



Final evaluation of DIHR's Responsible Business for Sustainable Development Programme

Final Evaluation Report

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Danish Institute for Human Rights



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Acknowledgement

We highly appreciate being trusted with this end evaluation of the Danish Institute for Human Rights' programme on Responsible Business for Sustainable Development. We are very grateful for the insights shared by DIHR staff and stakeholders across several countries and continents. There is no doubt that DIHR holds a strong position as a think-and-do actor within responsible business conduct, and in particular when it comes to national action plans for the implementation of the UN Guiding Principles on Business and Human Rights.

It is our sincere hope that this report is found useful in the continued efforts towards a world where business and state actors have taken the necessary steps to realise responsible business conduct that contributes significantly to sustainable development.

On behalf of the team,

Per N. Bondevik
Responsible Business Advisors/Scanteam
Oslo, 31.07.2023

Abbreviations

ACHPR	African Commission on Human and People's Rights
BHR	Business and Human Rights
CONADEH	Comisionado Nacional de Derechos Humanos (Honduras)
CSDDD	Corporate Sustainability Due Diligence Directive
Danida	Danish International Development Agency
DIHR	Danish Institute for Human Rights
ESRS	European Sustainability Reporting Standard
GANHRI	Global Alliance of National Human Rights Institutions
GPP	Global Policy and Partnerships
GRI	Global Reporting Initiative
HR	Human Rights
HRBA	Human Rights-Based Approach
KNCCI	Kenya National Chamber of Commerce and Industry
Learning Lab	International Learning Lab on Public Procurement and Human Rights
KNCHR	Kenyan National Commission on Human Rights
LAC	Latin America and the Caribbean
NANHRI	Network of African National Human Rights Institutions
NBA	National Baseline Assessment
NCP	National Contact Point (for the OECD guidelines for Business and Human Rights)
NHRI	National Human Rights Institutions
OECD	Organisation for Economic Cooperation and Development
OHCHR	United Nations Office of the High Commissioner for Human Rights
PPRA	Public Procurement Regulatory Authority (Kenya)
RB Programme	Responsible Business for Sustainable Development Programme
RBC	Responsible Business Conduct
RBNI	Responsible Business and National Implementation
RINDHCA	Red de Instituciones Nacionales para la Promoción y Protección de los derechos Humanos del Continente Americano
Sida	Swedish International Development Cooperation Agency
SDG	Sustainable Development Goals
ToC	Theory of Change
ToR	Terms of Reference
UNDP	United Nations Development Programme
UNGP	United Nations Guiding Principles on Business and Human Rights
WG	Working group

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Executive summary

The Responsible Business for Sustainable Development Programme (RB Programme) is a continuation of a long-standing and enduring relationship between the Danish Institute for Human Rights (DIHR) and the Swedish International Development Agency (Sida). The RB Programme was designed to enable and incentivise state and business actors to take effective steps to realise responsible business.

The data collection to this evaluation consists of DIHR documents, interviews with DIHR staff and with country level stakeholders in Honduras, Kenya and Ukraine, at the regional level in Africa, Europe and Latin America as well as at the global level. The selection of interviewees was agreed between the evaluation team and DIHR in the inception phase.

Through the RB Programme, DIHR has had significant influence on the development National Action Plans (NAP), and the focus and capacity on business and human rights by a number of National Human Rights Institutions (NHRI) as well as within in the regional networks of NHRIS in Africa, Latin America and Europe. NHRIs in DIHR's key intervention countries have increased their sense of ownership of the BHR agenda, as well as dedicated more resources to the field.

DIHR is seen as a reliable expert organisation and reference point on business and human rights (BHR) in general, and in particular when it comes to NAPs on BHR. The tools for National Baseline Assessments (NBA) and NAPs developed by DIHR are widely used and highly appreciated.

Although with a room for further improvement, gender is well integrated as a cross-cutting issue, through the globalnaps.org site and the outcome harvesting database. DIHR has also produced several high-quality studies on gender, business and human rights. Other cross-cutting issues are not found to be particularly articulated.

The RB Programme objectives remain highly relevant, the same goes for the focus on promoting NAPs. As for the NAPs, the process' potential for convening national actors across sectors should not be underestimated. Focussing on specific thematic issues – like public procurement or environment - business sectors and/or groups of rights' holders, can support the role of a NAP, either as a first step towards a NBA or a NAP, or as part of the implementation of elements in a NAP.

Connecting the dots between the UN Guiding Principles on Business and Human Rights (UNGPR) and the Sustainable Development Goals (SDG) has contributed positively, and it might be strategic to use the SDGs as an entry point for working with BHR in some contexts. Still, it is important to maintain BHR as the core guiding principles.

The RB Programme is internally coherent and well aligned with relevant Sida strategies and has delivered outputs at least comparable with target values, except for the number of NAPs developed or implemented where Covid and other factors has led to significant delays in some countries, .

In some, but not all, intervention countries, the RB Programme has to a large degree contributed to changes that are likely to last beyond the RB Programme period, like approved NAPs, new government actions, commitment to integrate human rights in public procurement regulations, actors across sectors coming together to address BHR, or NHRIs with a stronger capacity on BHR, including on their role in providing access to remedy. No explicit exit strategies for national level work have been identified during the evaluation.

DIHR is recommended to define more clearly the contextual conditions for complementing, or replacing, a focussed work on NAPs with a thematic or sectorial engagement. In countries where the

development of the NAP is being taken over by national actors, DIHR should focus more on the implementation phase.

Taking into account the political volatility in many, if not all, of DIHR's engagement countries, instead of having an explicit timebound deadline for leaving a country, DIHR should define key criteria for the different stages of involvement at country level. Typical stages, or modalities, could be mappings / NBAs, development of NAPs or targeted implementation of a NAP. The number of focus countries should be kept low (3-5) and a simple set of markers on when to priorities ad-hoc engagements should be developed in to optimise the use of in-house competency and capacity.

DIHR should continue to support NHRIs and the NHRI regional networks and take steps towards broadening the anchorage of national processes through ensuring involvement of key stakeholders like civil society actors, business associations and academia.

1 Background and methodology

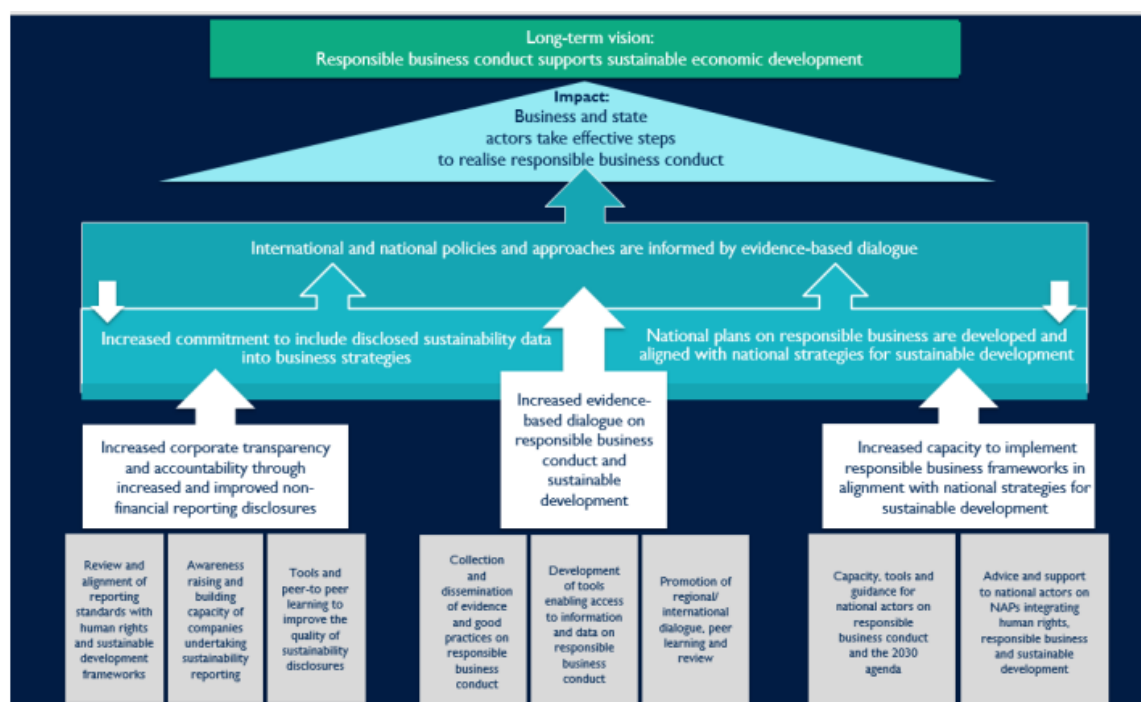
1.1 The Responsible Business for Sustainable Development Programme

The RB Programme is a continuation of a long-standing and enduring relationship between the DIHR and Sida and is partially co-funded by other donors, included the Danish International Development Agency (Danida) through a framework agreement with the DIHR. The programme was designed to enable and incentivise state and business actors to take effective steps to realise Responsible Business Conduct (RBC) and was set up to be implemented in collaboration with the Global Reporting Initiative (GRI) under a joint Theory of Change (ToC).

The Programme's ToC has three main pillars:

- increased corporate transparency and reporting
- increased evidence-based dialogue at regional level
- national level implementation of business and human rights framework

Figure 1: Theory of Change



Poverty alleviation is an overarching – and cross cutting – goal for development aid funders, including for Sida. DIHR's RB Programme has formulated its long-term vision as a situation where "*responsible business conduct supports sustainable development*". The Organisation for Economic Cooperation and Development (OECD) defines RBC as "*making a positive contribution to economic, environmental and social progress with a view to achieving sustainable development and avoiding and addressing adverse impacts related to an enterprise's direct and indirect operations, products or services*".¹ The link from RBC to poverty alleviation goes through addressing actual or potential adverse impacts on local communities, workers or the environment, and through providing or contributing to remedy when rights have been breached. Policies and practices, from both public and private actors, that respect and promote human rights for those directly or indirectly affected by a company's operations, contribute to an enabling environment for poverty alleviation, although not necessarily with a direct poverty reducing effect. Thus, the evaluation team considers that the RB Programme's focus on contributing to the development of policy frameworks that support and protect human rights related to business activities, as well as increased capacity to implement these, are likely to contribute indirectly to poverty alleviation in the longer term if the planned results are achieved. Based on this brief analysis, the evaluation report will not address poverty alleviation further in the below but limit for focus to RB Programme goals.

At the outset of the RB Programme in 2018, GRI was set to lead on objective 1 with key contributions from DIHR. Both organisations were to develop interventions on objective 2, while DIHR was responsible for objective 3 with potential key contributions from GRI.

The main target groups for programme interventions are:

¹ https://single-market-economy.ec.europa.eu/industry/sustainability/corporate-sustainability-and-responsibility_en#:~:text=The%20OECD%20has%20defined%20RBC,Commission%20has%20adhered%20to%20the

- Government departments and agencies in areas relevant to human rights, business and sustainable development (Ministries of Justice, Trade and Commerce, Labour, Business, Planning, Finance etc.)
- Business, both private and state-owned companies, as well as business associations
- National Human Rights Institutions (NHRIs)
- Inter-governmental organisations at regional and international levels
- Civil society organisations (CSO)

NHRIs, including their regional and global networks are key strategic partners, along with global and local CSOs in target countries as well as representatives of rights holders.

The ultimate goal of the programme is to contribute to that business and state actors take effective steps to realise responsible business conduct that supports sustainable economic development.

1.2 Methodology

The Objectives of the evaluation of the DIHR programme on Responsible Business for Sustainable Development (RB Programme) as outlined in Terms of Reference (ToR) have been to:

- Be a valuable tool to shape the design of future activities and methodologies for engagement on responsible business.
- Provide constructive and concrete guidance on ways to improve future partnership(s) along with conclusions/recommendations on how to build on the achievements for future continuation and/or expansion of the RB Programme.

The Evaluation team ("the Team") applied three different methods for data collection:

1. Document Review

The Team conducted a document review of reports and publications produced under the programme, programme documents such as the Programme's Theory of Change, DIHR's annual reports to Sida, DIHR's outcome harvesting, and broader DIHR strategic plans and policies.

2. Key informant stakeholder interviews

The Team carried out 18 interviews with different external stakeholders from Kenya, Chile, Honduras and Ukraine as well as regional level stakeholders in Africa, Europe, and Latin America. All interviewees were selected in collaboration with DIHR.

