are invaluable as DIHR engages with counterparts in the region and promotes stronger engagement with the ACHPR. But it is equally important that DIHR takes time to reflect on a regular basis whether any given engagement has run its course.

b. Recommendations

The recommendation that a partnership policy or strategy be developed is dealt with earlier in this report and is not repeated here.

8. Impact

a. Introduction

The OECD defines impact as ‘the positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended. This involves the main impacts and effects resulting from the activity on the local social, economic, environmental and other development indicators’. Measuring impact therefore requires an assessment of change compared to the situation at the time the projects and activities started (the baseline) and according to what change the projects and activities aimed to effect (the indicators set at the outset against which to measure whether the objectives have been achieved). It also implies that there will be a functioning monitoring and evaluation system that will allow for such information to be gathered and analysed.

b. Monitoring and evaluation

With regard to monitoring and evaluation (M&E) generally, DIHR has over the past few years taken steps to strengthen its mechanisms. Much of the work carried out in this regard has its origins in the 2009 Thematic Review that identified a need for improving results-orientation and the sharing of lessons learned at the project, programme and overall institute-level.

Since 2010, DIHR has carried out a total of four programme and project evaluations, often conducted with a mixed team of internal and external evaluators

¹¹⁸ This fraud did not affect monies supplied under the CA agreement, partly the result, DIHR maintains, of the close contact they maintain. While it is accepted that the delay in finalising the partnership is linked to the fact that the ANNDH houses the DIHR-supported resource centre, the fact remains that the partnership has extended well beyond its ‘sell-by’ date.

and considering at both process and results. The different objectives and types of evaluations, and their use, are documented in DIHR's evaluation policy, which also describes the process of preparing and implementing evaluations, and the key evaluation principles, criteria and questions to be applied.¹¹⁹ The policy notes that indicators should be SMART and reflect the principles of non-discrimination, participation, inclusion and accountability.

Several new tools for project management and M&E have recently been developed and, as indicated in interviews, projects are increasingly initiated and conceptualised based on a so-called, 'planning base' – baseline information extracted from scoping missions by DIHR staff. In 2012, DIHR carried out two such baseline studies on a pilot basis, in Zambia and Zimbabwe respectively, and in 2013 developed an 'Introduction to Baselines Guide' that is really quite good and helps to explain the purpose and types of baselines required and how to go about gathering the information.

From 2013, all new projects are to be developed using a specific DIHR project document format, including a standard logframe (including objectives, outcomes, and outputs, for which specific indicators and means of verification should be identified). Once a project has been operationalised, DIHR project managers are required to monitor activities and results through regular field visits, participation in project activities, and based on annual progress reports submitted by local partners. The results of the monitoring are then recorded in the DIHR project report format, which includes a 'log-book', capturing important events, milestones, mission outcomes, meetings, etc. It should be noted too that the Education Department regularly and systematically evaluates training activities, and on some occasions attempts to measure the impact of these (what people did with the training provided and what difference it has made) by requesting people to evaluate the training three months after it was provided.

But while the DIHR has built in-house capacity to evaluate, monitoring and evaluation could be improved, systems and tools enhanced, and a department or structure specifically tasked with this. This approach is in line with current thinking in the International Division, as suggested in the Organisational Development Programme (housed in the International Secretariat) that recognises the need for improved M&E. Some progress in this direction has been made and a staff member with a master's degree in evaluation currently acts as a special advisor on M&E. But this role has not been formalised and, in practice, the task of further developing the M&E system is entrusted to the International Secretariat, which would need to be significantly expanded if it were to play this role. A far better option, would be to have a department focused on M&E for the entire institution – the obvious place being the Monitoring department in the national division. Although this department focuses on monitoring Denmark's compliance with human rights nationally (which is quite different for monitoring performance and impact against indicators in a logical framework), the tools developed for this

¹¹⁹ DIHR, 2013. *Evaluation policy for DIHR international interventions*.

could be adapted to monitor and evaluate impact of both national and international work – and to develop tools and methods best practice that would help NHRIs, civil society and others to monitor compliance with human rights and to monitor and evaluate their own activities.¹²⁰

c. Impact (outcome) indicators

As noted in the 2009 review, DIHR logframes at that stage did not really include impact indicators.¹²¹ Instead, most (if not all) indicators were output indicators against which it is only possible to measure whether activities have taken place rather than what impact they may have had. Although there is evidence of improvement in the 2013 application, many of the indicators still do not allow for impact to be measured and appear to be output rather than outcome indicators.¹²² This would suggest that some training or guidance on how to frame such indicators is required.¹²³

The operationalisation of the CA indicators is also a challenge. The review shows that many on-going projects have weak baselines, overly focus on outputs, and do not clearly link up to the programme-level results and indicators set out in the CA applications. Moreover, the CA indicators have not been internalised in DIHR's own international strategy and sub-strategies, which currently lack indicators altogether. Interviews indicate that the international management team has an important role in reviewing evaluation findings and ensuring that they feed into the on-going process of operational planning and methodological development. There is also a relatively new practice of presenting and sharing evaluations with the entire organisation. However, this process has not been systematised. There are also important outstanding issues related to how indicator information should be collected and analysed, by whom and with what funds.

¹²⁰ The team recognises of course that partners face substantial challenges in that there are no data or statistics available in the area of human rights in many partner countries and partners would need to develop methods for collecting and measuring data with limited capacity and money. But some data related to impact can indeed be found in reports of international organisations that **can** be used to determine impact, such as Afrobarometer, Human Rights Watch, the World Bank and IMF Indicators, the Mo Ibrahim Index of African Governance, Transparency International, Freedom House Press Freedom Index and others. Building capacity in this area can be achieved through training, mentoring and advice and the ideal scenario should not be discounted simply because it is hard to do. The team is not wedded to the creation of the department mentioned in this paragraph though and either of the two alternatives recommended below would, it is submitted, improve DIHR's M&E functions and capacity.

¹²¹ It is noted that DIHR sometimes use the term 'outcomes' rather than 'impact'. The differences in terminology are subtle (depending on whose definition one considers) and both terms are understood to mean essentially the same thing – the effect or changes that an activity aims to bring about.

¹²² For example, the 'impact indicator' for the Southern Africa project is stated as 'DIHR methodologies and tools are consolidated, documented and shared among DIHR's partners and key regional actors' (summarised version submitted to the Grant Committee, page 11). This tells us what DIHR intend doing (output), but not what impact the sharing or use of these is expected to have or what changes it is meant to bring about. Similarly, the 'impact indicator' for the HRB project (*op.cit.*, page 12) reads 'Initiatives, events and publications by NANHRI, NHRIs on business and human rights issues'. Again, this is more like an output indicator, with perhaps some sources of information mixed in.

¹²³ While DIHR did commission a study on indicators - Review of Result Indicators in the Cooperation Agreement 2011(2012) - at least some members of the team found this highly academic and overly complicated. In reality, developing impact indicators is not that complicated an exercise, provided one understands what they are, what one wants to achieve, and what will indicate that the activities have had the desired impact.

Of course, it is recognised that the reason DIHR experience some difficulty in developing impact indicators is partly linked to the annual application approach currently followed, where the Institute needs to show what they are doing during the course of a year even though the projects are multi-annual and it is generally difficult to show any impact in such a short-time period. This may be partly addressed if the recommendation elsewhere in this report that funding move to a multi-year basis is accepted, but in the meantime, it would probably help a great deal if DIHR were to write up their projects as multi-annual projects with impact indicators developed for the end of the project rather than the end of each year (although annual milestones could of course be included). Not only would this allow for better monitoring and evaluation, it would also compel DIHR to consider how long a project should take, what the objectives are for each project, what the Institute is trying to achieve, and when a project should come to an end.

d. Assessment of impact

The lack of clearly articulate impact indicators does of course not mean that activities have not had any impact. On the contrary, evaluations and reviews of projects in West Africa, Cambodia and Rwanda show clear impact in all three areas. For example, the internal evaluation of the achievements of the West African Strategy completed in 2011 showed, *inter alia*, that impacts had been achieved in the security area after long-term engagement with partners.¹²⁴ And impact analyses on the work done supporting the development of manuals for and training of Police and National Guard in Niger were completed in 2012 and show that police and the National Guard have internalised and act on human rights principles.¹²⁵ Work in Cambodia on legislative reform created and continues to create space for reform processes to take place, and anecdotal evidence has also been found in Niger/W Africa¹²⁶, and related to the access to justice pilot projects in Zambia.

Recommendation

- 21.** Consideration should be given to the creation of a Monitoring and Evaluation Department to conduct monitoring of human rights according to DIHR's national mandate, and to monitor and evaluate progress and impact of activities and projects in both the national and international divisions. Alternatively, the capacity of the International Secretariat should be increased to allow it to play a more comprehensive role in monitoring

¹²⁴ West African Strategy Evaluation, at page 10

¹²⁵ Op cit, at page 58 and 'Impact Analysis of National Guard', at page 35. NGO reporting, as these evaluations and analyses also show, indicate that the brutality of Police and National Guard has diminished. Partners interviewed were certain in their view that the DIHR program was the reason for changes noted. NGOs and Expert commentators interviewed shared this view.

¹²⁶ For example, anecdotal evidence suggests that magistrates are more likely now than before to use human rights principles in their judgements. More than one Partner and/or expert commentator indicated that magistrates are now more likely to use the international standard of 'the child's best interest' in custody cases rather than apply customary law in a lock-step fashion (under age 7 child goes to the mother; over age 7 child goes to the father), as was the case 5 years ago.

and evaluation of the activities and projects implemented by the International Division.

22. DIHR should begin a process to capture their projects as multi-annual projects with impact indicators developed for the end of the project rather than the end of each year (although annual milestones could of course be included).

9. Sustainability

a. Overview

The OECD describes sustainability as a measurement of ‘whether the benefits of an activity are likely to continue after donor funding has been withdrawn’. But while this is sometimes possible to determine, it is often the case with DP supported activities that the country in question simply lacks the resources (and sometimes the desire) to continue without external financial support. This in turn raises a conundrum when determining sustainability: does it mean that projects and activities should continue or be able to continue without outside support, or would it be sufficient to say that a project has become sustainable when it attracts funding from another source?

It is of course true that sustainability need not depend on additional resources in all cases. In West Africa for example, the partnership approach has ensured that there has been a transfer of skills and capacity has been built in various areas. Tools and approaches have been internalised into the operating systems of the organisations themselves and both the Police and National Guard in Niger have incorporated the manuals and teaching methodologies into their on-going training activities. Similarly, the manual and methodologies for training judges are incorporated into the training programme for all new judges in Niger. Given the experience provided, and the minimal costs involved, it is also highly likely that civil society would continue to prepare annual human rights situational reports even if funding were to stop. All of these outcomes are sustainable even without further funding.

Similarly with regard to HRB, the establishment of an international framework and guiding principles are sustainable in that they are framed and accepted by the HRC, and, at least in the short term, the establishment of an UNWG on HRB is a *fait accompli*. These advances will continue to influence the field even if funding were discontinued (although certain dislocations to UNWG might be occasioned since the salary of the Chair is supported by the CA). Again, to the extent that developing and advancing knowledge on specific thematic human rights areas is a positive development in and of itself, the thematic research done by DIHR and its impact on the field is also sustainable. All education activities conducted by the Education Department and others have created a more knowledgeable, informed and equipped group to continue training in partner countries, and gains made in Cambodia have created a legislative framework conducive to change, which continues even though there is little commitment to reform.

