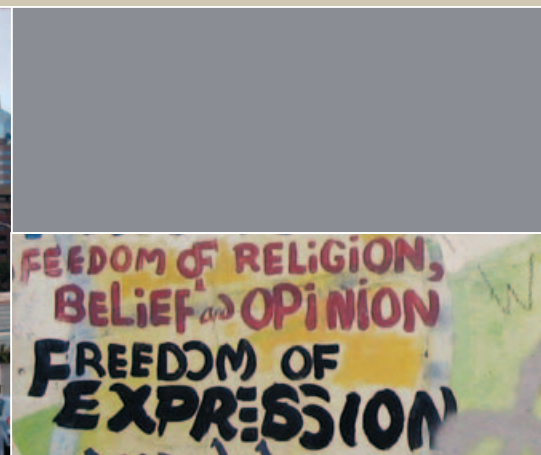


# Evaluation of Norwegian Development Cooperation to Promote Human Rights

Report 7/2011 – Evaluation



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# Evaluation of Norwegian Development Cooperation to Promote Human Rights

September 2011

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## Preface

Is there a clear policy behind the Norwegian support to human rights? Is there a specific Norwegian profile in the support to human rights? What results have been achieved?

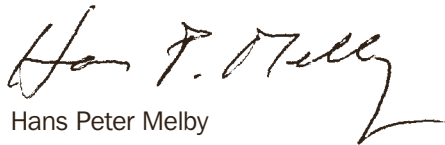
These were among the questions the evaluation team was asked to answer. Almost 10 billion kroner (approximately 1,8 billion US dollars) have been given to development cooperation to promote human rights over the past decade.

The purpose of the evaluation was to know more about the nature and effect of Norwegian support to human rights, with a view to informing future work in this area.

A mapping and analysis of the human rights portfolio, an evaluation of the support to freedom of expression with particular emphasis on free and independent media, and an evaluation of the country programs of the Norwegian Centre for Human Rights (NCHR) in Indonesia and South Africa were three main components of the evaluation.

Scanteam carried out the evaluation and is responsible for the content of the report, including its findings, conclusions and recommendations.

Oslo, September 2011



Hans Peter Melby  
Acting Director of Evaluation



## Acknowledgements and Disclaimer

The review team has been working on this task since October 2010, and would like to thank the large number of people who have made themselves available for interviews, consultations and advice. This includes present and former MFA and Norad staff in Oslo and at embassies in the countries where we have made field visits, NGO representatives, representatives of the Norwegian Centre for Human Rights (NCHR), partners of the projects in Serbia, Macedonia, Zambia and Indonesia, as well as a number of Norwegian public and private institutions consulted for this task. The team has generally been met by a positive and forthcoming attitude, for which we are grateful.

The team has consisted of Scanteam and non-Scanteam consultants. Vegard Bye/Scanteam has been the Team Leader with overall responsibility for report, the qualitative analysis of the portfolio (Part A of the ToR) and for policy issues around general Norwegian human rights policy. This has implied many interviews and considerable document consultation in Oslo. Arne Disch/Scanteam has carried out the mapping study, including the more quantitative analysis of the portfolio. Riselia Bezerra/Scanteam has done the assessment of the NCHR programmes, including the field study in Indonesia (supported by Nusya Kuswantin). Anne-Helene (Lene) Marsø has put together the Human Rights Portfolios. Peter Noorlander was responsible for the assessment of freedom of expression aspects (including field work in Serbia and Macedonia) and Bob van der Winden of the media support portfolio (including field work in Zambia). Noorlander and van der Winden have also done a desk study of support to various organisations within this field (Part B of the ToR). All these are independent consultants.

The team has been supported by Olle Törnquist (Institute of Political Science at the University of Oslo) as resource person on Indonesia. Erik Whist, Scanteam, and William O'Neill, internationally recognized as legal human rights experts and now a staff of the Social Science Research Council (SSRC) in New York have been responsible for quality assurance of the process and the report.

This Report is the responsibility of its authors, and responsibility for the accuracy of data included in this report rests with the authors. The findings, interpretations and conclusions presented in this report do not necessarily reflect the views of Norad's Evaluation Department.





# Contents

<b>Preface</b>	<b>iii</b>
<b>Acknowledgements and Disclaimer</b>	<b>v</b>
<b>Abbreviations and Acronyms</b>	<b>ix</b>
<b>Executive Summary</b>	<b>xiii</b>
<b>1. Background, Objectives and Methodology</b>	<b>3</b>
1.1 Objectives of the Evaluation	3
1.2 Scope of Work	3
1.3 Evaluation Process	4
1.4 Evaluation Deliverables	5
1.5 Structure of the Report	5
1.6 Methodology of the Evaluation	6
<b>2. The Context of Norwegian Human Rights Policies</b>	<b>12</b>
2.1 The Analytical Framework	12
2.2 Political Human Rights Consensus in Norway	13
2.3 Emerging Conflict Lines	16
<b>3. The Norwegian Human Rights Portfolio</b>	<b>19</b>
3.1 The Overall Support	19
3.2 Structure of the Portfolio	21
3.3 The ‘Small’ Human Rights Portfolio	21
<b>4. Analysis of the Human Rights Portfolio</b>	<b>24</b>
4.1 Priority Areas and Target Groups	24
4.1.1 Main Policy Areas	24
4.1.2 Main Target Groups	26
4.1.3 Average Size of Disbursements	28
4.1.4 Annual Variations	29
4.2 Key Forms of Human Rights Interventions	29
4.3 HR Priorities and Form of Intervention	31
4.3.1 Support to Human Rights as a Foreign Policy Issue	31
4.3.2 HR Policies and Priorities in General ODA	32
4.4 Channels for Funding	35
4.4.1 NGOs	37
4.4.2 Multilateral Channels	38
4.4.3 Good HR Practice	39
4.5 Funding to Conflict Versus Non-Conflict States	39

4.6	Criteria for Norwegian HR Support	41
4.7	Main Findings and Conclusions	42
<b>5.</b>	<b>Evaluation of the Support to Freedom of Expression</b>	<b>44</b>
5.1	The Portfolio as a Whole	44
5.1.1	The Thematic Character	44
5.1.2	Guidelines on Support to Free Media in Developing Countries	49
5.1.3	Strategy, Framework and Monitoring System	51
5.2	Portfolio for Selected Cases	55
5.2.1	Relevance	55
5.2.2	Evidence and Results-based Approach	57
5.2.3	Programme Outcomes	59
5.2.4	Exit Strategies	63
5.3	Direct Partners (FoE Organisations)	64
5.3.1	The Four Selected Organisations	65
5.3.2	Characteristics of the Work of Direct FoE Beneficiaries	70
5.4	Main Findings and Conclusions	73
<b>6.</b>	<b>Norwegian Centre for Human Rights Programmes in Indonesia and South Africa</b>	<b>75</b>
6.1	Purpose and Composition of the Programmes	75
6.2	The Relation Between Choice of Rights and Forms of Intervention	80
6.3	Dissemination and Teaching of Human Rights	81
6.4	Human Rights Dialogue and NCHR Programme (Indonesia Only)	81
6.5	Relevance to the Local Context and Human Rights Situation	83
6.6	Are the Programmes Evidence- and Results-based?	85
6.7	Results at Outcome Level – Cumulative Impact of the Programmes	87
6.8	Involvement of Marginalized and Discriminated Groups	90
6.9	Efficiency; Cost-effectiveness	90
6.10	Planned Exit Strategies	91
6.11	Findings and Conclusions	92
<b>7.</b>	<b>Findings, Conclusions and Recommendations</b>	<b>94</b>
7.1	General Support to Human Rights	94
7.2	Support to Freedom of Expression	96
7.3	Norwegian Centre for Human Rights	97
7.4	A Management Challenge	99
	ANNEX A: Terms of Reference	103
	ANNEX B: List of Informants	117
	ANNEX C: Documents Consulted	123
	ANNEX D: Methodology of the Evaluation	128

## Abbreviations and Acronyms

ACHPR	African Charter on Human and Peoples' Rights
ACPDT	African Community Publishing and Development Trust
AMDI	African Media Development Initiative
ANEM	Association of Independent Electronic Media
AU	African Union
CC&I	Claims, Concerns and Issues
CHRI	Commonwealth Human Rights Initiative
CJFE	Canadian Journalists Free Expression
CPR	Civil and Political Rights
CR	Community Radio
CRC	Convention on the Rights of the Child
CSR	Corporate Social Responsibility
DAC	Development Assistance Committee
DemDev	Democratic Development
ESCR	Economic, Social and Cultural Rights
FAFO	Institute for Labour and Social Research (an Oslo-based Think Tank)
FES	Friedrich Ebert Stiftung
FoE	Freedom of Expression
FoI	Freedom of Information
FORB	Freedom of Religion or Belief
FORCOM	Forum of Community Radios Mozambique
GSJC	Gimlekollen School of Journalism and Communication
HR	Human Rights
HRC	Human Rights Council (of the UN)
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICORN	International Cities of Refuge Network
ICT	Information and Communication Technology
IFEX	International Freedom of Expression Exchange
IGO	Inter-Governmental Organisation
ILO	International Labour Organisation
IMF	International Media Fund
IMS	International Media Support
INGO	International NGO
IWPR	Institute of War and Peace Reporting
LGBT(I)	Lesbian, gay, bisexual, transgender, (and intersex) (LGBTI) people
MAZ	Media Alliance of Zimbabwe
MDP	Media Development Project (Mozambique)

M&E	Monitoring and Evaluation
MFA	Ministry of Foreign Affairs (of Norway unless otherwise specified)
MISA	Media Institute of Southern Africa
MMPZ	Media Monitoring Project Zimbabwe
MTF	Media Trust Fund (Zambia)
NCA	Norwegian Church Aid
NCC	National Constitutional Conference (Zambia)
NCHR	Norwegian Centre for Human Rights
NGO	Non-Governmental Organisation
NHRAP	National Human Rights Action Plan
NOK	Norwegian Kroner
Norad	Norwegian Agency for Development Cooperation
NPA	Norwegian People's Aid
NRC	Norwegian Refugee Council
OAS	Organisation of American States
OECD	Organisation for Economic Cooperation and Development
OSCE	Organisation for Security and Co-operation in Europe
OSF	Open Society Foundation
OHCHR	Office of the (UN) High Commissioner for Human Rights (now often referred to as United Nations – Human Rights)
PAZA	Press Association of Zambia
PEN	Poets, Playwrights, Essayists and Novelists
RLC	Radio Listening Club
RM	Radio Mozambique
SADC	Southern African Development Community
SWOT	Strengths, Weaknesses, Opportunities, Threats
SWRA	Short Wave Radio Africa
ToR	Terms of Reference
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UPR	Universal Periodic Review (process under the responsibility of the UN Human Rights Council)
ZAMCOM	Zambian Mass Communication Institute
ZIMA	Zambian Independent Media Association

# Executive Summary





## Executive Summary

### **Purpose and Scope of the Evaluation**

The purpose of this evaluation, as set out in the ToR, is to *“acquire knowledge and draw lessons about the nature and effect of support to human rights, with a view to informing future strategies, policies and interventions in this area of development cooperation.”*

The two principal objectives are to provide an overview of allocations for human rights in Norway’s development cooperation, and to document and assess the changes brought about by this support in selected areas over the period 2000-2009.

There are three separate sets of tasks, specified with concrete questions. The first is the mapping and analysis of the human rights portfolio over the past decade. The second is an evaluation of the support to freedom of expression with particular emphasis on free and independent media. The third is an evaluation of the country programmes of the Norwegian Centre for Human Rights (NCHR) in Indonesia and South Africa.

### **The Human Rights Priorities**

Support to the protection and promotion of human rights around the world has consistently been defined as one of the major objectives of Norwegian foreign policy and development cooperation. For the period covered by this evaluation, it started with the launching of the 2000-2004 *Plan of Action for Human Rights*, stating that *“the work to promote human rights shall characterize the Government’s policies”*, understood as a domestic as well as an international commitment. The ministers of Foreign Affairs and Development Cooperation said in a common statement in MFA’s 2009 *Report on the Role of Human Rights in Norwegian Foreign and Development Policy*:

*“One of the Norwegian Government’s primary objectives is to promote an international legal order based on democracy and human rights. Not only do all states have a legal obligation to advance human rights, they also have a moral obligation to protect individuals from human rights abuses.”*

Norway’s policy documents address virtually all human rights dimensions. It is therefore difficult to identify any clear priorities. Documentation available does, however, seem to show that civil-political rights are at the top of the agenda in terms of foreign policy while economic, social and cultural rights have more priority

in development cooperation policy, among other things through the concept of rights-based development. In the first area, freedom of expression has been receiving particular political attention over the last years.

During most of the period studied here, there has been a broad consensus about Norway's international HR policies, including through development cooperation. One dividing issue has however emerged in the course of this evaluation: what is seen as an increasing reluctance by Norway to ratify new international conventions. This evidently stems from a concern in parts of the legal community regarding the ceding of political and judicial sovereignty. Civil society and opposition parties in Norway have also raised this issue in line with the questioning of Norway on this point during the Universal Periodic Review examination at the Human Rights Council in December 2009. The concern that is raised is that such a perceived change in Norwegian policy may give rise to a credibility gap when Norway at the same time is trying to support human rights actors on the basis of the Government's stated objective "*to promote an international legal order based on democracy and human rights*".

### **Characteristics of the Human Rights Portfolio**

Using Norad's aid database, all activities in Norway's development cooperation considered to have a dominant human rights (HR) aspect have been reviewed. Over these ten years, almost NOK 10 billion have been disbursed for this purpose. The amounts fluctuated between NOK 800 and 1,000 million from 2000 to 2007, with a temporary reduction in the middle of the period before a sharp increase in 2008 and 2009, reaching NOK 1.5 billion in the last year covered by this evaluation.

A little over five percent of total Norwegian development aid has been given a human rights stamp, and actually falling as a share during the ten-year period. The percentage share was highest when Norway had a functioning human rights action plan 2000-2004, although no direct linkage between policy and allocations has been established. Looking at specific target groups, to the extent it has been possible to identify this in the data, support to children rights is the most prominent area, followed by indigenous and refugees.

It is very interesting to note that civil society – local, international and Norwegian NGOs – have channelled a remarkable 55-60% of all Norwegian support to human rights, with local NGOs as the leading implementing part.

Among the Norwegian NGOs – and one may expect their local partners around the world – there is a clear division of labour when it comes to target groups. *Save the Children Norway* has been the largest channel for child rights support, *Norwegian People's Aid* (the largest overall recipient of HR support) has been the largest conveyor of support to indigenous rights, and the *Norwegian Refugee Council* has been the main implementer of refugee rights. Many NGOs have good systems for structured incorporation of treaty rights-based work, and in fact appear to have a more systematic approach to this issue than the official aid apparatus. The second most important channel has been the multilateral institutions, with UNDP being the largest recipient. It is noteworthy that UNDP, as the general development agency of the



UN system, has been channelling more funds even to activities focused on children's rights than the specialized and very rights-based agency UNICEF. The UN Office of the High Commissioner for Human Rights (OHCHR) has also received considerably less funding than the UNDP, in part because OHCHR still has limited implementation capacity in the field. Norway is one of the main funders of OHCHR, however, which has seen considerable progress over the last ten years in working with the rest of the UN system to systematically rights-base its country programmes.

### **Human Rights in Overall Development Cooperation**

There has been an explicit Norwegian policy that human rights, and a rights-based approach, shall underpin development cooperation. The most systematic way to achieve this would be to link Norwegian development cooperation to the human rights obligations of partner countries as expressed by their ratification of Human Rights treaties. This principle has also been stated in the Government Budget Proposition at least since the 2008 budget, where it is stated that *"The Human Rights Conventions shall be used methodically to identify state obligations towards their population"*.

However, the MFA has not yet developed a procedure for the implementation of this policy, in spite of the existence of good and relevant Norad tools for the enhancement of HR in development programmes, for the assessment of HR as a risk factor and also concretely to advise embassies on how international treaties may be incorporated in aid activities. The MFA's Section on Human Rights and Democracy has not been given a mandate to take care of this function, and does not seem to perceive it as a logical part of its functions. Its specific responsibility is rather to guide Norway's foreign policy in terms of human rights and to manage a specific HR budget line (see below). The Section *may* provide inputs to the decision-making process for development cooperation, but we have found few examples of this in practice. As an example, there is a stated intention, reflected in internal MFA documents, to follow up subjects raised in the HR dialogue with Indonesia in the formulation of development cooperation projects in that country, but this does not seem to have been consistently implemented. Overall, the 'HR footprint' appears limited. The evaluation team therefore believes there is a missing link in the overall development cooperation system when it comes to incorporating and quality assuring human rights priorities and criteria.

This evaluation has developed Human Rights Profiles as a reference to assess the relevance of Norwegian support. This could hopefully also serve as a tool for HR orientation of future Norwegian programming.

### **Specific Human Rights Funding**

Within the general portfolio of funding for human rights, there is a smaller and more specialized human rights budget line administered by the MFA's Section for Human Rights and Democracy. Until recently it was part of the budget-post "Emergency aid, humanitarian assistance and human rights". As of 2010, there is a specific budget post for human rights, while the allocations to human rights previously were based

on administrative decisions. This more targeted allocation is seen as an important tool to emphasize human rights priorities in Norwegian foreign policy.

These allocations represent less than one tenth of the total funding for human rights, but still a significant amount: more than NOK 900 mill over the ten years. These funds have been used to support Norway's human rights dialogues, the OHCHR, activities related to Norway's participation in the UN Human Rights Council (previously Commission), and topics such as human rights defenders, human rights in conflict situations, freedom of expression and Security Council Resolution 1325 on Women, Peace and Security. The support has, therefore, been concentrated to global human rights efforts and support to specific issues in countries with a critical HR situation.

### **Freedom of Expression and Independent Media**

The support to freedom of expression and media represented just under five per cent of the funding (see section 5.1.1 on challenges with the classifiers). The relative importance of this sector both in absolute and relative terms peaked in 2006, which is paradoxical since it has been given increased political priority towards the end of the period.

The evaluation team has found the Freedom of Expression (FoE) portfolio to be largely about media support. Very few projects are concerned with the promotion of the right to freedom of expression in a wider sense including freedom of information, internet freedom etc. The main projects with engagement in wider freedom of expression concerns were those carried out by *International PEN/Norwegian PEN*, plus *Article 19*.

Media projects have been concentrated to five partner regions and countries: Western Balkans, Zambia, Ethiopia, Mozambique and Zimbabwe. The funds were managed in a decentralized manner by the embassies, such as in Zambia and Ethiopia – the latter in cooperation with the Norwegian Journalist School *Gimlekollen*, by NGOs – *Norwegian People's Aid* and *International Media Support* in the case of Western Balkan and Zimbabwe – or through the UN as was the case in Mozambique.

There is a significant change from the middle of the period, when funding of a handful of international organisations began to absorb an increasing share of the FoE portfolio. Three of these organisations – *International Media Support*, *Institute for War and Peace Reporting* and *Norwegian PEN* – received 87% of the NOK 84 million disbursed to such specialized organisations.

There is no explicit official Norwegian strategy for support to Freedom of Expression, in spite of strong political signals through various Minister speeches. The 2005 Guidelines on support to free media do not provide detailed guidance for a freedom of expression portfolio, leaving it up to the embassies and country/regional desks to make their priorities in the annual allocation process. However, this decentralization and use of external partners made it possible to adapt media support in the five

mentioned areas to the *political situation* at the time of the programmes. Country-wise, the implementation partners have successfully managed the programmes.

Results on *outcome* level in most countries are satisfactory, with some reservations regarding Ethiopia (given the increasingly negative media situation in that country). First and foremost there were *contributions* to highly visible political results, actually influencing regime changes in a democratic direction: empowering local media in Serbia and Macedonia which was instrumental to the ousting of Milosevic, providing a 'voice for the voiceless' in Zambia as an important factor in denying a third (constitutionally illegal) term for President Chiluba, restoring media plurality and independence in Zimbabwe and strengthening it in Mozambique. In sum, the media landscape in Mozambique, Zimbabwe, Zambia, Serbia and Macedonia were all improved in part due to the Norwegian support.

### **NCHR Programmes in Indonesia and South Africa**

The Norwegian Centre for Human Rights (NCHR), affiliated to the Law Faculty of the University of Oslo, has been running comprehensive human rights programmes in China since 1997, in South Africa since 1998, in Indonesia since 2002 and in Vietnam since 2008. The programmes in China, Indonesia and Vietnam have been closely linked to the HR dialogues between Norway and the respective governments, while the South Africa programme has been an arrangement to implement the human rights portfolio of the Norwegian development cooperation with that country.

NCHR was unanimously regarded by Indonesian and South African partners as a reliable, flexible donor-partner.

The most important component of the Indonesia programme has been HR education in Indonesia, particularly to law lectures, absorbing 40% of the budgets, and HR training for the Indonesian military and judiciary with about 16% each. The main thematic emphasis has been on civil-political rights based on international treaty obligations, but economic, social and cultural (ESC) rights have been also covered. Some of the stakeholders interviewed would have liked to see a stronger emphasis on ESC rights, including in relation to the role of multilateral corporations.

The major result of the programme has been the strengthening of human rights in Indonesian law studies. The number of university-based HR Centres increased from 3 to 41 during the life of the programme, largely due to its existence. All regions of the country now have such centres, but HR is still not a compulsory part of the law studies. The programme produced state-of-the-art textbooks on HR for the law faculties, and has contributed to an obvious improvement in HR knowledge in academia as well as in public administration.

However, there is no clear indication of what impact this has had on actual human rights compliance in the country, particularly at community level. Work through civil society has not had a prominent place in the programme, and many of those interviewed raised questions about the selection of partners. Some also pointed to a legalistic bias in the programme. A particular weakness may have been the lack of

participation by the most marginalized groups, those rights-holders most in need of support in order to be heard with their legitimate HR claims.

Since the beginning, the relationship between the NCHR programme and the government-to-government HR dialogue has been close and mutually enriching. The NCHR has participated actively in the working groups under the dialogue, contributed to the preparation of the agendas and to the follow-up of topics raised in the dialogue. The programme has benefitted from the dialogue as it has provided it with an official reference point seen as valuable by both states, thus making the NCHR a tolerable partner even for Indonesian actors tending to be suspicious of human rights. But this strong relationship to the official HR dialogue may also have contributed to the weakness in terms of broader socialization.

The programme in South Africa has focused on economic, social and cultural rights, particularly against forced evictions and for AIDS treatment. It is an interesting case of the MFA systematically pursuing such rights in a bilateral programme. The programme produced important outcomes through a variety of methods utilized by the programme partners, not least litigation work to claim socio-economic rights in the courts. To a certain extent, this has been combined with social activism, creating a powerful rights-based force. The full impact of such work is not yet known, since the nature of the litigation cycle implies that cases may come to fruition only after a number of years. The outcome of litigation also depends largely on Government capacities, leadership and political will to implement policies.

### **A Management Challenge**

The NCHR and several NGO partners in HR projects find that agreements tend to be too short, often based on annual applications and experiencing significant delays in payment. Applications sometimes bounce between MFA units and Norad, contributing to uncertainty among partners about the goal but also reducing effectiveness of proposed activities.

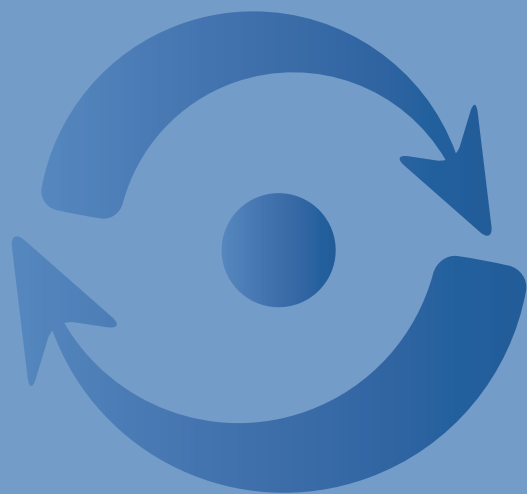
### **Recommendations**

- The Universal Periodic Review of the Human Rights organized by UN's Council on Human Rights should be used to identify legitimate HR challenges and opportunities for Norway's cooperation partner countries, also in negotiations about future development cooperation. The HR Section of MFA should be provided with a more explicit mandate to ensure that human rights concerns (particularly Convention-based state obligations) are incorporated in Norway's development cooperation, and strengthened as necessary for this specific purpose. Norad's capacity in this field also needs to be strengthened and used more systematically for the same purpose.
- The guidelines for media support launched in 2005 remain relevant though they should include support to community and new online/social media. They should also be broadened to incorporate wider freedom of expression goals, as noted in ministerial speeches 2008/9, possibly converting the guidelines to a full-fledged strategy. Such a strategy should pay particular attention to minorities and disadvantaged groups, and pro-democracy and pro-human rights use of new social media.

- The model of cooperation with Indonesia through the NCHR could possibly be extended to other human rights resource institutions. While the relationship to the official human rights dialogues in the case of Indonesia is mainly positive, it should not restrain the NCHR from partnership with a broader variety of social actors, particularly those working with the most disadvantaged groups for their economic, social and cultural rights.
- The model in South Africa of using the NCHR and similar institutions to implement strategic and long-term human rights programmes should be considered for other bilateral partners, not least to reinforce the active use of development cooperation to address state obligations towards their populations.
- More work should be dedicated to the 'demand' side (civil society) of rights, not just the 'supply' side (Government), so that improved human rights knowledge among academics, civil servants and military/security personnel be converted into effective human rights enforcement.
- Measures should be taken by the MFA to streamline the system of appropriations and approval, making it more transparent for the partners. Longer-term agreements for strategic human rights programmes would improve predictability and performance.
- A serious effort should be made to implement the previously stated intention of concentrating disbursements from the special human rights budget of the MFA to a limited number of strategic partners. Some of these partners could even have a general responsibility for smaller grants, which today take much time and attention away from the strategic tasks of MFA's Section for human rights and democracy.



# Main Report







# 1. Background, Objectives and Methodology

Norad's Evaluation Department invited tenders for the 'Evaluation of Norwegian Development Cooperation to Promote Human Rights', covering the period 1999 until the present. Scanteam was awarded the task, with the team consisting of Scanteam Senior Partners working in collaboration with independent consultants that have special expertise in the various aspects of the evaluation and human rights.

## 1.1 Objectives of the Evaluation

The Terms of Reference (ToR) provide two principal objectives for the evaluation:

- i. To provide an overview of allocations for human rights (HR) in Norwegian development cooperation; and
- ii. To document and assess the changes brought about by this support in selected areas.

There is, therefore, the dual purpose of **accountability** – acquiring knowledge and drawing lessons about the nature and effect of the support – and **learning** – informing future strategies, policies and interventions.

## 1.2 Scope of Work

Support to 'Human Rights' in Norway's development cooperation is taken to include the full scope of 'human rights' as defined in the international system of covenants, treaties and conventions, as far as they are ratified by Norway. This system regulates the obligations of member states *as duty bearers*, in relation to individuals and in some case groups of individuals *as rights holders*.

We have at certain points in the report made a distinction between human rights as an aspect of Norwegian development cooperation vs. foreign policy. Although the title of the evaluation only refers to the former, the two are so intimately related that the scope has to cover both, particularly since one part of the allocations we are assessing (the one handled by MFA's special Section for Human Rights and Democracy) is more guided by foreign policy than by development cooperation concerns.

This is also illustrated by the way the purpose of the evaluation was described in the ToR:

*“The purpose of the evaluation is to acquire knowledge and draw lessons about the nature and effect of support to human rights, with a view to informing future strategies, policies and interventions in this area of development cooperation.”*

The evaluation contains three separate tasks with specific questions:

- Mapping and analysis of the human rights portfolio – understood as support to the priority areas – over the past decade;
- Evaluation of the support to freedom of expression, where free and independent media is singled out as a particular area of attention; and
- Evaluation of two country programmes of the Norwegian Centre for Human Rights (NCHR) in Indonesia and South Africa.

For each of these three parts of the evaluation, the ToR has specified a number of questions, which are directly addressed as sub-chapters in Chapters 4, 5 and 6 respectively.

Based on these three tasks, the team was asked to draw conclusions, provide the key findings and present recommendations.

### 1.3 Evaluation Process

The evaluation began with a mapping of Norway’s funding for human rights activities. Using Norad’s database on Norwegian development cooperation financing, an analysis was carried out of expenditure patterns over the period 2000-2009 across countries, of the key channels for Norwegian support, and of funding for particular objectives highlighted in the ToR, in particular the support to freedom of expression.

Based on the findings of the Mapping Study and other sources, the *Inception Report* was prepared. This proposed countries for field work, outlined the analytical framework and the data collection tools for the various field work areas.

At this stage, Norad’s Evaluation Department decided to cancel the evaluation of the Norwegian Centre for Human Rights’ programme in China, which was to have been a key component of the evaluation according to the ToR. Instead it was decided to update a previous review Scanteam had made of NCHR’s country programme in South Africa.<sup>1</sup>

Based on the *Inception Report*, it was decided that field work would be carried out in Zambia for the assessment of media support and in Serbia and Macedonia for the evaluation of impact on Freedom of Expression. The team was also asked to look into support to some of the organisations receiving support from the MFA for Freedom of Expression work, notably PEN (Norwegian and International), International Media Support (IMS), Institute of War and Peace Reporting (IWPR) and the

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<sup>1</sup> See Annex A, Addition to Terms of Reference.

Rafto Foundation. The field work for the evaluation of the other NCHR programme, in Indonesia, was then also agreed to.