3. Workshop

A full-day in-person workshop with Programme staff was carried out on the DIHR premises in Copenhagen with five participants from DIHR's core Copenhagen-based team working on the RB Programme.

1.3 Limitations

The data collection to this end evaluation took place half-way through the last year of the implementation period, thus it was not possible to capture nor properly address results that will be achieved during the last months of the programme period.

Another limitation in the data collection is the number of interviewees and countries it was possible to reach out to within the time and resources frame decided for the evaluation. In coordination with DIHR it was agreed to focus on Kenya and Honduras when it comes to country level interventions, concentrating interviews and other data collection to these countries along with the regional and international informants. Thus, no interviews were planned – nor carried out – in other key DIHR countries like Zambia and Burkina Faso. These priorities, as well as the interviewees' main areas of interaction with DIHR are reflected in the discussion below.

2 Findings

2.1 Effectiveness

The overall goal for the Programme is that “...business and state actors take effective steps to realise responsible business conduct to contribute to sustainable development.”² The RBC immediate Programme objectives listed in the results framework, are:

Box 1: Programme objectives

- ✓ Objective 1: Increased utilisation of disclosed sustainability data into business practices.
- ✓ Objective 2: International and national policies are informed by evidence-based dialogue.
- ✓ Objective 3: In at least four countries, national plans and processes on responsible business are developed/ implemented and aligned with national strategies for sustainable development.

The DIHR's **outcome harvesting database** is designed to tag outcomes to a series of aspects, such as Sustainable Development Goals (SDGs), gender-sensitive effect, gender significance, cross-cutting

themes and can also include tags to project specific logical framework and/or ToC. For the RB Programme, only SDGs and the gender-sensitive effect have been applied.

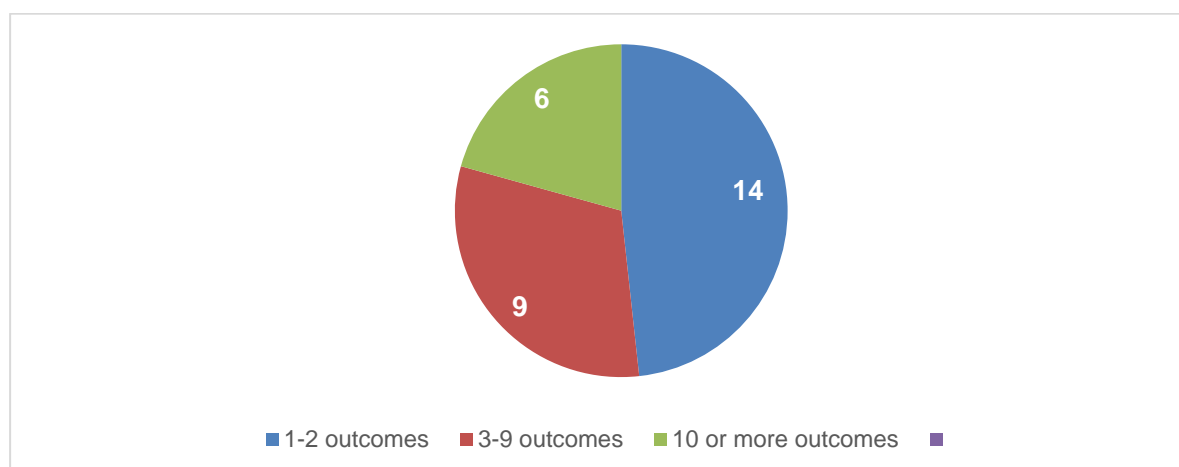
Theories of change and results frameworks can be designed in a number of ways. For the RB Programme, changes in attitude and awareness on BHR, identified as public commitments and/or actual legal changes by key actors like NHRIs or government bodies are defined as outcomes in the outcome harvesting database. The evaluation team do also consider that the database reflect DIHR's recognition as a resources centre, through referring to DIHR being invited by policy makers to advice in specific processes as well as external actors' use of DIHR tools. More than half (58%) of the registered outcomes are classified as “Agenda setting, access to decision-makers or debate” in the outcome harvesting database, ranging from governments' committing to develop a NAP, to DIHR being invited to take part in for a on BHR hosted by organisations like the United Nations Office of the High Commissioner for Human Rights (OHCHR).

DIHR has registered 113 expected and 22 unexpected, positive and negative results in the outcome harvesting database under the Implementing UNGP in the 2030 Agenda from June 2019 to March 2023 for the RB Programme. These outcomes are registered across 25 individual countries, three regional areas as well as the global level. As shown in figure 2 below, in around half (14) of the countries there

² ANNEX II – Results Framework in DIHR Proposal to Sida 2018-2022

is only one or two registered outcomes, while six countries, two regions and the global level has 10 or more outcomes.

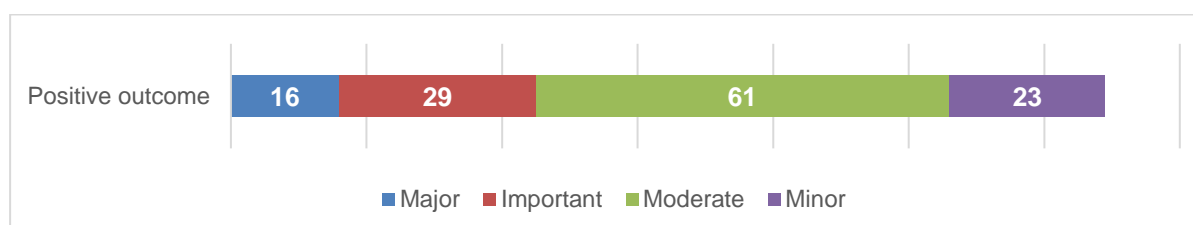
Figure 2: Number of registered outcomes per geography



94% of all the outcomes are classified as positive and 6% negative.

Figure 3 below shows the significance-rating for the positive outcomes harvested. It shows that 35% of the outcomes are considered to be major or important, while close to half are rated with a moderate impact.

Figure 3: Positive outcomes by significance, June 2019-March 2023 (number of outcomes)



As for the eight outcomes with a negative significance, none are rated as major, while two as important, both concerning Kenya. The first, referring to the Kenyan government's lack of approval of the NAP in 2020, was overcome by the cabinet's approval in April 2021³. The second major negative outcome refers to the non-inclusion of DIHR's recommendations, developed in collaboration with GRI, on how to incorporate human rights in the Nairobi Stock Exchange's first disclosure guidance on Environmental, Social and Governance (ESG). Neither informants nor the reviewed documents to this evaluation had any specific information as to why these inputs were not taken into account. The other six negative outcomes are of minor importance.

A common feature for most of the positive outcomes classified as "major" is the involvement of NHRIs, or the regional/global NHRI networks, in 13 of the 16 cases. This include both national level interventions (Azerbaijan, Colombia, Denmark, Germany, Honduras and Ukraine) or at regional level in Europe, Latin America and the Caribbean (LAC) and the global networks. DIHR's inputs at the national level range from training sessions influencing NHRIs' decisions to prioritise BHR capacity building, to support in developing positions for advocacy towards national legislation and support in

³ <https://globalnaps.org/country/kenya/>

NBA processes. At the international level, development of joint statements on key political processes and facilitation of regional peer learning events are considered as major outcomes. The importance of working with the NHRIs, both as individual organisations and in facilitating regional peer learning and positioning the regional NHRI networks as important voices in the BHR debate, was confirmed in the informant interviews.

Two of the abovementioned (positive and major) outcomes are classified as unexpected, both of these relate to national level processes, reflecting the importance of keeping open communication lines and having the flexibility to react upon promising national initiatives or contextual changes.

One clear example of this is from **Azerbaijan**, where the Ombudsman decided to establish a working group (WG) on business and human right in 2023 following a DIHR training session.

Table 1: Number of outcomes with Major or Important significance

Country group	"Major" or "Important" as share of all outcomes
1-2 outcomes	37%
3-9 outcomes	21%
10 or more outcomes	38%

Table 1 above shows the outcomes classified as "Major" and "Important" in DIHR's outcome harvesting database as share of all outcomes in each country group from Figure 2 above.

Putting all other contextual differences aside, comparing DIHR set-up in Kenya and Honduras makes it clear that having DIHR staff permanently in a country increases the likelihood of achieving important outcomes.

DIHR's RB Programme has significantly influenced national level progress on business and human rights. DIHR is recognised as a reliable, competent, and experienced actor, and by a number of informants described as a reference point for business and human rights. Through capacity building, use and dissemination of tools and resources as well as technical advice and support, DIHR has had significant influence on the development of Business and Human Rights (BHR) National Action Plans (NAP).

DIHR has been an important contributor to connecting human rights to public procurement, at the international level and in Kenya, in particular. DIHR's tool kit and advice has influenced and informed key decision makers.

Results have been achieved through an increased focus on BHR within the NHRIs in target countries, as well as facilitated multistakeholder dialogues and relation building. Several informants to the evaluation, both national and multilateral, underline the usefulness of DIHR's tools related to National Baseline Assessments (NBAs) and NAPs and their contributions to national level progress.

Results at country level vary considerably between the countries, depending not only on the level and length of engagement but also on the political context, which in several cases have been very volatile. This is visible when looking at how DIHR's work is **organised** in the two main countries assessed in this evaluation, namely **Kenya and Honduras**. In both cases, the RB Programme has been working with the NHRIs and other local actors over time, in Kenya since before 2017, and in Honduras since 2019. Until to 2009, DIHR had worked in Honduras on other topics than business and human rights, and

although DIHR staff conveyed that there was little institutional memory about this work, DIHR was still a familiar name among some Honduran stakeholders upon the return in 2019.

While DIHR has counted with an in-country staff member in Kenya since 2018, the presence in Honduras is limited to short-term missions from headquarters and/or the regional hub in Colombia. While the Kenyan informants highlights the importance and effectiveness of DIHR having a local staff member hosted by the Kenya NHRI (the KNHCR), in Honduras, several of the informants mentioned that they would like to see DIHR being more present at the national arena, and there is not much progress in national BHR processes where DIHR is involved in-between DIHR's visits to the country. This perspective is shared by DIHR staff. Furthermore, Honduran informants pointed to the difference of using (expert) external consultants and DIHR staff being present. Regardless of the expertise that external consultants might have, they do not have the convening power and same access to key actors as the DIHR, according to some of the interviewees to this evaluation.

In **Honduras**, DIHR is described as the reference point for BHR, due to their long trajectory, recognised competence, tools, and knowledge. DIHR's training on business and human rights of staff at El Comisionado Nacional de los Derechos Humanos (CONADEH), the Honduran NHRI, is considered as an important contribution in strengthening the NHRIs role in the national BHR debate.

Some informants commented that the progress in the national debate around BHR was notably slower during a period when DIHR's engagement was rather limited, underlining the importance of DIHR being involved in longer-term processes rather than more punctual interventions. Still, trainings and capacity building are highly appreciated, as is the use of DIHR's tools. The DIHR's ability to facilitate relation-building between civil society, government actors and the private sector is pointed to as an important contribution to national level progress. This is also relevant for the relationship between the two main public entities with a specific mandate for responsible business and human rights in Honduras, CONADEH (the NHRI) and the Secretariat for Human Rights. Several informants mentioned that DIHR, due to being recognised as a reliable and competent actor by both these institutions, has contributed to bringing these two key actors closer together, inter alia through the process and discussions around a study on Miskito diving fisheries mentioned below.

Furthermore, a May 2023 launch of a study of the human rights impacts of the fishing industry on artisanal fishing in Honduras⁴, was described as a milestone on advancing the discussion on business, human and indigenous peoples' rights related to fishing. The study was published by the Honduran NHRI in collaboration with DIHR, funded through the Sustainable Oceans project. The report played into a rather hostile context where stakeholders from civil society, business, and government did not talk together, but nevertheless resulted in significant advances in the previously non-existent dialogue. Although limited to a specific sector, the process articulated key issues at stake within BHR in Honduras and reinforced CONADEH's understanding and work on BHR at the general level. To adapt to a setting where key stakeholders that did not want to sit together and jointly discuss the matter in the same room, separate launch events were organised as initial steps towards joint discussions among the key national actors.

"DIHR is someone we always would like to have present in our events."