Often though, funding is needed to keep initiatives running – which means that projects need to be taken up and funded by partner countries themselves, or other sources of funding need to be found. To date, the team has found little evidence to suggest that projects have been adopted and funded by governments in partner countries – one exception to this being the Malawi Service Charters, which have reportedly been taken up and funded by government (and other DPs). Even though government ownership of projects could potentially happen in Zambia, especially if some aspects are picked up and continued by the Zambian Governance Department, there is little evidence that the Ministry of Justice will do much to train Local Court Magistrates and staff, much less traditional leaders and paralegals, should funding cease¹²⁷; and while the LSU project has clear commitment from the Judiciary and Legal Aid Board to support the role out of similar Units to other courts, it is very unclear who would take responsibility for the payment of paralegals, stationery and the like.¹²⁸

DIHR though have managed to achieve some level of sustainability in finding or encouraging major DPs to pick up and take over projects which DIHR initiated. Since it is often a stated objective that DIHR will conduct pilot or start-up activities with the intention of attracting other, larger and better resourced DPs to take over based on the success of the activity, it is perhaps fair to measure sustainability in this way as well. In addition to the already mentioned Malawi Service Charters (now funded by government and GIZ), the best examples of this have been the support to the Rwandan Legal Aid Forum and preliminary work with the Zimbabwe Human Rights Commission, both of which have attracted outside funding to continue gains already made long after the DIHR intervention has come to an end. There are similar examples in West Africa where the EU now appears poised to support the training of judges and where OXFAM has supported ROTAB's baseline study on extractive industries and human rights as a result of DIHR's involvement.

b. Recommendation

- 23.** DIHR should strive for greater sustainability and seek to identify projects that might more easily be embedded in and taken over by governments in future - for example by establishing a clear exit strategy so that preparations can be made; by designing programs where products can continue to be used regardless of whether other funds are forthcoming (as was the case in WA); and by having funding horizons that allow for this to happen.

¹²⁷ The current pilot project is not the first to try to build capacity of Local Courts. GIZ initiated a similar process in the early part of the previous decade with the clear intention that government would eventually take it over and develop training programmes for Magistrates and Local Court staff. Although the project was brought to a premature end, it ran for around five years and was very successful – in fact the current project draws on the training materials developed during the process for its current training. However, the project was not picked up by the Judiciary at all.

¹²⁸ Of the projects in Zambia, the LSU has the most chance of becoming sustainable in that the LAB and Judiciary appear committed to continuing the type of support being offered, but it will be necessary to find someone to fund paralegals.

10. Key competences of DIHR

The review team has identified a number of areas where the DIHR appear to have developed key competencies over the years of operation.

The Team has focused on the observations made during the review which has concentrated on the implementation of the CA, not the many other aspects of the work being undertaken by DIHR outside the CA. Also, the review team has not made an assessment of the extent to which the DIHR is prioritising the capacity developed – that is, whether it is prioritising work in a technical area where it has particular strengths as compared to work in other fields. Finally, a comprehensive assessment of the full technical capacities, also outside the work of the CA, would require a full capacity assessment, which has not been the purpose of the review.

However, the review team has been able to identify a number of competencies which the organisation possesses. The key areas are described throughout the report, including areas where DIHR has competencies that need to be strengthened or more consistently applied. The following may be summarised as particular strengths:

DIHR's status as an NHRI and its fully accredited membership in ICC provides a platform for encouraging and facilitating on-the-ground action that provides the possibility of international influence and expands possible impact of initiatives. The status as an NHRI also has potential to facilitate exchange of learned experience from the national to international level and, to some extent, vice versa. Such status is also likely to provide better access to key state institutions (such as other NHRIs, the police and judiciary) than a traditional INGO. While not all partners interviewed were aware that the DIHR was an NHRI, it was perceived as an advantage by several partners who noted too that this meant it was not perceived as a force of opposition to the states where they operate, but rather as an equal technical partner, especially when working with other NHRIs and other non-executive state institutions.

DIHR has also built a level of trust in its capacity with partner institutions that reflects positively on other Danish interventions, especially in West Africa.

While the concept of partnership is being implemented with varying success, the concept in the cases where a longer and deeper engagement has been applied has developed a productive level of trust, and thereby, the ability to influence the institutions in question. This applies especially in instances where a longer-term engagement has been prioritised.

The DIHR has developed a diverse level of experience over a long period in a large number of countries and has generally developed a reputation as a balanced human rights defender, which allows easier access into government and business sectors in countries where they operate.

The research capacity and methodology in DIHR has enabled the organisation to build a reputation in research based initiatives. Linkages between research and empirical evidence from projects on the ground are particularly strong in some areas of the portfolio - especially in the area of justice.

Justice is the largest and most widely implemented technical area in the programme portfolio. There is a thorough and deep understanding of the issues and linkages between various aspects of the overall issues of access to justice. The work of DIHR is attracting international attention and DIHR is seen as an expert in this field.

Whereas the justice focus is more concerned with civil and political rights, public participation is beginning to develop generally applicable tools to enhance human rights, including in economic, social and cultural rights, although both thematic areas include all rights in their work. DIHR has also developed capacity to engage in wider cross-cutting advisory functions such as the HRBA to development.

The engagement of DIHR with partners is backed by human rights education, which is valued by the partners interviewed and provides sound methodologies for training.

DIHR has also developed a reputation as technical frontrunner in HRB, especially at the international level and is beginning to develop partnerships in some countries, but has not yet developed the practice of longer and deeper partnerships as it has in the other areas of operation.

11. The new approach in the Concept Note

a. Introduction

As mentioned in the ToR, DIHR has formulated a proposal for future cooperation between the Ministry and the Institute in the form of a Concept Note, which the ToR required the team to assess. The concept proposes a new prioritisation between supporting the core capacities of DIHR and the work being undertaken in west and southern Africa especially.

The concept note has been prepared in response to a number of consultations between the ministry and DIHR, which were undertaken as a response to comments by the external grant committee following the approval of the 2013 appropriation. The consultations were therefore reactive in nature and not part of a wider

Main points in the proposed concept for future cooperation between DIHR and Ministry, as proposed by DIHR:

- The core capacity to engage in the field of research, analysis, education, communication and advice is given higher priority
- The activities with other National Human Rights Institutions and independent human rights mechanisms are given higher priority.
- The activities in Asia and Southern Africa are exited as soon as reasonably possible
- The activities in Western Africa are funded by other means than the CA

strategy revision process undertaken by the institute – neither was the concept part of a structured policy dialogue between the MFA & DIHR on where the organisation could develop in the future. Indications were however received from the ministry that a new approach was required in terms of programming. The DIHR and MFA therefore agreed that DIHR would submit a concept note to provide that basis of the MFA’s confirmation of the decision to change the nature of the funding under the CA.

It should be noted at the outset that the team does not question the right of DIHR to significantly change the way it prioritises resources as such, or whether the proposed concept is feasible. Instead, the team has concentrated on whether there is clarity in the proposed concept, whether there is sufficient analysis and rationale for the proposed concept, and whether the priorities proposed are supported by the comparative advantage of the institute. More particularly the team has assessed the proposed priorities for the future cooperation using the following questions:

b. Key questions

1. Have the priorities been guided by a structured and inclusive process involving the board of DIHR and the ministry as could be expected from what in effect is a significant shift in strategy guiding the main contribution from the ministry to DIHR?

The team has observed that the proposed concept is still being discussed in DIHR, and that the interpretation of key parts of the concept is yet to be concluded, such as what is meant by ‘exit’ in Southern Africa and Asia, and how the West Africa Programme is meant to be covered by other funding. There are indications that it is intended that programme activities in both Southern and West Africa will be continued, but with funding from other departments in the ministry. Therefore, the new concept relies on conditions and funding which are yet to be fully explored and secured. We have not been able to get confirmation from the ministry that it would commit to such a division of funding modalities, thereby making a key precondition for the shift in priorities uncertain.

Discussions on the new concept and consultations between the ministry and DIHR have not been structured to a degree that the ministry has been fully able to commit itself to the proposed new priorities. This has led to unclear indications to DIHR as to how the ministry perceived the proposed priorities and what direction the future cooperation agreement should take.

Overall the teams finds that a significant shift in strategy on the core functions of the institute related to the funding should be guided by a structured process in which all levels of the DIHR are included, as well as a structured dialogue with the ministry. This would ensure that the ministry can communicate a joint position following a constructive policy dialogue. Also, the processes in DIHR needs to include participation from the board level to the programme level in the

organisation to ensure clarity as to what the proposed concept entails for the institution and its operations.

2. Is there significant analysis on the comparative advantages of DIHR and how this has informed the proposed priorities?

The review team has not identified any underlying analysis of the priorities for the proposed concept. The proposal outlines in general terms the use of funding and concludes the need for resources match the existing allocation of 29,2 million DKK. An analysis of existing operations and the need for new or amended capacities to fulfil the new priorities is not evident from the proposal, neither is there a costing that would support the budget allocations in the proposal. Any proposed shift would need to outline key areas of expertise to be ensured in the organisation and the associated cost.

The proposal seems to be aimed at reallocating the existing funding envelope with no analysis as to whether this is the level of resources required for the structure needed

3. Do the proposed priorities make sense in light of the expertise DIHR has and does it outline how the DIHR seeks to achieve the capacity to enable it to implement the programme as outlined in the new proposal?

DIHR has a long history of working with partners in countries of cooperation. While the proposed focus maintains some activities, albeit not fully funded from the proposed new cooperation agreement, it also proposes a shift to working with NHRIs who are natural counterparts for the DIHR. Shifting focus to working with NHRIs and limit cooperation with other types of organisations could also indicate a shift from supporting national human rights systems to a more limited institutional approach. Supporting national human rights systems includes a wider range of partners: NHRIs of course, but also civil society, judiciary, traditional authorities, the executive and various actors in the security sector and central and local government and private sector. The team finds that DIHR has developed capacity in the work among the wider human rights system actors and actually have relatively few deep partnerships among National Human Rights Commissions and only a few partnerships with other NHRIs.

The concept note outlines as a key advantage the interlinkages between the practical and analytical capacity of DIHR, resulting in work on UPR, informal justice and human rights and business. These interlinkages are meant to be maintained through strategic projects, but the concept note is not clear on how the almost exclusive focus on NHRIs and selected strategic projects will maintain the significant base of experiences in the wider support to human rights systems. Furthermore, there needs to be consideration on the suitability of maintaining a

pool of strategic projects that seem to be for the purpose of developing DIHR tools and methods.¹²⁹

Overall, the team is of the opinion that DIHR can obviously choose to engage with NHRIs only, but that there is a risk of losing a particular knowledge base over time. The strategic projects being undertaken by DIHR should be selected and implemented with the interest of improving people's rights and living conditions as a primary concern, and only secondary be for the purpose of providing research data for DIHR tools and methods

4. Is the proposed new concept feasible and overall in line with the purpose of the standard provisions in the grant agreement?

The proposed focus is assessed as feasible in light of the institutional capacity of DIHR. The institution has significant capacity in the areas proposed in the concept, such as research and analysis and education. The CAs are meant to allow institutions to identify, plan, initiate and implement, monitor and evaluate their activities within the framework guiding the agreements and guided by the development policy(ies) of the government. The primary objective of Denmark's development cooperation is to combat poverty and promote human rights, democracy, sustainable development and peace and stability. There is no provision in the guidelines as to what proportion of the funding should be allocated to work with partner organisations.

The proposed concept is not in direct contradiction with Denmark's policies and administrative guidelines. However, the proposed allocation of resources in the proposal does have the potential to increase risk to the programme portfolio. The CA is meant to allow the institution to set its own priorities, thereby ensuring longer-term predictability and freedom of operations. Over a period of 3 years, the proposed funding will allocate 2/3 of funding to core funding and 1/3 for implementation of activities, predominantly for NHRIs. Indications are that the current project portfolio of DIHR should be covered by other donor funding, including ministry departments and embassies.