On 4-5 October the team met for a first workshop to plan the work in detail, particularly the methodological aspect, the field work and the use of the Human Rights Profiles. On that occasion, the team also had a video conference with OHCHR in Geneva on their work with human rights indicators.

The field work was done in November and December 2010, while interviews were conducted with relevant informants in Norway. These interviews, along with document consultation in the Ministry of Foreign Affairs, continued through January and into mid-February. A second team workshop was organized 19-20 January 2011. Drafts of this Report have been commented by Norad's Evaluation Department and the stakeholders of the evaluation.

#### **1.4 Evaluation Deliverables**

The team produced the following deliverables:

- A Mapping Study that presents the quantitative analysis of Norway's funding support to the field of human rights over the last ten years. This study, a first version of which was submitted with the *Inception Report*, had to be updated when we later got access to the 2009 figures (the Mapping Study is available on [www.norad.no/evaluating](http://www.norad.no/evaluating));
- An Inception Report according to the guidelines presented in the ToR;
- This draft Final Report, which contains the complete study with annexes in accordance with the guidelines presented in the ToR; and
- The final evaluation report which will be the complete and amended report as per the guidelines provided in the ToR, incorporating comments.

In addition, the team is providing a series of feedback workshops:

- At the end of each of the field visits, the team presented its preliminary findings to relevant stakeholders, allowing for feedback and discussion; and
- Once the *Final Report* has been approved, a dissemination seminar will be organized by the Evaluation Department at a site and with a format of its choosing, where the team will be present to discuss the findings and recommendations.

#### **1.5 Structure of the Report**

A brief presentation of the Methodology of the evaluation process is given later in this Chapter (1.6). The Report then starts out with the presentation of an analytic framework, defining the basis for the human rights concept in the international system, and discussing how support to human rights within this system is defined in Norwegian foreign and development cooperation policy (Chapter 2).

In Chapter 3, we present the highlights of the 'human rights portfolio' in Norwegian development cooperation, while also pointing out that there is a 'small portfolio' more specifically directed at supporting foreign policy objectives regarding human rights. A full Mapping Study is available on [www.norad.no/evaluating](http://www.norad.no/evaluating).

Chapters 4, 5 and 6 address the three main parts of the Evaluation, responding directly to the specific questions of the ToR.

Chapter 7 summarizes conclusions, findings and recommendations.

Annex A (ToR), B (List of informants), C (Documents consulted) and D (Methodology) are printed as an integral part of the main Report. The Mapping Study is made available electronically on Norads website, linked to the electronic version of this Evaluation Report ([www.norad.no/evaluation](http://www.norad.no/evaluation)). Other background documents will be available on Scanteam's website, linked to this Report ([www.scanteam.no.xxx](http://www.scanteam.no.xxx)): Human Rights Profiles elaborated for the main countries covered by the study, used as a basis for assessing the relevance of Norwegian support in different areas; a description of the rights-based approach of four Norwegian NGOs, being main channels for the HR support, plus the main public institution receiving HR funding, the Police Directorate; two specific topics where Norway has played a crucial role in the international HR work; and a more in-depth presentation of the case studies.

## 1.6 Methodology of the Evaluation

The methodological approach to the different parts of the evaluation is summarized in this chapter. A more detailed account of the methodology used by the evaluation team can be found in Annex D. The foreseen methodology to be employed for the evaluation was first described in the tender document and in more detail in the *Inception Report*. The team received feedback and approval from Norad for the proposed methodology presented in the Inception Report.

### Mapping Study

The Mapping Study was to provide a quantitative overview of Norway's funding support to the field of human rights over the last ten years. The portfolio mapping was based on Norad's aid database, which covers all Norwegian aid including the various aspects of human rights (HR).

The Norad database contains a number of classifiers/identifiers: (a) Norwegian budget structure; (b) the Development Assistance Committee (DAC) scheme; (c) policy markers that Norway uses; and, (d) the agreement partner or the organisation that has signed the contract with Norway. The database also shows the geographic area that is to benefit from the funding – countries, regions, global.

The team used all possible identifiers/classifiers to analyze the database. The mapping exercise showed that the best classification scheme for identifying Norwegian human rights funding is DAC's, which has been used as the primary identification scheme. The exercise also showed that using the Norwegian budget structure alone as a means for identifying Norwegian support for human rights is questionable for various reasons. However, in combination with the DAC classifier it is possible to identify trends in budget allocations, which was done in the analysis for chapter 4.

The DAC classification scheme contains four sub-sectors that are relevant for the current exercise: Judicial and Legal aid, Civil Society support, Human Rights, and Free Flow of Information. Only disbursements marked with human rights as 'main

objective' have been included, and only when they have a value of over NOK 50,000, leaving a database with 8,014 disbursements and just over NOK 9.7 billion in total payments for the portfolio mapping.

The Norwegian HR Portfolio derived from the mapping exercise does not include all human rights efforts since the classification scheme misses some and has included other fund components that are not truly human rights relevant. However, given the database structure, using a combination of identifiers/classifiers enabled the team to present the "best fit" universe.

### **Human Rights Profiles**

Many of the ToR questions referred to 'relevance' of the various activities. In order to inform the work of the evaluation team, we decided to elaborate a number of country-specific Human Rights Profiles, namely for those countries selected for case studies (Indonesia, South Africa, Serbia, Macedonia and Zambia) plus countries where Freedom of Expression projects were assessed through desk studies (Ethiopia and Mozambique<sup>2</sup>).

The Human Rights Profiles aimed at giving an indication of the prevailing human rights issues, challenges and future opportunities in each of the selected countries in the past decade. They were used as a tool for those involved in the evaluation process as well as the readers of the report.

The HR Profiles provide an overview over each country's HR treaty situation, a section related to the Human Rights Council's Special Procedures, any recent visits, follow up to recommendations, recent opinions from thematic experts/Rapporteurs etc. They also give a brief, but coherent, analysis of the implementation of a selection of human rights issues. The team chose to focus on eight human rights clusters in composing the HR Profiles, among which are both civil-political and economic, social and cultural rights. For each country, indicators for 3-5 of these clusters were chosen, depending on relevance for the evaluation and availability of reliable and comparable data.

The HR Profiles were based mainly on information from the *Universal Periodic Review (UPR)* process, given the international legitimacy of this mechanism. Other important sources of information with regard to the status of human rights from sources such as regional HR mechanisms, HR INGOs like Amnesty International and Human Rights Watch are often incorporated into the UPR process. Additional sources of information were incorporated into the HR Profiles to provide a historical perspective of the evolution of the HR record for each country.

We believe this material and the way we have organized it, making use of the new indicator system developed by the HR High Commissioner's Office, may also be a valuable contribution to the evaluation's purpose of learning – informing future strategies, policies and interventions regarding Norwegian support to human rights around the world. The HR Profiles are available on Scanteam's website.

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<sup>2</sup> Zimbabwe was left out because that country has still not gone through the crucial UPR process.

## Freedom of Expression and Media Development

The evaluation team carried out desk studies and conducted field work for this part of the evaluation in Serbia and Macedonia (with emphasis on Freedom of Expression more in general) and in Zambia (the media programme). Interviews in Norway and in-country were conducted for all three case studies.

In **Zambia**, the '4th generation' evaluation approach was applied (explained in Chapter 5). The evaluation team conducted a desk study (history and 'theory of change' of the programme); a field study in Zambia in which together over 25 people were interviewed, and a final stakeholders meeting was organized at the end of the field work. In Oslo, eight officials were interviewed about their role in the programme.

In the desk study, the Guidelines for support to the media (issued by MFA in 2005) were used to represent the 'Theory of Change' of the programme, to this end they were compared to existing media support theory (namely *public sphere theory*). The guidelines as well as the theory focus on 4 areas: 1. Strengthening the media's legal position; 2. Bolstering the media's professional standards; 3. Helping the media to become more diverse, relevant and more widely available; 4. Supporting measures that will improve media access to information. The (media) context in Zambia was taken into account as well.

The field study in Zambia took place between 5 and 15 December, 2010, followed up with interviews in Oslo in January 2011. The interviews made, confirmed by and large the findings of the desk study. Based on the Desk study and the Zambian field study preliminary Claims, Concerns and Issues were formulated by the evaluator and were put forward to a stakeholders' meeting on 13 December, 2010. The final Claims, Concerns and Issues were, therefore, formulated together with the stakeholders.

The team developed a different methodology for the **Western Balkans** case studies, looking at the extent to which the overall package of projects supported by the Norwegian Peoples' Aid has contributed to respect for freedom of expression in the countries. The team, therefore, took a broader, more policy-focused approach to the field studies in this case. A thorough desk study assessed the extent to which freedom of expression needs were evaluated at the beginning of the project cycles, what the assessment was based on, and whether there was a coherent underlying strategy throughout the evaluation period. An important starting point for this was the Human Rights Profiles drawn up for each of the countries.

The field study itself was conducted in a one-week period in December 2010, allowing for two/three days in Serbia and two in Macedonia. Because of the broader focus of the evaluation, interviewees included key implementers as well as others, key Norwegian in-country decision-makers and other key in-country donors. In-country interviews were conducted individually, and in some cases through small groups. In addition, interviews were conducted with key strategic staff in Norway (in January). The focus of the project-related questions was the key strategic points identified in the ToR and *Inception Report*.

Additional desk studies were done of media support programmes in **Ethiopia, Mozambique, and Zimbabwe**, mostly based on previous reviews and evaluation reports.

Finally, desk studies and consultations with staff were conducted of the support to four specific organisations we were asked to assess (contained in the original ToR): **PEN International and its Norwegian chapter, the Institute of War and Peace Reporting (IWPR), IMS and Rafto Foundation.**

### **NCHR Programmes in Indonesia and South Africa**

This evaluation of the **Indonesia** Programme utilized three methods for gathering primary and secondary sources of information: desk study, personal interviews and focus group discussions. An Indonesia Project/Activity Portfolio was prepared prior to the field visit. An Interview Guideline highlighting the issues the team wished to address with informants was prepared and distributed with programme stakeholders prior to meetings. The Project/Activity Portfolio and the Interview Guideline were both designed to inform and guide the field work.

Four instruments were used for triangulation of information:

- *Inception Report.* The *Inception Report* produced by the team was made available to Norad and NCHR for correction and comments;
- *Stakeholder Interviews.* Information from the desk review and from informants was cross-checked during personal interviews with individuals and groups and during focus group discussions with programme beneficiaries;
- *Feedback on the Draft Report.* The draft report was submitted for reality check and comments from programme stakeholders; and
- *Workshop with NCHR:* The evaluation team presented its findings and recommendations to NCHR staff. The power point presentation was followed by discussions on the findings and recommendations. Inputs from NCHR were taken into consideration in the final report.

Fieldwork in Indonesia took place from 21 November to 6 December, 2010, in Yogyakarta, Jakarta and Bali (mid-point meeting with beneficiaries from Flores). The team carried out individual and group meetings with NCHR partners, programme beneficiaries, and external stakeholders. Focus group discussions took place with programme beneficiaries in two programme areas, HR Education and ECOSOC. The evaluation team met with MFA staff in Oslo and at the embassy in Jakarta and NCHR staff in Oslo at the inception and finalization phases of the evaluation. The team also met with the NCHR staff posted in Jakarta and conducted Skype interview with former staff.

The rapid assessment of the **South Africa** programme was undertaken through a desk study of programme documentation since the 2009 review, supplemented by interviews with programme staff and former staff and telephone interviews with officials from the Norwegian embassy in Pretoria. Programme stakeholders in South Africa had recently been consulted in connection with the finalization of the programme (Jones, Langford, Smith, 2010). The evaluation team was asked to consider whether partners' views since the 2009 review had been integrated into the



final programme report. It was agreed with NCHR and the Norwegian Embassy in Pretoria that further interviews with recently consulted programme partners would not take place in connection with this rapid assessment.

### **The Qualitative Portfolio Analysis**

The portfolio analysis was partially done as part of the Mapping Study and completed once the various parts of the evaluation had been finalized, in order to have a broader basis for this analysis.

As already indicated in the Inception Report, based on the mapping exercise, the available database as such does not immediately permit us to respond to some of the evaluation questions regarding qualitative analysis of the human rights portfolio. The reason is that the DAC funding criteria are organized very differently from the Norwegian priority areas, and that the 'policy markers' in the data base only to a very limited extent give any guidance to the same criteria.

In order to go deeper into issues about Norwegian priority areas in the portfolio (apart from freedom of expression and free media and the human rights dialogues), the Team carried out document studies (particularly in MFA archives) and interviews of main actors involved in the planning and implementation of HR support, in MFA, Norad, NGOs and other partner institutions. This enabled the team to gather sufficient information to partially answer to questions 1, 2, 3, 6 of the ToR. The issues of key channels (question 4) and country variations with emphasis on conflict vs. non-conflict situations (*question 5*) were already to a large extent addressed in the Mapping Study. The last part of *question 6* was assessed by using the Human Rights Profile as our main reference.

### **Evaluation's Limitations**

As described above, the classifiers/identifiers in Norad's database posed a challenge and limitation to the Mapping Study, and consequently, to the qualitative analysis of the HR portfolio. This particularly affected the team's ability to fully answer questions 1, 2, 3, 6 of Part A of the ToR.

The assessment of the NCHR human rights programmes were to be based on assessments of two case study programmes established to support HR dialogues with Norway, namely China and Indonesia. The ToR did not imply an evaluation of the HR dialogues as such, something that would have added an important element to the evaluation. Due to unforeseen circumstances in the inception phase of this evaluation, Norad's evaluation department concluded that an evaluation of the China programme of the NCHR would not be undertaken. NCHR's South Africa programme was selected by Norad to replace the China programme evaluation. While the South Africa Programme provided a rich case study to widen the team's ability to assess NCHR's programmes according to the ToR questions, the programme had just closed during the period of this evaluation. The China case study would have offered a view of NCHR implementing two programmes in support of ongoing country dialogues and of the institution implementing a country HR programme in more complex political circumstances. Although the evaluation team was already familiar



with NCHR' South Africa Programme, as one of its members conducted the programme's Mid-Term Review in 2009, the rapid assessment had the limitation of not including consultations with South African stakeholders.

The Human Rights Profiles for selected countries, which provide the main HR-related issues in each country, had the limitation of not being exhaustive by principally taking the Universal Periodic Review (UPR) as the point of departure. Moreover, the limitations of the UPR process itself also influence the Human Rights Profiles, as the assessment is not done by Independent Experts, but by peers, based on information contained in the three different UPR reports (the national report, compilation of civil society / NGOs, / NHRIs etc., and lastly the UN compilation). While the most salient human rights issues are raised, the interactive dialogue is not comprehensive, often also due to the time limitations. With regard to the recommendations (made/adopted as State-State recommendations), they are often vague and in some cases not in line with international human rights principles.

The desk study of media support programmes in Zimbabwe, Mozambique and Ethiopia are based on the study of existing, albeit independent, evaluations only.

Of the four direct beneficiary Freedom of Expression (FoE) organisations selected in the addition to the ToR for desk study, one (the Rafto Foundation) turned out not to be very relevant for this issue. One other organisation (IMS) had already been assessed through the desk study of FoE work in Zimbabwe.

## 2. The Context of Norwegian Human Rights Policies

### 2.1 The Analytical Framework

The most generally accepted source for assessing the status of human rights in the world, is the *Universal Declaration of Human Rights* (UDHR), which was adopted by the UN General Assembly in 1948. It is a declaration which was never submitted to nations for ratification. However, no nation would today question the general validity of this *Magna Carta* of the rights of all human beings. Still, there may be different perceptions of how to understand and apply these rights under given circumstances and in different countries.

Complementing the UDHR, there are two additional legally binding documents that make up the *International Bill of Rights*: the *International Covenant on Civil and Political Rights* (ICCPR) with its two optional protocols, and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). These two categories of rights are generally accepted as universal and indivisible, so that the categorization and prioritization of rights in itself represents a certain problem.

Further to the International Bill of Human Rights, there are a total of nine more specific so-called core treaties (with optional protocols), together with the Bill of Rights constituting what is called International Human Rights Law. These treaties are to various degrees signed and ratified by nations. Other instruments have been adopted at the regional level, reflecting the particular human rights concerns of those regions (Europe, the Americas, Africa) and providing specific mechanisms of protection.

When assessing human rights standards, it is important to distinguish between *absolute rights* (most of the civil-political rights) and *relative rights* (where focus is on progress measured up against available resources, as in the case of most economic, social and cultural rights). It is therefore important to see the achievement of human rights in a context, such as level of development and the distinction between conflict and non-conflict situations. Even if most civil-political rights are seen as absolute and non-negotiable, it is generally accepted that *improvements* in governments' fulfilment of such rights – for example at the level of political freedoms – is of relevance even if important deficits remain.

A distinction may be made between individual and collective rights. Normally, in particular in western societies, human rights are seen as individual, attaining separately to each and every person. But some of the economic, social and cultural rights (ESCRs) are also at times ascribed more to societies and communities than

to individuals. And with the adoption of specific indigenous rights, through ILO Convention 169/89 on the *Rights of Indigenous Peoples* and the UN *Declaration on the Rights of Indigenous Peoples* (adopted by the UN General Assembly in 2007), human rights are no more the exclusive arena of individual rights. There is also a certain North/South dimension in this, illustrated by the fact that the principal regional rights document for the African region is termed the *African Declaration of Human and Peoples' Rights*, referring to individuals as well as to peoples.

Finally, Human Rights are frequently also seen as a dimension of democracy. In the Norad-commissioned evaluation of support to democracy through the UN recently finalized by Scanteam<sup>3</sup>, Human Rights is defined as one of eight dimensions of democracy.

What all of this means, is that it is quite complicated to define a representative analytical framework for the evaluation of Human Rights. In this evaluation we will have to take the four DAC-defined funding categories and sub-categories under these as our point of departure. In the establishment of the Human Rights Profile for countries subject to specific study, we will base ourselves on a selection of the most relevant thematic categories in each case, and those indicators under each of these where data is available (the most important source being the *Universal Periodic Review* (UPR) process under the responsibility of the UN Human Rights Council and the OHCHR.

In the case evaluations of support to FoE/Media and the two selected country programmes of the NCHR, we will try to strike a balance between funding categories and thematic indicators, the latter mostly based on the relevant HR categories assessed in the HR Profile.

## 2.2 Political Human Rights Consensus in Norway

Support to the protection and promotion of human rights around the world – based on these basic international conventions – has consistently been defined as one of the main objectives of Norwegian foreign policy and development cooperation. Indeed, as stated in the *Plan of Action for Human Rights* in (1999-2004) in the form of a Bondevik I Government White Paper to Parliament, “*the work to promote human rights shall characterize the Government's policies*” (understood as a domestic as well as an international commitment)<sup>4</sup>. Regarding the international work in this regard, it states that:

*“The respect for human rights is a foundation stone in the Government policy. The work to promote human rights nationally and internationally is, therefore, a priority task”.*<sup>5</sup>

The *Plan of Action* led to a significant upgrading of human rights as a policy issue. The Minister of Development Cooperation took the official name ‘Minister of Development and Human Rights’. A specific Section for Human Rights and Democracy

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<sup>3</sup> Norad/Scanteam (2011): Democracy Support through the United Nations. Report 10/2010 – Evaluation.

<sup>4</sup> St.meld. 21 1999-2000, p. 7.

<sup>5</sup> op.cit., p. 76.

was established in the MFA. As we shall see, budget allocations to this area started to increase very strongly.

No general *Plan of Action* has existed since 2004, assumingly because it was considered that the political priority by now had been firmly established, and that the reporting requirement implications the plan had for all ministries represented a very burdensome workload without very tangible effects<sup>6</sup>.

Moving on to the major human rights policy document of the present Government, the MFA's 2009 *Report on the Role of Human Rights in Norwegian Foreign and Development Policy*, the Ministers of Foreign Affairs and of Development Cooperation of the Stoltenberg II government confirm the continuation of this policy priority by stating in a joint foreword (which further confirms the close relationship between foreign and development policies when it comes to human rights promotion):

*“One of the Norwegian Government’s primary objectives is to promote an international legal order based on democracy and human rights. Not only do all states have a legal obligation to advance human rights, they also have a moral obligation to protect individuals from human rights abuses”<sup>7</sup>.*

It is the universal character of human rights, based on international legally binding conventions making all state parties to these conventions the primary duty bearers, that is the main justification for Norway’s international efforts to promote and contribute to protect human rights worldwide and in other countries.

The *Plan of Action*, setting the direction for the ten-year period we are evaluating, lists the priority areas for the role of human rights in Norway’s development cooperation. First of all, it is stated that the development cooperation shall be built on *rights-based development*, with the consequences this will have for cooperation forms and the kind of support granted. Furthermore, the following areas are to be given priority within the development cooperation:

- *good governance*
- *strengthening of the rule of law*
- *education and research*
- *freedom of expression and differentiated media*
- *women’s rights*
- *children’s rights*
- *the rights of disabled*
- *indigenous rights*
- *labour and industry standards*
- *right to food*

To a certain extent, the *Plan of Action* distinguishes between priority areas within the development cooperation and the Government’s political human rights promotion as part of its foreign policy. Many of the priority areas are the same, but additional themes are mentioned in terms of political work: *abolition of death penalty*,

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<sup>6</sup> This is the assessment made by a senior MFA official in charge of human rights at the time the first Plan of Action expired.  
<sup>7</sup> p. 7.

*prohibition of torture, humanitarian standards, racism and discrimination, freedom of religion and belief, along with two additional target groups: human rights defenders and the rights of lesbians and gays (later extended to the broader concept LGBTI: lesbian, gay bisexual, transgender and intersex people). Human rights dialogue with other countries is also mentioned as an important intervention form.*

When re-visiting the priority areas in the 2009 Report, they are practically speaking kept intact. A couple of extra socio-economic rights are added (water and education), and the strengthening of international monitoring instruments is also included.

When the State Secretary presently in charge of Human Rights at the MFA was asked about priorities, he made two statements.<sup>8</sup> First, that Norwegian development cooperation to the extent possible should reflect priorities expressed by the cooperation countries and be adapted to local conditions.<sup>9</sup> Second, he mentioned a few topics that have been given growing attention, namely Freedom of Expression, death penalty and LGBT rights.

On the basis of these policy documents, it is difficult to see any important human right that is *not* among the priority areas in Norwegian policy. That is of course in line with the philosophy of rights being indivisible, implying that it is very problematic to establish priorities.

In the mapping study, we use the DAC statistics of Norwegian support to human rights as the point of departure, organized according to four *funding categories*. These categories are only to a very limited extent comparable to the *priority areas* in Norway's human rights policy. We assume that one of the funding categories, 'free flow of information', *grosso modo* corresponds to the priority area 'freedom of expression' including free and independent media. But for the three other funding groups, Legal and Judicial Aid, Support to civil society organisations, and not least the very general group termed Human Rights, it will be quite difficult to identify how they relate to Norwegian priority areas. It will be impossible to go through all agreements to determine this.

It is noteworthy that almost all priority areas for Norway's human rights support referred to in the ToR are civil-political as opposed to economic, social and cultural rights. The exception is with a certain human rights-based approach to development and the mainstreaming of human rights in other areas of Norwegian development cooperation.

The priority areas for Norwegian support to Human Rights are organized according to thematic issues. There is no generally agreed list of such issues in the international human rights community. But when UN's specialized human rights secretariat (OHCHR) is now developing indicators for the evaluation of HR standards in different countries, a total of 14 categories have so far been established. Of these, half may be seen as civil-political and the other half as economic, social and cultural.

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<sup>8</sup> E-mail from State Secretary in charge of human rights.

<sup>9</sup> This may in fact mean two different and potentially contradictory things: the major HR challenges in a country will often not be held up by the authorities as priorities – quite to the contrary.

## 2.3 Emerging Conflict Lines

Norway has traditionally been seen as one of the most stalwart supporters of the international human rights protection system, normally being among the first countries to ratify international conventions while maintaining a highly ethical human rights discourse. This is also Norway's main justification for its engagement in working to prevent or punish other countries' human rights violations, referring to the universal character of rights and the obligation of the international community to defend victims independently of the principle of national sovereignty. This conflict of principles between universal rights and national sovereignty has been at the centre of many disputes, e.g. in relation to the recent Nobel Peace Prize award to the jailed Chinese human rights activist Liu Xiaobo.

It has therefore not escaped the attention of the international human rights community when Norway is now seen as increasingly reluctant to ratify new international instruments.

The Evaluation Team has been asked to look specifically at activities under the direct responsibility of the Human Rights and Democracy Section of the MFA, further to topics mentioned in the ToR. This has taken the Evaluation more directly to the foreign policy arena of human rights, beyond what are strictly speaking aspects of development cooperation. Norway's engagement with the international treaty system has been at the core of Norway's HR policies. As stated elsewhere, foreign and development policies are closely related in this area. Thus, the finding about an emerging scepticism about the ratification of new HR conventions becomes relevant to this Evaluation.

Norway has not yet ratified the following international human rights instruments:

The three most recent core treaties:

- Convention on the Rights of Persons with Disabilities (CRPD), dated 2006 with 99 parties not including Norway;
- International Convention for the Protection of all Persons from Enforced Disappearance (CPED), dated 2006 with 21 parties not including Norway;<sup>10</sup>
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), which entered into force in 2003 and now counts with 44 parties and 31 signatories. Norway has neither ratified nor signed.

Two of the most important optional protocols:

- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), dated 2002 with 57 parties. Among the consequences of Norway's non-ratification is that the country is not obliged to establish national torture-preventive mechanisms;
- Optional Protocol to the Covenant on Economic, Social and Cultural Rights (ICE-SCR-OP), dated 2008 but still not in force due to an insufficient number of ratifi-

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<sup>10</sup> The principles of this Convention are already deemed *Jus cogens* ('compelling law'), regulated under customary international law, and must therefore be followed by all countries independently of whether the treaty has been ratified. The treaty, however, provides important rules to prevent and investigate disappearances.

cations (only 3 ratifications, and Norway is not among the 35 signatory nations). This OP would allow for an international complaints mechanism.

In addition, Norway has signalled its hesitance to support the proposal to establish an optional protocol establishing a complaints mechanism (including access to collective complaints) under the Convention of the Rights of the Child (CRC).<sup>11</sup>

A main argument to justify Norway's hesitance in these cases has been that nations should be allowed a discretionary margin for the acceptance of complaints, and what the Minister of Foreign Affairs recently referred to as "a narrowing of the national democratic space of action"<sup>12</sup>.

Particularly in the cases of the CRPD and the CRC-OP, the government has been met by harsh criticism from the interested Norwegian rights groups (organisations representing the rights of disabled and children) as well as the political opposition for its reluctance to support these international rights instruments.<sup>13</sup>

A high point in Norway's recognition of international human rights law was reached in 1999, with the passing of the Act on the strengthening of the position of human rights in the Norwegian legal system (in short known as the Human Rights Act). The European Convention for the Protection of Human Rights and Fundamental Freedoms, along with four of the UN core treaties (the conventions on economic, social and cultural rights (ICESCR), civil and political rights (ICCPR), child rights (CRC), and women's rights (CEDAW)) were explicitly incorporated into Norwegian law, and even given superiority to ordinary law in case of conflict.

But the passing of this law may have been a turning point in the general consensus about Norway's support to an international human rights regime, and to have provoked increasing skepticism about the yielding of 'national legal and political sovereignty' in relation to human rights conventions. This skepticism, which has been particularly strong among high ranking legal officers within the state bureaucracy and the office of the Attorney General<sup>14</sup>, was up till quite recently rejected by political authorities, but now may have succeeded in influencing Norway's official attitude towards international human rights instruments.

Different lines of arguments have been used against the ratification of the various conventions. In some cases administrative reasons have been cited (like adoption of new national legislation or decisions about national implementation mechanisms).

But the more principled arguments seem to be reflected in a 2009 letter from the Attorney General to the MFA regarding ICESCR-OP, expressing the increasing

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- 11 The Optional Protocol to the Convention on the Rights of the Child on a communications procedure was adopted (without a vote) by the 17<sup>th</sup> Session of the UN Human Rights Council in June, 2011.
  - 12 Response from Minister of Foreign Affairs Jonas Gahr Støre to a question in Parliament, 1 December 2010 about lack of support for an Optional Protocol under CRC. Against this concern, which was strongly put forward by Norway and other western countries when this OP was negotiated, it may be argued that such discretionary margin in reality exists, as the Protocol requires a petitioner to exhaust all domestic remedies before even being considered for possible eligibility under the Protocol.
  - 13 This is particularly the case with the issue of the CRC-OP, where representatives of all opposition parties in Parliament have published a common demand to the Cabinet: "we expect the Government to support the proposal in the Human Rights Council about children's complaints right, and that this be presented to Parliament for ratification as soon as it has been finalized in the UN." [article in *Dagbladet* 18/04/11 p. 61 – translated from Norwegian].
  - 14 'Regjeringsadvokaten' in Norwegian. This institution is the State legal counsel in civilian affairs, representing the State when suing or sued e.g. for failing to protect citizens' human rights.



skepticism or outright reluctance to commit Norway to new international HR obligations. We therefore quote some excerpts of this letter:<sup>15</sup>

*“The concern is related to the renunciation of normative authority which in reality is implicit in the individual complaints mechanism: i.e. a transfer of authority to the Committee (CESCR), combined with a similar narrowing of the freedom of action for Norwegian bodies in wide societal areas. Such transfer of authority raises questions in terms of appropriateness as well as democratic legitimacy, particularly when the transfer in practice is durable, without any opportunity for Parliament to reverse it.”*

Another line of arguments refers to the financial consequences of the government committing itself to the full implementation of certain treaties, and the transfer of decisions about allocation of public resources to international bodies.<sup>16</sup>

The logic expressed here could arguably undermine the legitimacy of international human rights law more in general, and make it very difficult for Norway to argue with HR violating governments that they should ratify and respect core treaties. Norway’s stated commitment to promoting and protecting human rights as a central pillar of its foreign policy would be severely undermined if it does not hold itself to the same standard. A general reluctance to cede national sovereignty both in the political and the judicial arena, as expressed in the quoted letter, would seem to undermine the entire idea of an international human rights regime.