Latin American informant

⁴ Funded under the Sustainable Oceans Project

In **Kenya**, DIHR has worked with the NHRI, the Kenya National Commission on Human Rights (KNCHR), for a number of years, with a particular focus on development of the NAP. This process was launched in February 2016, with the NBA on BHR published in 2017, the first BHR NAP concluded in 2019 and adopted by Parliament in 2022. According to the informants, DIHR played an instrumental role during the NBA process and was “...*extensively involved*” in the development of the BHR NAP, through technical advice, support and funding. Through working strategically with key actors like the Kenya National Chamber of Commerce and Industry (KNCCI) and the Attorney General/ Department of Justice, a broader national ownership of the NAP was achieved, that in turn increases the likelihood of a meaningful implementation of the NAP and a broader dissemination of the BHR agenda.

Another key result under the RB Programme in Kenya is progress on integrating human rights into **public procurement**. DIHR, in coordination with the Attorney General's office carried out a gap analysis of the legal framework for human rights and public procurement⁵. Following this analysis, the Kenyan Public Procurement Regulatory Authority (PPRA) has committed to implement recommendations from the analysis carried out by DIHR, the Attorney General/ Department of Justice and KNCHR on laws and regulations concerning public procurement and human rights in the country. DIHR's Public Procurement Toolkit was utilised in the analysis and the development of recommendations to underpin next steps.

According to Kenyan informants to the evaluation, DIHR “... *have been of great assistance in terms of sharing their expertise and joined us as experts in terms of capacity building*” related to public procurement.

In **Ukraine**, DIHR – and its tools – positively influenced the process leading up to the 2019 launch of the country's first National Baseline Study on Business and Human Rights. In 2019, the Ministry of Human Rights, Justice and Civic Promotion in **Burkina Faso** committed for the first time to conduct a sector-wide assessment of the extractive industry and the related security sector following DIHR's collaboration with the Ministry on assessing human rights challenges in the gold mining and related security sectors. Due to the severe political instability in the country, with the latest political coup taking place in September 2022, the field work for the study was finally carried out by the end of 2022. Earlier the same year, DIHR worked with the Ministry's focal to finalise the ToR as well as co-hosting the kick-off workshop for the multistakeholder group overseeing the study. Increased awareness of the group's gendered risks in the mining sector was a key outcome of the workshop.

In **Colombia**, DIHR has worked with the Ombudsman's Office (*Defensoría del Pueblo*) in its proposal for legislation on human rights due diligence (2022), it still remains to be seen where this work is going. The two institutions are also collaborating on two studies that will be published by the NHRI. One applies the NBA tool to look at national laws and policies related to BHR, while the other assesses how 25 of the biggest business in Colombia demonstrate respect for human rights.

At the **global level**, one important milestone in DIHR's work on **integrating human rights into public procurement** dates back to 2015, when DIHR, as part of the International Learning Lab on Public Procurement and Human Rights (Learning Lab), was one of the lead authors of a study on human rights in public procurements across 20 jurisdictions⁶, launched in 2016⁷. The study provides a gap analysis

⁵ <https://www.humanrights.dk/publications/review-legal-framework-governing-human-rights-public-procurement-kenya>

⁶ Australia, Czech Republic, Denmark, EU, Finland, Germany, Ireland, Italy, Netherlands, New Zealand, Northern Ireland, Norway, Poland, Scotland, South Africa, Sweden, Switzerland, Spain, the United Kingdom, and the United States.

⁷ <https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/public-procurement-and-human-rights-a-survey-of-twenty-jurisdictions-final.pdf>

and recommendations on necessary measures to align public procurement with human rights and the SDGs.

A second milestone was the 2020 launch of DIHR's toolkit on human rights for policy makers and public buyers.⁸ According to DIHR's outcome harvesting database, the tool kit has been used, or referenced to, in a number of policy commitments, including the Japanese NAP, the Organisation for Security and Co-operation in Europe's decision to develop internal guidance to address human trafficking in its own supply chains, and the UN body coordinating all UN procurements decision to address human trafficking and forced labour across all UN supply chains.

External global level informants to the evaluation confirmed that DIHR has been an important collaborator to progress on integrating human rights into the public procurement agenda.

Access to remedy is another main workstream under the RB Programme, directly responding to pillar three of the UNGPs. In collaboration with NANHRI, DIHR invited the African NHRIs to submit their proposals for mini-projects, or remedy pilots, to be carried out in 2022. Four of the 23 proposal were approved, and the lessons learned from the process were shared among the NHRIs at the BHR Forum in Ghana in October 2022.

In the LAC region, access to remedy was a key topic in the joint meeting between NHRIs and the OECD National Contact Points (NCP) in 2022, increasing the participants knowledge and understanding of each other's roles and mandates. Furthermore, also in 2022, DIHR, University of Greenwich and Electronics Watch jointly organised a workshop on protecting human rights in public procurement, bringing together practitioners to discuss access to remedy through public procurement. This was motivated by a shared understanding among the organisers that remedy was the weakest dimension of human rights in public procurement. A brief report summarising the key conclusions from the workshop pointed to among other issues that the regulatory environment on the buyers' responsibilities when it comes to access to remedy is in general unclear, and that coordination among buyer is necessary to increase leveraging power.⁹

The RB Programme has contributed markedly to the development of regional positions on BHR, peer learning among NHRIs through regional gatherings as well as linking NHRIs to other key actors like the OECD NCPs in the LAC region and the African Union.

In a Day 0 event at the LAC regional BHR Forum in 2022, DIHR in close collaboration with the OECD, organised a first-ever joint meeting between nine NHRIs and nine OECD NCPs in LAC, and also brought in learnings and experiences from the European debate. DIHR's flexibility and agility are mentioned as important enabling factors to make the event come through. Although not initially planned, DIHR and OECD staff present at the event noticed a favourable atmosphere for issuing a joint statement, which resulted in what is described as a joint roadmap for the participating institutions for future work on BHR in the region.

In another event at LAC regional BHR Forum in 2022, the DIHR facilitated a meeting hosted by the Colombian NHRI for NHRIs from the region to discuss harmonized efforts around mandatory human rights diligence, including a "model HRDD-law" in the LAC region with the OAS ESCE rapporteur present. The DIHR has subsequently supported and facilitated NHRIs to meet on regular basis for peer learning and discussions around BHR and mHRDD in the region and in specific countries.

⁸ <https://www.humanrights.dk/publications/driving-change-through-public-procurement>

⁹ <https://www.humanrights.dk/sites/humanrights.dk/files/media/document/Workshop%20Summary%20-%20Public%20procurement%20and%20remedy%20-%20October%202022.pdf>

In **Europe**, DIHR is chairing the WG on BHR within the European Network of NHRIs (ENNHRI), which includes organising quarterly meetings and leading the development of relevant policy submissions. The BHR WG is described as the most self-sufficient within ENNHRI thanks to DIHR's strong leadership and organising capacity. In 2022, the EU External Action Service for the first time actively asked ENNHRI as a group to provide inputs on BHR. As chair on the ENNHRI WG on BHR, DIHR led engagement on directed towards the EU Corporate Sustainability Due Diligence Directive (CSDDD). Early 20223, it was agreed that certain members of the ENNHRI BHR WG could represent ENNHRI in reaching out to targeted policy makers to ensure influence the process. The reviewed documents do not provide information on to what extent ENNHRI's submissions has been included in the work towards the final text.

In the **East African** region, DIHR, in close collaboration with the Network of African NHRIs (NANHRI) supported a "day zero" meeting and the participation of 18 African NHRIs at the first African BHR Forum hosted by the OHCHR, providing an arena for exchange of experiences, mutual learning as well as access to key decision makers. The gathering of the African NRHIs, and the participation at the BHR Forum, came about as a result of the growing partnership among the NHRIs, nurtured by activities like NANHRI's members survey, case studies and engagement with the African Commission on Human and People's Rights (ACHPR) under the RB Programme, as well as the Danida-funded NHRI peer learning initiative, and is seen as a valuable step towards increased collaboration and peer learning among the NRHIs, as well as in positioning NANHRI as a key actor at the regional BHR arena.

The NHRIs in DIHR's key intervention countries have increased their sense of ownership of the BHR agenda and strengthened their position in the national debate. Both in East African and in LAC, the initiatives on strengthening the regional networks and the NHRIs as a group, through peer learning, discussions on regional legislative initiatives are good starting points to build on. Informants confirm that DIHR has played an important role as facilitator and convenor in establishing regional meeting points for peer learning and discussions on topics like NAP and access to remedy.

DIHR is strategically positioned, some informants describe it as uniquely positioned, to work closely with their sister NHRIs. At the national level, several informants point to DIHR's advantage of being an outsider with a solid standing as a competent actor, with access to stakeholders from both state, private and civic sectors. By capitalising on this, DIHR has, in countries like Kenya and Honduras where DIHR has worked directly with the NHRIs and other actors, and in Chile, mainly through the NHRI's participation in regional processes, contributed to the involvement of these actors in the national debates on BHR.

A key challenge is how to get private sector on board in owning the BHR agenda. A good example on how DIHR has contributed to this is in Kenya, where the DIHR, through the BHR NAP process, has connected the main business association KNCCI with government actors.

The SDGs might be a useful entry point to promote BHR, sector engagement can be a first steppingstone towards a NBA or a NAP, or it might serve as a key element of NAP implementation. HRDD legislation is an opportunity to give the NAPs more teeth. The RB Programme's main strengths are DIHR's reputation, access, flexibility, and DIHR being an NHRI.

The SDGs can be both an **opportunity** and a **threat** to the BHR agenda. The opportunity lies in the global adoption, across all sectors, of the SDGs. Although it varies considerably how deepfelt the commitment is, and thus to what extent support to the SDGs are reflected in real action, they are nevertheless high on the agenda in most contexts. Thus, the SDGs can work as an entry point in most places globally. The threat resides in the "do good" connotation of the SDGs, as compared to the "do no harm" angle upon

which human rights are based. DIHR's SDG mapping tool is useful in showing the relation between the two, making it easier to initiate a process using the SDGs as the entry point for bringing in the UNGP (and other human rights).

A second, and more obvious opportunity, is continuing promoting NAPs as a key instrument for national level progress on business and human rights. DIHR has a strong reputation as a NAP expert, has a widely used toolbox of NAP tailored tools, and being an NHRI gives it a natural relation to other NHRIs that per se have a stake in NAP processes in their countries.

A third opportunity is related to the recent mandatory HRDD legislation, being it the already existing one in countries like Germany and Norway, forthcoming legislation in the EU as well as initial discussions on other regional initiatives in the LAC region. There is an argument if the focus of the NAPs should be left behind to rather prioritise development and enforcement of HRDD legislation. Given the status of the NAPs, and its potential in bringing together stakeholders across sectors, it seems more strategic to integrate the HRDD perspectives into the NAPs rather than treat it as separate issues when this is found to be possible and effective in a given country. In countries where such an approach is not feasible, other entry points must be considered, being it HRDD requirements trickling down from EU or other jurisdictions, SDGs that are prioritised by the country itself, or a limited thematic or sector-based scope.

Other **threats** include political instability in priority countries, increased "competition" on the BHR field (due to inter alia a growing HRDD legislation, increased attention from consumers, media, public procurers and business) and lack of political will to make the NAPs an effective instrument. When it comes to working with partner organisations at national level, a main risk factor is related to change of staff in key institutions, with a high risk of the institutional memory being rather weak as compared to the personal one.

The main **weakness** of the RB programme is, according to DIHR staff, that activities and resources have been spread too thinly on countries and topics. This view is not reflected in the data collected from the external informants, but still valid and worth addressing in the future programme. However, in order to not put all eggs in one basket, or in too few countries, as political developments in i.e. Ukraine and Burkina Faso have shown during the last five years, there needs to be a balance.