The proposed focus also risks developing a very strong dependency on other funding for the vast majority of programme activities that may make it difficult for any work to take place if such funds are not available. The current West Africa programme is facing a similar challenge at the time of review, where the CA currently covers a very large, if not full, share of core costs, while other funding covers the majority of programme activities. The programme is now at risk due to a planned termination of the grants funding activities and the CA is therefore now in danger of having very little work to support in the West Africa programme. With very little programme activities left to support by the core structure of the organisation, the rationale for maintaining the structure itself becomes

¹²⁹ Concept note states that "Strategic projects" could be a part of the CA in order to provide DIHR with the possibility of developing new tools and methodologies for human rights implementation."

questionable. The current challenges facing the West Africa programme risk being institutionalised through the proposed prioritisation of the cooperative agreement, thereby exposing the international operations to increased levels of risk, which is the opposite of what the cooperative funding framework is supposed to lessen.

The team also finds that the balance between core costs and support to activities need to be such that DIHR programmes in the field are not unduly at risk by funding fluctuations from non-cooperative funding streams. That is, the CA needs to cover not only the core cost of the DIHR infrastructure, but also cover enough of the programmatic costs to ensure that programmes can continue at an acceptable level, albeit at lower level of implementation.

c. Recommendations

24. The ministry and DIHR should engage in a structured process to determine the best modality and priorities for future cooperative agreements, this process should be informed by thorough strategy process in DIHR.
25. A future model for a cooperative agreement should focus on allowing the intended flexibility of the modality and ensure a sound balance between core funding and activities that will ensure the longer term sustainability in the face of additional funding from other sources that may not be as flexible and predictable as the cooperative agreement.

Annex A – Terms of Reference

TERMS OF REFERENCE FOR REVIEW OF THE DANISH INSTITUTE FOR HUMAN RIGHTS

1. BACKGROUND

The Danish Institute for Human Rights (DIHR) is Denmark's national human rights institution (NHRI). DIHR is established with the objective of promoting and protecting human rights in accordance with the UN Paris Principles.¹³⁰ DIHR is established as an NHRI by law - the most recent being Act No. 553 of 18 June 2012, which states that DIHR is an independent and self-governing body within the public sector. DIHR is granted A-status by the International Coordination Committee of National Human Rights Institutions (ICC).

DIHR's mission as a NHRI is to promote and protect human rights and equal treatment nationally as well as internationally. The Act regulates the role and mandate of DIHR nationally and internationally in further detail and the status and mandate governs the activities of DIHR in Denmark as well as internationally. The status, mandate and functions of DIHR as an independent public body are the point of departure for the international work.

DIHR engages in a range of international development activities, for which DIHR receives an annual grant of DKK 29.2 million from the MFA in core funding. In addition to the core funding, DIHR receives grants from other MFA departments and embassies as well as other international donors. It is, however, the core funding only, which is the subject of this review.

According to the Danish finance act, 2013 the budget for total annual expenditures of DIHR amounts to DKK 120.7 million. These are financed partly by a net cost appropriation of DKK 38.5 million (national work) and partly by revenues of DKK 82.2 million (international work). Part of DIHR's annual revenues of DKK 82.2 million is a grant of DKK 29.2 million financed over the budget for Danish Official Development Aid (§ 06.32.08.70)¹³¹.

The current agreement (hereinafter 'the cooperation agreement')¹³² between DIHR and the MFA in relation to DIHR's international activities encompasses i) Human rights programs in selected countries, ii) Research on methods and tools for promoting human rights and iii) Interaction with international human rights systems. DIHR is now in the process of radically reshaping its strategy for activities financed by the Department of Human Rights under the Finance Act § 06.32.08.70 (democracy and human rights).

¹³⁰ In 1993, the UN General Assembly agreed on a set of principles for such institutions, the so-called Paris Principles. According to these principles, an NHRI is an institution with a mandate based on the Paris Principles as adopted by the United Nations. There are about 100 national human rights institutions (NHRIs) around the world.

¹³¹ See budget document "Indbudgettering af IMRs bevillinger på FFL13".

¹³² "Rammeaftale mellem Udenrigsministeriet og Institut for Menneskerettigheder vedrørende statslige finansiering af organisationens aktiviteter i udviklingslande" as signed 25 April 2013 by MFA and DIHR. The agreement is - with minor alterations - based on the first cooperation agreement from 1997.

In accordance with DIHR's Strategy 2013-2016, a draft concept note has been developed by DIHR after in depth discussions with the MFA. The draft concept note suggests three main elements for the future international work of DIHR covered by core funding:

- International influence
- Knowledge and methods
- Geographical activities (focused on cooperation with other National Human Rights Institutions and independent human rights mechanisms)

The main purpose of the review of DIHR is accordingly to provide input to a further discussion and specification of the reshaping of the activities financed under the cooperation agreement. In light of the radical change considered, the review shall be forward looking, but in light of the performance under the current set-up.

The review is commissioned by MFA, and the reporting will be done to Human Rights Department (JTMR).

2. OBJECTIVE

The last review of DIHR was conducted in 2009 and since then much attention has been on administrative challenges. The timing for the review – now that the administrative situation according to the National Audit Office of Denmark is improving coupled with an overall aim for a new strategic focus of its international activities – seems appropriate. The split between DIHR and DIIS in 2013 furthermore adds to the relevance of the review.

With reference to the above context, the objectives of this review are:

The overall objective of the review is to assess the potential of the proposed reshaping of the activities financed under the cooperation agreement in light of the DIHR's existing competencies and its role as Denmark's NHRI in light of the performance from 2009 to 2013 under the cooperation agreement.

Against this background the review shall:

1. Asses the possible synergies among, and balance between, the three elements of the proposed reshaping of activities.
2. Assess the performance and achievements during the period 2009-2013 evaluated against stated strategies, objectives and indicators in the DIHR framework.
 - a. Assess the relevance of the existing focus areas in light of the context in the regions and countries, in which they will take place. This will include
 - i. assessment of the framework for operations,
 - ii. suitability of the programmatic focus,
 - iii. whether all relevant policies (risk analysis, monitoring, reporting) etc. are in place and aligned according to the new strategy and
 - b. DIHR's comparative advantage for undertaking the international activities.
 - c. Assess the effectiveness and efficiency of the programmes under the framework agreement. This would include assessment of organisational set-up for implementation, procedures, planning processes disbursements and reporting.
3. Provide recommendations with regard to the future support to DIHR, including whether it is feasible to engage in multiyear framework agreements and grants based on the reshaping of DIHR's international activities under the cooperation agreement.
4. Recommendations should also be made with regard to the administrative rules and regulations governing a future cooperation agreement.

Limitations of the review:

The review will not assess activities undertaken with other funding from MFA or the allocation for the core mandate of DIHR in relation to its role as national human rights institution. However, interaction and possible synergies with the mentioned activities should be taken into consideration, in particular by assessing the synergies between a reshaped cooperation agreement and other projects and programmes funded by the MFA and others.

The review is not a financial management review and will not assess the financial management systems or undertake any audits. The review will however assess the administrative procedures and available management guidelines for DIHR's international activities. The review will assess whether DIHR has applied own policies and implemented the activities in accordance with its own policies, procedures and strategies, and whether it has done so efficiently and effectively and have the capacity to do this in the future.

3. OUTPUTS

The outputs of the review should be:

- An inception report providing a description of the specific approach and methodology of the team to be discussed with MFA and DIHR. The inception report will identify preliminary working hypotheses and specific review questions, the geographic focus for the field visit (2 countries) and the scope of the review of documents.
- Debriefing in Copenhagen to MFA/DIHR after the country field visits.
- A draft report in accordance with terms of reference.
- Briefing of the report and its recommendations to DIHR and MFA.
- A final report in accordance with the above and in light of comments to the draft report from MFA and DIHR.
- In case of the review discovering any missing or incomprehensive guidelines for DIHR's international activities, recommendations and suggestions for improvement should be presented.

4. SCOPE OF WORK

The review will address but is not limited to:

- 1) Relevant documentation in order to assess the overall strategic focus and performance of DIHR's international activities;
- 2) The strategic focus of the proposed reshaping of activities;
- 3) Potential of DIHR's work including the relevance of and balance between the three areas: International influence, Knowledge and methods and Geographical activities (focused on cooperation with other National Human Rights Institutions and independent human rights mechanisms);
- 4) The relevance of the current format and set-up of the DIHR and MFA cooperation agreement;
- 5) MFA core funding's relation and contribution to other geographic programs financed from other MFA departments (e.g. project in China) and other donors;
- 6) The overall output of DIHR's work including effectiveness of implementation, results framework etc.;
- 7) The relevance and quality of DIHR's work with the partners, and, in the country context, the possible linkages/synergies with other Danish and/or international support to human rights;

- 8) DIHR's monitoring and supporting systems;
- 9) DIHR's overall program management;
- 10) DIHR's comparative advantages and capacities;
- 11) DIHR's administrative structures.

5. METHOD OF WORK

The review will be divided in two-phases: The first phase will be a preparatory desk study to review documents relevant to DIHR's activities under the framework and cooperation agreement. The second phase will include consultations with relevant stakeholders including the DIHR board, DIHR staff, MFA staff, international partners, and other relevant resource persons. The second phase will include field visits to two countries. These countries include tentatively Niger and Zimbabwe.

6. TIMEFRAME

The review will be carried out during August-October 2013.

A draft report will be presented to MFA no later than 30 September 2013. Relevant partners, including DIHR, will be given five days to provide comments, before the final report is submitted to the MFA no later than 15 October 2013.

Tentative time schedule:

Phases	Main activities	Output	Timing
Inception	Preparatory desk study to analyse key documents. Based on this the team will finalise a description of the approach and methodology, related to the overall review, field study and final workshop.	Mission Preparation Note with critical issues identified for further analysis, including detailed work plan	Contract start 5 August 2013. <i>Week 32</i> Presentation of draft MPN in MFA/TAS week 33/34
Data collection	Interviews with DIHR staff, board, MFA staff and other relevant resource persons. , combined with interviews with MFA staff, and other	Debriefing note with key findings and preliminary conclusions/recommended actions.	<i>Week 37 (9-15 Sept)</i> Field visits (5 field days per visit)
Field visits	Assessing in practice how policies and strategies have been implemented. Debriefing meeting at country level and in Copenhagen	Field visits to Niger and Zimbabwe (tentatively)	
Reporting	Prepare draft report for discussion and comments by DIHR and MFA. Finalize report based on comments from DIHR and MFA	Draft report Final Report	Draft report 30 September 2013 <i>Week 40</i> Final report 15 October 2013

7. TEAM

The team conducting the review will consist of:

The Danish MFA (The Department of Technical Advisory Services (UFT) will be overall responsible for the review in close collaboration with the Human Rights Department (JIMR)).

A team of consultants including high level expertise on:

- National Human Rights Institutions and other independent human rights institutions and mechanisms (Team Leader) (tentatively 35 man days)
- Research within the area of human rights in developing countries, including the development and implementation of human rights programmes (tentatively 25 man days);
- Organisational Development and Human Rights Institutions (tentatively 25 man days).

The number of man days proposed is an estimate and may be adjusted to the requirements specified in the technical proposal of the selected consultant.

Consultants (company and team members) should declare, in the submission of offers, if they have been involved in work for DIHR in the period under review.

The proposal should contain relevant CVs as well as a proposal for a methodology, based on these terms of reference. The technical proposal for this assignment will carry a value of 90% of the overall evaluation criteria. The technical proposals consist of a proposal for a methodology as well as CVs of the team leader and team members.