It is interesting to note that the missing ratifications became the most important issue during the UPR examination of Norway in the 13<sup>th</sup> session of the HR Council, in December 2009. During this process, Norway accepted proposals from many countries to *consider* ratification of all the above-mentioned conventions (CRPD, CED, OP-CAT, OP-CESCR), with the exception of ICRMW. In the latter case, the negative response referred to the fact that Norway has ratified all core ILO conventions on workers’ rights, which also applies to foreign nationals resident in Norway. The ICRMW goes substantially further than this.<sup>17</sup>

Norway has decided to provide the HR Council with a mid-term review on efforts to implement the accepted UPR recommendations – including the consideration of these ratifications – which will be due in mid-2012.

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15 Letter from ‘Regjeringsadvokaten’ (The Attorney General) to the Ministry of Foreign Affairs, dated 22 October 2009 (translated from Norwegian).

16 This will particularly be the case with treaties related to economic, social and cultural rights, such as the CRPD. The argument has been used in the quoted letter against the ratification of the complaints mechanism under ICESCR, ICESCR-OP with reference to the rule in Art. 2 (1) that “each State Party” shall take steps (i.a. through international assistance and cooperation) “to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means...”. But as a state party to the main treaty, Norway is already obliged to respect this principle, to report to the responsible Committee on its implementation and engage with the Committee on the extent to which progress has been realized and adequate resources allocated. No new legal obligations would be added by ratifying the optional protocol. The argument used here against ratifying the optional protocol may as well be used against Norway being a party to the ICESCR as such, an essential part of the International Bill of Human Rights.

17 See UN General Assembly A/HRC/13/5 and A/HRC/13/5 Add. 1 “Report of the Working Group on the Universal Periodic Review – Norway”.



## 3. The Norwegian Human Rights Portfolio

A *Mapping Study* of human rights activities in Norwegian development cooperation over the last ten years was carried out using Norad's aid database. While there are issues on how allocations are classified, this remains a uniquely comprehensive and accurate recording of all Norwegian aid disbursements.

Within this 'large portfolio' of human rights support, there is what we may term a 'small portfolio': programmes and projects financed through a specific human rights allocation managed by the Ministry of Foreign Affairs. In the following, we will distinguish between the two, although they are of course both part of the so-called O3 Chapter of the Government budget (destined to development cooperation).

This chapter intends to summarize those aspects of the *Mapping Study* that are not directly addressed in Chapter 4.

### 3.1 The Overall Support

Norway reports annually to the Development Assistance Committee (DAC) of the OECD how its development assistance has been used, structured according to the DAC sector classification scheme that is now used by all donors. There are four DAC sub-sectors that are relevant here: "Legal and judicial aid", "Civil society support", "Free flow of information" and "Human Rights". Most of the Legal/Judicial aid is for strengthening systems that address the human rights situation in a country. Much of Civil Society support is strengthening human rights advocacy groups or human rights programmes that they support. Free Flow of Information category for the most part covers the Freedom of Expression dimension in the ToR (see more about this in footnote 55).

For the ten-year period that this evaluation is looking at, the total number and the value of disbursements for each of these four sub-sectors are given in table 3.1 below.

**Table 3.1: Portfolio of Human Rights disbursements, 2000-2009, NOK '000**

DAC Sub-categories	No. of disbursements	Total value, NOK '000	Share of total
Legal and Judicial aid	649 disbursements	1,291,666	12.7 %
Civil society support	3,681 disbursements	4,357,305	45.3 %
Free flow of information	373 disbursements	479,756	4.9 %
Human rights	3,311 disbursements	3,614,744	37.1 %
<b>Totals</b>	<b>8,014 disbursements</b>	<b>9,743,471</b>	<b>100 %</b>

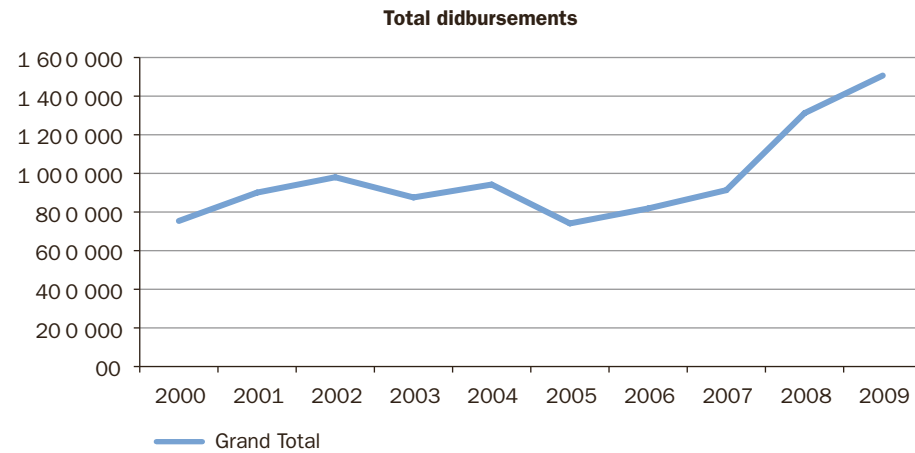
Two caveats regarding this portfolio should be noted. The first is that large block grants that may also support human rights activities (e.g. to UNICEF and other UN agencies) are not captured. The other one may be more important, which is that all disbursements, no matter how many objectives or sub-components are being funded, can only be classified in one sub-sector. That is, a project that provides support to building capacity and strengthening human rights for women in the agricultural sector may be classified as a women's project, a human rights project, a capacity building project, or an agricultural project. Where the project ends up being classified is up to the individual desk officer to decide<sup>18</sup>. However, given the database structure, this is the 'best fit' universe of Norwegian human rights funding, and will be used here.

Norwegian funding for human rights rose dramatically from about NOK 400 mill in 1999, via a doubling to almost NOK 800 mill one year later, and almost 1 billion in 2002. This growth coincided with the launching of the Government's *Human Rights Action Plan* (1999-2004). While there was a 'dip' for the following five years, to a low level of around NOK 750 mill in 2005, disbursements saw another sharp rise in 2008 and 2009, reaching over NOK 1.5 billion at the end of the period. As a *share* of a rapidly expanding aid budget, however, human rights funding *decreased* from nearly 6.8% in 2000 to just over 4% in 2005, before increasing again to around 5.8% during the last two years. The first five year period, therefore, showed a much stronger *relative* funding commitment to the human rights dimension than the 2005-7 period, before almost picking up again towards the end.

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<sup>18</sup> This coding also includes sub-classification in terms of target groups and policy areas, identifiable in the DAC database by so-called 'policy markers'. Most of the DAC coding is done by desk officers in MFA or Norad. Development activities financed through framework agreements between Norad and Norwegian NGOs are classified by the respective NGO desk officers. There is, therefore, reason to believe that classification decisions may be quite haphazard.

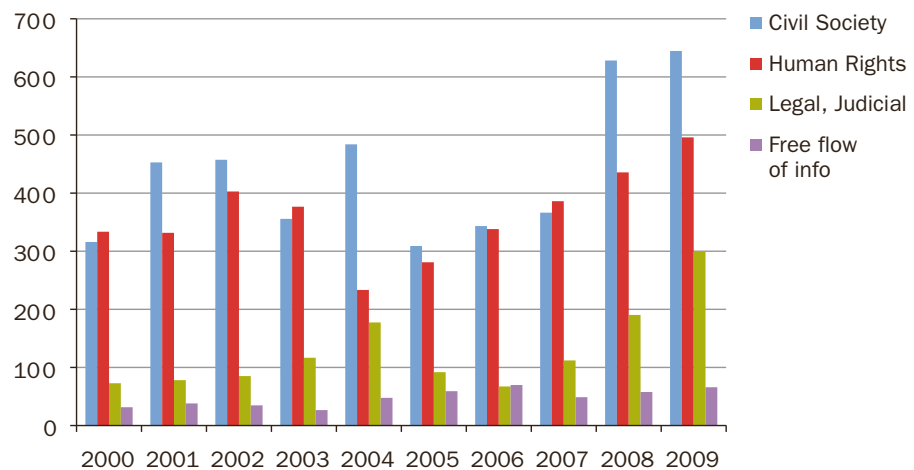
**Figure 3.1: Total disbursements, human rights activities, 2000-2009, NOK '000**



### 3.2 Structure of the Portfolio

The funding between main sub-sectors – legal/judicial sector, civil society, human rights, and free flow of information – has shifted over time. The civil society and the general human rights category have received by far the most support: civil society over 45% and human rights over 37% of total funding over the period – see figure 3.2 below.

**Figure 3.2: Human rights funding by major sub-sector, by year, NOK mill**



### 3.3 The 'Small' Human Rights Portfolio

A more specialized part of the overall human rights portfolio is the one managed by the Section for Human Rights and Democracy within the Ministry of Foreign Affairs (MFA). The Section has a delegated responsibility for the allocation and implementation of support to human rights initiatives within a larger 'humanitarian' budget line on the MFA budget.<sup>19</sup> Activities covered by this budget must be considered as

<sup>19</sup> All these portfolios are part of the O3 Chapter of the Government budget, what is considered as development cooperation.

more 'political' human rights support, used to promote human rights as part of Norway's foreign policy. Table 3.2 shows the funding provided from this specific budget line over the ten year period (with number and average size of disbursements), plus the allocations that have been made for 2010 and 2011 (first column). For the sake of comparison, we have also included the total funds that have been allocated to Human Rights as estimated by the DAC classification (see table 3.1), and the share of this particular allocation of total human rights funding.

**Table 3.2: Human Rights section HR funding, total HR funding, NOK '000.<sup>20</sup>**

Year	No. of disbursements	HR Budget Line (1) Aver. per disbursements	Total funding	Total Human Rights Funding	Share
2000	n=203	254	51,522	753,820	6.8 %
2001	n=189	372	70,289	900,652	7.8 %
2002	n=146	504	73,593	980,052	7.5 %
2003	n=134	555	74,387	875,513	8.5 %
2004	n=169	509	86,319	942,320	9.2 %
2005	n=295	310	91,563	740,944	12.4 %
2006	n=435	274	119,353	818,375	12.2 %
2007	n=557	222	123,415	913,255	10.9 %
2008	n=501	245	122,957	1,311,962	9.7 %
2009			139,195	1,506,578	8.8 %
<b>Totals</b>			<b>952,593</b>	<b>9,743,471</b>	<b>9.8 %</b>
2010			187,000		
2011			215,600		

The table shows that the Section's funding represents a minor but increasing share of total human rights support, nearly doubling from 6-7% at the beginning of the period to over 12% at the mid-point. Since then it has fallen back to under 10% over the last two years. This specific HR allocation got seriously underway only in 2000, after the presentation of the Ministry's *Human Rights Action Plan* in 1999, and had more than doubled by 2006. Another quantitative leap occurred in 2010 when this specific human rights funding for the first time was explicitly earmarked by Parliament through a separate sub-post in the Government Budget.

If we compare these actual *spending figures* to the annual *allocation proposals* of the MFA Department for UN, Peace and Humanitarian Affairs (expressed in their annual allocation memos to which we have had access), we find that spending were more than 20% higher than the proposals in 2006 and 2007, putting this funding at the level of NOK 120 mill two years earlier than foreseen in the allocation

<sup>20</sup> All data regarding the HR Budget line (Chapter/Post 163.71.601) are based on the tables provided by MFA's Statistical Unit, with reference to the accounting system Agresso. The 2009 figures are not based on Agresso but on the financial management system PTA, where projects are registered when approved. This does not provide comparable information about number of disbursements and their average value. Figures for 2010 and 2011 are allocations in MFA's budget submission to Parliament (St.p. 1), where human rights as of 2010 is a separate budget post, 163.72.

proposals. This is an illustration of the rapidly increasing political priority for human rights emerging during this period.

More than NOK 950 mill was specifically allocated to human rights activities during the 2000-2009 period, while the total amount of Norwegian aid that had 'human rights' marked as main objective was close to NOK 10 billion. This *specific* human rights allocation thus represented only 9.8% of overall human rights funding, though seems set to increase in the future.

It is interesting to note that there was a clear tendency to reduce the number of disbursements and by consequence to increase the average size of each disbursement over the first half of the period. But since 2005 this trend has been completely reversed: the number of disbursements grew higher than ever, and the average size fell back to under NOK 300,000 and was lower than ever. This trend stands in stark contrast to a stated intention of concentrating the use of HR allocations to "*fewer and strategically important cooperation partners and thematic areas*"<sup>21</sup>.

Looking more closely at the background figures, it is clear that this portfolio consists of an increasing number of small grants to a large number of beneficiaries. The number of disbursements with a value over NOK 1 mill increased from 13 in 2000 via 17 in 2004 to 26 in 2008, while there was almost a tripling of the total amount. In 2008, there were still only two beneficiaries receiving more than NOK 5 mill, in both cases close to NOK 30 mill: OHCHR and the University of Oslo (the latter principally represented by the NCHR). Among other major beneficiaries of funding from this budget over the decade have been the FoE organisations assessed in Chapter 5.3, FAFO (the Oslo-based Institute for Labour and Social Research which has financed many of its living condition surveys around the world from this budget), the Human Rights House Foundation, the Norwegian Human Rights Fund (a joint effort between MFA and Norwegian NGOs). The costs of the human rights dialogues with China, Indonesia and Vietnam have also been covered from this budget post. But the lion's share of the disbursements is made up of smaller grants (often a few thousand NOK) to workshops and conferences, studies, and a large number of organisations and initiatives.

It is really difficult to see the rationality of a specialized human rights section spreading these small amounts among so many recipients. There is a valid argument of seeing this as 'seed money', by testing new partners. But when the same partners often get limited amounts of funding year after year, that argument loses value. The danger is that the strategic focus of Norway's support to human rights is being lost. Some kind of concentration around strategic partners having multi-annual contracts combined with outsourcing might be worth considering.

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21. Quoted from the Allocation Memo ('*Fordelingsnotat*') of the Dept. for UN, peace and humanitarian issues, 2006.

## 4. Analysis of the Human Rights Portfolio

This Chapter will respond to Part A of the ToR: Mapping and analysis of the human rights portfolio over the past decade, addressing the six specific evaluation questions in six sub-chapters (ToR Qa1-6).

### 4.1 Priority Areas and Target Groups

*ToR Qa1: How much support has been provided annually to each priority area, and has it changed over the years? What is the average size of agreements<sup>22</sup> in the priority areas? How much of the overall human rights support has gone to areas other than the priority areas?*

As discussed in Chapter 2, it is quite difficult to address this task of considering support to *priority vs. non-priority* areas. The allocation of support is not based on clearly defined priorities, with the result being that everything appears as a priority. Regardless, the only way to attempt an analysis is by relying on the ‘policy markers’ in the DAC database, indicating whether the project has addressed particular groups or policy areas that have been defined as important to Norwegian policy.

In this study, it is only if the project has the policy marker value ‘main objective’ that it is included. We have chosen to discuss ‘priority areas’ and ‘target populations’ together under this heading, although the latter is part of Question a2 of the ToR. Given this approach, table 4.1 shows the total value of disbursements to projects that have addressed key target groups or policy areas.

#### 4.1.1 Main Policy Areas

The most common policy area is ‘*gender and equality*’. Human rights projects totaling NOK 503.1 mill (6.3% of the total) have this as a main policy objective. Norwegian NGOs are the channel for 58.4% of the value of these projects, with multilateral institutions channelling 27%. Among them, once again, UNDP is the largest recipient (NOK 89.5 mill), whereas more specialized agencies like UNFPA only allocated NOK 3.4 mill. International, regional and local NGOs are relatively important players in this HR area, with a total of NOK 62.6 mill (12,4% of the total).

The second ‘main objective’ category is *research*, an objective attached to disbursements worth 115.2 mill NOK. Almost half of this amount was allocated to Norwegian NGOs, with another significant share by non-Norwegian NGOs, and only about NOK 15 mill to Norwegian academic institutions. For instance, only an insignificant

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<sup>22</sup> As mentioned in the Mapping Study, we have used *disbursements* rather than *agreements* as the basis for our quantitative analysis, simply because that is how the most concrete information is to be found in the Norad database.

part of the NCHR's activities are characterized as research. There is reason to believe that the academic institutions apply a much stricter research concept than for instance NGOs.

The third 'main objective' category in the material is *HIV/Aids* (or rather activities to promote or protect the rights of persons living with or perhaps even threatened by HIV/Aids). Only a very limited amount, NOK 22.4 mill, has been marked with this objective, the most important channel interestingly being the Catholic NGO Caritas.

**Table 4.1: Target Groups and Channels for Norwegian Human Rights Cooperation, in NOK '000<sup>23</sup>**

	Women		Children		Indigenous		Refugees		Disabled	
	NOK	%	NOK	%	NOK	%	NOK	%	NOK	%
<b>Total</b>	1687,9	21,1	1234,3	15,5	792,6	10	650,4	8,2	387,7	4,9
<b>Norwegian NGOs</b>	650,4	38,5	626,3	50,7	265,3	33,5			214,1	55,2
<b>Nor Peoples Aid</b>	276,7	16,4	63,1		119,9	15,1				
<b>Save the Children</b>	63,3		323,3	26,2	3,3				8,1	
<b>Nor Church Aid</b>	108,1		40		19,6				6,2	
<b>Nor Refugee Council</b>			42				244,7	37,6		
<b>Atlas Alliance</b>			37,7						142,6	36,8
<b>Plan</b>			42,3							
<b>Rainforest Found</b>					40,5					
<b>Sami council</b>					7,7					
<b>Nor Ass. Of Blind</b>									26,9	
<b>Multilateral Inst.</b>	377,1	22,3	253,5		233,3	29,4	181,2		83,4	
<b>UNDP</b>	197,4		89,8		126,5	16	30,6			
<b>UNICEF</b>			74,1		20					
<b>WFP</b>										
<b>WHO</b>					10					
<b>UNHCR</b>					30		85,6			
<b>IOM</b>			10,4							

<sup>23</sup> **Percentages of total** are percentages of total HR portfolio being earmarked for the various target groups (since many projects are given no particular target group, these percentages do not add up to 100). **Percentages for different channels** express share of cooperation to each target group (only most significant channel is mentioned, as illustration). Source: DAC database (as used in Mapping Study), for the 2000-2009 period.

	Women		Children		Indigenous		Refugees		Disabled	
	NOK	%	NOK	%	NOK	%	NOK	%	NOK	%
<b>Local/reg/int NGOs</b>			183,2							
<b>local</b>	18,6		117,7		116,1	14,6			9,7	
<b>regional</b>			35,3		48,3				11,9	
<b>international</b>	41,4		29,2							
<b>Norwegian Public</b>										
<b>Recip. Country Public</b>	67,2		52,7		34,2					

#### 4.1.2 Main Target Groups

The DAC database specifies the following ‘main target groups’: women, children, indigenous groups, refugees and physically disabled. More than one main target group may be specified for the same project. For a total of 59.7 % of the total HR portfolio, one or more of these categories have been identified as main target group.

##### Women’s rights

Women have been marked as a major target group in disbursements totalling NOK 1687.9 mill (21.1% of the total). Such marking does not in itself necessarily represent a major commitment to women’s rights. Perhaps more often this may reveal an attempt to make a project seem to be ‘politically correct’. Probably, the best measure for the importance of ‘women’s rights’ in the portfolio is to look at ‘gender and equality’ as main objective (along with human rights), as we did under the previous sub-title. It is conspicuous that this latter policy objective is so much less prominent than women as a target group (less than one third of the disbursed funds), which is exactly an indication of the spuriousness of equalizing target group with policy objective or priority area in this case. Anyway, Norwegian NGOs represent the most important channel for this target group, and NPA the dominant among them. Multilateral institutions, headed by UNDP, are also important. Only minor amounts go through specialized women’s rights organisations among Norwegian NGOs as well as among the multilaterals, further nourishing doubts about the genuine ‘women’s rights’ character of projects marked with women as target group in the material.

##### Children’s rights

Not surprisingly, children has been identified as a major target group in a significant share of the projects of this portfolio: NOK 1234,3 mill (15.5%) has had this characteristic. Again, the Norwegian NGOs are the largest partner, conveying more than half of the value (NOK 626.3 mill). Among them, Save the Children (Redd Barna) is the main recipient (NOK 323.3 mill), while a group of others have had between 40-60 mill NOK available (NPA, Plan Norway, NRC, NCA and the Atlas Alliance). Multilateral institutions have also targeted significant amounts to children’s rights



(NOK 253.5 mill), but surprisingly with UNDP as a more significant agreement partner than UNICEF. In overall figures, UNICEF has been the second largest recipient of Norwegian multilateral funding, after UNDP. In 2009, UNICEF received NOK 450 mill from Norway, almost half of the amount that was received by UNDP.<sup>24</sup> UNICEF is considered as a pioneer agency in the UN system when it comes to rights-orientation, and it would be reasonable to assume that a significant share of the UNICEF contribution is an effective support to the implementation of child rights. This has not been duly recognized in the DAC database (as pointed out under 3.1.).

Local and regional NGOs have been important in channelling support to children's rights (NOK 154 mill), while the NCHR – as the most important partner among Norwegian public institutions – has put this stamp on as much as NOK 87.7 mill of the support it has received from public coffers (39% of the total).

A recent evaluation (Sida 2011) compared the role of state and civil society in promoting child rights in Norway's and Sweden's development cooperation. The main conclusion is that *"a functioning and sustainable system for ensuring child rights can only be state-based. No matter how dedicated and diligent CSOs might be, they will never be able to replace the state and carry and sustain a nationwide child protection system [...] However, state-to-state cooperation tends to move slowly and be affected adversely by a volatile political environment. [...] There are additional advocacy and watchdog functions that can only be credibly performed by organisations independent of the government, not least when it comes to observing and monitoring the implementation of the CRC"*.<sup>25</sup>

### **Indigenous peoples' rights**

Indigenous peoples is one of the target groups that may quite easily be identified in the development cooperation portfolio, and we may in this case speak about a quite clear strategy which has been at work perhaps longer than any other part of the HR support.

Specific support to indigenous peoples in Latin America has been a part of Norway's human rights policy at least since the 1980s. In the beginning of the 1990s, a special indigenous programme aiming at support to local indigenous organisations was established, with management left to a research institution (FAFO) between 1991 and 2000 before responsibility again was taken over by Norad. Before long, management was left to the embassies (in the cases of Guatemala and Brazil) and to the Norwegian Rainforest Foundation (Paraguay and Peru). In Guatemala, support is now channelled through UN agencies but ending up with local organisations, while the Embassy in Brazil is working directly with the local counterparts. All these efforts are supposed to be guided by a set of Guidelines first laid out in 1999 and then updated in 2004.<sup>26</sup>

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<sup>24</sup> Based on the accounting figures contained in the 2011 Government Budget.

<sup>25</sup> Sida (2011): Supporting Child Rights -Synthesis of Lessons Learned in Four Countries. Sida Joint Evaluation 2011:1 (Evaluation commissioned by Norad and Sida); p. 98-99.

<sup>26</sup> Norad (2004): Guidelines: Norway's Efforts to Strengthen Support to Indigenous Peoples in Development Cooperation. A Human Rights Based Approach. These guidelines are based on the Ministry of Foreign Affairs' *Follow-up Plan for Development Cooperation with Indigenous Peoples* (endorsed on 12 September 1999), which until 2004 provided the guidelines for Norway's support for indigenous peoples in development cooperation.

A total of NOK 792.6 mill (10% of the total HR support) has indigenous peoples as a main target. Norwegian NGOs were the most important channel of support, conveying NOK 265.5 mill. NPA has been the most important single agreement partner for support to indigenous rights, with NOK 119.9 mill in total disbursements. The Rainforest Foundation has also had a significant portfolio in this area (NOK 40.5 mill), while other major Norwegian NGOs have been relatively minor actors.

The Norwegian NGOs are closely followed by multilateral institutions (NOK 233.3 mill, dominated by UN agencies with UNDP as the most important). Local and regional NGOs have also been an important partner in this support (NOK 164.4 mill taken together), almost exclusively in Latin America with Brazil and Peru representing the lion's share of the local organisations<sup>27</sup>.

Among the actors here, there is a distinction between institutions working exclusively with indigenous rights (most of the local and regional organisations which are directly representing indigenous groups), and other actors – like the Norwegian NGOs and the multilaterals which in many cases will consider indigenous peoples to be among the targets for general cooperation projects.

### **Physically disabled**

The last target group we are able to identify through the policy markers in the database is the physically disabled, being the beneficiaries of NOK 387.7 mill (4,9%) of disbursements with the human rights stamp. In this case, Norwegian NGOs have taken care of as much as 55% of the amount (NOK 214.1 mill), with the thematically specialized Atlas Alliance as the most important agreement partner (NOK 142.6 mill). The multilaterals are here the channel for NOK 83.4 mill.

#### **4.1.3 Average Size of Disbursements**

The average size of disbursements in the four most important priority areas are strikingly similar, all being around NOK 1 mill. This is close to the average for the entire DAC database: NOK 1.107 mill per disbursement (see Mapping Study table 1.2):

- Indigenous rights: NOK 1,026 mill (772 disbursements)
- Gender and equality: 1,093 mill (460 disbursements)
- Child rights: NOK 0,991 mill (1225 disbursements)
- Rights of disabled: NOK 1,112 mill (348 disbursements)

We have also looked at average size of disbursements for various categories of contract partners. The extremes here are represented by multilateral institutions, which received NOK 1615,4 mill spread on 627 disbursements (NOK 2,576 mill per disbursement), whereas local organisations received NOK 712,5 mill with 890 disbursements (NOK 0,801 per disbursement).<sup>28</sup>

All these average figures are calculated for the complete database. When looking at the specific human rights budget line managed by the Human Rights Section, the

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<sup>27</sup> This pattern is confirmed by the indigenous programme in Guatemala, where funding goes through UN agencies but ends up to be implemented by local organisations.

<sup>28</sup> These figures are based on the 2000-2008 period.

average disbursement is considerably smaller, and – as pointed out in section 3.3 – actually *decreasing* in size.

#### 4.1.4 Annual Variations

Based on the same policy markers in the OECD database, we have looked at the annual variations in the disbursements, for three different years (2000, 2005, 2008) and for the most frequently addressed policy area (gender and equality) and for the five distinguishable target groups (see Table 4.2.). What we see here, taking into consideration the changes in total human rights support over the years (ref. Figure 3.1), is that children have had most stability among the target groups, whereas women and indigenous experienced a drastic drop in 2005 and particularly support to women saw a similarly drastic resurge in 2008. Support to refugees and disabled was at its highest in 2000, dropped drastically in 2005, and never resurged to the initial level. While all these five target groups received quite similar amounts in 2000, women have taken a very clear lead and refugees and disabled have become the losers towards the end of the period.

Gender and equality as a policy area has been as stable as children as target group, with a quite different development from that of women as target group.

**Table 4.2: Annual variations in support to one policy area and some target groups (in NOK '000)**

	Gender/equal	Women	Children	Indigenous	Refugees	Disabled
2000	60,4	157,0	150,3	131,1	150,4	125,8
2005	50,1	67,2	119,4	71,0	20,6	31,8
2008	66,5	300,3	188,5	129,0	81,3	45,7
Total 2000-2009	503,1	1687,9	1234,3	792,6	650,4	387,7

## 4.2 Key Forms of Human Rights Interventions

*ToR Q a2: What are the key forms of human rights interventions (e.g. human rights education, academic exchange, supporting human rights monitoring, reporting or advocacy)? Who are the key target populations (e.g. students, government employees, politicians, journalists, activists)? Is there a 'Norwegian profile' of human rights support, and has it changed over the decade?*

There is no access in the database to quantitative information about such interventions as exemplified in this question. Human rights education and academic exchange is discussed when reviewing the programmes of the Norwegian Centre for

Human Rights in chapter 6. The question of key target populations was addressed under 4.1.2.<sup>29</sup>

The key form of HR interventions that we have a good basis to discuss in this sub-chapter is the important issue of HR monitoring, reporting and advocacy, the support to which may take many different forms. In the UN system, there are the treaty bodies mandated to monitor implementation of the core international human rights treaties, the thematic and country-specific special procedures under the UN Human Rights Council, as well as the field offices of the High Commissioner for Human Rights (OHCHR or United Nations Human Rights), particularly in cases where they have a protection mandate. These are the monitoring and reporting mechanisms with the highest international legitimacy, as we will come back to. Norway has been one of the strongest supporters of this monitoring system since it was established, also in financial terms.

Other international actors are the *specialized INGOs* in the HR field, like Amnesty International (AI) and Human Rights Watch. These organisations do not – for reasons of principle – seek financial support from governments. There is only one important exception to this in the case of AI, when they were rewarded the annual Norwegian TV fund-raising action in 1999, and – in accordance with the tradition – received a significant donation from the Norwegian Government (NOK 25 mill out of a total NOK 128 mill collected).

The most systematic form for Norwegian Government advocacy has been through the *HR dialogue* with a few specific countries, also discussed in chapter 6. The ongoing policy dialogue, particularly with partners in development cooperation, is another channel for official advocacy. This will not be further discussed here.