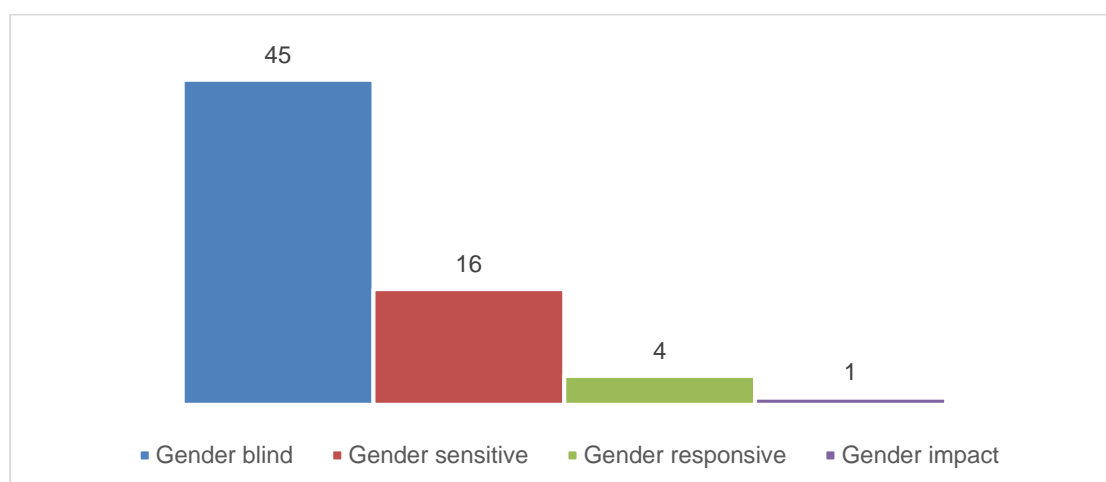
Among the RB Programme's key **strengths**, we find DIHR's reputation as an expert organisation, its neutrality as a foreign NHRI, its convening power with access to actors across sectors, flexibility and capacity to develop relevant quality tools and information.

DIHR has adequate in-house competency, has produced valuable studies on gender issues, and has integrated the gender dimension in key tools as the globalnaps.org site and the internal outcome harvesting database. There is still a room for improvement in ensuring that a gender lens is applied across all activities.

Following a workshop supported by Sida's Gender Helpdesk, in June 2021, DIHR finalised a systematic review of how the NAPs website and the outcome harvesting system addressed gender to ensure that all issue descriptions demonstrate a gender lens, as well as developing new content where necessary.

In the outcome harvesting database, outcomes are tagged along SDGs and their gender-sensitive effect. Somewhat more than half of all outcomes (75) have been tagged on gender, the non-tagged outcomes refer to activities carried out prior to the gender workshop that was held half-way through the programme. As figure 3 below shows, more than half of these are classified as gender blind. The outcome harvesting database also includes a dimension on gender significance, currently not being used.

Figure 3: Outcomes and gender sensitivity



Having gender as a cross-cutting dimension does not necessarily mean that gender must be a priority issue in all interventions, or that one should expect most interventions to have a clear gender impact. It makes sense to distinguish between activities having gender equality as an important objective, and those with other key objectives. However, also in the latter one would hope to see that gender sensitivity as a minimum be reflected in the interventions to a larger extent than shown in figure 3 above.

Key publications include a mapping of topics for state attention in UNGP implementation, "[Gender in business and human rights](#)" from 2018, which provides an overview of key topic areas for attention for states in strengthening their gender focus in UNGP implementation processes, and the study on [Gender in NAPs](#) launched in 2023.



On the globalnaps.org site, each NAP is analysed on the integration – or not – of the gender lens, a clear sign of integrating gender as a cross-cutting dimension. Having said that, there is room for DIHR to integrate gender more systematically, as shown in figure 3. DIHR staff mentioned that a first step could be to make use of in-house competence and tools to further integrate the gender lens across all engagements.

2.2 Relevance

The programme objectives are still highly relevant. Integration of HR language in laws, regulations and reporting schemes has a potentially large – and lasting – impact. The role of facts and evidence informing national and international discussions on BHR is at least as important as in 2017, and NAPs are seen as relevant, not the least due to the convening effect of a NAP process.

DIHR is viewed as a highly competent and credible institution, providing expert advice, practical tools, resourceful instruments, and studies, as well as facilitating arenas for networking and relation building across sectors and countries. DIHR's rather unique mandate as an NHRI with also an international focus, is by many pointed to as a key strength. Although its recognition and role are first and foremost achieved due to DIHR's deliveries (tools, studies, advice) over many years, it being an NHRI provides a different access to key stakeholders than compared to other organisations.

At the global level, the main contextual changes when it comes to the environment for responsible business conduct point in opposite directions. On the one hand, at the positive side, there are recent legislation¹⁰ requiring companies to conduct Human Rights Due Diligence and be transparent on the outcomes thereof. Thus, business is facing an increased demand on knowing and showing relevant information on how risks for human rights breaches are identified and handled, being it within own operations or in a supply chain.

On the other hand, decline in orders and a general economic slow-down due to Covid-19 combined with higher input costs following the war in Ukraine have put additional pressure on companies, with a likelihood of increased pressure on human rights. Adding to this is a shrinking civic space in many countries that disallows alarm about human rights violations as well as increasing geopolitical divides.

Under the Programme with regard to sustainability reporting, DIHR has provided inputs to GRI's general framework and specific standards, as well as on national processes in Kenya, although the latter with little final impact.

As for the current relevance of objective 1, a major driver for enhanced disclosure comes from EU's already adopted Corporate Sustainability Reporting Directive with specific disclosure requirements as well as the forthcoming Corporate Sustainability Due Diligence Directive (CSDDD), officially supported by the European Commission in June 2023 and with a final adoption at EU level expected by the end of 2023. Although it will take some time before the regulatory framework is put in place, there is little doubt that the forthcoming EU law will force companies to increase their disclosure of data and how these are used. In a first phase, this will mainly affect larger European-based companies, but it is expected that the impact of the legislation will trickle down through the supply chains and thus have direct influence on expectations as well as regulations for private sector in countries exporting to Europe. It also represent an opportunity for DIHR to continue working through the NHRI networks in taking learnings from Europe into its national level engagement, as well as facilitating the feed-back from non-European countries back into EU, and global, level policy making discussions. Exactly how this will play out is still to be seen, but it is expected that it will significantly impact how European-based companies will address human rights issues in the years to come.

Bringing the UNGPs into the SDG agenda is seen as a more appealing entry point for many governments and businesses, thus it remains a relevant approach. However, the real tools for improved

¹⁰ Norway (2022), Germany (2022), EU (2023)

human rights protection continue to be the UNGP and the OECD Guidelines for Multinational Enterprises.

There is no single answer to the question of whether DIHR should prioritise NAPs or more sectorial work. It is contextual. NAPs are found to play several roles. In some countries, the process created a new opportunity and space for actors from private, public and civil sectors to come together and jointly address the issues of business and human rights. This is considered as positive also in cases where the NAP has not been finally approved or implemented. Several informants underlined that a continued focus on NAPs, being it “pre-NAP” studies, support in developing it or implementing it, according to the country context, would be a good way of ensuring required government commitment given its anchoring in the UNGPs.

The NBA process and the use of DIHR tools like the globalnaps.org site, as well as the facilitation of peer learning across countries, are referred to as useful in setting and developing the national level debate on BHR.

The NAP processes are important as an initiator of a national conversation across sectors. Bringing national stakeholders together increases the likelihood of the process to be properly contextualised and tailored to national needs and as such make a significant contribution to the national BHR agenda.

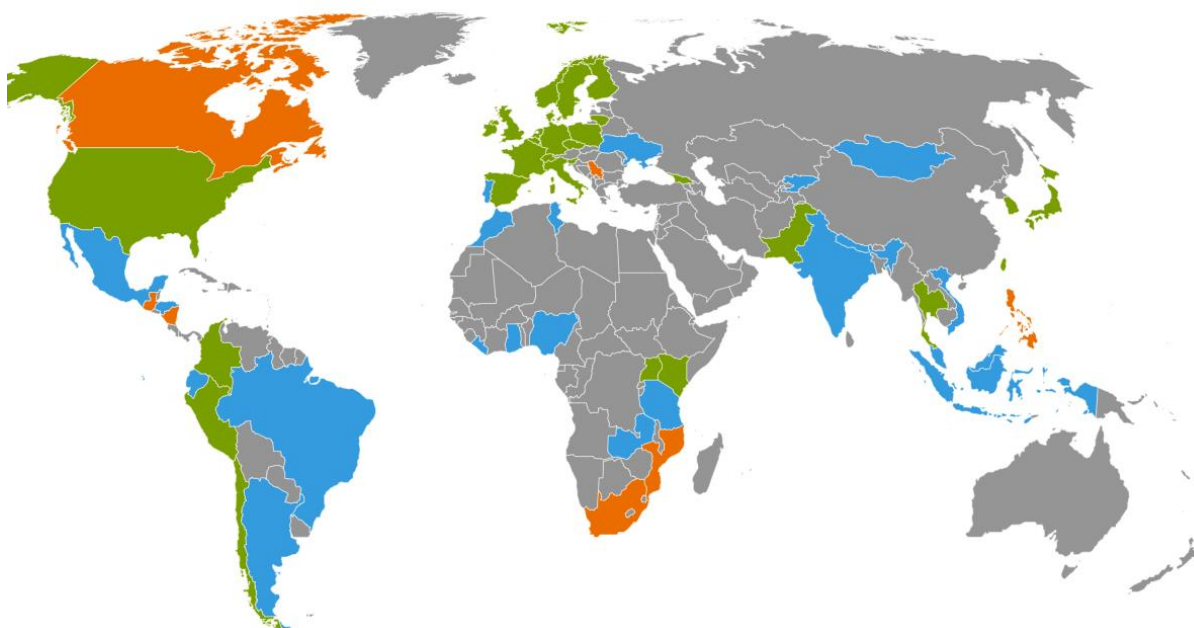
A sector focus can play a constructive role in two ways, depending on the national context. In countries not ready for initiating a NAP process, a study of human rights implications in a specific sector / for specific rightsholders can act as a first step to gather actors together, as was the case in Honduras¹¹. In countries where the NAP is in place and anchored with national actors, focussing on specific themes, economic sectors or rightsholder groups become relevant as part of the implementation of the NAP. A second benefit of a sectorial focus is during the implementation of a NAP. Several informants pointed to this as a natural step in that a real implementation will need to relate to concrete issues in a country, making it logic to zoom in on critical sectors, being it in terms of economic impact, or actual or potential human rights implication for workers and/or other stakeholders.

Formal BHR policies, as a NAP, are still at a very early stage in many countries, and in others non-existent, thus, the push and assistance from DIHR is still needed.

As per June 2023, 30 countries have published a NAP, and 22 are in the process of developing one. As the figure below shows, there are only very few countries in Africa and Asia with published NAP, or in development, while the coverage in Europe and Latin America is far better.

¹¹ [Working Paper on Business, Environment and Human Rights in Honduras | The Danish Institute for Human Rights](#)

Figure 5: National Action Plans



(Green states have a NAP, Blue states are developing a NAP, Orange states have non-state initiatives)

Source: www.globalnaps.org

There is less, or little, evidence gathered on to what extent the NAPs provide tangible results on the ground. DIHR staff describes the involvement in NAP processes as demand driven, and government commitment to work towards a NAP is a key criterion for DIHR to engage in a NAP process. In some contexts, sectoral work, or an NBA, might be necessary as a first step for engaging relevant stakeholders and build the road towards a NAP.

Some informants, including DIHR staff, pointed to the importance of using the NAPs processes to ensure policy coherence with policy areas owned by other parts of the government, that are not necessarily involved in the NAP.

In Honduras, the context is not considered ready for a NAP, according to both internal and external informants, who also found it relevant to continue to work towards it becoming a reality. In the evaluation team's view, taking a sectorial or thematic focus, as done with the working paper on Business, Environment and Human Rights in Honduras, launched in 2023¹², is a step in the right direction. It is a risk that at premature NAP might end up being a less effective end station rather than a starting point and a tool for further progress. The recent MoU between DIHR and CONADEH, the Honduran NHRI, points towards a re-initiation of a process towards a NAP being realised.

A proper implementation is key for a NAP to reach its potential. Several informants underline the importance of involving a "broad enough" group of national stakeholders in the process to increase the likelihood of a good implementation. In particular, academia and civil society are pointed to as key actors to provide follow-up of NAPs, that in nature is a government owned product.

¹² <https://www.humanrights.dk/publications/working-paper-business-environment-human-rights-honduras>

To complement the role of the NAPs, several informants would like to see DIHR taking the lead in developing in-depth analysis in selected sectors, both when it comes to the issues at stake as well as the role of involved, or affected, stakeholders. The same perspective is confirmed as relevant by DIHR staff.