8. INPUT

The consultant shall set aside the following as reimbursables in their financial proposal to cover the followings;

- a. Costs for local travel DKK 10,000
- b. Costs for work carried out in Denmark DKK 60,000

9. DOCUMENTATION

- Draft concept note developed by DIHR on a reshaping of international activities under the cooperation agreement
- DIHR Strategy 2011-2013
- DIHR strategy 2013-2016 (including sub strategies approved and drafts)
- Annual reports 2010, 2011, 2012
- Capacity Assessment of 2009 carried out by Nordic Consulting Group
- Status note on follow-up on review from 2009
- Annual report(s)
- Annual applications, Presentation to and report from meeting of the External Grant Committee
- Co-operation agreement: "Rammeaftale mellem Udenrigsministeriet og Institut for Menneskerettigheder vedrørende statslige finansiering af organisationens aktiviteter i udviklingslande"
- Act. No. 553 of 18 June 2012
- Relevant reviews on country programs (China, Cambodia, ICC working group on human rights and business, Rwanda Legal Aid Forum, Afghanistan, West Africa
- Paris Principles on National institutions for the promotion and protection of human rights (UN resolution A/RES/48/134)DIHR Application on accreditation and accreditation as an A-status organisation
- Annual reporting on the cooperation agreement
- Relevant budget background including "Indbudgettering af IMRs bevillinger på FFL13"

- Internal DIHR policies
- Danida Policies:
 - a. Democratisation and Human Rights for the benefit of the People, Danish support for Good Governance, June 2009.
 - b. The Right to a Better Life, June 2012
 - c. Other relevant strategies

- In relation to field visits
 - d. List of people to be interviewed.
 - e. Project and programme documents
 - f. Baseline and context analysis relevant for the field study
 - g. Other written outputs and documentation

- In relation to advisory capacity
 - h. Examples of reports and analyses: Informal justice, ICC WG on HRB review, LGBT Study, Reproductive rights.

10 July 2013

Susanne Wendt

Date

UFT/MFA

Annex B – Documents consulted

(Provisional list – to be updated in final report)

1. *Annual Report 2012. Influence on Policy and Legislation*. 2013. Copenhagen: DIHR.
2. *Applying a Rights-Based Approach. An Inspirational Guide for Civil Society*. 2007. Copenhagen: DIHR.
3. *Background note on the “International strategy at the Danish Institute for Human Rights”*. Undated. Copenhagen: DIHR.
4. *Bevilling til Institut for Menneskerettigheder for 2010*. 2010. Copenhagen: MFA.
5. *Bevilling til Institut for Menneskerettigheder for 2011*. 2011. Copenhagen: MFA.
6. *Bevilling til Institut for Menneskerettigheder for 2012*. 2012. Copenhagen: MFA.
7. *Bevilling til Institut for Menneskerettigheder for 2013*. 2013. Copenhagen: MFA.
8. *Checklist for project*. Copenhagen: DIHR.
9. *Competence Development 2013-2014. Sub strategy*. 2013. Copenhagen: DIHR.
10. *Cooperation Agreement*. 2013. Copenhagen: DIHR.
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13. *Cooperation Agreement Application 2012*. 2011. Copenhagen: DIHR.
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15. *Cooperation Agreement. Reporting on 2010 activities*. 2011. Copenhagen: DIHR.
16. *Country Entry and Exit-Strategies*. 2012. Copenhagen: DIHR.
17. *DCISM Anti-Corruption Code of Conduct*. DCISM.
18. *Democratisation and Human Rights for the Benefit of the People. Strategic Priorities for Danish Support for Good Governance*. 2009. Copenhagen: MFA.
19. DIHR organogram.
20. *DIHR Project Report*. 2013. Copenhagen: DIHR.
21. *Draft Concept Note on a New Cooperation Agreement*. 2013. Copenhagen: DIHR.
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24. *Freedom from Poverty. Freedom to Change. Strategy for Denmark’s Development Cooperation*. Copenhagen: MFA.
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27. *Generelle retningslinjer for danske organisationer med rammeaftale med Udenrigsministeriet*. 2010. Copenhagen: MFA.
28. *Inspirational Guide to Exit and Entry*. 2012. Copenhagen: DIHR.
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30. International area organogram. DIHR.
31. *International strategi*. Draft. Copenhagen: DIHR.
32. *Introduction to Baseline Guide. v/02 Aug. ’13*. 2013. Copenhagen: DIHR.
33. *Kurs mod 2020 – Dansk udenrigspolitik in nyt farvand*. Copenhagen: MFA.
34. *Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution*. 2012. Copenhagen: MFA.
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36. *Mid-Term Evaluation of the Danish Centre for Human Rights Project “Judicial Defenders in Rwanda”*. 2000. DIHR
37. *Minutes from External Grant Committee Meeting on 8 May 2013*. Copenhagen: MFA.
38. *Partnership Agreement*. 2013. Copenhagen: DIHR.

39. *Monitorering 2013-2016. Substrategi*. 2013. Copenhagen: DIHR.
40. "Paris Principles" (*Principles relating to the status of national institutions*). *General Assembly resolution 48/134*. 1993.
41. *MUS med mening og effekt. En procesbeskrivelse*. 2013. Copenhagen: DIHR.
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70. *Working for Public Participation and Civil Society*. Undated. Copenhagen: DIHR.
71. *Årsrapport 2012. Dansk center for international studies og menneskerettigheder*. 2012. Copenhagen: DCISM.

Annex C – People consulted

DIHR

Ole Hartling, Chairperson of DIHR board
 Jonas Christoffersen, Director
 Charlotte Flindt Pedersen, Deputy Director
 Louise Holck, Deputy Director
 Allan Lerberg Jørgensen, Department Manager
 Jakob Kirkemann Boesen, Department Manager
 Lisbet Ilkjær, Department Manager
 Theresia Kirkemann Boesen, Department Manager
 Ann Lisbeth Ingerslev, Head of Management Secretariat
 Thomas Gammeltoft-Hansen, Head of Research
 Claire O'Brien, Special Advisor
 Fergus Kerrigan, Special Advisor
 Margaret Ann Jungk, Special Advisor
 Paloma Munoz, Adviser
 Lise Dahl, Team Leader
 Marie Louise Muff, Programme Coordinator
 Kristine Yigen, Programme Coordinator
 Mikkel Schmidt-Hansen, Project Manager
 Bjarne Andreasen, Project Manager
 Jes Ellehauge Hansen, Head of the International Secretariat
 Tomas Martin, HRBA expert
 Jacob Linderoth, Management Secretariat
 Francesco Paolo Castellani, Senior Expert on M&E
 Monique Alexis, Justice Department
 Maria Løkke Rasmussen, Education Department
 Camilla Silva Fløistrup, Education Department
 Stephanie Lagouette, Research Department
 Hatla Thelle, Research Department
 Hans Otto Sano, Research Department
 Henrik Rahbek Pedersen, Controller
 Katrina V. Palad, Controller
 Lene Lundholm Andersen, Controller
 Majbritt Weedfald Lagersted, former DISCM staff member
 Yung Kim Christensen, Accountant
 Anne-Sofie Hempler Balle, Administrative Coordinator
 Katja Sofie Tolstrup, Programme Administrator
 Sisse Stræde Ban Olsen
 Annette Faye Jacobsen

Niger

1. DIHR Local Office:

Mairiga IBRAHIM, local representative DIHR, Niger
 Youra BOUKAR, Human rights adviser DIHR, Niger
 Abdoulaye HASSANE, Financial Controller DIHR, Niger

2. Documentation Centre (ANNDH)

Jean-Marie DA SILVA, Director of human rights resource centre
 Issaka NAMAYA, former director of human rights resource centre

3. Ministry of Justice and Human Rights

Marou AMADOU, Minister of Justice
 Mme Zeinabou LABO, Director General for human rights at the Ministry of Justice, member of

workgroup “Human rights and judges”

Nouhou MOUNKAÏLA, Coordinator of workgroup “Human rights and judges”

Abdou HAMANI, Judge, member of workgroup “Human rights and judges”

4. National Police

CDP (Divisional Commissioner Police) Amadou SEYBOU, Director of Police Academy in Niger, member of workgroup “Police and human rights”

CP, Alhassane MOUNKAÏLA, member of workgroup “Police and human rights”

Sourghia SOUMANA, member of workgroup “Police and human rights”

5. CODDHD

Kanni ABDOULAYE, Coordinator of human rights network

Assoumane HAMANI, Vice Coordinator of human rights network

Oumarou HAMADA, General Secretary of human rights network

Tinni IDRISSE, Deputy General Secretary of human rights network

Tchernaka IDRISSE, Secretary for legal affairs, human rights network

Abdourazak OUMAROU, Deputy General Secretary human rights network

5. Family Law researchers

Youra BOUKAR, member of research group on family law

Ibrahim HALILOU GUINSAOU, member of research group on family law

6. Independent Experts

Mme Masaoudou BINTA, former member of the human rights NGO ANDDH

Alkache ALHADA, resource person, president of “Cour des Comptes”

Tidjani ALOU, dean of the law faculty, university of Niamey

7. National Guard

Colonel Oumarou TAWAYE, Chief of the National Guard, Niger

Capitaine Hassane HIMA, member of workgroup, National Guard

Capitaine Salissou MAHAMAN, member of workgroup, National Guard

Sourghia SOUMANA, member of workgroup, National Guard

8. ENAM

Abba KAKA, Director of ENAM (National School for Administration and Justice)

Boukari ASSOUMANE, research director, ENAM

Issa HAMZA, director of the training center of local community staff (collectivités)

9. ROTAB

Abdoulaye SEYDOU, project manager ROTAB (Réseau des Organisations pour la Transparence Budgétaire)

10. NHRI

Khalid IKHIRI, president of National Human rights Commission

Secretary General, NHRC

Zambia

David Phiri, Data Management and Communication Analyst, Ministry of Justice

Lewis Mwape, Executive Secretary, Zambia Council

Lungowe Matakala, Executive Director, Beyond Research

Nkosi Nzamane IV, Patron, Mfumbeni Development Association

Maria M. Kawimbe, Director, Ministry of Justice

Marion Popp, Deputy Programme Coordinator, GIZ

Rodney Machila, Corporate Governance Analyst, Ministry of Justice

Wilfred Kopa Muma, Deputy Director of Court Operations, Supreme Court of Zambia

Godfrey Malembeka, Executive Director, PRISCCA
 Chisoma Lombe, Head Finance, Actionaid
 Mabvuto Phiri, Finance Manager, Actionaid
 Charity Nchimunya, Advisor, GIZ
 Maria Kawimbe, Zambia Governance Department
 Davies Chikalanga, Zambia Governance Department
 Christopher Nthala, Chiefs' Representative, Maguya Chiefdom
 Titus Shumba, Induna, Maguya Chiefdom
 Ruth Tembo Paralegal
 Esther Nyorongo, Local Court Magistrate
 Shadreck Mbewe, Local Court Clerk
 Yotamu Banda, Induna, Mpezeni Chiefdom
 Ladislav Soko, Induna, Mpezeni Chiefdom
 Tomaida Ziwa, Paralegal
 Edward Zimba, Local Court Magistrate
 Robson Nyirenda, Court clerk
 Moffat Banda, Chief's representative, Nzamane Chiefdom
 Zelias Nyirenda, Induna, Nzamane Chiefdom
 Dickson Mbazima Paralegal
 Alice Phiri, LC Magistrate
 Merrick Zulu, Court Clerk
 Charles Phiri, Local Court Magistrate
 Addin Sakala, Local Court Clerk
 Eleni Banda, Executive Secretary EPWDA
 Wilfred Kopa Muma, Dep Director Court Operations
 Agatha Chipenda, Local Courts Directorate
 O'Brien Kaaba, GIZ Advisor – Human rights and rule of law
 Lewis Mwape – Exec Secretary Zambia Council for Social Development
 Audrey Mwale (DIHR project coordinator)
 Themba Mazyopa Human Rights Commission – Research, Advocacy Department
 Patrick Mkandawire, Provincial Local Court Officer
 Emmanuel Phiri – Court Clerk
 Patricia Kalengo, PRISCCA
 Ms. Florence Chibwasha, Director, ZHRC
 Mrs. Katendi Kapisa Nkombo, Deputy Director, ZHRC
 Mr. Lisbon Chaamwe, Principal Planning and Collaboration Officer, ZHRC

Zimbabwe

Admire Nluncwa, Networking, Research, and Advocacy Officer, ZimRights
 Deborah Barron, National Director, Legal Resources Foundation
 Macdonald Munyoro, Clusters Coordinator, Natural Association of Youth Organizations
 Munyaradzi Mataruse, Regional Coordinator, NANGO
 Mutuso Dhliwayo, Director, Zimbabwe Environmental Law Association
 Prince Chikafa, Local Export, NANGO
 Robert Ndlovu, Membership and Capacity Building Manager, NANGO
 Erik Brøgger Rasmussen, Charge d'Affairs e.p., Danish Embassy Office, Harare
 Bjørn Blau, Councillor, Harare.