The most important official actors in in-country HR monitoring and advocacy are the *specialized national institutions*, in the form of HR Commissions, Ombudsmen etc. National institutions have received significant support in some cases for instance in some Latin American countries, where some of them have played a critical role for enhanced HR advocacy and protection. However, there does not seem to be a general strategy for Norwegian support to such bodies and it is difficult to identify this as a particular form of support.

The preferred Norwegian form for support to HR monitoring and advocacy seems to have been through the mostly national and local *HR defenders*. Norway has played a particularly significant role to promote them on the international HR agenda, by taking the lead in the complicated diplomatic preparation of the Declaration on Human Rights Defenders (passed by the UN General Assembly in 1998), playing a similar role in the drafting of a mandate for the Special Representative of the Secretary General for Human Rights Defenders, and also in subsequent support to this

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<sup>29</sup> The examples of 'key target populations' given in the ToR are not identified in the Norad database (opposed to women, children, indigenous and the physically disabled as discussed in Ch. 4.1.2.). We do therefore not have any quantitative information on students, government employees, politicians, journalists, activists. Government employees are evidently important in HR projects in support of public institutions; politicians (including opposition politicians) were targeted through projects run by Norwegian political parties (mostly through the Norwegian Center for Democracy Support – providing 47 mill NOK from 2003 until it was closed down by a ministerial decision in 2009); journalists have been an important target group in FoE projects discussed in Ch. 5; activists may to a large extent be seen as synonymous with HR Defenders as discussed elsewhere in the Report.

mandate<sup>30</sup>. Human rights activists around the world consider these efforts by Norway to have been of pivotal importance in obtaining recognition, protection and legitimacy in their struggle for human rights. Even the introduction of the concept ‘human rights defender’ has given thousands of activists an identity they did not have from before.<sup>31</sup>

The political priority of supporting HR defenders was recently confirmed when the MFA published a new set of guidelines with the following statement from the ministers of Foreign Affairs and Environment and International Development in the Foreword: *“When it came to power, this Government signalled that it would strengthen support for human rights defenders, and we want to give high priority to this work.”*<sup>32</sup>

The quantitative importance of this support can to a large degree be measured by the comprehensive HR financing through local organisations (see under 3.3.).

Up against this Norwegian support to human rights defenders and the local HR civil society, many Norwegian organisations – among them the Norwegian Church Aid – are now very concerned about what they term ‘the shrinking space of civil society’ in several of their most important partner countries.<sup>33</sup> It is also claimed by some Norwegian HR activists interviewed in relation with this evaluation that Norway has a double agenda with some of the governments that are increasingly shutting down the space of civil society, while Norway for other foreign policy reasons want to maintain good relations. Ethiopia has been cited as one example of this.

The question about a ‘Norwegian Profile’ will be addressed at the end of this Chapter (see 4.7).

### 4.3 HR Priorities and Form of Intervention

*ToR Q a3: What is the relation between the human rights priorities and the form of intervention that has been chosen?*

#### 4.3.1 Support to Human Rights as a Foreign Policy Issue

The MFA Section for Human Rights and Democracy is – as noted above – responsible for a specific Human Rights budget line. Somewhat surprising, there are no specific administrative instructions for the different MFA sections. According to written information received from the Section<sup>34</sup>, its main responsibilities are:

- To look after Norway’s efforts to promote human rights, rule-of-law principles and democracy in multilateral fora (including instructing Norway’s participation as member of the Human Rights Council 2009-2012);
- Take human rights initiatives in bilateral relations, including in countries with which Norway has a human rights dialogue (presently China, Indonesia, Vietnam);

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30 Information about Norway’s work with Human Rights Defenders is mostly based on interviews with the leading Norwegian expert in charge of this during 15 years, Mr. Jan Helgesen at the Norwegian Center for Human Rights, and the leading Norwegian diplomat accompanying the work, Ambassador Petter Wille. More information about the process is given in a background document available on Scanteam’s website.

31 This assessment is provided by Maria Dahle, Head of the Oslo-based Human Rights House Foundation, which now sees the ‘defense of human rights defenders’ as the key aspect of their work and works closely with these defenders in a large number of countries where they are constantly under threat.

32 Norwegian Ministry of Foreign Affairs (2010): Norway’s efforts to support human rights defenders. Guide for the foreign service.

33 See ActAlliance (2011) Changing political spaces of civil society organisations (ActAlliance is the international alliance to which the Norwegian Church Aid belongs).

34 By e-mail.

- To prepare policy-making related to human rights in Norway's foreign policy, including exposed groups, non-discrimination, freedom of expression and human rights defenders.

It is repeatedly stated in internal allocation documents that activities related to civil-political rights should have priority within this budget, assuming that economic, social and cultural rights will receive prominent attention in the general development cooperation portfolio.

The human rights dialogues seem to have consumed a significant part of the Section's work capacity. As stated in an internal document: *"The implementation of the [HR dialogue] meetings requires much resources, in terms of finance as well as personnel, and will continue to consume a significant share of the HR allocation also in 2009."*<sup>35</sup> The topics receiving most attention by the Section – and probably most funding although a detailed breakdown has been impossible to make – are human rights defenders (possibly *the one* most prominent issue), HR in conflict situations, Freedom of Expression, efforts against death penalty, torture and discrimination. Anti-trafficking as well as follow-up of Security Council Resolution 1325 (women, peace and security) have been other important topics, although the two latter concerns have been mostly financed through other budget posts, according to the MFA. Generally, the support is said to have been concentrated to global HR efforts and support to specific issues in countries with a critical HR situation.

Two specific themes seem to have grown in importance in Norway's work with multilateral HR work over the years, not least because Norway has played a prominent role in the work to promote them on the international agenda: support to human rights defenders (ref. Section 4.2) and support to the topic of 'business and human rights'.<sup>36</sup>

#### **4.3.2 HR Policies and Priorities in General ODA**

There has been an explicit Norwegian policy that human rights, and a rights-based approach, shall penetrate development cooperation. The most systematic effort in this regard would be to link Norwegian development cooperation to the human rights obligations of specific countries, as expressed through their ratification of HR treaties. The *Government Budget Proposition for 2008*<sup>37</sup> states as follows: "The Human Rights conventions shall be used methodically to identify state obligations towards their population"; "The development cooperation shall be directed in such a way that it contributes to strengthen the capacity of the partner countries to implement their human rights obligations".

What we have found through this study is that there is apparently no procedure in place for the follow-up of such policy statements, through systematic incorporation of HR policies and priorities in Norwegian development cooperation.<sup>38</sup>

<sup>35</sup> Quoted from the Allocation Memo ('*Fordelingsnotat*') of the Dept. for UN, peace and humanitarian issues, 2009.

<sup>36</sup> See more on this in background document to this Report, available on Scanteam's website.

<sup>37</sup> Stortingsproposisjon No. 1 (budget chapters covering the Ministry of Foreign Affairs), 2007-2008 (<http://www.regjeringen.no/nb/dep/ud/dok/regpubl/stprp/2007-2008/stprp-nr-1-2007-2008-.html?id=484382>, under the chapters "8.2. Regjeringens satsingsområder" and the comments to post 163.71 subheading "Menneskerettigheter", respectively. This specific formulation seems to have been introduced for the first time in the 2008 budget, but exactly the same wording has been used in all subsequent annual budget propositions (for 2011 to be found on p. 31 and p. 202, respectively).

<sup>38</sup> This observation is valid beyond the time span covered by this evaluation, up until 2011.



Norad has prepared several highly relevant tools for this purpose, for the enhancement of HR in development programmes, for the assessment of HR as a risk factor and also concretely to advise embassies on how international treaties may be incorporated in aid activities.<sup>39</sup> But we have not found in what way these tools have been made actively use of.

One might have expected that the MFA Section on HR and Democracy would be responsible to take care of this function, but that has evidently not been the case nor does the Section seem to perceive this as a logical part of its functions<sup>40</sup>. The Section has made it clear that its specific responsibility within human rights is to guide Norway's foreign policy, more than human rights issues within the overall development policy (although it is also stated that the two are closely related). The Section may though provide inputs to the decision-making process for development cooperation when the embassy activity plans ('*virksomhetsplaner*') and the MFA allocation directives ('*tildelingsskriv*') to implementing units are being decided.

As far as can be seen from the documentation, there are very few examples of specific HR inputs in these processes or what one might call a 'HR footprint'.<sup>41</sup>

When human rights were included among the foreign aid priority areas in the 'Soria Moria declaration' of the present 'red-green' government, this has been highlighted in general terms in the annual allocation directives, but without more specific guidance.<sup>42</sup> HR has been generally mentioned as one of four or five priority areas regarding bilateral cooperation with African countries throughout the period. HR dialogues and possible projects to follow up the dialogues are mentioned as priorities in Asian countries. In Latin America, specific allocations have been made to HR efforts over the regional allocations. HR are generally not mentioned among the priorities of the very significant humanitarian allocations of the MFA (NOK 2.4 billion in 2009), nor of allocations to the UN agencies (NOK 4.3 billion in 2009)<sup>43</sup>, apart from general remarks like "seeing HR and democracy concerns in a wide and holistic perspective"<sup>44</sup>.

One exception from this might have been in countries where there have been HR dialogues, and particularly the one with Indonesia, where the HR and Democracy Section has taken the opportunity to recommend specific follow-up activities by the embassies financed through development cooperation allocations. However, we have not found that this recommendation has been followed up in practice.

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39 Norad (2001): *Handbook on Human Rights Assessment: State Obligations, Awareness & Empowerment*; Norad/MFA (2007): *Assessment of Sustainability Elements / Key Risk Factors: Practical guide* (last chapter is "Assessment of Human Rights and Equality"; and Norad Newsletter 1 and 5, with the same title: *Human Rights Treaties and their importance for embassy managed aid programmes*.

40 The latter statement is i.a. based on the Section's comments to previous drafts of this report.

41 It should be emphasized that this is based on the review of general policy documents. We have not reviewed concrete project documents.

42 Five priority areas for development cooperation were defined in the Soria Moria declaration: peacebuilding, human rights and humanitarian assistance; good governance; women and gender equality; oil and energy; and environment and sustainable development. Human rights may be said to be included in the two former of these areas.

43 Both figures are reported in the 2011 Government Budget as final account figures for 2009. Bilateral (state-to-state) ODA amounted to 4.6 bill NOK, and so-called 'Global mechanisms' (CSO projects, emergency aid, peace/democracy support, environmental projects including forest/climate measures, global vaccination programmes and support to refugees in Norway) to 13.6 bill NOK, for a total ODA figure of close to 25 bill NOK (over 4 billion USD) in 2009 (approximately 1.05% of GDP).

44 Quoted from the 2002 Activity Plan for what was then called 'Department for human rights, humanitarian issues and democracy'.

Overall, we have found no mechanism to follow up on the political intention that development cooperation shall be systematically rights-based. This observation is shared by Norad, through its special HR advisor<sup>45</sup>, who has also recommended linking development cooperation appropriations to the HR treaty obligations of different partner countries. When this Norad advisor has been revising plans and allocation documents regarding development cooperation, particularly the Activity Plans (*Virksomhetsplaner*) of the embassies, there have been no references to treaty obligations nor other specific plans about support to implement the recipient countries' HR commitments. This impression has been confirmed by this team's own reviews of decision-making documents. We have e.g. seen no reference to the HR tools elaborated by Norad. In general, very little communication is seen to have existed between the HR specialists (lawyers and others) and officials in charge of formulating development cooperation policies within the total Norwegian foreign affairs and development cooperation apparatus. This may be an important missing link in the system<sup>46</sup>, and a lost opportunity to promote the key principle of progressive realization of economic, social and cultural rights based on allocating maximum available resources of the recipient country. According to Art. 2 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>47</sup>, Norway has an obligation to provide relevant assistance for that purpose through its development cooperation.<sup>48</sup>

The HR and Democracy Section claims that the *Universal Periodic Review* process of the UN HR Council offers a new opportunity to link the recipient country's HR commitments to bilateral development cooperation. When a UPR hearing of a country takes place, the affected diplomatic missions are instructed to get involved in the preparation of questions and recommendations, and they are said to show increasing interest in using Norwegian inputs in the UPR process in their bilateral "dialogue and cooperation" with each country.<sup>49</sup> This could of course also be followed up in development cooperation plans and budget, which until now does not seem to have happened.

The conclusion must be that the MFA unit which is responsible for human rights as a policy issue is mostly concerned with activities financed by its own specific budget line – where project implementation is the exception rather than the rule, and not with ensuring that HR concerns are reflected in the overall portfolio. When it comes to the 'big ODA funds', be it bilaterally through regional departments and embassies, multilaterally through the UN system and the development banks, or humanitarian and development funding through NGOs, no specific system for incorporation or quality assurance of human rights concerns is in place. The MFA explains this by saying that this responsibility rests with the implementing parties. Our argument

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45 Norad's technical advisors have no decision-making authority in the appropriation process. They simply offer their technical advice when requested by the MFA.

46 The division of work between MFA and Norad is evidently not to be assessed in this evaluation, but it seems that the way it works now is not optimal in terms of implementing basic human rights concerns in Norway's development cooperation.

47 "Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures." (The implication of this principle has been further elaborated in CESCR General Comment 3, point 14. See also footnote 16).

48 MFA's Section for Human Rights and Democracy in its comments (dated 26 March) to a Draft of this Report actually rejects that Norway has a convention-based obligation "to provide relevant technical and financial support towards the same aim".

49 E-mail from the Section for human rights and democracy to the Evaluation Team, and comments to a draft of this Report.



here is that there is no overall political instance to ensure this – in spite of the very clear political commitment provided by the Government Budget.

#### 4.4 Channels for Funding

*ToR Q a4: What are the key channels for funding human rights support (e.g. multi-lateral, bilateral, civil society) and has it changed over the decade? What proportion of the support goes to local human rights organisations?*

The funding for human rights has been channelled through literally several hundred different organisations: multilaterals (UN agencies, World Bank, regional bodies such as the OAS and AU); regional and international NGOs; local NGOs; Norwegian NGOs; Norwegian public institutions; partner country government offices or public institutions; and Norwegian and local private sector companies, including consultants (see Table 4.3).

In order to get the most correct picture of the distribution between these channels, we have to distinguish between *agreements partners* for the projects/programmes and *implementing partners* for the same. The second category will reveal a considerable degree of outsourcing to local or regional implementing institutions from the institution signing the agreement with the funder (see Tables 4.3 a and b).

It is very interesting to note that local NGOs represent the major and increasingly dominant implementing partner for Norwegian HR support. The average share being channelled to local NGOs during the decade – directly or via Norwegian NGOs or other partners – has been about 25%, but over the latest years it has fluctuated around 30%. Norwegian NGOs are the dominant category of direct *agreement partners* for this kind of development cooperation throughout the decade taking care of over 40% of the funding, but about half of this has been channelled through local or to some extent regional NGOs. Along with international and regional NGOs (around 10%), this means that civil society is implementing close to 60% of all official Norwegian support to human rights.<sup>50</sup>

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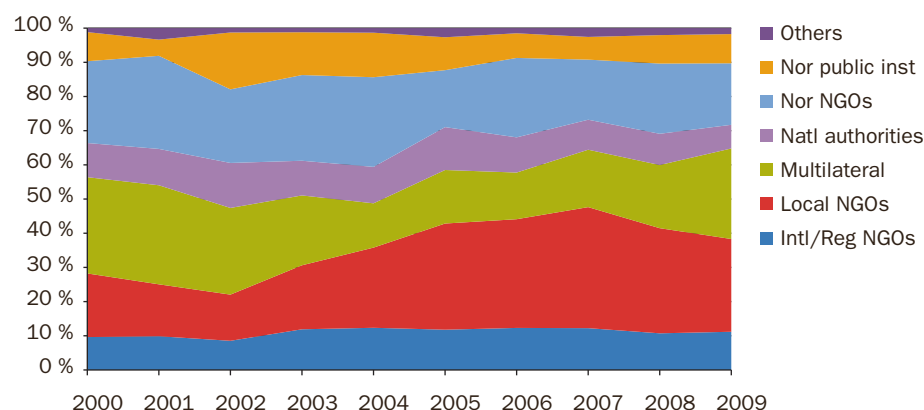
<sup>50</sup> In some cases, like the indigenous programme in Guatemala, even multilateral organisations as agreement partners are channelling their support through local NGOs. This is not registered in the database, which means that the share of local NGO implementation may be even higher than 60%.

**Table 4.3: Funding of Norwegian HR support through alternative channels  
(in NOK '000 and %)**

	Intl/Reg NGOs	Local NGOs	Multi- lateral	Natl authorities	Nor NGOs	Nor public inst	Others	Grand Total
2000	67,434	130,442	197,384	70,048	167,745	59,655	8,155	700,862
2001	85,508	131,670	251,200	92,207	236,088	41,107	29,091	866,871
2002	79,672	126,176	236,865	122,979	201,084	155,402	11,891	934,068
2003	99,256	156,203	170,489	84,668	209,161	104,459	10,018	834,253
2004	110,349	209,850	115,915	95,366	234,647	116,516	11,951	894,594
2005	83,625	220,487	111,177	89,050	118,299	68,355	18,925	709,918
2006	96,492	249,520	107,085	80,781	182,295	56,577	11,824	784,575
2007	106,556	308,503	146,353	76,457	153,205	57,852	22,408	871,332
2008	137,841	395,420	237,633	117,486	264,135	107,005	26,243	1,285,763
2009	167,174	406,066	396,296	103,601	269,240	127,927	25,988	1,496,292
<b>Grand Total</b>	<b>1,033,906</b>	<b>2,334,336</b>	<b>1,970,396</b>	<b>932,642</b>	<b>2,035,899</b>	<b>894,855</b>	<b>176,494</b>	<b>9,378,528</b>
	11.0 %	24.9 %	21.0 %	9.9 %	21.7 %	9.5 %	1.9 %	100.0 %

	Intl/Reg NGOs	Local NGOs	Multi- lateral	Natl authorities	Nor NGOs	Nor public inst	Others
2000	9.6 %	18.6 %	28.2 %	10.0 %	23.9 %	8.5 %	1.2 %
2001	9.9 %	15.2 %	29.0 %	10.6 %	27.2 %	4.7 %	3.4 %
2002	8.5 %	13.5 %	25.4 %	13.2 %	21.5 %	16.6 %	1.3 %
2003	11.9 %	18.7 %	20.4 %	10.1 %	25.1 %	12.5 %	1.2 %
2004	12.3 %	23.5 %	13.0 %	10.7 %	26.2 %	13.0 %	1.3 %
2005	11.8 %	31.1 %	15.7 %	12.5 %	16.7 %	9.6 %	2.7 %
2006	12.3 %	31.8 %	13.6 %	10.3 %	23.2 %	7.2 %	1.5 %
2007	12.2 %	35.4 %	16.8 %	8.8 %	17.6 %	6.6 %	2.6 %
2008	10.7 %	30.8 %	18.5 %	9.1 %	20.5 %	8.3 %	2.0 %
2009	11.2 %	27.1 %	26.5 %	6.9 %	18.0 %	8.5 %	1.7 %

**Figure 4.1: Share of funds through identified alternative channels, in NOK '000**



#### 4.4.1 NGOs

Among the **Norwegian NGOs**, 'the big five' – Norwegian People's Aid, Norwegian Refugee Council, Norwegian Church Aid, Save the Children-Norway and Norwegian Red Cross – handled over 60% of the funding. The overall impression is one of fragmented funding over many different issues and countries, but with clear thematic priorities and also a pretty clear division of labour (as pointed out in Ch. 4.1.2). These NGOs have much larger programmes in the countries where they work, so the Human Rights activities are presumably an integral part of a larger programme in a given area.

**Local, country-based NGOs** have – as we have seen – been the most important implementing channel for HR support, much more than for overall aid. More than NOK 2,3 bill went through them. There has been a gradual increase in total value of disbursements through local organisations over the ten-year period, from around 130 mill/year at the beginning to more than 400 mill/year towards the end. The average disbursement was relatively small, but some NGOs have received sustained and considerable funding. The most long-term direct commitment with local NGOs may have been with indigenous organisations, which in Brazil alone represent nearly NOK 50 mill over ten years. But as we have seen, only a minor part of the implementing role of local NGOs has been expressed through direct agreement partnership with Norwegian public institutions.

**Regional and international NGOs** seem to be funded based on longer-term considerations. What is not clear, but would be interesting to pursue, are the possible synergies or disjuncture/dysfunctional ties between regional/global NGOs and local/national ones. That is, if Norway has a human rights programme or strategy in a region, is it clear that Norway is funding the appropriate balance between the regional and the national actors, and how are such possible synergies ensured? Also when it comes to funding through local public institutions, this is often built around longer-term thinking, often centred on capacity development such as in the legal and judiciary sector in a number of countries.

#### 4.4.2 Multilateral Channels

The multilateral system includes (i) the World Bank, (ii) UN agencies, (iii) and regional bodies. Funding is a mix of opportunistic channelling – large-scale funding through the World Bank to Palestine – and *ad hoc* projects (UNDP) to longer-term programmes and thematic concerns (UNDP global and some country programmes, and the OHCHR – see section 4.4.3). The funding for the multilateral system in this field is not fully captured here, since that is part of the large-scale block grants to the agencies. However, it is noteworthy that in a field that is eminently UN-relevant, the role of the UN is limited as far as Norwegian direct human rights funding is concerned, or at least there is no clear human rights stamp on allocations to UN agencies.

Within the UN system, the support to the *UN Office of the High Commissioner for Human Rights (OHCHR)* plays a prominent role in terms of human rights. The OHCHR support has been an important responsibility of the Section for human rights and democracy, along with Norway's political role in the Human Rights Council. Norway has for many years been one of the leading donors to this acutely under-funded specialized HR body of the UN system, although the contributions have been relatively modest compared to what the major UN agencies have received in Norwegian funding.

**Table 4.4: Norway's Financial Support to OHCHR, 2000-2010, in NOK '000:**

Year	Funding (1)
2000	19,250
2001	26,750
2002	16,700
2003	12,900
2004	9,850
2005	10,000
2006	42,000
2007	62,000
2008	44,500
2009	53,000
2010	64,000

(1): Data for 2000-2005 are from the database while 2006-2010 data are from MFA appropriation documents plus commitment letters to OHCHR.

Only a minor part of these funds are taken from the specific HR budget, while most come from the budgets of regional departments and the budget post for 'Peace, reconciliation and democracy'. These contributions have enabled Norway to play a quite prominent role in the UN's human rights system, both in the HR Council (previously HR Commission) and in certain field operations of the OHCHR. It has been noted at least in one important case, however, that OHCHR field offices have not always been fully aware of earmarked Norwegian contribution. In such cases,

important opportunities to use these contributions effectively in HR policy dialogues may have been missed compared to other countries where such funding has been very effectively used.<sup>51</sup>

One of the most important functions of the OHCHR has been to work with the rest of the UN system to promote rights-based UN country programmes. There has been a significant improvement in this regard during the ten years covered by this evaluation.<sup>52</sup>

#### **4.4.3 Good HR Practice**

One important question is the extent to which these actors have 'good practice' human rights approaches for their own work. Below is a brief summary of observations on the four most important Norwegian NGOs.

The four main Norwegian NGOs channelling HR support see themselves as rights organisations. In the case of the Norwegian Refugee Council (NRC), rights-thinking penetrates the work in a systematic way, with explicit reference to the Universal Declaration of Human Rights and specific reference to relevant treaty obligations for each thematic area. Save the Children Norway is per definition committed to the defence of child rights, and uses the *Convention on the Rights of the Child* (CRC) as its general guiding principle. Norwegian Church Aid (NCA) sees its overall strategic vision of human dignity as equivalent to the three obligations on which the entire UN system is founded: human development, human security and human rights. A full-time human rights advisor is responsible for the systematic rights orientation of its activities. Norwegian Peoples' Aid (NPA) defines its rights policy in terms of its main mission to support and empower oppressed and discriminated groups, but its projects are not explicitly treaty-based. In sum, at least the first three of these organisations appear to have a more consistent rights approach in their work than the Norwegian official cooperation system.

### **4.5 Funding to Conflict versus Non-Conflict States**

*ToR Q a5: How is the portfolio for human rights support different in countries in conflict and transition compared to non-conflict situations? Is there a difference for example in priority area focus, type of intervention or funding channel?*

When looking at the *geographic* distribution of funds, about 75% of total funding went to country-level interventions. But this was spread across 100 different countries, reflecting considerable fragmentation of the funding (see Mapping Study). However, the 15 largest recipients received about half the funds.

These countries can be grouped in two: conflict/post-conflict countries, and longer-term development partners of Norway.

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51 In Sudan, the HR Office of the UN Mission (UNMIS) was unaware of significant Norwegian funding for three years (5 mill NOK each for 2007-2009), whereas in the case of Angola, the Norwegian Embassy used the funding of the OHCHR Office very effectively in its HR dialogue with government along with the rest of the diplomatic community. Ref. Scanteam (2011): Evaluation of Norwegian Support to Democratic Development; the Sudan case. The case of Angola is known by the Team Leader of this evaluation, since he was at that time the Head of the OHCHR Office in Angola.

52 Starting almost from scratch ten years ago (as reflected in O'Neill and Bye (2002): From High Principles to Operational Practice), it has now become standard procedure for UN Country Teams to request the support of the OHCHR in human rights mainstreaming of the basic country planning documents. During 2004-2008, more than 60 UN Country Teams received such support. From 2009, human rights has become an integral part of the terms of reference for UN Resident Coordinators (according to the 2009 OHCHR Annual Report, page 50).

The first group comprises Guatemala in Central America, Colombia in South America, Sri Lanka in Asia, the Palestinian territories in the Middle East, Sudan in Africa, and Bosnia-Herzegovina in Europe. In these countries Norway has been engaged either in longer-term peace efforts (the first five mentioned) or direct intervention and subsequent support to democratization efforts (Bosnia-Herzegovina). Four of the five largest recipients are among these: Palestine, Guatemala, Bosnia-Herzegovina and Sri Lanka. The other nine countries are all African states where Norway generally has a broader development cooperation engagement and where the human rights funding therefore has been complementary to larger long-term aid programmes.

When it comes to the time profile for the support to the various countries, the specific conflicts or challenges in the country can explain some of the variation (graphs in Mapping Study show the changes over time). In the case of Palestine, the sudden peak in 2001 and 2002 is connected to the *intifada* and the Israeli response to this, and the massive suffering of the population especially in Gaza as a result.

In Sri Lanka, the dynamics of the conflict also seem to have driven the allocations, where two peaks, one in 2002 and the other 2004, marked disbursements of around NOK 50 mill compared to a more stable NOK 10-15 mill the other years.

In Bosnia, the funding jumped in 2002 as Norway became more heavily engaged in the judicial and human rights fields. But this was not a direct consequence of the armed conflict – the fighting ended in 1995 with the Dayton Peace Agreement – but the reform of the courts administration system and funding for local human rights organisations began coming into place as a more coherent support effort.

On the other hand, in Guatemala Norway's continued assistance has been linked to the larger political problems in the country. Norway played a prominent role facilitating the peace process in the early 1990s, and continued funding the implementation of peace agreements (not least for legal reform) until 2008, without ever intending to make Guatemala a long-term cooperation country. However, the special needs of the indigenous population in the country led to a continuation of the long-term support to indigenous projects (a special allocation of NOK 20 mill per year over three years) as other peace activities came to an end. For lack of proper project management capacity this allocation was channeled through the UN system but destined to local indigenous organisations<sup>53</sup>. The overall time profile has thus been fairly stable, with annual disbursements largely in the NOK 30 to 40 mill ranges, reflecting a longer-term commitment to the processes taking place on the ground.

Over 80% of total human rights support in Sudan is classified as support to civil society development where human rights were the major objective. A similar picture can be seen for Angola and Sri Lanka. The reasons may be somewhat different, however. Most of the Sudan support is in the south, where government structures are extremely weak, so until recently there has been very limited public sector

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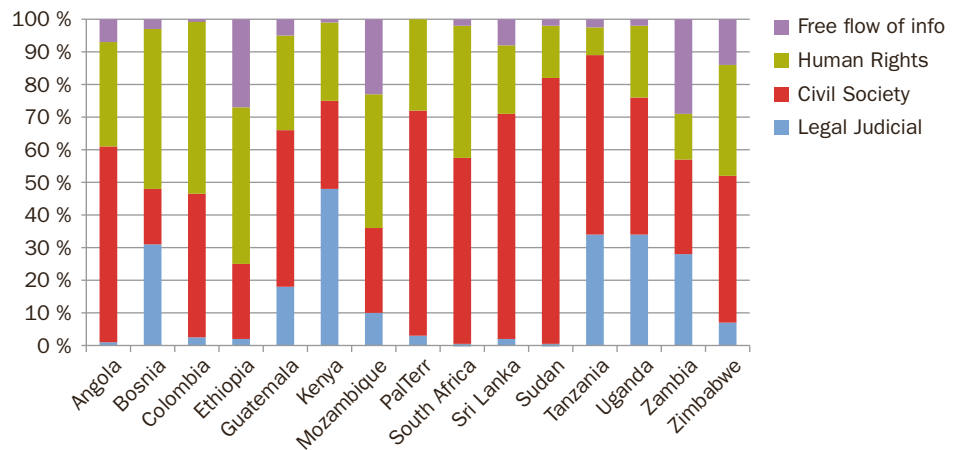
53 Information based on interview with Head of MFA's Latin America Section.

absorptive capacity. In Angola and Sri Lanka, the reasons may be a reflection of scepticism to the respective governments' human rights policies, and a consequent channelling through non-government actors.