The RB Programme has had a continuous bi-directional interchange, or rather a circular loop, between national and the regional/global levels. This includes inter-country exchanges, more within a larger regional group than bilaterally, taking place at regional events, physical or virtual, meetings. Some have been initiated by DIHR under the programme, like the NHRI and NCP meeting in Colombia for the LAC region, while in other cases the Programme has facilitated participation and preparatory meetings on the margin of other events, like the African BHR forum in Ghana in 2022. The sharing of country-based experiences feed into joint positions or strategies, that the NHRIs in turn have taken back to their national processes when pertinent. One example of the latter is the development of lobby positions within ENNHRI, that have been used to address both the EU-level, in domestic processes as well as to influence national positions towards EU processes. During the process of developing the ENNHRI position on the EU CSDDD, NANHRI and individual NHRIs were part of the discussions. Another example was that the NHRIs part of a Global Alliance of National Human Rights Institution's (GANHRI) working group prepared inputs to the recent revision of the OECD guidelines for RBC, for then to take this back to the national level dialogue and lobby with own governments. In addition to such events, the development and publication of case studies, related to the NAPs and others, are important channels for sharing lessons learned between the national, regional and global levels.

ToC for the RB Programme is found to be valid in the sense that DIHR's work on business and human rights during the programme period fits well within the boundaries of the rather broadly formulated ToC. The ToC as such has not put any limitations nor specific guidance when it comes to DIHR's priorities in the programme period.

Half-way through the programme period, DIHR developed two, more detailed, ToCs – “sub-ToCs” - to help direct its work, including the RB Programme (seen from left in figure 1). These ToCs covered the Responsible Business, National Implementation (including pillar III of the RB Programme) and Responsible Value Chains (including pillar I and pillar II, although pillar I has been considered less important and not been prioritised in the last few years).

Regarding the first pillar in the ToC, on increased corporate transparency, this points back to the initial collaboration with the Global Reporting Initiative (GRI) when developing the programme. Following the Midterm reviews, both organisations agreed that there were not enough relevant opportunities to pursue this pillar in the way it was initially intended, and although the collaboration on specific processes has been close and good, this part of the ToC has not been implemented to its full extend during the last years of the programme. The collaboration at the international level has been useful for both parties, but it was not possibly to extend this to national level processes.

The new ToCs focus on Responsible Business and National Implementation (RBNI), and Responsible Value Chains (RVC), respectively, responding to DIHR' internal organisation of the work rather than the Sida programme's setup. These are more specific when it comes to key actors, processes and instruments/tools used and/or developed by the programme and reflect to a larger extent actual work streams in the RB Programme. The new ToCs are found in Annex D.

Although it is important to articulate the link between responsible business conduct and the Sustainable Development Goals (SDG), several informants underline that business and human rights should be the core of the ToC – and the programme. The main elements considered valuable in the programme's ToC by the Programme staff are the linkages between the national and the regional/international levels, that

it is not geographically limited, and that it has been broad and flexible enough to allow DIHR to engage in relevant initiatives given the national and international contexts.

When the ToC was formulated in 2017, the SDGs were fairly new and there was a need to place the UNGP, and BHR in general, within the SDG framework, inter alia to pre-empt discussions on the relevance of the UNGP in the SDG-era. DIHR's Human Rights Guide to the SDGs¹³, the BHR and SDG database¹⁴ are practical responses to this. Almost six years later, it seems less important to articulate this linkage to the same level of detail. Thus, informants suggested to keep the more general description of how RBC feeds into the fulfilment of the SDGs, while it might be less present in the forthcoming ToC. It should however be kept in mind that depending on the country context, the SDGs can be a convenient entry point for engaging with both government and private actors around responsible business conduct. Similarly, a focus on specific issues, like sustainable public procurement, environment or sustainable finance, can also be a valuable entry points for gathering key actors around human rights and business. The HR guide to the SDGs can thus still serve as a useful reference point for bringing BHR into the SDG agenda.

DIHR is one of few actors with a specific mandate of strengthening the NHRIs' work on BHR. From the data collected and documents reviewed for this evaluation, it is clear that the NHRIs are the key actor for DIHR's work on BHR. And that it has added value along several dimensions.

At country level, there are several examples of how the interaction with DIHR, being it with local presence over time (Kenya) or more punctual involvements (Honduras) has influenced the NHRIs' prioritisation of and engagement on BHR. DIHR's engagement has contributed to bringing key national actors together around NBA or NAP processes, and their tools are reportedly highly appreciated by the NHRIs and beyond.

At the regional level, the collaboration with NANHRI on member related activities, development of good practice case studies, capacity building of members on specific issues and tools as well as the Danida-funded peer learning; the joint meetings in the LAC region with NHRIs and NCPs; and DIHR's active role in leading ENNHRI's BHR WG have all added significant value to progress in the field of BHR.

The combination of funding, including making available small grants to NHRIs for their participation in regional or global events, expert level technical assistance, the toolbox, networking, handholding and capacity building are pointed to by the informants as key contributions adding significant value to the NHRIs' work on BHR. Some examples of such activities are the joint DIHR and NANHRI call for proposal to NANHRI members for small regrants for NHRIs to work on BHR, where four out of 23 applications were selected to receive funding, and the ten NRHIs from the LAC region that were supported to attend the UN regional BHR forum and a workshop with the NCPs on access to remedy.

Enabling of the NHRIs for them to engage in the national debate and lobbying has been, and will be, important. DIHR's work has added significant value in that respect.

DIHR's collaboration with NHRIs on BHR has added significant value in that it has

- Brought NHRI's into NAP processes,
- Built capacity of the NHRIs on access to remedy, increased their understanding of their role among "remedy actors" , and on how to engage with other mechanisms for access to remedy,

¹³ <https://sdg.humanrights.dk/>

¹⁴ <https://biz.sdg.humanrights.dk/>

- Supported NHRIs in undertaking NBAs, snapshots studies on corporate respect for human rights,
- Supported NHRIs to engage on BHR policy initiatives in their countries and at the regional level,
- Contributed significantly to the increase in the NHRIs' visibility and credibility as important actors in the national and regional level BHR debates,
- Raised awareness on BHR in general and increased the visibility of specific topics according to the national contexts.

The NHRIs are key actors through their work with governments, civil society as well as rights-holders and to an increasing extent also with business. The NHRIs are well placed to take a strong role in monitoring responsible business conduct, both in relation to the implementation of NAPs as well as the recent legislation on HRDD.

2.3 Coherence

The RB Programme's three objectives reflect a coherent approach to responsible business conduct as a driver to fulfil the SDGs. The first objective focuses on increased utilisation, and disclosure, of data on sustainability feeding into business practices. More disclosure of relevant data means more information available for both private and public decision makers. However, as discussed in DIHR's paper on sustainability reporting from 2022¹⁵, there are several practical challenges related to using available big data technology to analyse company data on human rights and sustainability. Reports vary in format and content, thus machine reading for uploading to a common database is not straightforward. Secondly, there is considerable variation in the formats for presenting information, and thirdly, there is no common set of standards for what need be included and how it should be reported. Lastly, the report found that the algorithms were not able to assess the quality of the reporting. These In spite of these challenges, the evaluation supports the rationale in that more transparency leads to more informed – and thus better – decisions by private and public decision-makers.

Thus, progress on objective one will automatically feed into objective two's focus on a more evidence-based dialogue at both national and international level. Improved integration of human rights dimensions in global reporting frameworks like GRI and the European Sustainability Reporting Standard (ESRS) will provide improved information in the public domain. As for the third objective - development of national plans on responsible business aligned with national SDG strategies – this can, and should, be informed by improved reporting (objective one) and the evidence-based dialogues (objective two).

Country level experiences have fed into DIHR's tools, that in turn have been applied in national processes.

The East African NAP dialogue with NANHRI and DIHR combined national level and regional level focus through peer learning sessions between countries with regional level discussions. In Europe, the development of joint positions in the ENNHRI BHR WG has on one hand enriched the positions by including a broader set of perspectives while at the same time enabled the NHRIs to take the position back to the national debates. One example of a bilateral collaboration was when DIHR shared its

¹⁵ <https://www.humanrights.dk/publications/sustainability-reporting-human-rights>

comments on the EU bonded labour ban that the Swedish NHRI used in its submittance to the Swedish parliament.

DIHR is uniquely placed within the NHRI network in bridging learnings across countries and regions, not only due to its recognition as an expert organisation on BHR, but also as part of the NHRI family, the only such organisation with an explicit international mandate, according to the informants to this evaluation. Furthermore, DIHR has also played an important role in linking its work, and the NHRIs, with other key actors like OHCHR, UNDP and OECD.

The support to NHRIs is in much demand, for capacity building, technical and financial support. Thus, it becomes important to critically assess where DIHR can add most value.

Bigger actors with more funds, in particular UNDP and OHCHR, have increased their focus on NAPs, making use of DIHR's tools and appreciating the collaboration. DIHR's nature and mandate gives it more flexibility and allows for a larger degree of pragmatism than is the case for the larger UN bodies.

DIHR produces easy-to-read but still up-to-standard material. Some informants felt some tools would become more useful if they were tailored to national level use. In the evaluation team's view, tools should be kept general enough to be useful in different countries, but the perspective of how these can be tailored by national actors in domestic processes.

Key factors that give DIHR an entry point, or a "competitive edge" compared to other actors, being it private or public:

- Produces high quality material and advice
- A lean and flexible team
- A "family relationship" with the other NHRIs
- Is independent
- Has an explicit international mandate
- Has access to a wider range of national actors, both NHRIs, private sector, CSOs and public entities.

Informants mentioned that DIHR should include training of trainers on BHR as part of the interventions, to make further progress and dissemination less dependent on DIHR's own capacity. This is in particular relevant when it comes to reaching out to a larger number of national business actors.

The RB Programme is fully aligned with relevant Sida strategies. Sida sees DIHR's RB Programme in Africa as a good complement to Sida's other projects and priorities. DIHR's regional strategy in East Africa, is highly appreciated by Sida, in particular the facilitator role taken by the DIHR in bringing together a number of actors across levels and countries. As for the cross-cutting issues, gender is well integrated while the other issues are so far not particularly articulated.

Looking at the Strategy for Sweden's global development cooperation on sustainable economic development, the concept of business and human rights is clearly articulated in the 2022-2026 strategy, while it is included more indirectly in the previous strategy period (2018-2022) when talking about sustainable business. Compared to the previous period, Sweden's current strategy has added language that specifies sustainable business is a business that respects human rights and do also refer explicitly to the UNGPs and the OECD Guidelines as key references for responsible and sustainable business. Both strategies underline the importance of strong and competent public institutions and a

conducive regulatory framework. The promotion of gender equality is a major cross-cutting issue in both the former and the current strategy¹⁶.

The evaluation team agrees with Sida in that the RB Programme is well aligned with the abovementioned strategies, and even more so with the current one, than the previous ending in 2022.

Furthermore, the RB Programme's work on strengthening NHRIs and other national actors is fully consistent with Sida's "Strategy for capacity development, partnership and methods that support the 2030 Agenda for sustainable development" under its sub-chapters for Capacity development as well as Collaboration and partnership. Similarly, it answers on the Strategy for Sweden's development cooperation in the areas of human rights, democracy and the rule of law 2018–2022, in particular the objective on *Strengthened global and regional processes and systems for the enjoyment of human rights* as part of the chapter on Equal rights for all. According to informants from Sida, DIHR's RB Programme is a very good match with relevant priorities in Swedish development cooperation.

The RB Programme is an integral part of DIHR's work and thus fully aligned with DIHR's overall strategy.

2.4 Efficiency

The outputs delivered are in line with or above with target values, except for the number of NAPs being developed, where Covid and other factors have led to significant delays. and DIHR has a reasonable balance between indirect costs and programme costs. The share of direct programme costs has increased somewhat during the period, and starting in 2022, partners are receiving a significantly larger share of the overall budget than in previous years.

DIHR staff conveyed the importance of acknowledging that working with partners and national level processes is time consuming, and that necessary time and resources need be set aside to this core mission under the RB Programme. The external informants', both DIHR partners and other BHR actors, highly appreciated DIHR's engagement and shared a number of appreciative comments on DIHR staff's agility, flexibility, and willingness to support. The evaluation team finds that this has contributed to building DIHR's standing as an accessible and supportive partner, with a good nose for strategic opportunities. It also points to the necessity of adjusting ambitions to what is feasible within time and budgetary limitations.