Other stakeholders

Annette Kaalund-Jørgensen, Manager of the Danida Fellowship Center

Ministry of Foreign Affairs

Mette Nørgaard Dissing-Spandet, Head of Department
 Anne Schouw, Head of Section
 Jakob Haugaard, Special Adviser

Uffe Wolffhechel, Human Rights Ambassador
Thea Lund Christiansen, Team Leader

Annex D – Research activities

Table 1: Programme Overview (Research Activity by theme)

Thematic Area	2009	2010	2011	2012	2013
China; public participation (mostly)	Good Governance Law Implementation (establishment of legal aid and other complaint mechanisms in China)	Support Chinese research in sensitive areas Efforts to influence EU policy on China re HR by preparing articles and consulting with MFA	Research on migrant workers in China Article: “Building their Own Stage: Constructing the New Worker in China.” Article on EU-China dialogue	Internal study on migrant workers in China	Public Participation in China: research to describe and analyze the avenues for public participation
North Korea: engagement options		Promote protection of HR by influencing international agenda on North Korea	Study of conditions for a human rights dialogue with North Korea	<i>Book: North Korea and Human Rights – Preconditions for talking human rights with a Hermit Kingdom</i>	Research into avenues for a human rights dialogue with North Korea
HR Indicators (general and CA Reporting)	Methodology for HR compliance assessment at the level of state obligations (duty-bearer obligations)	Participate in various conference in particular to define HR indicators	Research on “Indicator systems in the field of human rights and development”	A mapping and sourcebook on indexes and indicators on human rights and development Review of DIHR	Specific indicators in relation to Participation and UPR Research into

	Human Rights Indicators at Program and Project Level			indicator framework based on reporting in 2011 with recommendations	indicators to improve quality of program/project formulation, monitoring and evaluation and to mainstream its usage in-house and among partners
Nation Building in Arab World (Thesis)	Nation Building in the Arab World, Yemen, Iraq and Lebanon (PhD Thesis)	Thesis work	Thesis work; Newspaper articles and interviews	Thesis work; Analytic & popular articles in media	
Justice & Rule of Law	Work towards comprehensive book containing theory and case studies in relation to Flow of Justice Concept Comparative research on international criminal justice	Complete theoretical and documentary publication on Flow of Justice to be used by partner organizations Article on detention in UN peace operations to be published in book on international humanitarian law	Analysis of constitutional process and human rights: Tunisia Develop articles on defined issues (Challenges for Legal HR Research in Africa)	Internal study on public interest litigation in DIHR's program implementation	
Counter-	Continuing work on research	Preparing articles/statements	Develop articles on defined issues		

<p>terrorism/Torture</p>	<p>project to analyse how terrorism can be countered from a legal perspective and what are the main legal dilemmas</p>	<p>and papers on Counter-terrorism and other issues</p> <p>Article “Is training in international humanitarian law and human rights law material support to terrorism?”</p> <p>Training, lecture and education activities on counter-terrorism and human rights in Denmark and internationally for various DIHR partners</p> <p>Preparation and drafting of international NHRI statement on counter-terrorism and human rights delivered at 2010 session in UN Human Rights Council</p> <p>Participating in</p>	<p>(counter-terrorism and HR)</p>		
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		OPCAT work and visits			
Women & Children			Develop articles on defined issues (Rights of Women and Children in Africa)	HR & Family Law in Context: most topical family protection and family law issues in an international and regional human rights law perspective	
MDG, ESCR				<p>Research on development of an operational framework linking MDGs and human rights Not delivered</p> <p>Research on the private sector actors in human rights and development Not Delivered</p>	<p>Economy and human rights: HR implications of economic crisis and economic policy</p> <p>The role of the private sector in progressive realization of economic, social and cultural rights national development policy and poverty reduction strategies</p>
NHRIs & ESCR			Presentation of First draft of Article "NHRIs as	Book Chapter: <i>The Role of National Human Rights</i>	

			Independent Actors in relation to Economic, Social and Cultural Rights”	<i>Institutions in the Protection of Social and Economic Rights</i>	
Miscellaneous	Research on the value added of rights-based approaches Towards New Global Strategies: Public Goods and Human Rights (Book)	Develop concept note on the use of public service charters Case study: survey of the Danish development portfolio in the field of human rights/good governance	Development of generic model for the principles of Availability, Accessibility, Acceptability and Quality (AAAQ).	A baseline study on how to strengthen human rights compliance through project interventions	

Table: Research Activity (Cooperation & Networking)

Cooperation and Networking				
2009	2010	2011	2012	2013
		Cooperation with Boltzmann Institute, University of Vienna		
		Cooperation with the Association of Human Rights Institutions, and the Nordic Network of Human Rights Institutions		
		Participation of individual researchers in a large number of national research-related networks and board memberships		
	HAKI, Africa (Kenya, Uganda, Tanzania, Malawi): Project to support the human rights element at relevant University faculties in East Africa. PHASED OUT IN 2010			

		<i>'Human Rights Actors. Same Process, different roles?'</i>	Seminar series with U of Southern Denmark: <i>Human Rights Now: theory and practice.</i>	
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Annex E - Research Papers Produced under the RRP

2009	2010	2011	2012	2013
"The Ombudsman Institution - A Possibility to Improve Mechanisms for Supervising Administrative Power in China."	"Comparative study on the anti-discrimination law – China and EU perspective"	"Expanding access to justice for the poor Malawi's search for solutions: A comparative analysis with other select informal justice systems"	"The legal and practical challenges of addressing the case of child sexual abuse through Zambia's informal and traditional justice systems"	"The Nature and Extent of Violation of Procedural Children's Rights in Informal Justice Systems in Tanzania: A Study in Misenyi and Ilala Districts"
"Implementing the Right to Education in Laos"		"Co-existence between the formal and informal justice systems in Ethiopia: Challenges and Prospects"	"Re-envisioning gender justice in access and use of land through traditional institutions: A case for customary tenure of land ownership in Acholi sub-region, Northern Uganda"	"In Search of Justice that Heals and Restores: The Potential Merits and Challenges of Embracing Oromo Customary Justice System Parallel with the Formal Criminal Justice Systems"
"Export-led Growth and Wage Inequality - Migrant Workers and China's Economic Miracle"		"Resolving land disputes in post-conflict northern Uganda: The role of traditional institutions and local council courts"	"Customary laws in Ethiopia: A need for better recognition? – A Women's Rights Perspective"	"The Constitution, Devolution and Local Justice in Kenya"
"Lost and Found in Transition: Legal Aid to Migrant Workers in Contemporary China"		"Multiple Temporalities in Indigenous Justice and Healing Practices in Mozambique"	"How can criminal justice work constructively with Shona justice to provide effective remedies to child sexual abuse victims?"	"Legal Response to Intrafamilial Child Sexual Abuse in Kenya: A Case for Restorative Justice"
"Enhancing the Effectiveness of Environmental Protection Law in China Through Public Participation - Case study of Environmental Impact Assessment Law"				
"Women's rights in Kyrgyz Culture and Society under the Influence of Islam"				
Ludmilla Konstans: Kyrgyz nationalism – the Demolition of Statehood, no. 3, 2009.				

Annex F – Overview of work done in the area of HRB

Table 1: Programme Overview: International Agenda Setting

Objective: Inclusion of HRB in international frameworks and participate in standard setting				
2009	2010	2011	2012	2013
Contributed to Revision of Global Reporting Initiative & Consultation of UN SR	Contributed to Revision of Global Reporting Initiative & Consultation of UN SR Participate in other UN fora	Publish "Arc of Rights"	No activities/outputs identified in Matrix	No activities/outputs identified in Matrix
Develop the following tools: "Values Added"; "Doing Business in High-Risk Human Rights Environments"; "Dalit Discrimination Check"; "HRCA on Company Housing"; UN Global Compact Self-assessment tool.	Develop the following tools: "Values Added"; "Doing Business in High-Risk Human Rights Environments"; "Dalit Discrimination Check"; "HRCA on Company Housing"; UN Global Compact Self-assessment tool.)			

Table 2: Programme Overview: ICCWG HRB

2009	2010	2011	2012-13
Chair ICCWG Draft Strategic Plan	Participate in ICCWG, including lobbying for appropriate recognition of NHRIs in standards, including drafting Edinburgh Declaration	Participate in ICCWG, including lobbying for appropriate recognition of NHRIs in standards and developing WG papers	No Activities reported
	Start baseline assessment of NHRI capacity	Develop and conduct baseline study DONE BUT NOT SUCCESSFUL	
	Establish HRB section of NHRI website		
		Develop training course, pilot and conduct training for NHRIs (pilot in Sierra Leone & Algeria)	
		Participate in regional Workshops on HRB	
		Participate in meetings/seminars	

Table 3: Programme Overview: UNWG HRB

OBJECTIVE: The UN working group on human rights and business influences the national and international agenda on human rights and business		
2009-11	2012	2013
2011: Support appointment of UNWG Chair	Support official visit to Mongolia, e.g., template to guide investigations and in-country work	Support UNWG – salary of WG Member Research support to Chair
2011: Support UNWG – salary of WG Member	Support development of WG strategy presented to 8 th Plenary UN HRC	
	Support UNWG – salary of WG Member	

Note: Activities noted in 2013 not included in Matrix, but are being implemented.