In Kenya, the riots after the December 2007 elections led to a sudden increase in support towards the end of this ten-year period, with a focus on reform of the courts system. Kenya is actually the country where the highest share of its human rights support went to legal and judicial sector, in a similar pattern to that of Bosnia mentioned above. But most countries with high shares in this category are non-conflict countries: Uganda and Tanzania have just over 30% of their funding to this field, and Zambia over a quarter of its funding also to the legal sector.

The three countries with the highest share in free flow of information (25-30% of total HR funding in this field) are non-conflict African countries.

**Figure 4.2: Relative share to the four DAC sub-sectors by major recipient country**



#### 4.6 Criteria for Norwegian HR support

*ToR Q a6: What were the criteria for Norwegian human rights support during the period of review and are they reflected in the actual spending on priority areas? How do the criteria ensure relevance of the support with regard to the human rights situation in the targeted country?*

The phrasing implies that 'criteria' must be understood as something different from 'priority areas', perhaps a reference to Programme Theory underpinning Norway's HR support. In Chapter 2.2. and 2.3., we have offered a general context of Norway's HR policies.

We have found no other general criteria for Norwegian HR support, apart from what we pointed out (in 4.3.2.) as an unfulfilled political instruction (given in the Government Budget), to strengthen partner country capacity to implement their HR obligations, based on ratified HR conventions.

As mentioned earlier in this chapter, the UPR mechanism of the UN Human Rights Council offers a new and very interesting opportunity to hold *all* governments accountable to their treaty obligations, to identify and prioritize problems in their HR situation and even discuss opportunities for constructive engagement. This mechanism could definitely be used actively in defining areas for HR support in the development cooperation, as the best way to ensure relevance of the support with regard to the HR situation in each country. In countries where Norway has an active human rights dialogue, this would be an additional basis for targeting support. We have not seen that any of these mechanisms have been actively used in the formulation of country-specific development cooperation activities so far, but the MFA informs that there have been cases (e.g. in Ethiopia) of general HR-follow-up of UPR reports. Although the Embassy in Indonesia has been asked to consider this possibility, it does not seem to have materialized in Norway's development cooperation programme in that country so far.

#### 4.7 Main Findings and Conclusions

By summarizing the findings in this and the previous chapter, we may perhaps also paint a picture of what we may call a 'Norwegian profile' of human rights support, and how it has evolved over the decade.

- As a confirmation of the high foreign policy priority of promoting human rights as a universal value, a significant share (fluctuating around 5% annually) of Norwegian development cooperation has this as a lead objective, totalling almost NOK 10 bill over the last decade. The annual figure reached NOK 1,5 mill in 2009. There is general political agreement across the party spectrum about this high priority.
- The main target groups for human rights support over the ten-year period studied here – as identified in the statistical material – have been women, children, indigenous peoples, refugees and disabled persons (in this order of importance). These groups have been marked off as beneficiaries of almost 60% of the portfolio. Regarding women, there is a doubt about how real the targeting of this group has been in human rights sense, since the policy objective of 'gender and equality' receives less than one third of the funding compared to 'women' as a target group.
- With the exception of gender, it is very difficult to identify priority 'policy areas' as different from 'target groups' in the statistical material.
- The average size of the disbursements has fluctuated around 1 mill NOK, strikingly similar for the various main target groups but evidently with huge differences between category of agreement partners, with multilateral organisations and local NGOs representing the extremes (2.6 mill vs. 0.8 mill NOK, respectively).
- Children have had most stability among the target groups, whereas women and indigenous experienced a drastic drop in the middle of the period. Particularly support to women saw a similarly drastic resurgence towards the end. Support to refugees and disabled was at its highest in 2000, dropped drastically in the middle of the decade, and never resurged to the initial level. While all these five target groups received quite similar amounts in 2000, women have taken a very clear lead and refugees and disabled have become the losers towards the end of the period.



- It is difficult to conclude from the statistical material what kinds of human rights intervention have been quantitatively dominant. But support to human rights defenders has had the highest political priority, and this has been matched by the dominance of civil society as implementing channels and final beneficiaries of the support. Civil society – local, international and Norwegian NGOs – have channelled a remarkable 55-60 % of all public Norwegian support to human rights, with local NGOs as the leading implementing part. Even multilateral organisations have in several cases been specifically asked to convey funding to local grassroots partners. This composition of funding partners is very different from general ODA. We dare therefore conclude that the support to local human rights defenders is the main ‘profile’ of official Norwegian human rights funding.
- Support to freedom of expression has gradually become a top political priority, but actual funding figures are still quite limited though rapidly increasing (see more in Ch. 5).
- Country-wise, four of the five largest recipients are conflict-states where Norway has been involved in long-term peace and/or democratization efforts. Next come African states where Norway has a broader development cooperation engagement and where human rights funding is less related to crisis management.

## 5. Evaluation of the Support to Freedom of Expression

Part B of the ToR is about Norwegian support to Freedom of Expression (FoE), hereunder more particularly to the development of free and independent media. The specific questions under this part fall into two categories: Question 1-3 deals with the portfolio as a whole, while questions 4-7 are about the cases selected for special scrutiny in this evaluation.

During the evaluation process, the Team was also requested to make a specific desk assessment of some specialized organisations selected for targeted support to Freedom of Expression. This assessment is to be found in section 5.3.

### 5.1 The Portfolio as a Whole

#### 5.1.1 The Thematic Character

*ToR Qb1: What is the current character of this portfolio (e.g. type of intervention and partner, thematic and geographic focus)? Are there any significant changes in the character of the portfolio over the past decade?*

The majority of the portfolio reviewed concerns media development and media freedom. Few programmes are concerned with the promotion of Freedom of Expression in a wider sense. This is an important point to note. While media freedom is an important subset of the right to freedom of expression, it does not follow that by supporting media freedom and media development, all aspects of freedom of expression are covered. Aspects of freedom of expression that fall outside 'media freedom' are freedom of information, internet freedom, the promotion of political and artistic expression and promoting minority expression.<sup>54</sup>

#### Free Flow of Information Funding

The classifier used in the Norad database for this question is the DAC sub-sector "Free Flow of Information"<sup>55</sup> with totals of just under NOK 480 mill for 2000-2009. This represents under 5% of the total human rights portfolio, so figures are relatively small (e.g. one tenth of "Civil Society Support"). Over time, annual support has grown steadily, from NOK 31.5 mill in 2000 to nearly NOK 66 mill in 2009. While total funding has increased, the number of disbursements has remained in the mid-30ies, with a low of 29 in 2003 and a high of 46 in 2006. The average size of

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54 A very interesting case of such support was the programmes implemented over a six-year period (2003-2008, totalling 5,5 mill NOK) by the Norwegian Rainforest Foundation, in partnership with two local indigenous organisations in Indonesia, to empower indigenous communities to negotiate agreements with the forestry sector.

55 This does not capture all the FoE projects funded by the Section for Human Rights and Democracy, since they classified almost all of these under "Civil Society" or "Human Rights". For the database analysis this DAC sub-sector was found to be best (see the Mapping Study for full details). The analysis of the actual FoE projects has then in addition included those projects identified specifically by this Section as FoE projects, in section 5.3.

projects has doubled, from around NOK 770,000 in 1999 to over NOK 1.6 mill in 2008.

In geographic terms, the support has been highly concentrated. As shown in the table below, 43% of the support has been targeted at only five countries or regions:

**Table 5.1: Distribution of funding to Free Flow of Information by largest partner countries/regions and main beneficiaries, 2000-2009**

Disbursements in NOK '000→		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
Ethiopia	Addis U./Journalism School			4,110		13,608	11,947	12,785	6,354			48,804
	Other media activities	483	702				132					1,317
Mozambique	Media support programme	6,000	5,000	5,000	4,000		4,000	2,200				26,200
	Other media activities						527		198	3,500		4,225
Zambia	Evelyn Hone	3,655	2,000	2,000	2,000	2,000		2,000				13,655
	ZAMCOM	2,500	3,070	500								6,070
	ZIMA	1,550	750	750								3,050
	Media Trust Fund	1,500	754	1,000	1,000	4,000		5,000	3,500	3,000	849	20,603
	Other media activities				134	82			67	105	99	487
Zimbabwe	Media Monitoring	1,790	950	1,050	800	1,125	675	320	591			7,301
	SIU	1,014	1,099	206								2,319
	Intl Media Support								3,500	4,000	4,000	11,500
	Other media activities	60		340		54		1,000				1,454
W Balkans	Macedonia/NPA			500	1,000	1,450	682	800	730	393	805	6,360
	Macedonia/Other *	299		61				625	392	380		1,757
	Serbia/NPA **	1,000	7,000	5,500	400	5,000	4,500	4,209	3,385	3,356	3,374	37,724
												<b>192,826</b>

\* (1) The 299 000 in 2000 was one-off funding to Globus Media Centre in Skopje, which was channelled through the Norwegian Church Aid; the 2002 funding for an unspecified consultancy; the 625 000 in 2006 and also the 772 000 in 2007-08 was destined to a bi-weekly online news magazine, "Macedonia/in/Europe". The magazine was intended to provide background information, analysis and interviews regarding the process leading to Macedonia's integration into EU and NATO. It was channelled through the Makfax News Agency, an organization also supported by NPA. (2) Not included here is rehabilitation of the cell-phone network through NERA, a Norwegian equipment supplier. This contract for NOK 12.3 million during 2005-2007 was a pure engineering task and thus not included as support to Freedom of Expression.

\*\* : The allocations for the period 2000-2006 had "FedRep of Yugoslavia" or "Ex-Yugoslav states" as geographic area but most was for Serbia. With the exception of an allocation of NOK 175 000 in 2000 labelled as "contribution to independent Serbian news" but with no Agreement or Implementation partner identified, all the other funds spend on media in Serbia were channelled through the NPA.

**Table 5.2: Total disbursements to key countries/region 2000-2009 (in NOK)**

Western Balkans	44,760,000
Zambia	43,865,000
Ethiopia	50 122,000
Mozambique	30,425,000
Zimbabwe	22,573,000

Source: Norad aid database

On the basis of size and composition of the programmes in different countries, it was decided in consultation with Norad to carry out field work in Serbia and Macedonia (Western Balkans) and Zambia. Assessments from the field studies were complemented with observations from desk studies of projects in Ethiopia, Mozambique and Zimbabwe, as far as they are of relevance for the ToR questions.

### **Western Balkans**

Regarding what is termed “Western Balkans”, this covers support to five different states: Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia as well as to “Ex-Yugoslavia”. Despite the funding going to a number of different states, the evaluation team considers it as one joint effort because it was part of a coherent attempt by Norway to assist the region as a whole during this period. While there was not an explicit media or freedom of expression strategy on Norway’s side (a recent evaluation of Norway’s support to the Western Balkans<sup>56</sup> points to the lack of strategy at country or sector levels), funding allocations were done as a centralized exercise in Oslo and the entire programme was managed as a joint portfolio from the MFA.

What was typical of the assistance to the Western Balkans was the heavy use of Norwegian actors as agreement partners. Norwegian People’s Aid (NPA) handled contracts worth NOK 42.4 million (63% of the total, or 78% if we do not include an infrastructure project) while the support to journalism training in Kosovo went through Gimlekollen college. 36 of the 61 disbursements were to these two Norwegian actors (see Mapping Study table A.7).

Over the evaluation period, there were significant changes in the character of the funding.

In Serbia, the period up until October 2000 is marked by providing direct support to independent media outlets, for example by buying newsprint and broadcasting equipment and covering independent media’s operational costs. Independent media were regarded as critical in the effort to bring in democracy and so funding was provided liberally (nearly NOK 15 million was provided through NPA in 1999-2000). After October 2000, this changed as support shifted to a smaller range of projects aimed at strengthening the journalistic profession through training and support for associations, legal and regulatory reform related to media as well as support for

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<sup>56</sup> Norad/Scanteam (2010): Evaluation of Norwegian Development Cooperation with the Western Balkans (Norad Evaluation Report 7/2010).

specific programming that was deemed of importance to embedding a culture of democracy. The same shift happened in Macedonia, where NPA – the main partner for implementation – entered the country in 2001, in the aftermath of armed conflict in Tetovo which saw the destruction of media equipment. Funding was provided initially for the rebuilding effort, but soon shifted to similar type of support as was being provided in Serbia – journalists associations, legal and regulatory reform and support for specific forms of programming.

This change in focus of the funding portfolio corresponds with changed needs on the ground – although media that had received core support found it difficult to adjust to having to survive without this. Some media responded by heavily commercialising their output, and Serbia’s B92 broadcasting station, the beacon of free media in the Milosevic era, was often cited as an example of that.<sup>57</sup>

NPA, in dialogue with the MFA, developed a regional strategy, funding actors in all five states, though the entire programme was managed from their regional office in Belgrade. NPA is therefore the key actor on the media scene as far as Norwegian support is concerned. We chose to focus the field study on the more substantive sub-programmes in Serbia and Macedonia.

### **Zambia**

The second largest programme is in Zambia, where the structure is more in line with standard Norwegian development cooperation. All the disbursements, with the exception of one small contract with the University of Oslo, are with local partners. The funding has been for a reasonably structured programme of interventions that have all been funded over a certain time period (see Mapping Study table A.8 for more details).

Table 5.3. shows that the four major programmes – support to Evelyn Hone college, the Media Trust Fund (MTF), ZAMCOM and Zambia Independent Media Association (ZIMA) – account for 27 of the 32 payments, and for NOK 43.4 million of the total of NOK 43.9 million provided to Zambia – nearly 99% of total funding.

**Table 5.3: Media Funding in Zambia, by major partner programmes<sup>58</sup>**

Partner Institution	No of disbursements	Period	Value
Evelyn Hone college	7	2000-2006	13,665,000
Media Trust Fund	9	2000-2010	20,603,000
ZAMCOM	5	2000-2002	6,070,000
ZIMA	6	2000-2002	3,050,000

All these four programmes were funded as of the beginning of the programme period, and while the last two terminated in 2002, the others continued to 2006 and up to and including 2010, respectively, although with very limited activities over

57 For example, many respondents criticised B92 for carrying the Big Brother programme. Other respondents pointed out that this was an important revenue stream which allows the station to carry other, more journalistic programming.

58 This table is identical with Table 5.3 of the Mapping Study.

the latest years. Also the Zambia activities of Media Institute for Southern Africa (MISA – funded through a regional programme and headquartered in Windhoek) and PANOS (funded directly through Norad in Oslo) were researched following the recommendation of the Embassy, since most of the other activities had been finished several years ago.

It was also decided – in an addition to the original ToR – to do a desk study of activities in three other African countries: Ethiopia, Mozambique and Zimbabwe.

### **Ethiopia**

Of the just over NOK 50 million provided to Ethiopia under this heading, NOK 48.7 million – over 97% of the total – was for the school of journalism at the University of Addis Ababa. This programme ran from 2002 through 2007 and helped establish the Faculty of Journalism and Communication at the Addis Ababa University (see Mapping Study table A.9). The programme trained students at the graduate level, where external reviews have among other things noted the high quality of the programme even when compared internationally.<sup>59</sup>

### **Mozambique**

The programme in Mozambique was a broad-based support to the development of free and independent media, covering both newspapers and radio, with an increasing focus on the latter. The programme was a joint UNDP/UNESCO effort that ran from 1999 through 2006 and received NOK 30.2 million of the NOK 34.8 million to the country – nearly 87% of the total funding (see Mapping Study table A.10). The programme was to improve the quality, independence and sustainability of media through management and journalism training, support to equipment and operations, and development of new funding models. The programme was recently evaluated<sup>60</sup>.

A further 11% of the funding went to the Nordic-SADC Journalism centre in Maputo. This was a regional training centre funded by the Scandinavian countries with Denmark in the lead, and where Norway contributed around NOK 3.85 million during this programme period. The remainder of the funds were for small one-off activities.

### **Zimbabwe**

The Zimbabwe programme, though the smallest of the five, is structurally similar to Zambia's. Funds have gone to three major interventions. The first was a collaboration between the Institute of Media and Communications at the University of Oslo with the University of Zimbabwe during the period 1999-2002. This focused on improving the university training of journalists in the country, and received nearly NOK 3.4 million. The Media Monitoring Project in Zimbabwe (MMPZ) received about NOK 7.3 million during the period 2000-2007, and also had a focus on improving the quality of journalism. The aim was to make the information underlying public discourse to be better-informed and relevant. Finally, the Denmark-based interna-

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59 Wirak A. (2008): Final report ETH-2414 Education Programme for Journalists, DECO, Oslo; and: Eide E., Mwesige P. & Demessie L.M. (2007) Mid term report on GSJC/FJC at Addis Ababa University.

60 Disch, A and K. Taela (2010), "Mozambique Case Study" in Norad/Scanteam (2010): "Democracy Support through the United Nations: Annex G", Norad Evaluation Report 10/2010.

tional NGO International Media Support (IMS) got NOK 7.5 million to help develop a media strategy (2007-08) for continued Norwegian media funding in Zimbabwe.

Together these three activities thus received a little over 80% of the total funding of NOK 22.6 million (see Mapping Study table A.11). The desk study here has been limited to the IMS project, evaluated in 2009<sup>61</sup>.

These last three country programmes worked under different framework conditions and their results need to be seen in light of these. In Mozambique, after the country's peace agreement in 1994 a fragile but increasingly stable political environment allowed media to develop their editorial content without much direct interference. The major challenge was quality of journalism and management, and the financial sustainability of independent media. In Ethiopia, the political environment is seen as having become increasingly restrictive since 2000, with the 2005 but in particular the 2010 elections seen as subject to vote rigging, and the country experiencing less space for independent journalism. In Zimbabwe, the political environment became increasingly authoritarian over the last decade, with the dominant ZANU-PF party clamping down on critical and independent reporting.

### **5.1.2 Guidelines on Support to Free Media in Developing Countries**

*ToR Qb2: Are the guidelines for support from 2005 still relevant? Consider especially the emergence of new media and the changed context with new threats to the freedom of expression. What could be the most important updates to the guidelines?*

Norway's Freedom of Expression funding is guided by four strategic documents: the 2005 *Guidelines on Support to Free Media in Developing Countries*; a set of two speeches by the Foreign Minister on the importance of freedom of expression; and 2009 internal ministerial guidance on support to freedom of expression and independent media.<sup>62</sup>

First and foremost among these are the 2005 *Guidelines*. These strongly link media freedom with democratization and focus on strengthening the media's legal position; bolstering the media's professional standards; helping the media to develop diversity, relevance and availability; and helping to ensure that the media have access to information, have the opportunity to check information and sources, and are able to be accountable. Within each of these areas, the Guidelines stipulate a number of goals, such as ensuring representation in the media by minority groups, ensuring access to legal advice for journalists, training in media ethics, and building journalists' associations and other institutions.

The guidelines are largely uncontroversial. They give guidance at a very high level of policy and do not go into much detail. This has helped ensure their on-going relevance and our respondents indicated that they need to be updated only in minor aspects:

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61 Brice, K. & Evensmo, I. (2009): A review of IMS's Zimbabwe Media Programme.

62 "Strateginotat. Oppfølging av satsing på ytringsfrihet og uavhengige medier 2009-2012" – approved by the Minister of Foreign Affairs.



- To take into account developments in technology (convergence, the surge of online media, and the explosion of internet access throughout the world)<sup>63</sup> and focus on related issues of media literacy;<sup>64</sup>
- To mention explicitly the importance of community media;<sup>65</sup>
- To include access to the internet as a self standing issue: as technologies evolve, so does the definition of “freedom of expression”<sup>66</sup> and there is now an emerging view that a right to internet access is included under the right to freedom of expression.<sup>67</sup>

The guidelines have been supplemented by ministerial guidance in the form of speeches (delivered in 2008 and 2009) as well as internal ministerial guidance issued in 2009. In his 2009 speech, Minister of Foreign Affairs Jonas Gahr Støre states that “the Norwegian Government has defined freedom of expression a first priority in its human rights policy.”<sup>68</sup> He goes on to identify three broad areas of support: (1) support to independent media; (2) support to the organisations that assist writers in prison and in exile; and (3) the strengthening of the mandate of the UN Special Rapporteur on Freedom of Expression. Building on this, internal MFA guidance from 2009 proposes the following priorities for the 2009-2012 period with an emphasis on efforts where Norwegian support may make a difference: (1) efforts to address FoE violations; (2) support to media in conflict areas and in democracies under threat; and (3) support to developing democracies.

This goes beyond the scope of the 2005 *Guidelines*, and it would make sense for the 2005 *Guidelines*, if they were to be updated, to take these priorities into account, as well as support to NGO efforts to promote and protect the right to freedom of expression at regional and international fora such as the African Union, the African Commission for Human and Peoples’ Rights or the Organisation for Security and Cooperation in Europe.

As regards issues of finance and management, NGO informants felt that the channels of support outlined in the *Guidelines* were not always followed. One example was a Norwegian NGO that applied to Norad as stipulated in the *guidelines* but which was told to apply to MFA instead. A more serious case was noted in Zambia, where a community media programme (PANOS) was funded directly from Oslo (Norad), the media advocacy part was funded by the MFA via the Pretoria embassy (MISA-regional), and the media support component (the now defunct MTF) was funded by the Zambia embassy. There was little contact between the respective responsible officers, so overall management was poor.

63 E.g. in Zambia the stakeholder meeting in the case study (13-12-2010) noted: “New media can up to a high level support the need of citizens forming platforms and exerting influence on governance”. In Serbia and Macedonia, more than half of the population had internet access and 2/3 of those went online daily (Ipsos Strategic Marketing survey, July 2010), although traditional media are slow to transition to the online environment (according to the European Journalism Centre, internet revenue accounted for only 1.6% of total media revenue in 2009: [http://www.ejc.net/media\\_landscape/article/serbia/](http://www.ejc.net/media_landscape/article/serbia/)).

64 Our correspondents at NPA mentioned this as a specific issue of importance. Internet access has expanded exponentially around the world, but most people are insufficiently educated as to how to digest the onslaught of information they find online.

65 In practice community media were supported; see Zambia Case Study, available on Scanteam’s website.

66 Human rights are usually seen as evolving along with human development, while the core and essence of rights remain the same (and is drawn essentially from notions of respect for human integrity, and the need for human beings to develop to their fullest potential).

67 : See [http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/08\\_03\\_10\\_BBC\\_internet\\_poll.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/08_03_10_BBC_internet_poll.pdf), BBC World Service poll, March 2010; “Finland makes broadband a ‘legal right’”, BBC news, 1 July 2010, <http://www.bbc.co.uk/news/10461048>; “Estonia, where being wired is a human right”, Christian Science Monitor, July 2003, <http://www.csmonitor.com/2003/0701/p07s01-woeu.html>; French Constitutional Council Decision n° 2009-580 of June 10th 2009, [http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank/download/2009-580DC-2009\\_580dc.pdf](http://www.conseil-constitutionnel.fr/conseil-constitutionnel/root/bank/download/2009-580DC-2009_580dc.pdf).

68 Opening speech at Global Forum of Freedom of Expression, Oslo, 3 June 2009: [http://www.regjeringen.no/en/dep/ud/aktuelt/taler\\_artikler/utenriksministeren/2009/ytringsfrihet\\_konferanse.html?id=564621](http://www.regjeringen.no/en/dep/ud/aktuelt/taler_artikler/utenriksministeren/2009/ytringsfrihet_konferanse.html?id=564621).



As well as updating the FoE guidelines, respondents identified a strong need to provide them with fresh impetus. They indicated that the guidelines are but one among a set of several dozen on issues ranging from women's rights to guidelines on cooperation between municipalities. The FoE Guidelines do not stand out as being of special importance. Ministry staff do not perceive that freedom of expression projects should be a priority topic. This is in contrast to the April 2008 pledge by the Foreign Minister to "intensify ... efforts – and seek to be more strategic in promoting the freedom of expression".<sup>69</sup>

Several respondents have suggested that a more effective way to prioritize FoE support would be through an *action plan* rather than guidelines. The 2005 Guidelines, even if updated, do not compel any activity and are highly abstract. Much more can be achieved through an action plan that is detailed, which amalgamates the ministerial guidance of 2008 and 2009, and sets specific goals to be achieved. It could also go into geographic detail, identifying priority countries or regions for specific support. Such an action plan would thus provide clear operationalisation of the 2008 ministerial pledge to prioritize Freedom of Expression.

### **5.1.3 Strategy, Framework and Monitoring System**

*ToR Qb3: Is there a strategy, result framework and functioning monitoring system for supported programmes? Are there successful experiences and lessons from similar donor countries on maintaining such management?*

Other than the high-level guidance reviewed above, there is no uniform strategy or results framework in the FoE portfolio. The overall MFA approach during this period has been to decentralize strategy to embassies and even leave the implementation to agreement partners such as Norwegian Peoples' Aid (NPA) and International Media Support (IMS), though always based on approved proposals. This can work very well; in most countries reviewed, the programmes, whether directly embassy-led or not, were well adapted to the actual political situation. But this approach does lead to a loss of control and the need for a large deal of trust in programme implementers. It also results in a loss of coherence when it comes to programmatic strategy.

While there are two media-advisers, one in MFA and one in Norad, they see their role as primarily to monitor media programmes and provide advice when asked.<sup>70</sup> With only two advisers, it is also almost impossible for them to have any effective input at project level. As a result, the projects reviewed reflect individual country circumstances and efforts more than any larger strategic approach to media development and freedom of expression.

#### **Strategy and results framework**

In **Serbia** and in **Macedonia**, NPA provided its support on the basis of multi-year strategies. Its vision for media support is outlined in a Policy document dating from 2000, and is strongly grounded in NPA's overall goal of contributing towards the

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<sup>69</sup> Speech, Freedom of Expression – Missing in Action?, Litteraturhuset, Oslo, 7 April 2008: [http://www.regjeringen.no/en/dep/ud/aktuelt/taler\\_artikler/utenriksministeren/2008/ytringsfrihet.html?id=506783](http://www.regjeringen.no/en/dep/ud/aktuelt/taler_artikler/utenriksministeren/2008/ytringsfrihet.html?id=506783).

<sup>70</sup> Interview with two Norad officials, 21-01-2011.

development of a “just and democratic world”.<sup>71</sup> NPA’s media support policies are formulated around the need for media pluralism and the need to support local media, and are based on six key principles of assistance: (1) respect for international standards on FoE; (2) involving and strengthening local media organisations; (3) long term commitment, inclusive approach and accountability; (4) swift and un-bureaucratic assistance to media in crisis; (5) assistance in humanitarian reporting; and (6) supporting democracy and institution building projects.<sup>72</sup>

During the years 1999-2000, the main strategy was to support democracy (several respondents phrased this as ‘getting Milosevic out’). This was an overarching geo-political aim for the international community, and Serbia’s fledgling independent media were seen as crucial allies. It followed that they were well funded. This changed very soon after the fall of the Milosevic regime. From then on in both **Macedonia and Serbia**, Norwegian support to freedom of expression was almost entirely left to NPA to implement, as shown in Table 5.1.

In **Zambia** in 1996, (on the initiative of the Ambassador and an embassy secretary)<sup>73</sup> Norad started a comprehensive and context-driven programme for media that was led from the embassy. The impetus was a strong need for political reform. The programme was ‘embedded’ in a general strategy around the themes of governance and civil society, and a broad programme was developed, including government as well as independent media. Under the programme, media freedom advocacy, media training, direct media support and – directly funded by Norad in Oslo – outreach through the international organisation PANOS were funded through a variety of local organisations as well as selected individual media outlets (described in background document available on Scanteam website)<sup>74</sup>.

However, after President Chiluba lost his quest for a third term the need for the programme diminished. Furthermore, the embassy had to manage more than 150 contracts with only 4 staff, and incoming embassy staff received instructions to reduce the number of contracts.<sup>75</sup> In 2002/3, the advocacy projects were terminated. Future support to one of them (Zima) would be channeled through a regional organisation (MISA) headquartered in Windhoek, although that contravened the recommendations of a previous evaluation<sup>76</sup>. In 2006, one year after the promulgation of the 2005 Guidelines, support to the media training college was terminated and the entire media *programme* was dismantled on the grounds that it could not be managed by the embassy. Instead, all media support (more than NOK 20 mill) was channelled through an independent Media Trust Fund (MTF), which went on to ‘dismantle itself’ through alleged misappropriation of funds in 2009. After 2010, the only remaining support was for the regional programmes PANOS and MISA.<sup>77</sup>

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71 NPA policy document for media support, Oslo, March 2000, p. 5.

72 Ibid, page 13. .

73 Both have been interviewed in connection with this Evaluation.

74 Interview with former ambassador to Zambia.

75 This coincided with the change from a ‘NORAD-dominated’ embassy to an ordinary embassy: Interview with former embassy official, Zambia.

76 Rønning, H. (2003) *The media situation in Zambia with special reference to the Norwegian support for Zambian Media* (for the Norwegian embassy).

77 Interview with embassy official, Zambia. This is also an example where change of personnel at an embassy, with different personal priorities, may lead to major portfolio changes.

In **Ethiopia**, it was clear that an overall media policy would be impossible given the extremely difficult media situation in the country.<sup>78</sup> As an earlier evaluation stated, the “*political situation restricting the Ethiopian media has considerably limited the framework for operation for an institution whose goals are to improve democracy and support independent and critical journalism*”<sup>79</sup>. The strategy in this instance failed to deliver results – and questions may be asked as to the wisdom behind it – but there was a strategy.

In **Mozambique**, the country’s slow but steady economic and political progress allowed for a fairly comprehensive media strategy under the UNDP/UNESCO umbrella. Norway was thus only one of several donors to the programme, though by far the largest one. The strategy was partly to support existing independent (print) media, support the increasing professionalization of the public broadcasting body, and help develop more community radios, with a focus on reaching rural and less-covered parts of the country. Quality of work and in particular better coverage of important issues such as elections, parliamentary debates, and general democratic issues, were important dimensions.