It is not straightforward to measure the cost-effectiveness of the different activities under the RB Programme, like working with partners on capacity building vs undertaking a study or formulating a position statement - or saying yes to give a speech at an event vs analysing the latest NAP for uploading at the globalnaps.org website. All these activities are part of the RB Programme's contribution to progress in the BHR field. However, the importance of (time-consuming) detailed advisory work and being easily accessible for partners, NHRIs and other key actors at national and international level should not be underestimated. It has been – and will be – important in securing DIHR's position as a place to go to for quality advice, it increases the use and uptake of DIHR's tools, and makes it easier for DIHR to identify strategic opportunities which are worth prioritising.

In 2022, DIHR received additional funding of SEK 5 million for the work in Kenya, significantly boosting the work and expanding to new partners. Building on the already established relationships with

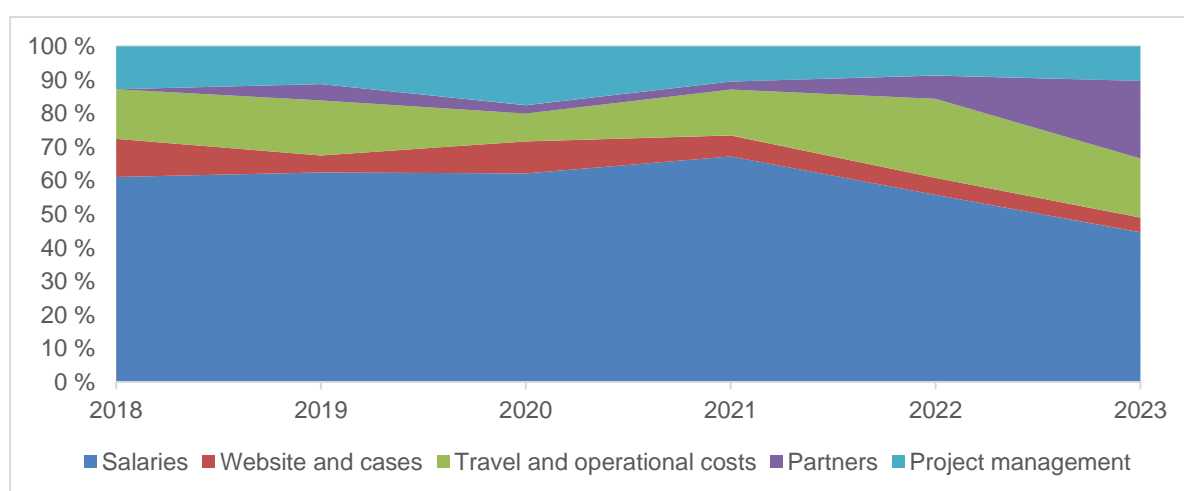
¹⁶ <https://www.government.se/international-development-cooperation-strategies/2019/03/strategy-for-swedens-global-development-cooperation-in-sustainable-economic-development-2018-2022/> and <https://www.government.se/international-development-cooperation-strategies/2023/01/strategy-for-swedens-global-development-cooperation-on-sustainable-economic-development-20222026>

KNHCR and other national key actors, and capitalising on having a local presence, the additional funds made it possible to broaden the support to the NAP, reach out with information on BHR to a broader audience through local partner, as well as advancing the implementation of selected part of the NAP, in particular on public procurement. Thus, the evaluation team finds that the additional funding made it possible to increase the impact of existing work in an efficient way.

When it comes to delivered outputs, these are in line with, or above targets.

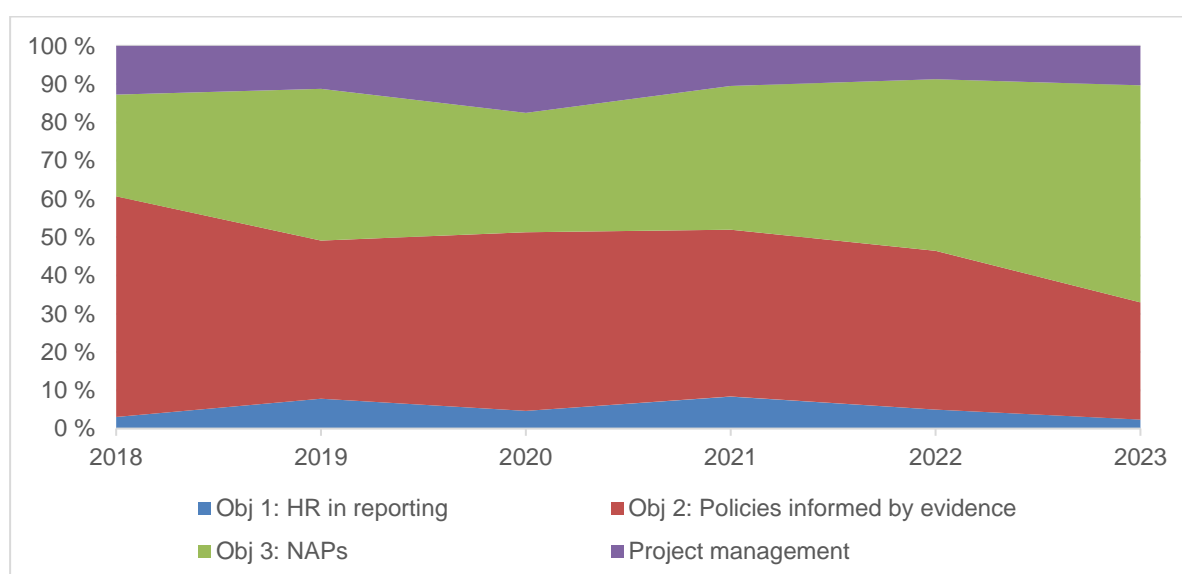
Figure 6 below shows the distribution of costs along the main categories for 2018-2023 (budget value for 2023). It shows that DIHR staff salaries have remained the largest cost throughout the period, varying between 45% and 67% of total expenditures. Transfers to partners did not take place in the first year, but has increased considerably since 2021, from 2% in 2020 to 23% in 2023. This reflects the growing role of partners in the Programme.

Figure 6: Expenses by category



A similar figure shows the allocation of costs for the different programmatic objects (see figure 7 below). It shows that the relative costs of project management (“indirect costs”) have decreased over the last years, that Object 3 related to NAPs has grown steadily and is now the biggest part of the programme financially.

Figure 7: Expenses by programmatic objective.



The Programme has been able to adapt to changing context when considered necessary. There is no observed need to significantly change the management principles for the RB Programme. One concrete example relates to Pillar 1 in the ToC and the collaboration with GRI. A main workstream in this partnership was the development of an experimental data mining tool with GRI-reports using an algorithm to analyse BHR reporting. After an initial phase, DIHR and GRI concluded that it required more resources than what came out of it, and the project was discontinued. Another example is the support to African NRHIs to attend first African BHR forum.

However, there is room for making such discussions earlier and in a more systematic way and being more explicit in articulating which changes have been done, and why.

2.5 Impact and Sustainability

Programme impact in the general sense refers to permanent changes at societal level that can be linked back to programme interventions. Impact is normally observed after the implementation period. The concept of short-term impacts differs in that it is often used to describe results on direct environmental or social impact. In the context of the RB Programme, it is considered reasonable to define impact as changes in norms, laws and/or practices. Thus, impact within the framework of the RB Programme focus on changed attitudes and/or practices by state and business actors, through policies and regulations, including non-binding reporting schemes, and the implementation and uptake of these.

When it comes to sustainability, this is often used to assess whether achieved results are likely to last or have initiated processes with a good probability to continue after the programme period. The overall goal of the RB Programme is that “...business and state actors take effective steps to realise responsible business conduct to contribute to sustainable development”, while the programme objectives refer to increased business’ increased use of sustainability data (objective one), international and national policies being informed by evidence-based dialogue (objective two) and progress in developing and implementing NAPs that are aligned with national strategies for sustainable development (objective three).

Impact from the RB programme is observed in NAP processes in several countries, and in several NHRIs' establishment of new BHR teams. Societal level impact is not directly articulated in the overall programme objectives.

New or updated government policies is the clearest sign of impact in the RB Programme. This can take the shape of a NAP – published or approved, the completion of an NBA or other policy or regulatory changes. As for the NAPs, changes are observed in Kenya (NAP approved in 2022), Ghana (government commitment in 2022 to develop a NAP) and Peru (established a government led working group for monitoring implementation of the NAP). NBAs using DIHR's toolkits were concluded in Ukraine, Argentina and Ghana. At the European level, DIHR has contributed to the development of EU's CSDDD with long-lasting implications for business operating at the European markets, and the way they handle human rights challenges in their supply chains.

The government uptake of recommendations on public procurement and human rights in Kenya is another example of likely impact.

Another result of DIHR's work that is likely to have a lasting impact is the strengthening of the human rights dimensions in key reporting schemes, like the GRI and the European Sustainability Reporting Standards for financial institutions¹⁷.

A second area of impact relates to changes in priorities and capacities of the NHRIs. The latter is harder to measure directly and holds a higher risk of being lost with the change of key staff in the NHRIs. As for priorities, the NHRIs in Azerbaijan and Honduras have taken steps to establish internal teams for working on BHR, which, if not discontinued, must be seen as a sustainable impact of DIHR's work in that it enables the NHRIs to play a more pro-active role in furthering the national BHR agendas. The same was the case in Chile, where local informants shared that this decision was highly inspired by interacting with DIHR over time. DIHR staff did, however, not fully share this perspective, underlining that there has been no direct involvement with the Chilean NHRI as such over the last years.

In Africa, NANHRI's member survey from 2021 shows clear indications of increased attention to BHR among its members compared to the baseline study in 2013.¹⁸

The main risks for the sustainability of DIHR's work relate to political volatility, changes of key staff in cooperating institutions, lack of implementation of approved NAPs and NHRIs' lack of resources for follow-up. In several countries, a change of government also implies change of key staff in the NHRI, with the risk of the NHRI losing competence and capacity as staff who has been trained as part of the RB Programme is forced to leave.

To address the issue of sustainability, it is useful to identify what that might look like in DIHR's RB Programme. Some key characteristics of sustainable impact are:

- Continued national discussions and/or processes following a DIHR intervention
- National actors' use of BHR tools in the work at the national level, like has been the case in Honduras' and Ukraine's use of the NBA tools, and UNDP Africa's when working on NAPs
- National actors sharing experiences like the development and/or implementation of a NAP in regional or international fora, as done by KNCHR to their East African peers

¹⁷ Under the European Financial Regulatory Advisory Group

¹⁸ <https://www.nanhri.org/wp-content/uploads/2023/06/NANHRI-2022-REPORT-1-1-1.pdf>

DIHR has developed several practical tools aimed at supporting national processes for development of NAPs, like the national baseline assessment tool and the Global NAPs website, with updated information on the status across around 60 countries worldwide. While the tools in themselves do not imply sustainable impacts, informants confirm that the use of these have contributed significantly to national NAP processes.

The evaluation team finds that in some countries, the RB Programme has to a large degree contributed to changes that are likely to last beyond the programme period. These changes take the shape of approved NAPs, new government actions, actors across sectors coming together to address BHR, or NHRIs with a stronger capacity on BHR.

In Kenya, DIHR conducted a gap analysis of the national legislation compared to global norms. DIHR, under the RB Programme, was a key actor in the process leading up to the formulation of Kenya's NAP and the process around it has changed the national dialogue on BHR, including awareness raising to and capacity building of key private sectors and state actors. The Public Procurement Regulatory Authority has committed to take concrete measures to integrate human rights into public procurement.

In Honduras, the capacity strengthening of CONADEH, bridging gaps between CONADEH and the Secretary of Human Rights holds a potential for lasting impact. With a possible updated NBA followed by a NAP. The new current strategic plan of CONADEH holds a potential for DIHR's work to have a lasting impact, if being implemented as intended. This includes establishing BHR as one of the priority areas for CONADEH, as well as putting in place a dedicated team on BHR within the NHRI.

The 2017 NAP toolkit was used in the development of a second baseline assessment in Argentina for a possible future NAP.

In Chile, in-country informants conveyed that the interaction with DIHR overtime was an important inspiration to the decision of a working group on BHR within the NHRI, an impact that is likely to last according to data collected for this evaluation.

As for public procurement, the DIHR's toolkit launched in 2020 has been used or referred to by multilateral bodies like the UN procurement coordination office, the OECD and OCSR as well as related to the Japanese and Kenyan NAPs.

DIHR's involvement in Ukraine is described as crucial during the national baseline assessment that became a starting point for the national debate on BHR. The trainings and tools provided by DIHR under the RB Programme were important inputs to this process that has changed the national discourse on BHR.