Table 4: Programme Overview: NHRI Engagement in HRB

OBJECTIVE: Develop supporting materials on HRB, including mixed media training with OHCHR		
2011	2012	2013
	Developed guiding materials e.g., Guidebook and African Supplement; guidance on baseline studies & action plans), in partnerships with ICC	Support training to Sierra Leone HRC
OBJECTIVE: Supported NANHRI strategic plan on dealing with HRB		
2011	2012	2013
	Produce baseline study	
OBJECTIVE: Build capacity in at least two African NHRIs to act on HRB through technical support		
2011	2012	2013
Three-day training programme for NHRIs developed and piloted with Sierra Leone HRC and Algeria NHRI	NHRI of Mali included in capacity building workshop in Niger (WAP)	Involvement of NHRC of Zambia in development of Business Guide to Human Rights Zambia (see table below) Meeting with NHRC in Zambia to discuss possible further activity

Table 5: Other HRB Activity During the Period

2009-2010	2011 -2012	2013
	Comprehensive dialogue and mapping in Zimbabwe	Stakeholder consultation on Business guide and draft Business Guide to Human Rights (Zambia) for stakeholder feedback Discussion with Public Participation Study Working Group to discuss UN Guiding Principles and possible application in Zambia Piloting of AAAQ model (specifically on the right to water) in Zimbabwe

Annex G – Overview of IHRS activities

Table 1: Programme Overview: Supporting the UPR Process

OBJECTIVE: Support Monitoring of UPR		
2009	2010	2011 - 2013
Internal Competence building seminars		No Activity Globally National activities in Niger reported under section dealing with West African Programme.
Formulation of “UPR – An Introduction” - based on outcome of study tours, internal seminar and dialogue with partners	Strengthen partners monitoring & reporting capacity, through development of guides, including translation, e.g. UPR- An Introduction; Methodologies of reporting – State, Civil Society and NHRI	

Table 2: Programme Overview: HIV/Aids

OBJECTIVE: Establishing advocacy platforms		
2009	2010	2011 - 2013
Regional Workshops on HIV/AIDS with NHRIs – WA and Latin America	Regional Workshop - APF	No Activity
Program with Ethiopian HRC on HIV/AIDS	Participation in HIV/AIDS Fora	
Process for legal Mapping exercise	Develop Legal Analysis of Treaty Body referrals to HIV/AIDS	

Table 3: Programme Overview: Support to African Court

OBJECTIVE: Support Legal Aid in African Court System		
2009	2010	2011 - 2013
Prepare background for planned 2010 Colloquium	High level colloquium for various regional and sub-regional courts and quasi-judicial institutions with a HR mandate	No Activity
Prepare cooperation agreements with SADC Tribunal and the Centre for Human Rights at the University of Pretoria.	Develop project documents for legal aid development projects with the ECOWAS Court and the SADC Tribunals,	

Table 4: Programme Overview: Support to the ICC

OBJECTIVE: Support the ICC		
2011	2012	2011 - 2013
Human Rights Officer posted with the ICC secretariat in Geneva (late 2011).	HR Officer contributing substantially to the ICC Secretariat’s activities	HR Officer contributing substantially to the ICC Secretariat’s activities

Annex H: West Africa Regional Platform Activities (2009-13)

Partner	2009	2010	2011	2012	2013
ACHPR		Support the develop of a Strategic Plan on "Policing & human rights"	Engagement on policing, including in NGO forum	Formal partnership agreement signed with the Commission on the establishment of a focal point on policing and human rights + the same information as mentioned in 2013 on NGO Forum and Newsletters and side events with Commissioners	Engagement on policing, including in NGO forum
					Newsletters on Police & HR issues
					Establishment of focal point (with APCOF)
National Police from Region	Study on HR and codes of ethics				
		Regional Conferences (Police Reform; Police and HR)			Regional workshop with police from the 3 countries (November)
La Chaire UNESCO (Benin)	Regional course for HR professionals				
	Scholarships for masters in HR for students from Region ¹³³				
	Support Documentation Centre & Website	Support Documentation Centre & Website	Support Documentation Centre & Website	Support Documentation Centre & Website	Support Documentation Centre & Website
		Comparative study b/w Chaire UNESCO & University of Pretoria and Moot Court			
Research on Family Law (anchored in the Institute for HR and Peace – IDHP)		Work towards the publication of research papers (synopses; field research)			Work towards & publish research papers
	Regional Workshop to develop research applications	Conduct Regional Workshop			Conduct Regional Workshop
		Conduct National Workshops	Field research	National consultations	
	Develop and maintain website	Develop and maintain website	Develop and maintain website	Develop and maintain website	Develop and maintain website
		Field research			
Public Participation Platform (Partners in each country)			Prepare for and carry out Study Tour on issue		
			National Workshops		
				Comparative Studies &	National workshops in

¹³³ There were a total of nine (9) scholarships granted during the period.

				Regional Presentations	Burkina Faso and Niger
				Publication	
Support to NHRIs (ad hoc partner – Togo NHRC)	Conduct study on conformity of NHRIs in region to Paris Principles, with regional conference				
	Regional Workshop on HIV/AIDS				

Annex I – Overview of activities in West Africa by partner country

1. Niger

Partner	2009	2010	2011	2012	2013
Ministry of Justice & Human Rights	Development of training manual, and pedagogical tools & Training of Judges	Training of Judges	Development and updating of training manual, and pedagogical tools		Training of Judges
				Support development of a National HR Policy, including analysis of HR situation	
				Support elaboration of UPR	
National Police	Support development of Pocket Guides for Police	Support development of pedagogical tools for trainers & Training	Support specialised seminars/workshops on priority areas (e.g., use of force, Terrorism & HR,		Support production of 2 nd edition of manual
	Integration / mainstreaming of human rights in relevant topics (e.g. Criminal Law, Foreigners and the Borders etc.)		Support for preparing for and undertaking Impact Analysis		
			HR articles for internal newsletter		
	Support to the Documentation Centre				
National Guard	Integration of HR courses based on manual in training	Develop training materials and tools for instruction centre	Support other training (e.g., officers in Niamey)		Support production of 2 nd edition of manual
	Support training at instruction centre, including ToT		Support for specialised/workshops seminars on specialised priority topics (e.g., detention, terrorism and HR)		
				Support for producing Impact Analysis	
	Production and printing of material for National Guard			Support for HR articles in internal newsletter	
	Support to the Documentation Centre				

Partner	2009	2010	2011	2012	2013
ENAM	Field Studies on HR and Good Governance	Support for research studies (published in ENAM Review, including seminars on methodology)	Support for research studies (published in ENAM Review)	Support for field research e.g., women's right to divorce	Support for research studies (published in ENAM Review)
	Support to documentation	Support conferences presenting research			
			Support in developing a course on access to information		
	Support to the Documentation Centre				
			Integration of the manual on training for judges into the ENAM training curriculum		
Documentation Centre (ANNHHD)	Annual training of HR actors, including ToT (many held in regions)				
	Sensitisation conferences and debates on HR themes, including some that were broadcast on radio (e.g., access to justice, violence against women)				
	Report on HR situation	Report on HR situation	Report on HR situation		
	Support for production of radio programmes on HR				
		Assistance in shadow UPR reporting with others actors, including seminar			
	Support to the Documentation Centre & website				
CODDHD			Preparing for and presenting Annual Report on HR situation (joint report)		
				Developing and using a complaint procedure	
	Infrastructure support		Support in strategic planning		
		Internal training (e.g., on shadow reporting on treaties)		Internal training, including new members	
	Campaigns (e.g.,				

	implementation of CEDAW)				
ROTAB				Preparing for and developing a baseline study on HR and the extractive industry, including regional workshop on UN Guiding Principles	

2. Burkina Faso

Partner	2009	2010	2011	2012	2013
Ministry of Human Rights and Civil Promotion/Ministry of Justice (see explicative note below)	Follow-on activities related to Strategic Plan		Preparation for and conduct of Strategic Plan, HR Policy and Action Plans		
	Needs assessment				
		Conferences on HR issues (e.g. Prisons; Death Penalty)	Studies (e.g., mapping HR actors; security issues in North)		
	Development of and support for Documentation Centre			Development of and support for Documentation Centre	
Association of Women's Lawyers			Seminars (e.g., on developing a strategic plan, on working with media)	Work on Strategic Plan, Work Plans and Action Plans	
				Support to media program on access to justice	
					Report on HR and women and young girls
					Support for legal aid clinics
National Police					Formal partnership MoU was signed and a sociological study is underway.

3. Mali

Partner	2009	2010	2011	2012	2013
The NHRC	Partnership Agreement	Prepare and Issue Annual Report on HR situation			
		Conferences/debates on HR Issues (e.g., Right to Education; HR and Religion, HR and Elections)			
				Support special reporting on important issues (e.g., HR violations in North following coup)	
				Meeting with civil society to plan common initiatives	
		Support to Documentation Centre		Provision of equipment	Support to Documentation Centre
The National Police					MOU development and signing
					Sociological study
DEME SO (legal aid NGO)	Development of Manual for training and training of paralegals, including Tot Training		Development of Manual for training and training of paralegals, including Tot Training. Complementary monitoring tools have been developed and taught to the partner.		
			Survey of Paralegals & Reports on work of paralegals	Technical support to paralegals (e.g., reporting tools)	Reports on work of paralegals
				Support development of Action Plans, Communications strategy	

Annex J – Capacity Assessment

1. Organisational structure

Although housed in DCISM till the end of 2012, DIHR has had its own governance structure since 2002, comprising a board and the Council of Human Rights. DIHR is also directly affiliated with Danish universities, which have a fixed representation on the board. Administratively, DIHR's office consists of a national and international division, a communications division and a management secretariat. The directors of the national and international divisions report to the executive director, who is answerable to the board. The international division, which is managing DIHR's development cooperation portfolio, is in turn divided into three thematic departments, the departments of justice, freedoms and civic participation, and human rights and business respectively. The director of the international division and the department heads come together in an international management team, which is supported by an international secretariat. While this structure has been in place since 2012, DIHR has gone through several reorganisations in recent years whereby divisions have been created, merged, and closed. During a short period of time in 2009, the national and international division were united in a structure based solely on thematic departments.

The Thematic Review of DIHR, conducted by MFA in 2009, calls on the institute to examine its existing programmes and projects in view of its mandate and perceived comparative advantages, critically assess its strategies positioning within thematic areas, and consider ways of organising its international work along geographic and thematic lines. The recommendations were partly based on the experiences from DIHR's West Africa programme, which had a geographical focus and was deemed to have a thorough planning base. Together with other requirements identified by DIHR's management, the recommendations of the Thematic Review were translated into a process for quality assurance and organisational development (the, so called, PAQD process), which was partly funded by the CA until December 2012. Based on the West Africa and China programmes, regional teams were established in 2010 for the Middle East, Southern Africa, and Eurasia, and the work on regional strategies were initiated. This structure has since been consolidated and further developed into the '**matrix organisation**', which was introduced in 2012 and formally adopted in January 2013.

In terms of the new matrix organisation, staff members belong to a department but are also attached to geographical and thematic programmes with different roles in each case. A dual reporting structure has been developed where each staff member reports to their department head as well as to the management representative for the particular programme. DIHR has defined seven different programme team roles, including regional/programme coordinator, programme adviser, project manager, project adviser, project assistant, programme administrator, and management representative. Most staff members have at least two roles within this structure, with some having as many as four or five. In particular, department heads also act as management representatives for different

programmes, and often also as programme coordinators, programme and project advisors, and even project managers.

In line with the recommendations of the Thematic Review, the matrix organisation makes it possible for DIHR to combine its thematic focus with geographically based programmes. Interviews suggest that the new structure has facilitated the process of prioritising resources as fewer, often short-term projects are merged together in programmes with a longer time horizon. It has also improved internal coordination and communication, including at the management level, between projects, and between staff working in different regions. In particular, the programme-based approach has created better opportunities for making use of DIHR's expertise on issues across projects. However, the most tangible difference that can be observed so far is the increased level of authority given to project managers and the strengthened management support created through the establishment of the international secretariat.

Nevertheless, as the new structure has formally been in place less than a year, it is too early to make an informed assessment of possible efficiency gains. A common weakness in a matrix organisation is the lack of clear lines of authority and responsibility between staff. In DIHR, this is especially the case for the programme team roles. While the roles and responsibilities of each of the programme team have recently been defined in written terms of references, reporting and communication lines continue to be blurred. In addition, the boundaries between different roles, especially between the programme coordinator, project manager and programme administrator, still have to be worked out.

With regard to DIHR's governance structure, indications are that the relationship between the board and the Human Rights Council has not been sufficiently delineated. The mandate of the board is also somewhat vague, especially in relation to the approval and oversight of policies, strategies and plans, including budgets. During the past five years in particular, there has been a relatively high rotation of board members, and according to interviews, the present board does not yet have the capacity to perform its strategic management and oversight function in an efficient manner. A board committee has recently been established to look into the prospects of professionalising the board, including with a view to strengthen its competence on issues of relevance for DIHR's mandate.