In Zimbabwe, the strategy was largely a defensive one of trying to protect the country’s tradition of independent and diverse media in the face of increasing pressures from the state not to question or criticize public policies and actions.

### **Monitoring systems**

The monitoring systems varied somewhat, but by and large the agreement partners provided good activity monitoring while the results reporting was somewhat variable. In **Serbia and Macedonia**, NPA monitoring was very “hands-on”, requiring quarterly and annual reports, and conducting many site visits. Most projects were visited at least twice a year and often more frequently than that. In practice, NPA’s media partners appreciated these frequent visits; they were seen as a sign of strong interest in their work and ongoing support. The results of this ongoing monitoring were fed back into programme design.

The monitoring of individual projects in **Zambia** was not as intensive, but this evaluation still found it to be satisfactory. Both in Oslo and in the embassy annual reports were received and annual reviews held between the responsible officers and the beneficiaries. The same was true for **Ethiopia**, where the embassy used the Norwegian journalist college *Gimlekollen* as well as a host of consultants. In **Mozambique**, annual meetings between the donors and UNDP/UNESCO and the key local partners provided good information on what was going on, and mid-term and final project reviews were carried out on each of the three phases of the programme. In **Zimbabwe** the IMS fulfilled its reporting obligations, though the evaluation felt that the embassy was too distant<sup>80</sup>.

These somewhat different monitoring approaches have been sufficient from the point of view of accountability: there is assurance that the funds have been respon-

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78 Eide, Mwesige, Demessie (op.cit).

79 Ibid. page 2.

80 Brice & Evensmo, op.cit.

sibly spent, with the notable example of the *Zambian Media Trust Fund*. There is also some evidence of incidental and short-term learning at embassy level. In *Zambia*, for example, there was a *de facto* comprehensive media support strategy from 1999-2002. This was the basis for good results obtained even in later years – the basis for the policy did not change. However, with the influx of new staff, the setting of new operational priorities (which focused on efficiency more than the quality of outcomes), the programme petered out as results were forgotten and projects were ended for reasons of operational efficiency. In *Mozambique*, despite four substantive external reviews covering the three phases of the programme, there is little documented evidence of results beyond the immediate outputs, in large part because the different reviews never used the same results framework and thus do not report against the same operational objectives.

Despite weaknesses in the formal monitoring systems, there was clearly learning taking place within the programmes. The NPA activities in the *Western Balkans* evolved both as a function of changes in the environment and to early achievements, and the programmes in the *African countries* clearly progressed, building on results produced and lessons learned. None of this has resulted in any significant institutional learning within *Norad* or *MFA*, however. This is due to the absence of an overarching framework, and the lack of sufficient specialised staff.

### **Lessons from other donors**

By and large, this evaluation has found that the embassies have not been in a position to manage overall strategies and frameworks for support to the media and, therefore, have had to leave project management to external partners. Their strength has been to ensure that programmes responded – sometimes rapidly – to local political condition. However, this has weakened thematic learning. Other governments, and even INGO, donors have encountered similar problems. The best possible solution may be the outsourcing of support; specialized organisations such as NPA and IMS have taken the necessary time to reflect on lessons learned and can still implement changes relatively fast (e.g. annually). The trade-off is that national implementing organisations lose their direct access to the embassy, in a context where these political relationships are highly valued.

Norway might also look at how private foundations operate. For example, the *Open Society Foundations (OSF)*, a large network of foundations around the world that provides funding to a range of human rights-related activities,<sup>81</sup> operates a centralized and highly expert *Media Programme* of a dozen staff which itself has a significant grant-making budget. This encourages local OSF foundations to work in partnership and seek (co-)funding for media-related projects from it. The *Norwegian Western Balkan media programme* worked closely with that of OSF. Other private foundations work in a similar fashion.

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81 See <http://www.soros.org/>

## 5.2 Portfolio for selected cases

### 5.2.1 Relevance

*ToR Qb4: Is the Norwegian support relevant to the human rights situation in the country? Reference should be made to the recommendations of relevant treaty bodies and opinions and recommendations of other human rights agents in the country. How was local relevance ensured, or how could it be ensured?*

Given the important interplay between adherence to human rights standards and overall political developments, assessment within a legal/political framework is required to respond to this question, and the following paragraphs assess the various programmes against these criteria.

Regarding the programme in **Western Balkans**, the human rights profiles of Serbia and Macedonia reveal a number of challenges and opportunities in the area of FoE of great relevance for the study. Among the most important indicators are the position of threatened journalists, and of human rights defenders, e.g. through the Serbia mission report of the Special Representative Hina Jilani in 2008. Similarly, many of the comments and recommendations of the Universal Periodic Review (UPR) of Serbia (December 2008) and Macedonia (May 2009) are related to this issue.

NPA's internal strategy documents (media policy guidance) state that media support can only be justified by reference to *"principles of good governance and international conventions on freedom of opinion and expression, such as expressed in the UN Charter Article 19, European Council's conventions on human rights, OSCE and other authoritative declarations by regional co-operative institutions, and signed and verified by sovereign member states."*

This grounds NPA's media support work and provides it with a strong normative framework for its programme development. NPA further ensured local relevance by being in-country in Serbia, close to Macedonia, by employing local programme specialists and by conducting frequent site visits. An overview of the annual reports on Serbia and Macedonia issued by the OSCE Representative of the Media as well as the UN Special Rapporteurs demonstrate clear alignment between NPA's programme work and the issues identified by these international watchdog institutions. The OSCE Representative on Freedom of the Media made several policy recommendations throughout the evaluation period that align closely with the NPA's projects.<sup>82</sup> At the same time, it is notable that NPA did not provide any support to projects that focused on journalists' safety. Violence and use of repressive laws against independent journalists were at a high level throughout the evaluation period, in particular in Serbia.<sup>83</sup> This is however a minor criticism, particularly in light of the fact that NPA coordinated its support closely with other donors who were supporting journalists' safety programmes.

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<sup>82</sup> Most of these observations are referred to in the HR Profile. For example, during a 2003 conference on media freedom in Macedonia, the Representative identified the lack of self-sustainability of the media outlets, insufficient professionalism of the management, low level training in diversity reporting and a lack of collegial solidarity between journalists from different ethnic backgrounds as holding back the establishment of media freedom. These were exactly the issues NPA was prioritising at the time (NPA tabular overview: 2003.)

<sup>83</sup> Serbia was monitored particularly closely. The UN and OSCE watchdogs reported spikes of media freedom incidents in 2000 as well as in 2004/5, with a lower level of media freedom violations at other times – with the notable exception of 2003. These violations also closely align with political events, proving once again that media freedom is a weathervane for democracy: 1999-2000 were the dying days of the Milosevic regime, and 2003-4 is the year after the assassination of Djindjic, when the political climate worsened.

The programme in **Zambia** was implemented against a long history of repressive legislation, often inherited from colonial times, being used against journalists, and of governmental foot-dragging when it comes to abiding by more progressive laws and policies<sup>84</sup>.

Issues related to FoE achieved a certain priority during the UPR examination of that country (May 2009). As an example, it was pointed out that an Independent Broadcasting Authority law was approved in 2005 but never implemented. Similarly, it was claimed that the government has been quick to sign international treaties and declarations that promote FoE, but slow to implement them.<sup>85</sup> Respondents singled out the use of criminal defamation law against journalists. This is a common practice in many African states, which has been repeatedly criticized by the UN Human Rights Committee<sup>86</sup> as well as by NGOs<sup>87</sup>. Zambia declined Norway's and others' urging to reform its criminal defamation laws saying "*that this provision is not targeted at journalists as has been suggested*".<sup>88</sup> In contrast, our respondents noted that this law causes 'a culture of self-censorship'<sup>89</sup>. But it is not only the criminal defamation laws that are used to cow critics. In 2007, the President warned critics that challenging the National Constitutional Conference Act amounted to treason.<sup>90</sup> Another Norwegian UPR recommendation was however supported: to adopt a Freedom of Information Bill.

It follows that Norway's support to legal advocacy for the promotion of FoE was very relevant in Zambia. But laws alone do not make a viable 'public sphere'. This was well understood by the embassy around the year 2000; but post-2006, only regional support to media advocacy remains, the 'missing link' being the lack of training and direct support to media.<sup>91</sup> The programme thus lost 'relevance' over time.

The **Ethiopia** project was found by the midterm review of 2007<sup>92</sup> to have been relevant, given the dire situation of the media in the country, but that the *feasibility* and thus finally *effectiveness* should have been scrutinised harder from the beginning.

The 2010 evaluation on **Mozambique** notes that the programme came at a time when media in general were very weak, and that the project provided much needed financial, technical and organizational support. Of particular importance was the project's priority for community radio, addressing a number of inequities in the media situation. "More formally," concludes the report, "the project objectives of contributing to national development and good governance were in line with the Government's objectives, those of the UN system, and the donors providing the funding. The structure – activities and outputs – of the MDP was also in line with achieving these objectives. The project was thus *highly relevant*."<sup>93</sup>

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84 Berger, G (2007) Media Legislation in Africa, a comparative legal survey (UNESCO), page 133.

85 For example, neither Article 9 of the African Charter on Human or Peoples' Rights (1981), the African Commission's Declaration on Freedom of Expression in Africa (2002), the SADC Protocol on Information (2000) nor the SADC declaration on ICT (2001) have been implemented.

86 CCPR A/51/40 (1996) and CCPR 19<sup>th</sup> session 2007, C/ZMB/CO/3 (9 august 2007).

87 For example, by the Commonwealth Human Rights Institute: UPR submission, February 2008 – A/HRC/WG.6/2/ZMB/3 – page 7(28), brought up during the UPR examination of Zambia.

88 A/HRC/8/43/Add.1 –page 2, f); (A/HRC/8/43 – page 18(59) 6).

89 Stakeholders meeting Zambia Case study 13-12-2010.

90 page 138, under 'Civil and Political Rights', second paragraph. Ref also HR Profile of Zambia.

91 See also: Rønning, op.cit.

92 Eide, Mwesige, Demessie (op.cit), page 13.

93 Disch and Taela, op.cit.



Over the evaluation period, **Zimbabwe** has descended into a state of acute contempt for international standards on FoE. This clearly justifies support to media and in particular to ‘media policy and legal reform’, one of IMS’ three programme components.<sup>94</sup> This claim is well substantiated by the following statement in an evaluation from 2009, which found that

*“[t]here is no doubt that the decision to invest funding through IMS is helping Norway not only achieve its policy objectives in relationship to media but also to experiment with a model of partnership-building that seeks to further the key principles of the Paris Declaration of the OECD: ownership, alignment, harmonization and mutual accountability. ...There is also evidence that the strategic framework document has served as a key reference for some donors in making decisions on their media support considerations.”<sup>95</sup>*

### **5.2.2 Evidence and Results-based Approach**

*ToR Qb5: Are the programmes evidence- and results-based? Are there clear results and targets, and is the input logically consistent with and sufficient for achieving these results? Is the perception and understanding of these results the same among all stakeholders? What, if any, are the key omissions with regard to being evidence- and results-based, what are the challenges expressed by stakeholders, and how can they be overcome?*

The following paragraphs assess the degree to which the programmes have been evidence and results-based. The clearest examples are from the Western Balkans and Zambia.

NPA’s strategies in the **Western Balkans** required the individual projects to meet indicators such as the number and type of socio-political issues addressed by media partners;<sup>96</sup> number of freedom of expression initiatives conducted; and audience feedback. The result of this was fed back into programme design. While the activities and outputs neatly cascade down from NPA’s overall goals and aims, it may be that the outputs have been formulated at a too low level, and that they were numerical rather than qualitative: there would be legitimate question marks as to the extent to which supporting these programmes would really fulfil NPA’s high level goals.

For Zambia, seven third party studies are available, five of which are evaluation studies.<sup>97</sup> These, as well as the project portfolios, show reasonable documentation for every project and steady monitoring, including an annual meeting between embassy and beneficiaries (this is summarized in background document available on Scanteam’s website). But given that the programme was built down in the face of an ongoing need, as documented in various evaluations from the time (e.g. Røn-

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94 Brice & Evensmo, op.cit.

95 Ibid.

96 Specific project-level indicators included the number of minority issues addressed in certain areas; the reach of local TV and radio stations that addressed issues of corruption; and the number of public debates initiated.

97 BDO Southern Africa (2004) *Report on investigative audit and assessment of rules and regulations for sub-granting and training – Media Trust Fund*; Imakando, M. (2004) *Appraisal report EHC Journalism section 2004-2006*; MM communication for development, MMCD (2007) *Review report on the programme supported by the Norwegian government to Evelyn Hone College (2004-2006)*; Rønning, H. (2003) *The media situation in Zambia with special reference to the Norwegian support for Zambian Media* (for the Norwegian embassy); Rønning, H. (2006) *Evaluation report Panos 2006* (for NORAD); Yezi, A. (2008) *An evaluative study on the status of community radio stations established with support from the media trust fund in 5 districts* (For the Norwegian embassy).

ning 2006) one may question the extent to which the results were taken into account.

The **Ethiopia** programme was duly monitored, also in third party reviews or evaluations. However it is not clear what has happened with their recommendations. In 2007 the midterm report<sup>98</sup> already notes the dissatisfaction of the industry with the delivered students (page 15). Recommendations in later reports and evaluations have not been followed-up, nor even commented. The conclusion is that the Ethiopian project lacked a results-based management.

In **Mozambique**, participatory planning techniques contributed to an inclusive and evidence-based approach to the projects implemented. A 2010 evaluation<sup>99</sup> of the management of the project found that,

*“[t]he project, in large part due to the generosity of the funding, was able to take on a wide range of issues and thus provide a more comprehensive approach to the sector: print and broadcast media, national and local, and new technology in the form of Communication Centres and Community Multimedia Centres. While focus was on capacity building, it also provided a lot of infrastructure and equipment ... It introduced participatory planning techniques across the board, which led to a rethinking within the Radio Mozambique about its own corporate plan, and helped more democratic structures and processes in most of the media organisations with which the Media Development project worked.”*

The participatory planning used in this project may be a ‘proxy’ of results based management, but it turned out successful.

The 2009 evaluation<sup>100</sup> is quite positive about the management of the **Zimbabwe** programme, with its regular reviews and specifically its liaison with donor and beneficiary stakeholders in a participatory way.

What has generally been lacking has been a more sophisticated results framework where programme outcomes have been specified, such as the extent to which capacity building has led to qualitatively better media outputs and media users’ greater satisfaction. These kinds of perception surveys are mentioned in several of the programmes, and for example in Mozambique steps were taken to carry out a more systematic survey of listeners to community radio. In the end, however, the survey never took place. Instead the projects typically ended up with a lot of anecdotal evidence about the public’s appreciation of improvements and changes, but not at a level and based on sufficient randomization to constitute acceptable or “hard” evidence. More formal monitoring frameworks, like the AfroBarometer Media surveys and UNESCO’s 2008 media development indicator system, were largely not available during the implementation period of these activities, and certainly were not available at the time these interventions were being planned.

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98 Eide, Mwesige, Demessie (op.cit), later followed by Wirak (op.cit.)

99 Disch and Taela, op.cit.

100 Brice & Evensmo, op.cit.



### 5.2.3 Programme Outcomes

ToR Qb6: *Have planned results at outcome level been achieved? Which factors impact on the success or lack of success of the programmes? Are there any other effects, positive or negative, that were unintended?*

Norway's overall policy objective for supporting freedom of expression and media freedom projects, as expressed in the 2005 Guidelines, is "to support efforts to achieve greater transparency, democracy and good governance, including the fight against corruption."<sup>101</sup>

While there is widespread agreement that supporting media freedom and Freedom of Expression is crucial to developing a just and democratic society,<sup>102</sup> it is often difficult to point to projects that directly contribute to this larger aim. Media freedom and media development projects as a rule contribute indirectly, by ensuring that the public can make informed choices, for instance at elections. However, there are instances when a direct link can be made between improving good governance and media projects.

The most notable example in the current evaluation is the situation of **Serbia**, where several respondents indicated that media support was vital in establishing democracy. In the words of one respondent in Serbia, without donor support to independent media, "the misery would have gone on for much longer". The Norwegian media programme was *one of several efforts* that may have had a positive impact in this regard.

At the local level, there are smaller and more specific examples of media projects that have contributed to good governance and other local deliverables. Generally speaking, funding local media has been important throughout the evaluation period in the **Western Balkans**, to counter local State propaganda as well as private stations that were politically biased. NPA worked with independent local media from a very early point. In **Macedonia**, for example, the NPA-supported talk show 'Face to Face' on *TV Menada* is credited with bringing together local politicians and officials with the public to discuss issues of local corruption and governance. In Serbia, NPA is a longstanding supporter of the highly rated current affairs magazine *Pescanik*, on B92, which has a dedicated audience of around 400,000. As far as Serbia and Macedonia were concerned, NPA formulated specific results and outcomes down to the level of individual projects – and generally delivered on them. This can be credited both to the fact that the outcomes as formulated were realistic and achievable, and to the fact that NPA worked closely with its partners to implement the projects.

For example, NPA's planned outputs for 2008 in Macedonia included "addressing local community problems" in the programme 'Face to Face', produced by TV station TV Menada; and for the media policy organisation 'Media Development Centre' to work to ensure the implementation of the country's National Strategy for the Broadcast Development. Specific activities for these outputs were then planned in

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101 Guidelines, page 3.

102 See e.g. World Bank, *Decade of Measuring the Quality of Governance*, 2006, pages 2, 7. See also Eric Barendt's discussion of free speech theory in *Freedom of Speech*, Revised second edition, OUP 2005, pp 18-20.

some detail (down to suggesting specific topics for discussion in the TV programme mentioned), and NPA's staff ensured that these activities actually took place through close monitoring including periodic site visits. For work driven by external factors, such as the media policy work of the Media Development Centre, outputs were formulated in less direct but still measurable terms, such as "to monitor and lobby for implementation of the National Strategy for Broadcast Development".

Similarly, the concerted efforts by the Norwegian embassy, together with a host of other donors, to prevent an unconstitutional third term for the corruption-accused President Fredrick Chiluba in **Zambia** included broad media support. This had a direct impact and not only was Chiluba denied a third term by his population,<sup>103</sup> but he subsequently faced trial for corruption (he was acquitted in 2009). Overall, the programme is seen as quite successful by the stakeholders, as was again reiterated by a stakeholders meeting on 13 December 2010, organized in the framework of the *Zambian case study*.

An important testament to the quality of the projects supported in Zambia was the fact that the majority of today's editors were trained at Norad partners (Evelyn Hone College or Zamcom). Support to media institutions, not least community radios, has had significant impact on the actual media. The embassy worked well together with other donors (especially, but not only Denmark) and often took the initiative for joint actions.

In **Zimbabwe**, the 2009 review of the IMS programme concluded that "*[t]here have been some important achievements made through IMS's project support though many of the expected outcomes were over ambitious for the time period under review.*"<sup>104</sup> For instance, the evaluators commented on the few tangible legal and policy reforms and improvements; the fact that IMS had boosted several significant lobby and advocacy efforts. They also highlighted that out of the seven media outlets supported by IMS, four later faced a funding crisis; but that IMS had also supported worthwhile community-based and alternative media projects. All in all, the programme was considered an example for programmes in extremely difficult circumstances, where results were achieved with little means, including the start of several newspapers.<sup>105</sup>

In **Ethiopia**, while the *output* of the projects is beyond doubt (102 masters students finished, 4 academic PhDs, Library facilities, ICT and broadcast equipment, etc.), *outcome* is questionable. A 2007 review found that

*"the political situation currently restricting Ethiopian media has considerably limited the framework of operation for an institution whose goals are to improve democracy and support independent and critical journalism... The team questions the size of the funding for this project in relation to its contribution to Ethiopian media and to its lack of*

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103 Dietz H. and Habib A. (2010) *Governance & Development in Southern Africa: Donors and Governance in Zamba* (Van Donge J.K and Leenstra M.), Rosenberg, Amsterdam.

104 Brice, K. & Evensmo, op.cit.

105 The newspapers *The Zimbabwean* and *Newsday* remain on the market.

*sustainability. The present crisis... calls for a serious reassessment of the Norwegian priorities concerning the future of this programme.*<sup>106</sup>

In **Mozambique**, a 2006 evaluation<sup>107</sup> also found a generally positive situation. It reported that the capacity of media to promote democracy, good governance, peace and human rights had been enhanced, with the training of 550 journalists and editors on various aspects of journalism; and that the capacity of the independent media to cover news and information *from* as well as *in* the provinces had been strengthened through the provision of equipment. The evaluation further commented on the improved quality and editorial independence of public service radio broadcasting; and that the development of local/community radio stations had been accomplished, but also on specific improvements such as an agreed-upon Code of Conduct for covering elections that independent observers agreed had improved the impartiality, the information content and the scope of election coverage<sup>108</sup>.

Regarding **success factors**, several such factors have been constant, while the programmes reviewed have been very diverse. Chief among these are a permissive political environment – it is recalled that media freedom and freedom of expression are highly politically charged issues; donor coordination; a willingness to commit to long-term support; and ensuring local relevance.

The main political ‘success factor’ singled out by all respondents in the **Western Balkans** was the process of EU accession. Political progress in key areas such as broadcasting law reform – however haphazard – or the reform of defamation laws are all credited to pressure from the EU (as well as other international institutions – but primarily the EU).

Clearly, the political ‘success factor’ can appear or disappear according to various factors. It is interesting to note that in **Zambia**, the government has been able to ignore or stall international demands for legal reform by making vague promises – for example, to implement a freedom of information law. Its own commitment in this was questioned by respondents, and the ability of western governments to force change in this regard has been very limited. Importantly, just as politics can promote success, so can it be an obstacle to any progress – and this has been seen in many of the programmes reviewed, particularly in new democracies.

A second factor that stimulated success in several parts of the portfolio has been positive donor coordination. **Macedonia** is a particularly interesting example: donor coordination took place through a formally established International Media Fund (IMF) for Macedonia. This was set up in 1998 and brought together several media donors, including NPA. These organisations pooled resources to provide both short and longer term assistance to media projects.<sup>109</sup> The same was seen in **Zambia**, where the local embassy jointly funded with the Danish and other international donors. Efficient donor coordination has been referred to in other media evaluations

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106 Eide, Mwesige & Demessie, op.cit.

107 Bolap, Henri-Paul and Patricio José (2006), “Final Report, Strengthening Democracy and Governance through Development of the Media in Mozambique”, Maputo.

108 Disch and Taela, op. cit.

109 See <http://archiv.medienhilfe.ch/Projekte/MAC/IMF/Facts.htm>.

as being of decisive importance and this is a view that this evaluation team shares.<sup>110</sup>

Another important success factor is willingness to commit over the longer term. Media freedom and media development funding is not a short term undertaking, and donors should not rush to pull out. In the **Western Balkans**, many of the other donors interviewed as part of this evaluation credited NPA's perceived success to a willingness to provide support over a period of several years, in spite of the annual funding that NPA itself received.<sup>111</sup> NPA's strategies were also of obvious importance: only with the right choice of partners is long-term support an option. It also appears that local staff employed here was an important success factor: they had significant experience in the field, were in post for a long period of time, were committed and motivated, and commanded respect among fellow donors as well as their other partners. The effect that a professional, motivated and experienced staff can have on a programme is not to be underestimated.

At the same time, delivery on some projects was greatly hampered by political and macro-economic developments. *All* the media development projects supported in Macedonia and Serbia have suffered immensely from the effects of the global financial crisis, which has seriously reduced the advertising revenue of the media outlets and – in some cases – has made it almost impossible for them to continue to cooperate.<sup>112</sup> Other obstacles included the poorly regulated broadcasting market, which created an unfair economic environment even before the financial crisis; and the unfavourable political climate in many countries in which support has been provided.

Another hindrance to the formulation and implementation of appropriate project outcomes was caused by the Norwegian authorities' insistence that projects could only be supported on an annual basis. This made strategizing very difficult, particularly in the dynamic political and economic environment of Serbia and Macedonia. Further hindrance was caused by late project approval, sometimes six months into the year in which they were to be implemented.

The main hindrance in **Zambia** was in our view the shrinking capacity of the embassy to run the media projects. When the MTF was selected as a vehicle to cater for that need, the embassy lost oversight of the situation to such an extent that ongoing corruption was only detected in a late stage, leading to the demise of the entire MTF.

As far as **unintended results** or consequences are concerned, several respondents in **Serbia** mentioned 'protection' as an important indirect effect of Norway's funding. Norwegian support not only gave them financial and moral strength; it sent a clear signal that the programming was internationally acknowledged. This made it harder for local authorities to censor or otherwise interfere with the media concerned.

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<sup>110</sup> E.g. Rhodes, Aaron (2006): *Ten Years of Media Support To the Balkans*, p. 10.

<sup>111</sup> *Ibid.*

<sup>112</sup> TV021 in Serbia indicated that with Norwegian assistance, they had in 2008 come to a point where they were as good as self-sustaining – and they were very appreciative of the Norwegian assistance. However, as a result of the crisis, their advertising revenue had been significantly reduced and the station manager predicts 2011 to be "a year of survival". Similar tales of financial hardship were heard from other media outlets.

Another example of an unintended result stems from NPA's activities in other areas. For example, at one point, in Serbia, NPA brought together its media partners with a partner from its 'Women Can Do It' programme, to discuss media stereotypes of women. This resulted in 40 media outlets (including the national broadcaster TV B92 and the broadcasters' association, ANEM) adopting a code on gender sensitive reporting. This was an excellent result – which was unintended.

#### 5.2.4 Exit Strategies

*ToR Qb7: What is the planned exit for the support? Are any steps being taken to embark or prepare for an exit process? How is sustainability for the supported programmes understood by stakeholders?*

There is no common approach to exit strategies in the evaluated portfolio. Each implementer has adopted its own approach. Sometimes implementers have been exceedingly generous; other implementers have simply pulled out as and when they perceived the job was done, or their own funding had dried up. The effectiveness of strategy has implications for project results.

Within the portfolio, NPA was the only organisation currently actively implementing an exit strategy. Its **Western Balkans** exit strategy covers the period 2009-2011.<sup>113</sup> After 2011, it will close down its Civil Society and Media Development programme in the region altogether. This is an NPA strategic decision, based on the expectation of reduced funding from the Norwegian MFA coupled with NPA Head Office's intention to reduce the number of countries in which it implements development programmes.<sup>114</sup> The strategy acknowledges that serious problems remain as regards Freedom of Expression in the region, and proposes to focus on support for local and minority media and media associations. It further proposes to reduce the number of partners in each of the countries, naming seven in Serbia and only three in Macedonia.<sup>115</sup>

NPA's partners know that support will cease from 2011 onwards. NPA conducted a survey in 2008 which showed that none of its partners expected having to close post-2011. However, as already noted, the impact of the global financial crisis has been much harsher on the media than had been expected. The evaluator's question about sustainability of media outlets post 2011 was frequently met with a shrug of the shoulders, meaning no sustainability strategy was in place and investments could be lost. While this is by no means the fault of NPA, it is nevertheless a worrying situation. NPA's exit strategy does show some flexibility, acknowledging that the situation on the ground may change and that it therefore may need to support some projects other than those named. But this does not imply any significant change.

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113 Exit Strategy NPA: See Civil Society and Media Development Programme 2009-2011.

114 The MFA anticipated increased EU project funding as part of the EU-integration process. Furthermore, the MFA itself faced reduced funds for the western Balkans, and wanted more project support to go directly through embassies. NPA Head Office for its part wished to reduce the number of countries in which NPA works, and the prospect of sharply reduced MFA funding and related uncertainty about meeting the overheads of both the Belgrade office and NPA's Head Office were a strong factor in the NPA decision to end the Civil Society and Media Development Programme in Belgrade.

115 In Serbia, the Association of Independent Electronic Media; "Mozaik" LLC (publisher of Becejski Mozaik weekly); NIP Vranjske d.o.o. (Publisher of Vranjske and Korak/Hapi magazines); Radio Broadcasting Company "O21" LLC (Radio O21); Local Press – Association of local print media; Radio Sto Plus; and the Independent Journalists Association of Serbia –IJAS (NUNS). In Macedonia, TV MENADA in Tetovo, the Media Development Center and the Association of Journalists of Macedonia (AJM/ZNM) will be supported.

Post 2011, it is expected that other donors will be able to fund some of the type of projects currently being implemented by NPA, including the EU. However, particularly partners based in the regions noted that EU funding was heavily focused on capital cities, and that even if they would receive funding they would need to employ a small army of administrative staff to administer the grant, which was not seen as efficient.<sup>116</sup>

In **Zambia**, the media support programme has virtually come to an end. Only two regional programmes remain, one managed from Oslo, one through the embassy in Pretoria. The exit strategy with the two partners ZAMCOM and ZIMA included buying a “student lodge” and an office building. Respectively, these have provided the organisations with income<sup>117</sup> and have prevented them from collapsing altogether.<sup>118</sup> Similarly generous exit support was provided to the Evelyn Hone College in 2006; it still uses the *state of the art* radio and television studios.<sup>119</sup>

In **Mozambique** the media programme faced three problems – financial and technical sustainability, and continued improvement in journalistic skills. On the financial side, the key is the continued growth and development of the economy as this will both increase paid-in readership and advertising. But financial management has to improve, and the programme did not get very far in this regard. There are also serious questions about starting up community radio in areas where economic activity is low and ability of the community to finance the continued running is not realistic. Similar holds for the technical equipment and its maintenance, where small media outlets are vulnerable to lack of resources and skills to run and renew equipment. Both of these issues are in part being addressed by setting up a more general media fund that all media outlets can apply for resources from, while a technical unit has been set up at the University Eduardo Mondlane to ensure continued support to community radio. Regarding journalistic training, the Mozambique programme – unlike the ones in Ethiopia, Zambia and Zimbabwe – did not support the development of institutions training journalists, but rather provided ad hoc training through the project itself: as soon as the project ended, so did journalism training. This was a deliberate choice – upgrading the school of journalism was seen as too costly – but it means that the core of the programme had been designed not to be sustainable!