The RB Programme country level engagements are to some degree adequately planned to ensure sustainability. No explicit exit strategies have been identified by this evaluation, still, the nature of the country level engagement with a strong focus on NAPs and related policy changes has clear elements of sustainability. Capacity building of national actors, influencing of laws and regulations and cases of bringing new and relevant knowledge into the national debate, are important factors with a potential of making lasting impact.

The duration of an intervention, or relation with a partner, seems to depend more on a combination of opportunities and possibilities than a well-defined and time-bound intervention logic. In many cases, this has its rationale, given that a main impact sought by the RB Programme relates to political decisions. A major part of the countries DIHR work with are rather volatile politically speaking, although there are marked differences between fairly stable Chile and Kenya and a Burkina Faso that experienced two coups d'état in 2022, not to mention Ukraine. However, even in the more stable states, a change of

government might easily affect the validity of the outgoing government's priorities, also when it comes to commitment to BHR.

A related issue refers to the current portfolio of countries, officially divided in focus countries and ad-hoc countries, while the reality, according to DIHR staff and confirmed through the outcome harvesting database, also includes a third group; the "in-between" countries with a mid-level of engagement. Table 1 above shows a clearly lower share of outcomes with "major" or "important" significance in the group of countries with a medium number of total outcomes, which might support the argument of prioritising focus and ad-hoc countries, while leaving the "half-way" countries with less attention. In any case it, seems important to define clearer what is wanted to achieve in different countries, to know when to exit and how to ensure a sustainable impact. Given the volatile contexts in many, if not all, of DIHR's cooperation countries, it does also seem important to maintain a certain level of flexibility, both when it comes to programmatic choices within a country, as well as regarding the country portfolio. This could mean seize unforeseen opportunities that appear as well as readjust to contextual changes heavily affecting the possibilities for carrying out planned activities and/or the likelihood of the activities yielding the intended results.

3 Conclusions and recommendations

3.1 Conclusions

Effectiveness

DIHR is seen as a reliable expert organisation and reference point on BHR in general, and in particular when it comes to NAPs on BHR. The tools for NBAs and NAPs developed by DIHR are widely used and highly appreciated by the NHRIs as well as multilateral and other actors. Through capacity building, use and dissemination of tools and resources as well as technical advice and support, DIHR has had significant influence on the development National Action Plans (NAP). The NHRIs in DIHR's key intervention countries have increased their ownership of the BHR agenda, as well as dedicated more resources to the field.

DIHR's toolkit and advisory work has made important contributions to both national (Kenya, Japan) and international (UN bodies, OCSE, UNGC) processes on integrating the human rights perspective into public procurement.

The NHRIs has increased their understanding of how to work on access to remedy through the RB Programme in both Africa and the LAC region.

DIHR's in-country presence over time (Kenya) has been important for DIHR's successful contributions to keep local processes going forward, getting access to a broad range of stakeholders and made it possible to seize non-planned strategic opportunities at the national and regional level. In Honduras, the lack of continuous DIHR presence has negatively affected progress in national processes.

DIHR has, through its collaboration over time, contributed strongly to the decision of CONADEH in Honduras to establish a working group on BHR, an impact that is likely to last¹⁹.

¹⁹ Not mentioned in DIHR's outcome harvesting database.

At the regional level in Africa, Europe and LAC, the RB Programme has contributed to increased collaboration among the NHRIs, peer learning, the development of regional positions as well as building relations to key actors like the NCPs in the LAC region and the African Union.

Gender is well integrated as a cross-cutting issue, although the share of interventions with a gender sensitive lens should be increased. DIHR has produced relevant high-quality studies on gender, business and human rights and integrated the gender dimension at the globalnaps.org site. There is still a room for improvement in ensuring that a gender lens is applied across all activities. Other cross-cutting issues are not found to be articulated.

Relevance

The RB Programme's three objectives remain highly relevant. Integration of HR language in regulations, key reporting schemes and public procurement have a potentially large – and lasting – impact. The same goes for strengthening the NHRIs' role in access to remedy. The role of facts and evidence informing national and international discussions on BHR is at least as important as in 2017, and NAPs continue to be relevant, also due to the effect a NAP process often has on convening actors across sectors.

DIHR's tools, advice, convening power and networking capabilities, as well as the production and dissemination of material are considered highly relevant. It plays into high-level political policy initiatives, support national processes on BHR, and provides training to sister NHRIs and other key actors.

The focus of NAPs is still relevant, among other in that it brings together national stakeholders in a dialogue across sectors. A sectorial, rightsholder based and/or thematic focus, like the work on remedy, environment and public procurement, is more of a complementary than a competitive approach to the NAPs in two ways; either as a first step towards a NBA or a NAP, or as part of the implementation of a NAP. This can also be an effective, and efficient, way to engage a wider range of stakeholders on BHR, being it as a steppingstone leading into a NAP process or as part of the implementation of an existing NAP. Obviously, strengthening the human rights dimension of public procurement or environmental impact assessments, as well as rightsholders access to remedy is valuable also when detached from a NAP, but the evaluation team considers that connecting this to a NAP increases the likelihood of making a lasting impact.

The SDGs might be a useful entry point to promote BHR and be acceptable to a broader set of stakeholders than a more stringent BHR approach.

The RB Programme has had a continuous bi-directional interchange, or rather a circular loop, between national and the regional/global levels as well as between countries.

DIHR being an NHRI gives an additional credibility and neutrality, and thus an easier access to other NHRIs and government actors, giving DIHR has a competitive advantage.

The ToC has provided the overall frame for the RB Programme but has not been used to put limitations on the activities nor guidance when it comes to DIHR's priorities in the programme period.

Coherence

The three immediate objectives of the RB Programme reflect a coherent approach to responsible business conduct as a driver in the pursuit of the SDGs.

DIHR is uniquely positioned as part of the NHRI network in bringing learnings across countries and regions, not only due to its recognition as an expert organisation on BHR, but also as part of the NHRI

family, the only such organisation with an explicit international mandate, according to the informants to this evaluation. Furthermore, DIHR has also played an important role in linking its work, and the NHRIs, with other key actors like OHCHR, UNDP and OECD.

The RB Programme is fully aligned with relevant Sida strategies, and even more so after the 2022 update of the Swedish strategy for sustainable economic cooperation. Gender-integration was significantly improved half-way through the programme.

Efficiency

The RB Programme has in general delivered outputs at least comparable with target values. The balance between indirect and programme costs is found to be reasonable given the nature of the RB Programme. Compared to the first year of the programme, direct programme costs (in %) has increased somewhat during the period and programme partners are receiving a significantly larger share of the overall budget in 2022 than in previous years.

The Programme has adapted to changing contexts when considered necessary, like for instance when discontinuing the project with GRI on the joint data mining tool, and providing support to African NHRIs to attend first African BHR forum.

Impact and sustainability

The RB Programme's impact is observed in NAP processes in several countries, and several NHRIs have allocated, or committed to allocate, more resources and people to work on BHR. Societal level impact is not directly articulated in the overall programme objectives.

Political volatility, changes of key staff at the NHRIs and other partners due to changes of government are key risks for the sustainability of DIHR's engagements. Lack of implementation of approved NAPs and NHRIs' lack of resources for follow-up are other risks to making a sustainable impact.

In some countries, the RB Programme has to a large degree contributed to changes that are likely to last beyond the programme period. These changes take the shape of approved NAPs, new government actions, actors across sectors coming together to address BHR, or NHRIs with a stronger capacity on BHR.

In some countries, the RB Programme has to some degree adequately planned to ensure sustainability. No explicit exit strategies have been identified still, the nature of the country level engagement with a strong focus on NAPs and other policy changes as well as capacity building have clear elements of sustainability.

3.2 Recommendations

Effectiveness

The importance of a **NAP** resides first and foremost in the process around it, from the first wobbly steps to its implementation. Although having a solid and clear content is valuable, a well-written document per se does not drive the desired changes. Thus, DIHR should **continue to focus on process facilitation** aiming at involving key national stakeholders, nurturing constructive cross-sectoral dialogues and peer learning. This need be tailored to the national context, as in Kenya and the work on public procurement as part of the implementation of the NAP.

Applying existing tools for the NBA and the NAP is likely to ensure the quality of the assessments and the plans produced. The implications of **new HRDD legislation should be integrated into key tools** in

a similar manner as done with the SDGs. It seems more important to dedicate time and resources to the application and uptake of the tools than developing new ones, while keeping the tools updated with current cases and development of NAPs. DIHR should use its position and network to stay at the forefront in the necessary convergence between the UNGPs, NAPs, SDGs and the recent HRDD legislation to ensure that the human rights perspective does not get lost and to reduce confusion among both state, private and civil sector actors.

DIHR is recommended to work with **a small number (3-5?) focus countries**, with a longer-term perspective. Not too few to cater for the non-neglectable political risks in most, if not all, of the countries DIHR works with, and not too many which would easily lead to lack of time for a proper follow-up and support over time.

DIHR should at the same **continue to support “ad-hoc” countries**, taking advantage of timely, and often non-predictable, opportunities to contribute within DIHR's core areas of expertise. This could be either related to specific processes, like the NAP, or sectors on which DIHR already possess in-house competency. When engaging in one-off interventions, or ad-hoc countries, ensure that these feed into existing or new processes, or add capacity or competency to key national actors, to increase the likelihood of the intervention to have a lasting impact. Furthermore, DIHR should **develop simple set of markers on what kind of ad-hoc engagements that should be prioritised** or not.

Instead of having an explicit timebound deadline for leaving a country, one option is **to develop key criteria for the different stages of involvement at country level**, for making it easier and clearer when to support or push for a NAP, and when to focus more on specific work according to the context, and when to exit.

Relevance

DIHR should **define more clearly the contextual conditions for complementing, or replacing, a focussed work on NAPs with a sectorial or thematic engagement**. DIHR should take lead in developing in-depth analysis in selected sectors/thematic issues, depending on the national context, both when it comes to the issues at stake as well as the role of involved, or affected, stakeholders. This can serve either as a starting point towards an NBA/NAP, or as a key part of a NAP implementation.

In countries where the development of the NAP is being taken over by national actors and/or supported by other international actors, DIHR should focus more on the implementation phase, including working on specific themes/sectors according to national needs.

DIHR should continue to use wisely the advantages of being a well-reputed outsider, with access to stakeholders from both state, private and civic sectors. This gives DIHR a good potential to act as a convener and bridge builder between actors that might not be used to, or want to, engage directly with each other. In cases where DIHR is involved in the implementation of a NAP, it should remain conscious of remaining an outside supporter and facilitator, leaving roles as drivers and process owners to national actors.

Efficiency

This evaluation agrees with the evaluation of the Sustainable Oceans' recommendation on mainstreaming the uptake of tools. This includes **centralising the dissemination of tools** and resources as well as establishing a **human rights and business training centre**, or academy, primarily targeting the NHRIs, but also being open for other actors like CSOs, public servants, UN staff as well as responsible business initiatives.

DIHR should **continue to support the NHRIs and the regional networks** in Africa, LAC and Europe, for peer learning, development of joint statements as well as for positioning the regional networks as key actors on BHR in its region and in the international debate. The regional networks hold a strong potential as an arena for discussing the impact of the EU CSDDD, with the dual purpose of integrating its implications into NAPs and the national debate as well as feeding back to, and challenge, when necessary, EU and its member states' regulations and implementation of the directive.

Impact and sustainability

The RB Programme should ensure sustainability of achieved results at country level by providing capacity building to actors from all relevant sectors and include these in studies and processes. This is particularly relevant in countries where key NHRI staff is likely to be changed when a new government takes office. This is already happening to some extent but should be built more explicitly clearly into strategies, plans and partnership agreements, **anchoring the work beyond the NHRIs by including a broader range of stakeholders**, like national business associations, networks of CSO and academia.

Annex A: Terms of Reference

LOT 1) THE DIHR PROGRAMME "RESPONSIBLE BUSINESS FOR SUSTAINABLE DEVELOPMENT"

1. BACKGROUND

The Danish Institute for Human Rights (DIHR) is implementing a Project on "Responsible Business for Sustainable Development (2018-2023)" (RBC Programme).

The RBC Programme builds on its Theory of Change (ToC), including three pillars relating to increased corporate transparency and reporting; national level implementation of business and human rights framework; and increased evidence-based dialogue at regional and international levels.

The RBC Programme's activities are financially supported by Sida.

The DIHR wishes to conduct final evaluation the RBC Programme in mid April – early July 2023.