2. Strategic planning and programming

The 2009 Thematic Review gave further impetus to the already on-going process of organisational change in DIHR and called for a combination of greater thematic and geographical concentration along with a continued focus on regional strategies. This recommendation was picked-up in the PAQD process (see above), which had several planned deliverables related to programming and the improvement of 'long-term strategic development systems', including the development of a new DIHR strategy. In the 2010 CA application to MFA, DIHR notes that the PAQD process seeks to 'address the challenges facing the

organisation, which had developed into a fragmented organisation that at times lost its eye for what were the central assignments.’

Drafted through a participative process, the **DIHR Strategy 2013-2016**¹³⁴ was adopted by the board in 2012. As in the case of the Strategic Framework 2009-2012¹³⁵, the Strategy includes a presentation of the focus areas of the institute and the specific initiatives and approaches to be applied within these areas, including with regard to organisational strengthening. While far less detailed than the 2009-2012 Strategic Framework, the Strategy clearly separates DIHR’s national and international work and emphasises the need for a geographical focus, coupled with a conscious effort to develop knowledge and methods, as well as strengthening international influence.

The international division is currently preparing **departmental sub-strategies** to define in more detail how the general direction set out in the Strategy will be operationalised within specific themes. In conjunction with the sub-strategies, DIHR is also in the process of developing an **international strategy**.

Evidence suggests that the strategic planning process envisaged in the PAQD process has taken longer than expected. While the DIHR Strategy was drafted in 2011 and intended to take effect from 2012, it was put on hold, awaiting the passing of the new National Human Rights Institution Act. The departmental sub-strategies are expected to be completed within 2013, and will be followed by the preparation of new regional and country strategies, including baseline assessments. This implies that the DIHR Strategy 2013-2016 will effectively not be operationalised before 2014. On the other hand, a written strategy already exists for the West Africa programme and China programme, and it is not clear to what extent the on-going programming process will actually change anything in these strategies, or have any effect on already on-going projects.

The overall thematic and geographical focus of DIHR remains broad and the new strategies and programmes could accommodate a wide range of issues, approaches and interventions in different countries. In fact, there is no marked difference between the current focus themes and the themes pursued by DIHR prior to 2009. Similarly, there is no clear trend leading to a more narrow geographical focus. While DIHR claims that it has phased out of five countries (i.e. Honduras, Vietnam, Malawi and Rwanda) since 2009, the current list of projects indicate that DIHR is still active in several of these countries. The regional programmes also include partnerships with actors in other countries. With regard to the CA, funding is in 2013 mainly provided to seven countries, which can be compared to the eight countries covered by the CA in 2009.

Nevertheless, based on the recommendations of the Thematic Review and prompted by MFA, DIHR has established written **‘country entry and exit**

¹³⁴ DIHR, 2012. *Strategy 2013-2016*.

¹³⁵ DIHR, 2009. *Strategic Framework 2009-2012*.

strategies'.¹³⁶ This document presents the existing countries of operations funded under the CA, the reasons why DIHR has chosen to work in these countries, and what circumstance may lead to DIHR deciding on exiting these countries. Principles and generic criteria for selecting and entering into new countries have also been developed¹³⁷, although these are arguably sufficiently broad to accommodate most of the countries in the regions where DIHR works.

3. Project management

The 2009 Review found that the transition that DIHR was going through at the time presented a genuine opportunity to strengthen management structures, systems, and procedures. The report includes a specific recommendation to clarify and refine the criteria for strategic decisions regarding programmes, projects and activities, and to further develop the institute's monitoring and evaluation system. Accordingly, the PAQD process included a number of planned deliverables for improving project management. By the end of 2011, DIHR had established a number of new or re-fined mechanisms and tools, including standard templates for project proposals, project reports, LFA and cooperation agreements in line with the action plan for the PAQD process.

In 2012, MFA imposed additional requirements on DIHR, including with regard to project management. Informed by the benchmarks established by the Danish National Audit Office (NAO), the disbursement of the CA grant was made conditional on DIHR clearly defining roles involved in each step of the project development and management process. MFA specifically requested DIHR to review and update its project management handbook, prepare detailed guidelines defining project roles and responsibilities, and develop a logbook for new projects, showing the phases and milestones in the project management cycle.

With regard to project management, it is noted that DIHR has during 2012 and 2013 developed specific procedures for IV projects, i.e. commercial services. These procedures have been formalised in written **guide on externally financed activities**¹³⁸, which also includes the procedures for ATA projects, i.e. other subsidised activities (non-commercial). The document defines the programme team roles with an emphasis on the administrative and financial responsibility of the project manager and controller. It also sets out the different phases in the project management cycle and the quality assurance mechanisms in place. And DIHR has also developed additional mechanisms for project management. A key tool is the **project portal**, which has been conceptualised over the past year and was first introduced to DIHR staff in August 2013. Currently available on DIHR's shared network drive, the project portal contains descriptions of stages, roles, and key activities to be performed in the project management process. The project

¹³⁶ DIHR, 2012. Country entry and exit-strategies.

¹³⁷ DIHR, 2012. Inspirational guide to exit and entry.

¹³⁸ DIHR, 2013. Vejledning om eksternt finansierede aktiviteter.

portal has links to other resources, including the guide on externally financed activities and its annexes. This includes the **DIHR project report** format. This format requires project managers to prepare a quarterly project progress report, including the use of a logbook, as dealt with earlier in this report).¹³⁹

DIHR has thus responded in a fairly structured manner to the recommendations of the Thematic Review and, in particular, to the conditions set out by MFA. While the PAQD process was arguably not perfectly conceived from the beginning, and some of its deliverables were delayed, 2012 and 2013 have seen more systematic efforts and more tangible achievements. The guide on externally financed activities and related tools have all contributed to a clearer definition of roles in the project development and management cycle, as required by both NAO and MFA. While it is too early to assess the use and impact of the guidelines and tools, the streamlining and clarification of roles and responsibilities, project phases and activities, and quality assurance mechanisms will likely contribute to greater organisational efficiency.

A major advantage of the new project portal is that it allows for the regular updating and instant dissemination of new guidelines and tools. However, there is currently a lack of guides and tools in the portal on how to manage the more substantive aspects of a project. Although the project portal includes comprehensive information on the activities to be carried out, and by whom, in each phase of the project cycle, there is little information on, for instance, how to define a project, evaluate its overall profitability and strategic relevance, identify stakeholders and assess the capacity of partners, analyse risks, and how to exit a project in an orderly manner. The review team was informed that this is something that will be addressed as part of the development of a new organisation-wide project management handbook, a process that has yet to be completed.

Project information is also not always readily available. In the International Division, there is a routine of saving project documents on a shared computer drive, which has catalogues based on themes and geographical programmes. However, this system is not comparable with a project management software, which can not only ensure that project information is recorded and can be retrieved in an efficient manner, but also would provide for the integration and systematisation of checklists, forms and other quality management tools. DIHR is about to procure a customised project management database/system, expected to be in place by 2014.

4. Administration and financial management

DIHR has been haunted by financial difficulties and shortcomings related to weak administrative systems and limited human resources dedicated to financial

¹³⁹ Another key project management tool is the **checklist for projects**. As with the project report format, the checklist is a revised and shortened version of a tool that was developed in 2011. It defines in detail the different activities to be performed, and by whom, in each step of the project development and management cycle. For each activity, the status of implementation should be recorded and completion should be marked by signature of the concerned team member.

management and control. The seriousness of the situation came to light after revelations, in 2011, of over-spending and the inadequate manner in which the losses had been accounted for. Administrative systems were therefore singled out as one of the focus areas of the following PAQD process. As one of the first steps, DIHR engaged external auditors and accountants to assess financial and administrative working processes and flows, resulting in a number of recommendations to improve systems for budgeting, accounting and financial monitoring. In the course of implementing the PAQD, additional issues emerged, especially in connection with the audits of NAO. The PAQD also coincided with the adoption of the National Human Rights Institution Act, as a result of which DIHR has had to engage in an extensive process of transferring administrative and financial systems from the old DCISM-structure. This process started in 2012 and is still ongoing.

In response to the NAO benchmarks and the conditions imposed by MFA, DIHR has developed and refined a number of systems and procedures for administration and financial management, especially over the past year. Specifically, based on the analysis of the budgeting structure (completed in 2011), DIHR has developed a new **project budget model**.¹⁴⁰ The project budget model is described in detail in a written manual, which provides instructions to DIHR staff on how to develop, record and enter project budgets in the accounting system. The manual specifies the accounting groups, including the distinction between IV and ATA, to which projects should be posted, thereby complementing the information provided in the guide to externally financed activities. The manual is accompanied by checklists that set out specific tasks and responsibilities with regard to the creation and control of new project budgets.

A new budget follow-up process has also been introduced whereby **internal financial reports** on all projects should be reviewed on a monthly basis. Generated from DIHR's accounting system, the reports provide information on original budgeted amounts, actual financial delivery, and a prognosis for the future. The project manager should identify and record the reason and type of deviation, if any, between budget and actual result, and major deviations should be reported on and explained to the management secretariat. An adjusted prognosis for the following month should also be made. As earlier indicated, projects are also subject for quarterly monitoring, including in relation to financial delivery, through the preparation of the DIHR project report.

DIHR has to abide to certain rules and procedures for procurement of goods and services established by Danish law. To this end, the institute has developed a written **guideline on procurement of goods and services**.¹⁴¹ The purpose of the guideline is to clarify external as well as internal requirements on procurement, including threshold levels for different types of procurement, the financial authority of staff to decide on procurement, the process of evaluating price offers,

¹⁴⁰ DIHR, 2013. Project budget mode – for all DIHR projects.

¹⁴¹ DIHR, 2013. Vejledning om indkøb af varer og tjenesteydelser.

and the rules for advertising bids. Valid from 1 July 2013, the new guideline will be accompanied by a checklist to be used in the evaluation of tenders/price offers. Interviews suggest that most of the procurement currently performed by DIHR relates to consultancy services and publications.

The general guidelines for Danish organisations require framework organisations to have a written **anti-corruption policy** and ethical principles. As indicated in interviews, DIHR continues to apply the DCISM Anti-Corruption Code of Conduct.¹⁴² This documents DCISM's 'zero-tolerance' stance on corruption and sets out the organisations position and requirements on staff with regard to issues such as conflict of interest, misuse of official position and public resources, respect for laws, proper personal conduct, and active and passive bribery. DIHR's agreement template for cooperation with partners abroad includes the standard anti-corruption clause stipulated by the CA and above-mentioned guidelines for Danish framework organisations.

The review indicates that DIHR has by now operationalised the basic systems for accounting, payments, and business travel prescribed by the Danish Finance Act (i.e. Navision, IndFak and RejsUD). The cumbersome process of closing the balances in the old financial system and re-entering project budgets and other financial elements into Navision was completed by May 2013. The new guide on externally financed activities, including the project checklist and the new project budget model have been put into use, reducing the risk of future over-spending and other mismanagement of funds. In contrast to the system in place prior to 2013, the budget model is integrated with the accounting system, which allows for a more systematic, regular and reliable comparison of budget against financial delivery. The NAO has commended the progress made, and MFA has deemed that DIHR has fulfilled the conditions for the disbursement of funds. Notably, by the end of 2012, DIHR recorded a budget surplus.