### 5.3 Direct Partners (FoE Organisations)

In a specific attempt to support efforts for freedom of expression, not least as a follow-up to recent speeches by the Minister of Foreign Affairs (see 5.1.2), the MFA Human Rights section has identified a number of organisations as direct partners. The seven most important of these are listed below with the total funding they have received from the MFA during this period. It is clear that funding for the last two years has increased dramatically – from an average of around NOK 3 mill during the four years 2002-2005, to over NOK 6 mill the year after, doubling again in 2007 to nearly NOK 11.2 mill, and then seeing an even more drastic increase to well over NOK 28 mill in 2009 – a nine-fold increase in four years.

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<sup>116</sup> The administrative requirements associated with EU grants are generally perceived to be unduly heavy.

<sup>117</sup> The student lodge accounts for 25% of the organisations income: Interview Zamcom director.

<sup>118</sup> Interview director MISA Zambia.

<sup>119</sup> Letter from the Coordinator Evelyn Hone college, journalism department (24-12-2010).



**Table 5.4: Annual Disbursements, Key Partners for Freedom of Expression (NOK '000)**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	Total
Article 19									861	700	1,561
CJFE		400		50	200	275	989	1,030	1,100	1,320	5,364
ICORN									100	500	600
IMS								5,361	9,204	10,527	25,092
IWPR		1,000	2,804	1,848		2,359	3,103	2,897	10,447	9,533	33,991
Norske PEN	60	390	845	417	2,290	398	1,150	1,458	1,646	5,160	13,814
Rafto-stiftelsen	275		246	250	200		1,000	450	530	619	3,570
<b>Totals</b>	<b>335</b>	<b>1,790</b>	<b>3,895</b>	<b>2,565</b>	<b>2,690</b>	<b>3,031</b>	<b>6,243</b>	<b>11,196</b>	<b>23,887</b>	<b>28,359</b>	<b>83,991</b>

CJFE: Canadian Journalists Free Expression  
 ICORN: International Cities of Refuge Network  
 PEN: Poets, Playwrights, Essayists and Novelists  
 IMS: International Media Support  
 IWPR: Institute for War and Peace Reporting

It is important to note, however, that only just under 30% of the total funding for these key partners comes from the Human Rights budget line – the remainder largely from other MFA units (the Peace, Reconciliation and Democracy fund, GlobSUS, West Balkan Section, Regional departments and embassies – see details in Mapping study).

The Evaluation Team agreed with Norad to look specifically at the support to four of these direct partners (not reflected in the original ToR but in an additional request, ref. Addition to Annex A): International Media Support (IMS), Institute for War and Peace Reporting (IWPR), PEN (International and Norwegian) and the Rafto Foundation.

The funding provided to the international freedom of expression organisations has been used partly for country or region-specific work, and partly for thematic freedom of expression work. Examples of the former are IWPR's Balkans programme and the IMS work in Zimbabwe, both of which were conducted and implemented in-country; an example of the latter is the Global Forum on Free Expression organized by Norwegian PEN.

### **5.3.1 The Four Selected Organisations**

#### **Institute for War and Peace Reporting (IWPR)**

Norwegian funding has provided important support to IWPR's programmes in the Balkans, Central Asia, and the Caucasus and Afghanistan. In these countries, it has brought together media and journalists and aimed to strengthen broad civil society to improve its reporting on matters of public interest. It sees its work as supporting what it calls "agents of change" to provide information, engage the public, challenge authority and advocate for change around a range of development objectives, including conflict/security, human rights, rule of law and impunity, and development

and corruption. Early projects in the Balkans focused much on war crimes reporting, an important issue given the context in the region, while its later projects in Central Asia and the Caucasus have focused more strategically on empowering wider civil society to report on matters of local interest – for example, in Georgia it has reported on matters of internally displaced persons. It has claimed important successes for its training in the Balkans, where a number of the journalists it trained are currently employed by influential media in the region.

IWPR has a very firm vision of its own strengths and strategies. Its programmes aim to empower local voices to drive social change. It focuses much on professional skills building in order to raise the level of public debate, enhance confidence across conflict lines, and provide crucial (if not always fully adequate) security protection for journalists and activists against politicized attacks. Its impact-oriented reporting and information supports debate and mobilizes advocacy. By working to strengthen the institutional capacity of both media and NGOs, and enhancing local and regional networks, IWPR aims to improve confidence and independence in challenging environments, and enables civil society to engage and serve its accountability role.

While IWPR has a strong strategic vision, by its own admission it lacks the manpower to systematically monitor and follow up on lessons learned. This is not to say lessons are not learned and that mistakes are repeated. But the learning that takes place is focused on project implementers and managers, and the organisation as a whole simply does not have the capacity to sit back and take stock. Its Executive Director is well aware of this shortcoming but blames the lack of funding: while IWPR is a large organisation all of its funding has been project based. It lacks the support of one or two core donors which would give it the ability to monitor and strategize more than has been done thus far.

Recent examples of IWPR's results in Norwegian-funded programmes include:

**Combating Extremism:** The British High Commission in Pakistan recently praised IWPR's Open Minds project for extending media literacy to a new generation of media consumers, providing 4,000 Pakistani youth with the tools and experience to cut through extremist language and propaganda, make personal judgements and engage in responsible public debate;

**Democratic Engagement:** IWPR Afghanistan engaged a staggering 5.2 million voters in election news and information through active acceptance of voice and text mobile messaging, linking voters with dozens of Afghan NGOs, enhancing awareness of the voting process and underlining public engagement in accountability and public oversight of government authority; and

**Democratising Aid:** Regional authorities in Georgia launched a public campaign to better inform local refugees and IDPs about available state assistance. This followed an IWPR-supported radio programme outlining problems with local aid provision; this kind of 'hyper-local' development reporting routinely sparks response and direct impact, with prompt benefits to local communities.



### **International Media Support (IMS)**

The Copenhagen-based IMS is a leading international organisation in support of media development in conflict-affected countries where free and independent media is threatened or not yet established.

It took several years of talks for IMS to achieve Norwegian funding, which doubled from an initial level of NOK 5 mill from 2007 to 2009. The Zimbabwe programme has been the most important and will be described below. Support has also been provided to a news agency in Sri Lanka in the form of a safety fund, and a safety mechanism has also been financed as part of a project in Afghanistan. IMS is proactive in support to bloggers and new media, and a new organisation specifically started for this purpose, originating in IMS, is called *Media Frontiers*.

The following assessment of the support to IMS in Zimbabwe is largely based on the 2009 Review.<sup>120</sup>

From 2005 on IMS (in a well organised, participative process) worked on a thorough framework for support to the media, supporting the establishment of a platform (Media Alliance of Zimbabwe, MAZ) of local media organisations. Probably the 2005 Norwegian media guidelines were a fruitful basis for the Norwegian support to the media in Zimbabwe via IMS, since by 2007 the implementation could start with active support of Norad. At the same time the embassy had downsized and could no longer manage a comprehensive media support strategy. Through strategic stakeholder and donor meetings every year, IMS managed to keep pace with the volatile developments in the Zimbabwean context, which is highly appreciated by the donor community and an excellent result in itself. The *creative and unique* participatory approach, based on hard facts stands out in the field of 'theories of change' and framework approaches.

IMS has been instrumental in the monitoring of the Zimbabwe programme, while the embassy – according to the evaluation of the IMS programme – was staying too much at a distance. In general, embassies are hardly in a position to manage overall strategies and comprehensive programme frameworks for support to the media because there are too many small projects. In Zimbabwe this was successfully left to IMS. Generally speaking the international community faces the same problem as Norway: the decentralisation into country programmes makes *thematic* learning as in the media programme difficult or impossible, though it is an advantage for political flexibility *in-country*.

The best solution is probably the outsourcing, since partner organisations like IMS have taken the necessary time to reflect upon the lessons learned and can implement changes relatively fast (e.g. annually).

The Zimbabwean context clearly justifies support to media and in particular to 'media policy and legal reform', one of IMS' three programme components. This claim is well substantiated by the 2009 Review.

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<sup>120</sup> Brice & Evensmo, op.cit.

The Review is also quite positive about the management of the IMS-led Zimbabwe programme, including its regular reviews and working with donor- and beneficiary-stakeholders in a participatory way. This is a good learning point for outsourcing of this kind in other countries.

IMS decided to spread its support among the three components that make up the strategic framework: i) media policy and legal reform, ii) independent mainstream media (inside and outside the country), and iii) alternative and community-based media. They have however decided to give slight priority to the legal reform and alternative and community-based media components. Again according to the Review, several important achievements were made through IMS's project support though many of the expected outcomes were over-ambitious for the time period under review. All in all the programme can be considered an example for programmes in extremely difficult circumstances, where with little means a high leverage was effected, including the start of several mainstream newspapers. The IMS programme undoubtedly delivered a significant contribution.

### **International PEN / Norwegian PEN**

Norwegian funding for *International PEN's* work has been mainly for its writers in prison programme. This is a core activity for International PEN – conducting advocacy on behalf of writers who have been imprisoned because of their writing. The advocacy consists of letter writing by its members as well as by other forms of advocacy and international lobbying. Later in the grant cycles – from 2005 onwards – support was specifically focused on Asia and the Middle East, and here International PEN's support work for its local member groups became important. International PEN, based in London, is the Secretariat for a coalition of around 100 'PEN' centres in various countries around the world. Some of these Centres are very well established, while others are more fledgling. PEN's Centres in some countries in Asia and the Middle East fall in the latter category, and were supported in their development and activities by the International Secretariat. Some of this crossed over with *Norwegian PEN*, one of the more established of the PEN Centres, which used Norwegian support over a period of years to support the development of a 'writers house' in Kabul, Afghanistan.

Norwegian PEN members conducted several advocacy trips to support the establishment and development of the Kabul Writers' House, and see it as one of their important successes: by focusing on their joint experience as writers and authors, the members of the Kabul Writers' House are able to transcend ethnic and other divides. As regards the other Norwegian PEN activities supported by the MFA, some of their core costs and travel have been covered – important for what is essentially a very small secretariat – but it also claims co-organizer status for a number of very large and significant projects: the Global Forum on Freedom of Expression in 2009, and important lobbying meeting at the UN Human Rights Council on the issue of religion and defamation. In these, Norwegian PEN arguably bats way above its weight in terms of the influence it is available to bring to bear as an organisation with a very small staff.

*International* and *Norwegian PEN* share the same strategic vision. They are respectively the network secretariat and a member of an organisation that advocates for the right to freedom of expression of authors, poets and others who fall within the broad description of ‘writers’ – a group that is often overlooked in the media freedom / media development field. Their support is both individual and systemic: through its Writers in Prison programme, PEN helps individual authors who are imprisoned; and through its broader advocacy and awareness raising work around the theme of freedom of expression, it seeks to promote an environment that enables writers rather than hinders them.

As far as monitoring is concerned, International PEN maintains a database for its Writers in Prison programme that allows it to track its interventions and their effectiveness.

The Writers in Prison programme claims a success rate of 30% on this programme. This means that of every case in which they engage their membership in a campaign, just under a third results in the eventual release of the writer concerned. While PEN freely acknowledges that it of course is not solely responsible for this result – there are typically a number of other players and factors – it is nevertheless a remarkable statistic.

The advocacy meeting organized in Geneva in the margins of the Human Rights Council resulted in a successful campaign to introduce neutral language in a resolution on defamation of religions. Without this lobbying and advocacy, a version of the Resolution would have been adopted which would have justified a very strict interpretation of blasphemy laws and have impacted the ability of writers and others to challenge issues around religion much more than is already the case.

### **The Rafto Foundation**

One of the identified beneficiaries of the support to Freedom of Expression, the Bergen-based Rafto Foundation, must be characterized as more general support to human rights activities than to FoE as such, although the FoE dimension is seen as important. It is therefore not fully correct to see this as FoE support.

The *Professor Thorolf Rafto Foundation for Human Rights* (the Rafto Foundation) takes its name from a renowned Bergen academic and human rights defender who died in 1986. He established a record of working for “spiritual freedom, political freedom and business freedom”, as stated in the statutes of the Foundation. Since 1987, the Foundation has annually awarded the Rafto Prize, a prestigious human rights award which on no less than four occasions has gone to persons who later became Nobel Peace Prize Laureates (Aung San Suu Kyi of Burma, José Ramos Horta of Timor Leste, Kim Dae-jung of South Korea, Shirin Ebadi of Iran). The Rafto Prize is thus seen as a kind of a human rights bellwether, often identifying little-known persons who later became internationally recognized human rights defenders.

Among the 25 laureates<sup>121</sup>, we find the following characteristics:

- 13 come from Communist or post-Communist countries, among them ten from the former USSR
- Four come from Muslim countries
- Geographically, nine come from East/South Asia, six from present EU countries (four before their countries joined the EU), three from Central Asia, three from Africa, only one, the 2010 laureate, from Latin America
- Previously, the focus was on civil-political rights, while three of the laureates can be seen as minority advocates and three or five, depending on the definition, as national independence advocates. During later years, some defenders of economic, social and cultural rights have also been rewarded the prize.

The early focus on human rights advocates in Communist countries (particularly the USSR) has shifted, although the struggle for economic, social and cultural rights in the developing world has only very lately begun to receive some attention. The inclusion of “business rights” in the statutes as a consequence of Dr. Rafto being a professor at the Bergen Business School, is presently under re-definition to “economic freedom”, seen as covering economic, social and cultural rights and corporate social responsibility of large business enterprises, an issue Prof. Rafto was one of the first to bring up in Norway.<sup>122</sup>

The MFA support to the Rafto Foundation is strictly limited to activities *related* to the annual awards, and not the prize itself. The most frequent subject of support has been a contribution to the annual reward ceremony – an important human rights activity in Bergen in its own right with international symposia, cultural activities etc. Typically, around 60-70% of the budget for reward ceremonies has come from the MFA. Support has also been given to other follow-up activities of prize awards, like a book project on Eritrea (the largest single contribution; 960,000 NOK to a 2006 project that still remains to be finalized), to HR projects in the laureates’ home countries etc. Follow-up activities are not very systematic, and limited to only a few laureates. Given the prestige the Rafto Prize has achieved, more systematic follow-up activities would be desirable, something the Foundation itself recognizes.

A total of NOK 3.8 mill has been allocated to the Foundation during 1999-2009, with the remarkable characteristic that allocations are practically identical to the requested amount (MFA granting 100% of the requested amount). The Foundation seems to have an exceptionally good financial management. Receiving significant support from private business (particularly Bergen-based companies and families), it recognizes that this at times may represent a problem for the Foundation’s impartiality, when the contributing companies may have economic interests in countries where human rights violations exist and potential laureates may be found.

### **5.3.2 Characteristics of the Work of Direct FoE Beneficiaries**

While the support to the Rafto Foundation has been to general human rights work and not particularly related to FoE, IMS and IWPR are characterised by a mix of media freedom and freedom of expression work. The only non-media FoE projects

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<sup>121</sup> See list of laureates on <http://www.rafto.no/?page=38&show=47>.

<sup>122</sup> Considerations offered by Therese Jebesen, Executive Director of the Foundation, in interview with her.

were those run by Norwegian and International PEN from 2008 onwards, portions of ARTICLE 19's work (not reviewed), and transparency projects run through the Inter-American Development Bank's anti-corruption fund. The other support – primarily to IMS and IWPR – was to a mixture of media and more general FoE activities.

Three large projects transcend the media development sphere. First was Norway's support to the *Global Forum on Free Expression* in 2009. Co-organized and partly co-funded with Fritt Ord, Norwegian and International PEN, and the International Freedom of Expression Exchange (IFEX), this convened the global community of freedom of expression activists to discuss issues such as media coverage of conflicts; genocide denial; investigative journalism; women's freedom of expression; and the line between religion and censorship. Second, the IWPR projects funded by MFA are a unique blend of civil society, media and democratic empowerment, and focus on 'agents of change'. For example, IWPR's Afghanistan project engaged 5.2 million voters in election news and information through active acceptance of voice and text mobile messaging, linking voters with Afghan NGOs, enhancing awareness and underlining public engagement in accountability and public oversight of government authority. Third, the specific literary focus of PEN's work might be highlighted; this is an area of work not served by any other organisations in the MFA portfolio.

The *strategies* of the international partner organisations reflect their own priorities and working methods. MFA had a direct involvement in this for some of the programmes which it funded directly – particularly those that were thematic and/or global in nature, but not all.

PEN, for example, is driven by the number of arrests and urgent events in countries anywhere in the world. If there is a spike of arrests in a given country, such as Egypt recently, PEN will respond to those events. PEN does have focus countries where historically the number of arrests has been high (China and Iran, for example, and Venezuela), where the PEN strategy is to support individual centres and take specific action to support victims of repression. IWPR similarly has a clear sense of its own strengths and strategies. It states its overall goal as being “[empowering] local voices to drive social change” and emphasizes professional skills building so as to “raise the level of public debate, enhance confidence across conflict lines, and provide crucial security protection for journalists and activists against politicized attack.” It also engages civil society more broadly, to “improve confidence and independence in challenging environments, and enable [it] to serve its accountability role.”

For both PEN Norway and for PEN International, international advocacy and lobbying for the protection and promotion of freedom of expression standards is an important and continuously ongoing part of the strategy. PEN Norway has for a number of years been an important actor in pro-freedom of expression advocacy at the international level, and its lead in a 2010 meeting in Geneva to counter a draft resolution at the UN on Defamation of Religion is a good example of that.

Regarding *monitoring*, the example to mention would again be PEN International, which maintains statistics on case work, allowing them to monitor their interventions and have some measure of effectiveness. While it is very difficult to judge whether the release of an imprisoned writer is solely due to PEN's intervention, they nevertheless note a 'success rate' of around 30% (meaning percentage of writers who are released following an intervention).

*Relevance of the work:* *International PEN*, *Norwegian PEN* and *IWPR* all ground their work in international guarantee of the right to freedom of expression. Thematically, this guarantees their relevance as against international human rights work. They further seek to ensure local relevance by grounding their work on local realities. All three organisations are deeply embedded in the countries in which they work – the PEN groups through their membership, and IWPR by employing local staff and establishing a local presence. IWPR further ensures local relevance by link-ups with local journalists who have their finger on the pulse of what is 'relevant' and what are the matters of public interest in the local context. The PEN groups further ensure relevance for the Writers in Prison programme by focusing on a directly measurable event – the imprisonment of a writer – to which it reacts. There is close coordination with other NGO actors in this field (including ARTICLE 19, another MFA grantee) as well as international actors such as the UN Special Rapporteur on Freedom of Opinion and Expression both to monitor potential threats to freedom of expression, and to coordinate reaction. As a small organisation, Norwegian PEN is remarkably present at this level of policy development.

As regards the extent to which the groups' work is *evidence-based*, International PEN prides itself on its *ability to react quickly to changing events* around the world. In the evaluation interview, the words used were that "if tomorrow a number of writers are imprisoned in Egypt, we will react to that". For IWPR, there is less explicit focus on an evidence-based approach but the implicit logic in their work suggests that it is to a large extent evidence-based – by employing local journalists and working with local civil society, local evidence is implicitly brought into the relationship. This is then added to the body of experience built up within IWPR.

So, which *results* have the international organisations reported for themselves? PEN and IWPR report important results for their programmes. In the case of PEN, its main result is – as already noted – a 'success rate' of 30% on its writers in prison programme, but it also claims higher level results in lobbying for freedom of expression standards and mechanisms at the level of the UN. An example of the latter is the successful lobbying against a UN Resolution on Defamation of Religions, which could have been interpreted as international license to strengthen blasphemy laws. IWPR claims a successful voter engagement programme in Afghanistan, and a radio campaign in Georgia which directly led to more assistance being made available to refugees. The latter is an example of what IWPR terms 'hyper-local' development reporting, which usually sparks a response and is of measurable direct benefit to local communities.

International organisations ascribed some of their results to *partnerships with key political players*. For example, PEN's lobbying for progressive FoE standards at the



UN relied on identifying and nurturing relationships with governments that would be sympathetic to the cause.

*Exit strategies* play no prominent role in the work of the direct partner organisations. International PEN's MFA-supported programmes (primarily its Writers in Prison Programme) form its core work. There is no exit strategy for this programme from PEN, nor does MFA have any intention to build down its support. IWPR's exit strategies for its country or region-specific projects can be described as pulling out "when the job is done". For example, in Bosnia, its projects had resulted in the training – to a high level – of numerous local journalists, many of whom were subsequently hired away by local media organisations. When local media are at a point that they can report on IWPR's issues, and do so well, IWPR is no longer needed. Achieving this as a matter of practical reality is, however, difficult.

#### 5.4 Main Findings and Conclusions

- The Norad database shows that funding for the category "Free Flow of Information", which is the one most compatible with "Freedom of Expression" (FoE) represents about 5% of total human rights support during the decade studied here (NOK 480 mill). The support has been concentrated to five countries/regions, where Serbia/Macedonia and Zambia were selected for field study;
- Projects in this area, including those carried out by the specialized organisations, have been predominantly media development efforts, rather than support to the broader concept of FoE such as freedom of information, internet freedom, minority expression etc;
- Towards the end of the period, a concerted effort was made by the Human Rights Section of the MFA to support a handful of specialized FoE organisations, following up on statements by the Foreign Minister to make FoE "a first priority in [Norway's] human rights policy". Some of these organisations made important contributions beyond media support, thus engaging Norway in a broader FoE field.
- Norway never developed an overarching operational strategy for its support in this field, nor did it establish a capacity in the MFA or Norad to effectively shape the agenda and ensure structured monitoring. There has hence not been any systematic learning at corporate level regarding how better to support FoE objectives;
- Programming has instead been decentralized to embassies and/or left to NGOs. This has led to locally-designed programmes that have been highly relevant, flexible as the situations on the ground changed, and thus quite efficient and effective at delivering intended immediate results. In Serbia and Zambia, Norwegian funding is credited with supporting media in their campaigns for democratic regime-change;
- Monitoring systems have focused at output level and not generated much in terms of convincing data at outcome levels. Part of this is due to lack of operational indicators at the time, but also for lack of effort at generating qualitative data such as perception surveys that could document how project outputs were used.
- A commitment to support over the longer term and effective donor coordination have been important success factors;

- It is clear that media freedom and media development projects are inextricably linked to a wider respect for the rule of law. In-country support to such projects thus should go hand in hand with a wider political agenda to promote the rule of law and adherence to human rights norms. The lack of learning at the corporate level of Norwegian support is thus troubling, because it means that such lessons may never be properly incorporated in programming guidelines and monitoring systems.



## 6. Norwegian Centre for Human Rights Programmes in Indonesia and South Africa

### 6.1 Purpose and Composition of the Programmes

The purpose of the Norwegian Centre for Human Rights (NCHR) is to promote the practice of internationally adopted human rights by means of scientific research and assessment, training, counselling/guidance, information and documentation.<sup>123</sup>

NCHR's mandate and the basis for its international programmes support the Norwegian Human Rights policy, which upholds the universal character of human rights, based on international legally binding conventions making all state parties to these conventions the primary duty bearers. This policy alignment is reflected in the goals of the Indonesia and South Africa Programmes, the former aiming at promoting Indonesia's compliance with international HR standards and the latter with increased implementation of socio-economic rights. Moreover, the activities implemented by NCHR in these programmes fall within areas given priority by Norwegian development cooperation as well as the Ministry of Foreign Affairs, as shown in table 6.1 below.

**Table 6.1: Norway's human rights priority areas and NCHR support**

Human Rights Action Plan of 1999 – priority areas within the development cooperation:	NCHR supported areas in	
	Indonesia	South Africa
<i>good governance</i>	X	X
<i>strengthening of the rule of law</i>	X	X
<i>education and research</i>	X	X
<i>freedom of expression and differentiated media</i>		X*
<i>women's rights</i>		X
<i>children's rights</i>		
<i>the rights of disabled</i>		X**
<i>indigenous rights</i>	X	
<i>labour and industry standards</i>	X	X
<i>right to food</i>	X	X

<sup>123</sup> Statutes of the Norwegian Centre for Human Rights, <http://www.jus.uio.no/smr/english/about/statutes.html>.

Human Rights Action Plan of 1999 – priority areas within the development cooperation:	NCHR supported areas in	
	Indonesia	South Africa
<b>Human Rights Action Plan of 1999 – priority areas within Government's political human rights promotion as part of its foreign policy: Many of the priority areas are the same, but additional themes are mentioned in terms of political work:</b>		
<i>abolition of death penalty</i>		
<i>prohibition of torture</i>	X	
<i>humanitarian standards</i>		
<i>racism and discrimination</i>		X***
<i>freedom of religion and belief</i>	X	
<i>target groups: human rights defenders and the rights of lesbians and gays (later extended to the broader concept LGBTI; lesbian, gay bisexual, transgender and intersex people)</i>		X****
<b>2009 Report: human rights priority areas are mostly the same, with the addition of extra socio-economic rights:</b>		
right to water	X	X
right to education		
strengthening of international monitoring instruments		X

\* access to information

\*\* one small project

\*\*\* mainstreamed into programme by becoming criteria for project selection

\*\*\*\* human rights defenders, one project in 2010

The programme in Indonesia was from the beginning in 2002 linked to the government human rights dialogue between Norway and Indonesia. 39.6% of the total budget has thus far gone to human rights education in Indonesian, mainly university teachers at law faculties. Training of the military and the judiciary have been the two secondary activities. 2% of the funding has been dedicated to capacity-building of Indonesia knowledge in Norway. In the South Africa programme, funding was distributed about evenly across the various methods utilized, with a slightly higher percentage to Access to justice (26.1%), namely litigation and network-mobilization. Land, Housing and Water rights were the next funding priority areas by the programme. The alignment between Norwegian human rights policy and the NCHR mandate and international programming makes NCHR a natural partner of the MFA. From a policy viewpoint, partnership with the NCHR provides coherence and strengthens the delivery of Norwegian commitments in human rights.

The funding level allocated to the NCHR over the past decade also demonstrates that the institution is an important channel for Norway to deliver on its human rights commitments. The NCHR received a total of NOK 224 million in funding for human rights programming, most of which for the country programmes, including the programmes in China, Indonesia, Vietnam and South Africa, among others. In addition the University of Oslo itself, of which the NCHR is a part (under the Faculty of Law),

received another NOK 60 million.<sup>124</sup> It is worthwhile noting that the Indonesia programme has been a fairly small one in monetary terms (about NOK 25 mill, 10% of total support to NCHR), while the South Africa programme has consumed four times as much (about NOK 100 mill).

The Norwegian support to human rights channelled through the NCHR from the MFA is regulated by an agreed framework for cooperation between Norway and selected partner countries, under the umbrella of an ongoing dialogue (Indonesia, China, and Vietnam) or by a bilateral agreement highlighting areas for cooperation (South Africa). NCHR is tasked to develop the means to materialize human rights activities agreed by Norway and its partner countries. Activities funded by NCHR do follow the partnership principle of Norway's international cooperation in human rights in that they are decided and carried out in partnerships with national institutions and organisations. Although NCHR plays the prominent role in selecting in-country partners and in defining the parameters for the partnership (i.e. types of activities to be financed), funded activities reflect priorities expressed by the national partners.

In the following, we attempt to respond to the specific Part C questions in the ToR one by one, separately for the Indonesia and South Africa programmes. This chapter first provides a summary of the programmes and then of the assessment of the programmes. For greater details about the Indonesia and the South African Programmes and their assessments, please see background document available on Scanteam's website.

### **Description of Programmes**

The **Indonesia** Programme was established in May 2002 as an academic component linked to the human rights dialogue between Indonesia and Norway. The stated goal of the Indonesia Programme is to further improve Indonesia's human rights compliance with international HR standards.

The NCHR prepared a Strategy for the Programme at its inception in 2002. The strategic approach of the programme is defined within the parameters of being an academic component of the dialogue. HR education through training and teaching activities is set to be the main forms of intervention in the programme. The strategy further specifies that civil and political rights would be the main HR focus area of the programme. Activities would be developed within the following areas: the role and conduct of the military, good governance, HR education, HR and democracy and resource-based conflicts and collective rights. The strategy designates that the programme would be implemented in partnership with Indonesian partners, among them government authorities, governmental institutions and NGOs.

At the outset of the programme, the year 2002 findings by the Special Rapporteur on the independence of judges and lawyers was an important reference for the Indonesia programme. Another important special procedures' visits which the programme paid much attention to was the Special Rapporteur on torture and other

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<sup>124</sup> The figures were derived from the Mapping Study.

cruel, inhuman or degrading treatment or punishment (2008). Networking with researchers is also informing the programme development, and the programme has close contact with leading centres for Indonesia studies in places like Leiden and Melbourne. The Programme is part of the Nordic Network for Indonesian Studies established in 2009 and has played an active role within the Norwegian network for Asian studies.