2. CRITERIA AND OBJECTIVES FOR THE FINAL EVALUATIONS

In accordance with the OECD DAC Principles for Evaluation of Development Assistance, the final evaluations will focus on assessing the relevance, coherence, effectiveness, efficiency, impact, and sustainability of the RBC Programme.

The intended users of the final evaluations are the DIHR, partners on the project, and Sida, as the project's funder, as well as other donors as appropriate.

The DIHR intends the final evaluation to be a valuable tool to shape the design of future activities and methodologies for engagement on Responsible Business for Sustainable Development. The final evaluation will provide constructive and concrete guidance on ways to improve future partnership(s) along with conclusions/ recommendations on how to build on the achievements for future continuation and/or expansion of the RBC Programme.

3. QUESTIONS TO BE ANSWERED

3.1 RELEVANCE

- To what extent are the RBC Programmes' objectives still relevant in the current business and human rights global context?
- To what extent did the RBC Programme influence national level progress on BHR? Consider the relevance of a focus on national action plans in comparison to more specific targeted support and focus on themes specific sectors, and/or rightsholder groups?
- To what extent did the RBC Programme positively influence regional and internationally policy level developments on BHR?

3.2 COHERENCE

- How coherent are the different RBC Programme objectives?
- How is the interchange across, and between, national level engagements and regional/ international work in the RBC Programme?

- To what extent does the RBC Programme complement and support other relevant actors at national, regional, and global levels working in the field?
- To what extent does the RBC Programme align with Sida's Strategy on sustainable economic development and cross-cutting priorities (e.g. gender, environment and climate, conflict, poverty alleviation, and rights-based approach) complement and support Sida's priorities and other partnerships?

3.3 EFFECTIVENESS

- What are the main outcomes (positive and negative, expected and unexpected) of the RBC Programme?
- •How valid has the RBC Programme's Theory of Change been in relation to implementation, achieved results and the theory's reflection of the implementation realities? Does the engagement with National Human Rights Institutions provide an added value to progress in the field of Business and Human Rights?
- What are the opportunities, strengths, risks and weaknesses of the RBC Programme engagements at national, regional, and global level?
- How well is gender-mainstreaming integrated in the RBC Programme and how could the integration be improved?
- Provide specific recommendations on
 - How to build on the achievements of the project and ensure that is sustained by the relevant stakeholders
 - How to build on outputs, outcomes, lessons learned and best practices to inform the conceptualisation and design of a future project in collaboration with Sida.

3.4 EFFICIENCY

- Are performed RBC Programme activities, delivered outputs, and (possibly achieved) outcomes cost-effective?
- Did the RBC Programme have a reasonably cost-efficient balance between DIHR administration, DIHR activities, and partner engagements to implement the RBC Programme?

3.5 IMPACT AND SUSTAINABILITY

- How do key stakeholders and partners view the impact of the RBC Programme?
- What are the overall risks to sustainability of the RBC Programme?
- Are there RBC Programme achievements which contribute to lasting and sustained impacts beyond the implementation period?
 - At the international/regional level
 - At national level
- Are RBC Programme country level engagements adequately planned to ensure sustainability (including entry and exit strategies)?

4. PROPOSED METHODOLOGY

It is proposed that the final evaluation be led by external consultants. The programme/ project managers at the DIHR, and other relevant DIHR staff as appropriate, can liaise and support as necessary/ needed. The external consultants will be provided access to review reports and publications produced under the RBC Programme, as well as all relevant programme/ project documents, including the DIHR's annual reports to Sida, the outcome harvesting, and broader DIHR strategic plans and policies.

A kick-off meeting will be organised where the project managers will explain the institutional set-up where the project are located. At the kick-off meeting, the external consultants will present a detailed workplan for review.

The final evaluation will be based on triangulated evidence to address the criteria stipulated under the OECD Principles as indicated above, as well as any additional ones identified during the initial phase of the evaluation (based on the documentation review), if relevant. The evaluation team should use the RBC Programme's Theory of Change, and questions detailed above, to inform the formulation of a series of Evaluation Questions to guide the process and examine the cause-and-effect links along the project's results chain (i.e., inputs, activities, outputs and outcomes). The starting point for this will be a review and analysis of the core documentation available. This will help assess the RBC Programme's activities and achievements, the intended and unforeseen outcomes for target groups and partners cost and sources of funds, success and failures, and the degree to which the project has systematically applied adaptive management principles. The documentation review will also serve to identify interviewees. The consultants will propose an interview process in conjunction with the Evaluation Questions.

Based on the document review and discussions with the project managers, the external consultants will design and deliver a facilitated workshop for staff within the project. The project managers will be available for discussion on an ongoing basis, and the consultant can set up individual interviews with project staff as needed. An in person facilitated workshop at the DIHR offices in Copenhagen, Denmark, is preferred.

The external consultants will lead the workshop in, bringing some initial reflections from the document review and from their knowledge and experience. The main focus of the workshop will be for DIHR staff to discuss the topics in question in a facilitated manner.

The external consultants will develop a separate evaluation report. The DIHR will provide input on the draft which the external consultants will integrate or take into consideration.

The external consultant should seek external input and validation from partners, which the project managers can help facilitate, and other actors in the respective fields where relevant.

The external consultant will design a half-day validation workshop to present the outcome report to DIHR staff (i.e. one for each lot). The external consultant will integrate or take into consideration the feedback received.

The final outcome report will be no more than 30-40-pages including an executive summary, main content based on the question detailed in section 3, and conclusions/ recommendations. The final outcome report will be presented to the donor by the DIHR and the consultant will be open for a joint or separate dialogue with the donor on the report.

Annex B: Documents reviewed

Proposal, Annual reports and annual work plans to Sida:

- DIHR proposal to SIDA 2018-2022 revised December 2017
- DIHR 2020 Annual narrative report to Sida Responsible Business for Sustainable Dev.docx
- DIHR 2021 Annual narrative report to Sida Responsible Business for Sustainable Dev.docx
- DIHR 2022 Annual narrative report to Sida Responsible Business for Sustainable Dev.docx
- DIHR Sida - Responsible Business – Workplan – 2022.docx
- DIHR Sida - Responsible Business – Workplan – 2023.docx

Mid term report:

- DIHR GRI Midterm Review 2020.pdf
- DIHR GRI Midterm Review DIHR Response to RBC mid-term review-FINAL 2020.pdf

Budget:

- Sida RB for SD budget - 2023 (includes actual figures for 2018-2022)

Outcomes:

- DIHR outcome harvesting database

Reports and tools from DIHR's webpage:

- www.globalnaps.org
- DIHR An Overview of National Baseline Assessments on Business and Human Rights 2023
- Informe EIS Industria de pesca por buceo en Honduras

Contractual documents with Sida:

- Amendment to the Agreement on RB for SD Programme +Sustainable Oceans Project – Sida

DIHR strategies:

- DIHR Strategy 2021-2024 English
- DIHR international substrategy 2017-20
- DIHR sub strategy for work on human rights and sustainable development 2022-24

Sida strategies:

- Strategi for Sveriges utvecklingssamarbete
- Strategy-for-capacity-development-partnership-and-methods-that-support-the-2030-agenda-for-sustainable-development
- Strategy-for-swedens-global-development-cooperation-in-sustainable-social-development-2018-2022
- Strategy-for-swedens-global-development-cooperation-in-the-areas-of-environmental-sustainability-sustainable-climate-and-oceans-and-sustainable-use-of-natural-resources-2018-2022
- Strategy-sustainable-economic-development-2022-2026

Annex C: Interview guides

Interview Guide external stakeholders Responsible Business for Sustainable Development Programme

1. According to your understanding, what would you say is the main outcome of DIHR's work on business and human rights (BHR)? Are you aware of any negative impacts? *(If necessary, probe with info from Outcome harvest database)* (Q10)
2. How do you view the overall impact of DIHR's work on BHR? *(If necessary, probe with info from Outcome harvest database)* (Q20)
3. Can you give an example on how DIHR's work on BHR has influenced progress at national level on BHR? *(If necessary, probe with info from Outcome harvest database)* (Q2)
4. Can you give an example on how DIHR's work on BHR has influenced progress at regional or international level on BHR? *(If necessary, probe with info from Outcome harvest database)* (Q4)
5. What would you say is the overall risk to sustainability of DIHR's work on BHR? (Q21)
6. Do you have an example of an achievement in DIHR's work on BHR that is likely to contribute to lasting impacts at national level? (Q23)
7. Do you see any signs of interchange of activities between countries, and from international to national, or from national to international level? (Q6)
8. In your understanding, what is DIHR's niche within BHR? Is there another approach you would recommend the DIHR to adopt for the future? (Q7)
9. The programme brings the UNGPs into the 2030 Agenda for Sustainable Development (and its 17 associated SDGs) by designing tools, like NAP tool kit for states to use. To what extent is this relevant today? (Q1)
10. What would you say is the relevance of a focus on national action plans on business and human rights in comparison to more specific targeted support and focus on themes specific sectors, and/or rightsholder groups? (Q3)
11. How would you say that collaboration with NHRIs has brought a value added to the field of Business and Human Rights? (Q12)

Specific questions to Sida:

1. To what extent does the RBC Programme align with Sida's Strategy on sustainable economic development and cross-cutting priorities (e.g. gender, environment and climate, conflict, poverty alleviation, and rights-based approach)? (Q8)
2. To what extent does the RBC Programme complement and support Sida's priorities and other partnerships? (Q9)
3. How well is gender-mainstreaming integrated in the RBC Programme and how could the integration be improved? (Q14)

4. Are there any outcomes of the Programme that Sida would be particularly interested in that DIHR builds on in the next phase of the programme? (Q16)

Workshop Lot 1 RBC Programme

June 1st, DIHR Office, Wilders Plads 8K, Copenhagen

We will sit in plenary and have group interviews/group working sessions with all, and we will sit in three small groups. We will need post-its to hang on the wall, paper and or PCs and a projector to present the group work.

08:30 Presentations, welcome, objectives and expectations of the workshop

09:00 Group discussion

On the Theory of Change (30 minutes)

1. How valid has the RBC Programme's Theory of Change been in relation to implementation? To what degree has the ToC reflected the reality and context of the programme? (Q11)
2. How has the ToC helped the programme to reach its results (linkages to RF)? What can be done make ToC that can guide the direction for the next phase? (Q11)

ToC Written brain storm (10 minutes):

3. What are the main lessons learned from the Programme's ToC that you will take with you to the next phase - what do you want to change, what do you want to keep? (Q11)

Sustainability (60 minutes)

4. How do you identify sustainability in the RBC programme? (Q21)
5. What are the overall risks to sustainability of the RBC Programme and how are these being mitigated? (Q21)
6. Are there achievements you are aware of where actions are needed to ensure sustainability? What lessons can you draw from this to the next phase? (Q15)
7. Are country level engagements adequately planned to ensure sustainability, including entry and exit strategies? (Q24)
8. Is there a need within the RBC Programme to improve on adaptive management? (Q19)

10:40 Coffee

11:00 Group discussion

NAP approach (Q3) (30 minutes)

9. What is the relevance of a focus on national action plans in comparison to more specific targeted support and focus on themes specific sectors and/or rightsholder groups? (Q3)

Outcomes to build on (20 minutes)

10. What are the Outcomes achieved from this phase that the next phase should build on? Why? How? (Q16)

Gender mainstreaming (10 minutes)

11. Provide examples of how gender-mainstreaming is integrated in the RBC programme? What can be done to improve this? (Q14)

12:00 Lunch 45 minutes

12:45 Small groups three and two (15 minutes)

12. What is the niche of the programme? To what degree is this niche threatened? Are there alternative niches or approaches that the RBC Programme should explore? (Q7)

13:00 Presentation small groups – discussion (30 minutes)

13:30 Group discussion

Interchange (30 minutes)

13. How is the interchange across, and between, national level engagements and regional/international work in the RBC Programme? What are the lessons learned from what it takes for such interchange to occur? Policy –> Poverty -> DIHR contribution (Q6)

14:00 Coffee

14:15 Plenary forward looking SWOT analysis (2 hours)

Written brainstorm:

14. What are the opportunities, strengths, risks and weaknesses of the future RBC Programme engagements at national, and regional/global levels? (Q13)

Plenary SWOT analysis (Q13)

16:15 Evaluation: To what extent were expectations met?

16:30: The End!

Annex D: Updated Theories of Change

(See next pages)