In addition to clarifying its administrative structure and functions, DIHR has also strengthened its capacity for financial management and control. Since 2012, DIHR has a team of three controllers, who according to interviews play an important role in quality assurance of budgets, financial reporting and the follow-up of project agreements and contracts. The division of roles and responsibilities between the project manager and controller has also been defined in greater detail, including with the help of the above-mentioned guides and checklists. While financial authority has been devolved to the project manager, the controller has today a more streamlined monitoring function. The role of the programme administrators has also been clarified to some extent, although their function is more generic in nature.

It is likely that DIHR's efforts to strengthen administrative and financial management capacities and systems will lead to greater organisational efficiency. As can be observed, the level of transparency and accountability within financial

¹⁴² DCISM, 2012. DCISM Anti-Corruption Code of Conduct.

procedures has already been improved, as a result of the clarification of roles, the financial empowerment of the project manager, and by recording action taken in checklists. Interviews indicate that, in the past, the segregation of duties within financial procedures was less clear and that the concentration of decision-making in the hands of a few senior managers created delays and other inefficiencies.

As in other areas, it is generally too early to establish the extent of such efficiency gains, however. In fact, several of the new guidelines and checklists have only been introduced in the last few months, and remain to be fully and routinely applied on an organisation-wide basis. In the case of the guideline on procurement of goods and services, a checklist for ensuring the systematic use of new procedures is not yet in place. Similarly, an anti-corruption policy for the new DIHR would have to be developed, along with a new code of conduct with ethical principles for staff. The latter is a specific requirement of the guidelines for Danish framework organisations.

DIHR will face a continuous challenge of refining its systems to respond to both internal and external requirements. This would include a further delineation of the roles and functions involved with administrative and financial procedures, and ensuring that the procedures allow sufficient time for staff members, especially the controllers, to perform their functions. Relatedly, there is a need to put in place an internal audit mechanism to regularly monitor compliance with the new policies and procedures, and assess whether the policies and procedures are sufficient to ensure efficiency in operations. The accounting and financial reporting system could also be improved with a view to enable DIHR and its stakeholders to obtain consistent historical records and data for determining the level of cost-efficiency in operations. For instance, there is cause for suggesting that DIHR's financial reports to donors should include an account of the distribution of costs incurred in Denmark and abroad, and, relatedly, the cost of staff time spent on capacity building activities of local partner as compared to other activities.

There is a separate set of challenges related to DIHR's management and control of projects implemented by partner organisations abroad. The review team's field visits in Niger and Zambia suggest that DIHR's local partners are generally well-informed about the terms and conditions for funding. The partners also appear to have adequate financial management systems, including procedures for ensuring segregation of duties, project-wise recording of income and disbursements, independent audits according to international standards, mechanisms for preventing and detection fraud and corruption. At the same time, interviews indicate that there have been incidents of partner organisations not fully complying with DIHR's terms and conditions, and that DIHR's systems for handling such deviations have to be further improved. In a few cases, the controllers have had the opportunity to visit partner organisation to familiarise them with DIHR's procedures, but this is not done on a systematic basis. Nor are there any specific routines for assessing partner organisations' administrative and financial capacity.

6. Human resources

DIHR has a total of some 150 staff members or 120 full-time equivalents. Some 70 per cent are employed on a permanent basis. The international division has 41 staff members. Systems for human resource management, including recruitment procedures, were formalised in the old DCISM-structure but has yet to be fully transferred and adapted to the context of the new DIHR. According to interviews, as a first step, DIHR is about to develop a new salary policy.

As part of the establishment of the new matrix organisation in the international department, department heads have allocated programme team roles to staff. An on-going assessment is being made by managers and other staff of how well they adapt to their new roles, based on which roles may be re-allocated, additional training carried out, and the need for new recruitment identified. In a few cases, staff members have been moved from one department to another to match departmental needs and existing competencies.

Many of the 15 staff members of DIHR's management secretariat were previously working in the administrative department of DCISM. Interviews indicate that the management secretariat has adequate management and staff capacity, although further competence development is warranted in view of the many new systems and procedures established during the past year. Notably, the international secretariat in the international division has only one full-time staff member, which is deemed inadequate given the significant functions allocated to this organisational unit in terms of administration, financial management and general management support. At the same time, there is a need more clearly define what processes and systems should be led by the international secretariat and the management secretariat, respectively.

The PAQD process had as an integral objective to strengthening human resources. In 2010, DIHR instituted a **competence mapping process** and a system for **regular staff development talks**. Since 2011, with funding from the Danish competence fund, staff training has been provided on project management, administrative procedures and leadership skills for managers. In-house seminars on the human rights based approach and other topics related to DIHR's general mandate has also been conducted, as well as courses on stress management.

Recently, DIHR has drafted a **sub-strategy on competence development**. The purpose of the strategy is to more clearly link competence development efforts with the strategic goals for the period 2013-2016. The overall aim of the sub-strategy is to make DIHR into 'a world-class centre of excellence in human rights and an attractive place to work'. It envisages both internal and external training and a combination of formal/planned and informal learning, including through peer training, teamwork, in-house courses, extramural education, etc. The focus will be on management and leadership skills, administrative procedures, certificate training on project management, communication skills, induction training for new staff, and training on DIHR's products and concepts.

The developments of the past two years indicate that DIHR attaches increasing importance to human resource management and development. The explicit emphasis on developing capacities necessary for achieving strategic goals and operationalising new systems for administration and financial management is justified from a quality as well as efficiency perspective. Given that DIHR operations, including in the national department, are becoming increasingly project-based, the investment in certificate training on project management is also warranted. While past staff training appears to have been planned and carried out in a somewhat ad-hoc manner, the new sub-strategy on competence development gives promises of a more systematic and goal-oriented approach. This would, however, require that the strategy is finalised and translated into concrete plans with adequate budgets. It is noted that since 2008 there have been a number of changes in the senior management and the DIHR board. As a direct result of the budget deficit, a number of staff members have also been laid off. With the strengthened financial position of the institute, new recruitment may now be possible again.

There is still a challenge involved with combining programme team roles with the need for clear lines of communication, reporting, and accountability. Interviews suggest that senior managers are clear about their different roles and the distinction between them, but that the boundaries of programme team roles could be further explained. The current system of staff appraisal through development talks should also be reviewed considering that, in the new matrix organisation, many staff members have several 'supervisors', who should all be involved in the appraisal.

Annex K – Summary of Recommendations

#	Recommendation	Responsible for follow-up
1.	Recognising that DIHR is in the process of developing the strategy to guide its international work, and that its mandate for international work is very broadly framed in its governing legislation, the development of the strategy should consider what DIHR's aims and objectives are in working internationally at present, to refine all of its strategies currently under development to meet these objectives, and then to consider whether all of its current projects and activities, and all of the countries with which it partners, are relevant to its objectives and fit within the strategy.	DIHR
2.	To further enhance its work, the following policies or strategies should be developed in addition to those currently under development to cover two approaches underlying much of DIHR's international work: a consolidated and comprehensive partnership policy; and a capacity building strategy that includes not only education, but also mentoring, advice and other capacity development activities undertaken on the ground	DIHR
3.	While no one should interfere with the Institute's ability to set its own research agenda, the Ministry and DIHR should discuss and agree how to align future research funded under the CA more closely with other work funded under the CA to improve the relevance of the research to the work supported by the CA.	DIHR and MFA
4.	The stated intention of the Education Department to focus on developing e-learning tools (such as the e-learning tool on HRB for NHRIs developed with the ICC WG on HRB) that could help extend the Department's, and DIHR's, outreach should be prioritised in the next CA.	DIHR
5.	DIHR should clarify reporting and communication lines, and the boundaries between different roles, in the matrix organisation. A formal review of the functioning of the matrix structure should be carried out.	DIHR
6.	The mandates of the DIHR board and the Human Rights Councils should be further defined in the DIHR statute, and a plan should be devised to strengthen the capacity and competence of the board.	DIHR
7.	Strategies and criteria for ensuring a clearer thematic and geographical concentration should be developed in the connection with the finalisation of DIHR's international strategy, departmental sub-strategies and regional programme strategies.	DIHR
8.	The financial reporting system should be improved to enable DIHR and its stakeholders to obtain consistent historical records and financial data, including on the distribution of costs incurred in Denmark and abroad, and, relatedly, the cost of staff time spent on capacity building activities.	DIHR
9.	DIHR should develop an anti-corruption policy with procedures	DIHR

	for reporting and managing suspected misconduct, including responsibilities for investigation and means for protection of whistle-blowers.	
10.	An internal audit mechanism should be introduced to regularly monitor compliance with new policies and procedures. Systems for ensuring partner organisations' compliance with DIHR's terms and conditions should be strengthened by instituting procedures for assessing and building these organisations' administrative and financial capacity.	DIHR
11.	DIHR should review and possibly strengthen the capacity of the international secretariat in view of its current and potential future mandate and role in terms of administration, financial management and general management support.	DIHR
12.	The sub-strategy on competence development should be finalised and translated into concrete training plans with adequate budgets.	DIHR
13.	MFA and DIHR should engage in a process (already begun) to consider a multiyear funding arrangement - a minimum three-year arrangement would be desirable - which should be accompanied by a multiyear planning cycle in DIHR.	MFA and DIHR
14.	MFA to follow up on whether the funding to projects that have been awarded as commercial contracts can be drawn from the CA. DIHR to ensure the guidelines on use of CA in relation to commercial contracts, and other grants, are in place and implemented	MFA and DIHR
15.	Linked to the earlier recommendation that research projects should be more relevant in terms of contribution to the objectives funded by the CA, funding for research should be on the basis of identified needs and not in the form of a virtually fixed annual allocation to the research department.	DIHR
16.	Tracking of expenses should enable DIHR to trace the cost of key services provided such as transfers to partners, resources used for capacity development, salaries at head office and in the field etc. and ensure it is possible to cost outputs and outcomes consistently to ultimately determine whether the efforts have been value for money and implemented efficiently.	DIHR
17.	The ministry and DIHR should engage in a more structured policy dialogue, backed by consolidated reporting by DIHR on its entire international portfolio.	MFA and DIHR
18.	Consideration should be given to increasing the space for dialogue, discussion and sharing to increase coherence across the two divisions.	DIHR
19.	The MFA should consider introducing a joint reporting format to cover all activities funded under the CA, by other grants, and with funds from embassies. Other DPs should also be approached by DIHR to request that they accept a joint reporting format.	DIHR and MFA
20.	In Zambia, DIHR needs to urgently meet with the Governance Department to see how to align their interventions with the work being done in access to justice and HRB with the Department and the government generally, and to find ways of working together towards common objectives.	DIHR

21.	Consideration should be given to the creation of a Monitoring and Evaluation Department to conduct monitoring of human rights according to DIHR's national mandate, and to monitor and evaluate progress and impact of activities and projects in both the national and international divisions. Alternatively, the capacity of the International Secretariat should be increased to allow it to play a more comprehensive role in monitoring and evaluation of the activities and projects implemented by the International Division.	DIHR
22.	DIHR should begin a process to capture their projects as multi-annual projects with impact indicators developed for the end of the project rather than the end of each year (although annual milestones could of course be included).	DIHR
23.	DIHR should strive for greater sustainability and seek to identify projects that might more easily be embedded in and taken over by governments in future - for example by establishing a clear exit strategy so that preparations can be made; by designing programs where products can continue to be used regardless of whether other funds are forthcoming (as was the case in WA); and by having funding horizons that allow for this to happen.	DIHR
24.	The ministry and DIHR should engage in a structured process to determine the best modality and priorities for future cooperative agreements, this process should be informed by meaningful thorough strategy process in DIHR.	MFA and DIHR
25.	A future model for a cooperative agreement should focus on allowing the intended flexibility of the modality and ensure a sound balance between core funding and activities that will ensure the longer term sustainability in the face of additional funding from other sources that may not be as flexible and predictable as the cooperative agreement.	DIHR and MFA