The main activities that the **Indonesia** Programme has developed by support areas are:

1. HR Education: Stipends for Indonesian Master Students at the NCHR, funding Indonesians to attend NCHR Short Course on Human Rights Protection, funding Indonesian Guest researchers in Norway, training programmes (courses, workshops and seminars) in Indonesia, HR curriculum development, textbook production, and provision of library support to institutions and organisations in Indonesia.
2. Administration of Justice / HR Adjudication: Training programme (seminars, conference and courses) in Indonesia; implementation and training of the electronic case management system (Case Matrix) developed by the International Criminal Court at the offices of both Komnas HAM and the Attorney-General's Department; Study Tour to The Hague and Norway; research components (Human Rights Courts – Current Status and Future Development and Judicial Transparency: Case Monitoring by the Indonesian Judicial Commission).
3. The Role and Conduct of the Military: Training programme (seminars, conference and courses) in Norway and in Indonesia and book translation.
4. Democracy and the Right to Participation: Cooperation with the Democracy Assessment Project.
5. Freedom of Religion or Belief: Publication by Programme staff, training programmes (courses, workshops and seminars) in Indonesia and curriculum development.
6. Economic, Social and Cultural Rights: training for the development of qualitative and quantitative indicators to help promote and monitor the implementation of human rights; funding for training by the Ecosoc Institute on ESC rights for indigenous communities.
7. Competence Building in Norway: Training programme (seminars, conference and courses) in Indonesia, Norway and other European cities; documentation and library support to NCHR, increase knowledge of Indonesia in Norway through the media, and networking in Norway and in Indonesia.

The yearly and total budget for the Indonesia programme from 2002 to 2009 follows.

**Table 6.2: Yearly and total budget by thematic areas, Indonesia Programme (in NOK)**

	2002	2003	2004	2005	2006	2007	2008	2009	Total
HR education	84,480	1,178,436	1,384,276	1,491,913	1,404,574	1,677,552	1,589,059.00	1,334,741	10,145,031
Administration of justice		711,854	1,106,730	277,958	263,779	451,806	744,166	776,258	4,082,116
Democracy and the right to participation				167,649					167,649
The role & conduct of the military					333,177	861,670	1,391,613	1,558,853	4,145,313
Social & economic rights						328,906	275,140	401,138	1,005,184
Freedom of religion and belief						35,811	75,254	87,210	198,275
Competence building in norway		25,000	16,981	105,503	134,670	81,881	69,268	74,948	508,251
Core funding	27,230	753,770	1,099,096	981,449	426,087	601,174	471,260	504,908	4,864,974
Others					215,188		45,042		260,230
Total	111,710	2,669,060	3,607,083	3,024,472	2,777,475	4,038,800	4,660,802	4,738,056	25,627,458

The **South Africa** Programme was managed by the NCHR during its entire lifespan, from 1998 to 2009. The total programme budget from 1998 to 2004 was NOK 35.5 million, financed by Norad, and for the period of 2005-2009 was NOK 65 million, financed by the MFA via the Norwegian Embassy in Pretoria.<sup>125</sup>

The NCHR developed a Strategy for the South Africa programme for 2005-09 to guide the management of the Programme. This Strategy was revised in 2007.

**Table 6.3: Goal and focus areas of the South Africa programme**

<p><b>2005-2006 Strategy</b></p> <p><i>Goal:</i> to promote respect, protection and fulfilment of human rights in a manner that consolidates democratic development in South Africa through engagement with government.</p> <p><i>Focus areas:</i></p> <p>Socio-Economic Rights and policy formation and implementation</p> <p>Civil rights: access to justice</p> <p>Political rights: public participation and information</p> <p>Regional cooperation</p>	<p><b>2007-2009 Strategy</b></p> <p><i>Goal:</i> to increase implementation of socio-economic rights, including increased access to justice in a constitutional democracy.</p> <p><i>Focus areas:</i></p> <p>Socio-Economic Rights, focus land, housing and water, health</p> <p>Access to Justice</p> <p>Use South African expertise to promote socio-economic rights in the region</p> <p>Increased competence on Human Rights in South Africa within Norway</p>
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<sup>125</sup> The Agreement for the South Africa programme was between NCHR and the MFA, but the funds were from the embassy's appropriations.

During the 2005-2009 period, the South Africa Programme has had 23 projects in the portfolio, implemented by South African organisations, including one Norwegian organisation in institutional cooperation with a South African institution. The South Africa programme implemented projects in the areas mentioned in Table 6.4 (figures for the yearly and total budget):

**Table 6.4: Yearly and total budget by Objective, South Africa Programme (in NOK)**

	2005	2006	2007	2008	2009	Total	% of total
Objective: Socio-Economic Rights (legal advice)							
Seminar all partners						895,890	
Book / writer's seminar						180,000	
Total Socio-Economic Rights	950,000	2,410,040	2,047,091	2,863,564	3,146,300	12,492,885	24.3%
Objective: Land Rights	1,547,500	1,568,418	1,631,163	1,818,158	1,934,000	8,499,239	16.6%
Objective: Housing and Water Rights		1,749,000	1,636,300	1,605,441	1,948,500	6,939,241	13.5%
Objective: Right to Health	812,000	852,481	749,067	1,885,493	1,357,800	5,656,841	11.0%
Objective: Access to Justice	1,928,000	3,310,500	2,676,135	2,602,662	2,628,000	13,145,297	25.6%
Objective: Regional Projects	785,000	504,000	1,210,497	896,435	1,105,950	4,501,882	8.8%
Objective: Increased competence on Human Rights in South Africa within Norway			20,290	54,389		74,679	0.1%
<b>TOTAL</b>	<b>6,022,00</b>	<b>10,394,439</b>	<b>9,970,543</b>	<b>11,726,142</b>	<b>12,120,550</b>	<b>51,310,064</b>	<b>100.0%</b>

## 6.2 The Relation between Choice of Rights and Forms of Intervention

*ToR Qc1: Which substantive human rights form the main focus of the programmes and what is the relation between this choice of rights and the forms of intervention used under the programme?*

Human Rights Education, namely dissemination of human rights law and international human rights standards, has been the main focus of the **Indonesian** Programme. Teaching and training have been the most pervasive interventions utilized, absorbing 60% of programme resources.<sup>126</sup> Training and teaching activities include those classified as training, seminars, workshops and courses in all programme areas.<sup>127</sup> Other activities, such as Indonesian master programme, Indonesian guest researcher, curriculum development for law faculties, library support and text book production also support teaching as a means to promote human rights education.

<sup>126</sup> For financial data on the Indonesia programme, see Tables 6.2 and 6.3 of the Indonesia case study, available on Scanteam's website.

<sup>127</sup> The Programme areas are: Human Rights Education, Administration of Justice, Democracy and the Right to Participation, Role and Conduct of the Military, ECOSOC, and Freedom of Religion and Belief.

Economic and Social Rights was the programmatic focus area of the **South African** Programme. The programme employed diverse methodologies, such as litigation, advocacy, research, service delivery, and networking; but, 'legal rights' (i.e. support to litigations) was a distinctive part of the programme. The South Africa programme did not provide direct support to public institutions, focusing its support to civil society organisations. The character and thematic priorities of the South Africa programme is very different to the Indonesia programme. By systematically pursuing ECOSOC rights objectives in a bilateral programme of the MFA, it is probably quite unique.

### 6.3 Dissemination and Teaching of Human Rights

*ToR Qc2: To what extent is dissemination and teaching of human rights in general a goal of the programmes and what is the relation between this aim and the forms of intervention used under the programmes?*

Teaching of human rights has in practice been the general goal of the **Indonesia** programme. The partnerships implementing the Indonesia programme range from the public sector to the security sector to civil society organisations (though with relatively little emphasis on the latter). Training and teaching activities (including book translation and publication, curriculum development for university lecturers, library support, and guest research programme) have received the greater support by the Indonesian programme in all of these institutions. Training has been conducted with the aim of bringing about change at a more structural level, by bringing in actors in influential positions. It has also been attempted to address concrete situations in the home areas of course participants.

Although some programme partners carried out educational activities, the **South Africa** programme did not focus on the teaching of human rights per se, but instead on the direct implementation of human rights in the area of Social and Economic Rights specifically. While the programme employed methods, support to litigation was a preferred avenue in attempting to materialize rights guaranteed in the South African Constitution.

### 6.4 Human Rights Dialogue and NCHR Programme (Indonesia only)

*ToR Qc3: What is the relation between the ongoing human rights dialogue and the choice of thematic focus and interventions of the programme?*

The **Indonesian** programme was established in 2002 as an academic component linked to the human rights dialogue between Indonesia and Norway. The programme is a channel for Norway to deliver on its human rights commitments, both to Norwegian and Indonesian constituencies.

The 2002 strategy for the Indonesia programme specifies prioritization to civil and political rights, the thematic HR areas the programme would focus, and establishes the scope of engagement for the partners. The activities implemented by NCHR reflect priorities in the 2002 strategy, which were consonant with HR areas addressed in the dialogue in its earlier years. Over time, as new HR areas were brought into the dialogue, new topics were also introduced in the programme's



portfolio of activities (e.g. Indigenous People's Rights, Freedom of Religion or Belief). However, the dialogue does not dictate the portfolio of activities for the programme; the programme management rather decides which of the thematic areas discussed in the dialogue are most appropriate for the programme portfolio.

For the NCHR, the programme and the dialogue are related in the sense that the human rights dialogue serves as an overall guide for building the programme's portfolio of activities, as a means for informing, facilitating and legitimizing the Indonesia programme. The dialogue has also been a valuable network resource. It has, for example, provided an official point of reference for the training programme with the Indonesia Armed Forces. In turn, the programme also brings issues of concern into the dialogue. However, a certain level of 'autonomy' of the Indonesian programme from the dialogue has been important for the NCHR, as NCHR wants to preserve its independence as an academic institution. The Indonesia programme intends to be perceived as a competent and neutral actor within what can at times be a politicised human rights landscape in Indonesia.

The MFA has enabled the linkages between the Indonesian programme and the dialogue to remain fluid. While the MFA wants to retain the linkage between the dialogue and the programme, it provides the NCHR with a level of independence from the dialogue. The team finds it noteworthy that the yearly meeting between the NCHR and the MFA about the Indonesia programme and decision on activities and budgets takes place prior to the annual dialogue meetings.<sup>128</sup> The link between the dialogue and the NCHR programming is, therefore, not structurally built, thus delegating greater influence over the development of programme portfolio to NCHR.

The MFA has over time pressed for greater support from the NCHR concerning the preparations for the dialogue. The NCHR has responded by preparing discussion notes for the dialogue's work groups and suggesting participants, but resisted MFA proposals to act as a 'Secretariat' for the dialogue. Additionally, NCHR became a resource milieu on issues concerning Indonesia and the MFA continuously draws upon the Indonesia knowledge base at NCHR in its own assessments of the political situation in Indonesia.

The Indonesia programme maintains contact with the Norwegian embassy in Jakarta during country visits, when discussions about human rights issues in Indonesia and their human rights portfolios take place. The embassy also comments on NCHR's yearly proposals. However, NCHR has not yet provided the embassy with a more comprehensive perspective about what the Indonesia programme has been doing and the results of their work.<sup>129</sup> This fact may actually diminish the linkage between the dialogue and the programme, by making the programme less relevant as inputs to the policy dialogue with Indonesia.

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128 The NCHR wants to make the following observation: *"The dialogue has been held at such different times of the year as in April, May, June and September. To develop conclusions from the Dialogue meeting into project proposals would take several months anyway, so if proposals from a Dialogue meeting should be transformed into a project it would not need to be discussed in detail until next year. Anyway, the annual meeting is not a forum where project details are discussed."*

129 The NCHR observes that all activities are reported in annual reports submitted to the MFA, and that there have been regular meetings with embassy staff during country visits where issues of common concern have been discussed.



The perception of most programme partners and external stakeholders met in Indonesia is that the programme is linked to the dialogue. Programme partners in the civic sector are mostly uncertain about how one process influences the other. External stakeholders also perceive that the link between the dialogue and the programme is ambiguous. Programme partners in the public and security sectors see the link as being clear, having the impression that the dialogue has had influence on the choice of thematic areas for the programme as well as on the programme's activities and partnerships.

Contrary to Indonesia, the **South Africa** programme was not established under an ongoing dialogue. Rather, it was established in 1998 as part of the Norwegian strategy for cooperation with South Africa in the area of human rights. Ending in 2009, the programme was to support activities agreed in a Letter of Intent between the Norwegian and the South African Governments. NCHR prepared a strategy proposal for the programme, which was adopted by the Norwegian embassy in Pretoria. However, the programme developed without linking the political and programmatic arenas. The NCHR perception was that the embassy "outsourced" the management of its human rights portfolio. The role of dialogue with the South African Government regarding the programme was seen to be exclusively under the responsibility of the embassy. No direct linkage between the South African Programme and the political dialogue between Norway and South Africa was generally seen by internal and external stakeholders. However, there were ongoing meetings between the programme and embassy staff. Both NCHR and the embassy did not for the most part utilize these meeting to generate synergies between the political and programme agendas.

## 6.5 Relevance to the Local Context and Human Rights Situation

*ToR Qc4: Are the goals and activities of the programme relevant to the local context and human rights situation in the country? Reference should be made to recommendations of relevant treaty bodies, the Universal Periodic Review, as well as opinions of other human rights agents in the country. What is the mechanism for ensuring local relevance of the activities and has there been any adjustment to activities due to this?*

Stakeholders consulted in **Indonesia** unanimously regard that the programme's focus on Human Rights Education has been highly relevant to the human rights context in Indonesia. The information gathered from UN organisations, the UPR etc. also supports informants' opinion and points out the need for focus on HR education in Indonesia. Institutions and organisations established to institute, monitor and advocate for human rights are fairly new in the country. This has also been confirmed by the *National Human Rights Action Plan (2004-2009)*, which lists dissemination and HR Education, especially strengthening of education on human rights in higher learning institutions, as a priority area. The Indonesia programme is certainly aligned with the Action Plan in its support to HR Education.

The programme's contribution to train the military and Special Forces in their role of conduct under a new regime has also been important, instructing on compliance with the human rights instruments that Indonesia has ratified. But the action plan

puts more emphasis on this with regard to law enforcers. Police brutality was high on the list of HR challenges in the Universal Periodic Review (UPR) of Indonesia, which took place in 2008. The provision of additional human rights training for law enforcement officials, including prosecutors, police and judges, as well as for security forces was recommended in the UPR examination of Indonesia.

It has doubtlessly been very important for pertinent organisations and institutions to learn about human rights legal framework, instruments, application, and how compliance has taken place in different countries. Being an academic institution, stakeholder's perception is that the Indonesia Programme is using its comparative advantage by applying Human Rights Education as a strategic approach.

The UPR for Indonesia shows a variety of HR challenges for the country, including of a socio-economic nature. This may explain why some internal stakeholders noted during our interviews that the programme had an overemphasis on civil and political rights and a legalistic approach to HR teaching, and recommended that greater emphasis should be given to improved access to justice and to legal aid for the poor.<sup>130</sup>

NCHR staff follows up on UN human rights country reports and human rights related research on Indonesia. NCHR also consults with programme partners, and to a lesser extent, external stakeholders in Indonesia. Research on HR in Indonesia is utilized as a source for guiding programme development, as well as treaty body and special procedure recommendations, the UPR or domestic human rights agents. However, the programme is also influenced by the political dialogue, perhaps bending it in a more non-controversial and neutral direction, including in its selection of topics and partners. Popular organisations, directly representing marginalized HR victims, have not been part of the dialogue. In spite of the programme's relative autonomy, there is an opinion among many of our informants that this may have reduced its socialisation capacity among these groups.

The focus on civil and political rights through HR education was a relevant starting point for the programme's development in Indonesia, especially within the framework of the human rights dialogues in the first years of the programme. However, the programme did not achieve a greater balance between civil-political and socio-economic rights to keep up with the evolving HR situation in Indonesia, as seen by civil society and academic stakeholders interviewed by the Evaluation Team.<sup>131</sup> The understanding of the programme management is that the legal system is as important for implementing ECOSOC rights as it is for civil-political rights, although the judiciary is generally not seen as very effective to defend ordinary people's rights. The rationale has been that the programme needed to carve out a niche for itself, especially because of its relatively small scale in funding, and draw on the particular knowledge and interests of its staff.

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<sup>130</sup> The NCHR noted to this observation: "The report still seems to give the impression that ESC-rights have been severely underrepresented in the Programme's portfolio. NCHR hopes that as by now this assumption has been rejected." The evaluation team has to maintain that the claim referred to in this paragraph was strongly expressed during our interviews in Indonesia.

<sup>131</sup> The NCHR observes that there is no clear reason to opt for such 'balance', and that no clear indication is given for what such 'balance' should consist of.

The **South Africa** programme used research to identify thematic areas and training needs. In addition, the programme's researchers worked with partners on some projects (particularly health, water, housing and corporate accountability) through which they helped identify and develop new projects and partners. The programme's focus on socio-economic rights was thereby well substantiated and targeted to the South African context. For the past decade human rights issues in South Africa have typically been combating the HIV/AIDS epidemic in a non-discriminatory manner; inequalities; discrimination; lack of access to education and housing for all groups; ill-treatment and torture of detainees/prisoners; unacceptable conditions in prison / correction-centres; and to ensure access to justice for all groups including refugees, immigrants and minority groups. The South Africa programme directly addressed recommendations from treaty bodies, clearly confirmed by the UPR (examination of South Africa took place in 2008), namely taking increased measures to address gender-based violence, improve the handling by police of rape cases, efforts to combat HIV/AIDS and combating lack of access to education and housing for all groups.

## 6.6 Are the Programmes Evidence- and Results-based?

*ToR Qc5: Are the programmes evidence- and results-based? Are there clear results and targets, and is the input logically consistent with and sufficient for achieving these results? Is the perception and understanding of these targets the same among all stakeholders? Are the programmes monitored? What, if any, are the key omissions with regard to results-based management, the key challenges expressed by stakeholders, and how can they be overcome?*

The **Indonesia** programme has produced significant achievements as mentioned in section 6.7 below. It has an overarching goal, but has not developed specific objectives to be achieved in each human rights area it has selected to address. Moreover, the Indonesia programme has not established targets for monitoring its activities and results. The planning of the programme is based on activities rather than projects.

The NCHR is an academic institution, but it has not always used a systematic research-based approach to identifying programme areas, planning, monitoring and evaluating the development of the Indonesia Programme. Teaching has been the main method utilized by the programme to achieve its goal. While NCHR has used questionnaires to measure beneficiary satisfaction with training activities, it has not utilized academic approaches to identify its main priorities and measure effectiveness of knowledge transfer, such as baseline and end-of training testing, and surveys on how programme beneficiaries may be using training knowledge.

NCHR's approach for achieving the programme's goal of improving Indonesia's compliance with international human rights standards seems to focus on the creation of a critical mass of influential persons in selected institutions, especially academicians in law faculties and government officials, with knowledge of human rights issues. The common perception amongst programme stakeholders in Indonesia is in line with this intention. However, the programme has not developed an approach or instruments for judging whether this approach is the best in the Indonesian con-

text or needs to be supplemented, given for instance the above-mentioned major problem of access of justice for the poor: ordinary people's capacity to claim their civil and political as well as social and economic rights. The programme has also not developed an understanding as to whether or not the knowledge imparted and instruments developed have had any impact at cognitive level, and much less in terms of application. Nor has it developed teaching methods and programme activities based on such investigation. As such, NCHR has not fully used its comparative advantages of being a university-based institution, employing existing academic approaches to knowledge dissemination and development.

A strategy for the programme was devised at its inception in 2002. This strategy, however, has not been transformed into a 'live' document; it has not been re-visited and made into a planning and monitoring instrument. Programme management has not utilized this strategy to develop clear objectives and targets to guide the sequencing of training and non-training activities, and to adjust its portfolio of projects. As such, the programme has not been using results-based management. Of importance, NCHR has not developed a clear vision of what the specific contribution of the Indonesia programme shall be for human rights compliance in Indonesia and how it should benefit ordinary people's abilities to claim these rights.

Training activities at a range of institutions and organisations drive the development of the programme. While the NCHR correctly observes that the planning and reporting procedures do list objectives, immediate results and indicators, the evaluation team points out that this is limited to the *activity* level and is not directed at the overall *programme* level, as an input to future planning. Outputs have been monitored and documented in the annual reports, but they have not been linked with a programme vision and possible impacts for target groups.

Various internal stakeholders interviewed have noted this lack of an overarching vision for the programme. For some partners, the absence of clear objectives and targets has made them uncomfortable as they felt it would be difficult to measure results. For example, the Indonesia program began supporting activities targeting the military in 2006. Objectives were only established in 2008, and still with insufficiently precise targets e.g. regarding numbers to be trained. Criteria to assess whether the training achieved its objectives and if activities should continue, cease or change were also missing.<sup>132</sup>

Public officials, university lecturers, judges, prosecutors, and military personnel are clearly important conductors for improving human rights compliance. But a vision for the programme should inform how the training of these critical resource groups in international human rights law can contribute to empower ordinary Indonesian rights-holders – particularly the most marginalized – to claim their rights.

The **South Africa** programme also suffered from a lack of a more cohesive results framework to properly measure impact. However, the programme had a clear vision, which guided the development of a coherent project portfolio. The programme's

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<sup>132</sup> The NCHR has noted that targets for short, mid and long term achievements have been set in cooperation with the target organisation. The evaluation team maintains that they came too late and were too unprecise.

vision was to identify and utilize South Africa's 'drivers' for democratization and human rights strengthening. Socio-economic rights were seen as the main arena for engagement between state institutions and civil society. A variety of methods, but specially litigation, was applied in order to strengthen the implementation of socio-economic rights. The programme's vision departed from the recognition that specific actors and mechanism with relevance for different rights already existed in South Africa. The programme's role was to strengthen the ability of human rights actors in the country to enforce the application of existing instruments (e.g. the country's constitution and international ratifications) to extend these rights to ordinary South Africans.

NCHR's partners in South Africa had a clear idea of the programme's objectives and how their project contributed to it. Most of the programme partners were familiar with each other's work as they worked within the same HR area. Moreover, at the final year of the programme, NCHR organized a workshop with programme partners and external experts to discuss the programme's achievements and the role of civil society organisations, such as the programme partners, in promoting the implementation of socio-economic rights in South Africa. This workshop has been followed up by the publication of a book on the topic by NCHR. The framework for assessing outcomes and impact for this publication was developed in the occasion when the programme prepared a final evaluation and report of the South Africa programme.

Both in Indonesia and in South Africa programmes are monitored through visits from NCHR programme staff throughout the life of the projects. In the case of Indonesia, programme staff contributes to the implementation of a number of activities and are often present during training activities. NCHR also carries out internal reviews of the programmes, as was the case in South Africa, and the programmes are also reviewed by external and independent stakeholders as standard practice in Norwegian cooperation programmes.

## **6.7 Results at Outcome Level – Cumulative Impact of the Programmes**

*ToR Qc6: Have planned results at outcome level been achieved? Which factors impact on the success or lack of success of the programmes? Are there any other effects, positive or negative, that were unintended? Is there a mechanism for acknowledging and relating to negative impact? What is the cumulative impact of each programme to date?*

NCHR has developed no results frameworks for the Indonesia and South Africa programmes, which could provide management with information on the programmes' results at outcome and impact levels. Most partner organisations do not have or use a results framework either. The review team, therefore, could not provide an evidence-based assessment of the Programmes' outcomes. What the review team provides in this section is an analysis of *possible* outcomes of the programmes, based on a subjective analysis. The team's analysis of possible outcomes is based on personal discussions with partner organisations, NCHR, external programmes' stakeholders and the team's own observations and assessments in the field.

The **Indonesia** Programme has not planned results at outcome level, but it has produced a number of results, such as improved quality of human rights education at targeted universities, improved capability within the armed forces with the expectation of reducing human rights violations, increased ability among core actors in Indonesia to address past human rights violations, improved capability of the National Judicial Commission in fulfilling its mandate, increased awareness and knowledge about international Freedom of Religion or Belief (FORB) standards in Indonesia and increased competence in Norway on human rights in Indonesia.<sup>133</sup>

The human rights book in Indonesian produced with programme support (the 'Black Book') has become the reference book in law faculties in Indonesia. The curriculum for university lecturers developed under the programme has not yet been formally instituted in the country, but it has been widely used by lecturers as a reference. These are important outcomes of the programme. The dramatic increase in number of Human Rights Centres (Pusham) at universities in Indonesia, from three to 41, has been an unintended and very positive outcome of the programme. All regions of the country now have such centres. However, the purposes of most of these centres remain uncertain to most stakeholders.

Cumulatively, the Indonesia programme has contributed to increased knowledge of human rights and international human rights standards in Indonesia and produced instruments for Indonesian stakeholders to apply the knowledge gained. Among these instruments are university human rights curriculum, the 'Case Matrix' (a tool for investigation and prosecution developed by the International Criminal Court), translation of human rights books, production of a human rights book in Bahasa Indonesia, indicators on economic social and cultural rights, and models for a Law of Armed Conflict and Rules of Engagement for the army that complies with international human rights standards.

When the Indonesia Programme began its work in 2002, the role of the military and the regional conflicts were generally seen as among the main issues hampering Indonesia's human rights compliance. When the 2008 UPR puts more weight on police violence than on human rights violations committed by the military, one possible conclusion could be that the work of the programme has played a role in achieving such a result, which would be a noteworthy achievement.

However, there is no clear indication of what impact these results have had on actual human rights compliance in the country. For instance, as stated above, it remains unclear how universities and the HR Centres may become possible venues to extend HR knowledge to the community and towards contributions to structural change? One indication is the role played by the universities in toppling Suharto's authoritarian regime, leading to significant HR improvements.

The **South Africa** Programme also produced important outcomes. Together, programme partners have influenced policy formulation and helped to create consciousness about socio-economic rights in parts of Government and society. The

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<sup>133</sup> For greater details on the results of the Indonesia Programme, see "Achievements of the Indonesia Programme" in the unprinted background document.



main strategic focus of the programme has been to promote socio-economic rights through the legal arena. Positive outcomes have been generated by partners supported by the programme, such as Olivia Road Research, Advocacy and Litigation which has had major impact on thousands of households in Johannesburg, who were successfully defended against specific eviction threats.

The Women's Right project of the Legal Resource Centre has successfully litigated on customary law, which has set a precedent and provided further clarification on the live nature of customary law. This case has been a basis for action by women in other rural areas to claim their right to participate in village decision making. Another example is the significant contributions of Tshwaranang Legal Advocacy Centre (TLAC) to the analysis and debates around the drafting and amendment of key pieces of legislation pertaining to gender-based violence (e.g. the Sexual Offences Act). TLAC compiled a report on sentencing, which was used as a basis for arguments in a case (*S v Vilakazi*) challenging the legislation on minimum sentence for rape. As a result of this study, the Deputy Minister of Justice requested TLAC to draft a Rape Protocol based on the findings of the study. The Department of Justice also requested TLAC to draft aspects of the National Policy Framework of the Sexual Offences Act.

Cumulatively, the South Africa Programme made a significant contribution to implement socio-economic rights in South Africa by supporting civil society work towards such an end. The South Africa Programme did not plan results at outcome level. However, the programme yielded important outcomes through all methods utilized by the programme partners. Although programme partners obtained a number of successful judgments through their litigation work, the nature of the litigation cycle is such that cases may come to fruition only after a number of years. The outcomes of litigation depend mostly on Government capacities, leadership and political will to implement policies. On the other hand, programme partners working on service provisions have achieved more short-term, tangible sustainable impacts to beneficiaries.

Access to Justice, mainly through litigation, was the priority area of the South Africa programme. Insufficient support to organisations that could have established strategic partnerships with communities, Government institutions and other strategic partners to cascade the effect of their work and to strengthen sustainability of outputs and outcomes, especially from their work with litigation, has diminished the effectiveness of the portfolio, and possibly the impacts. As stated in the final review of the South Africa Programme:

*"[t]he fact remains that the most dramatic changes in government policy making have taken place when a social campaign has been created surrounding the issue at hand (e.g. TAC and AIDS treatment). When a synergetic relationship is created that combines litigation and social activism, then a powerful rights-based force is unleashed".<sup>134</sup>*

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<sup>134</sup> Peris Jones (2010) p. 33.

## 6.8 Involvement of Marginalized and Discriminated Groups

*ToR Qc7: To what extent do the activities involve groups that are marginalized or discriminated against in society, including, but not limited to, women?*

The **Indonesian** programme has not directly involved marginalized and discriminated groups in their activities and partnership, except for women and in one specific geographical case (East Nusa Tenggara). The programme ensured that women from various areas of the country were selected as beneficiaries of the training activities, Master Study and Indonesian Guest Researcher programmes. It was never established as a goal to focus on marginalized groups, which is normally a key aspect of most HR programmes and prominent in other HR activities in the country (including a programme ran by the University of Oslo). The NCHR had no criteria for its funding to ensure mainstreaming or involvement of marginalized and discriminated groups in the programme's activities or as beneficiaries. However, the programme has addressed topics related to marginalized groups, namely, Indigenous Peoples Rights and Freedom of Religion, Belief and Conscience. It is also worth noting that the Oslo Coalition for Freedom of Religion or Belief, which has its secretariat at the NCHR, runs projects in Indonesia on freedom of religion or belief.

The **South Africa** programme incorporated gender and HIV/AIDS as cross-cutting issues in the Programme, producing mixed results. While some partners made significant progress in incorporating Gender and HIV/AIDS as a cross-cutting issue, others did not fully develop either an understanding or the necessary instruments to integrating gender and HIV/AIDS into the organisations' *modus operandus*.

## 6.9 Efficiency; Cost-effectiveness

*ToR Qc8: How efficient do the programmes appear when comparing outcomes/ impact to the budgets? How could efficiency be improved? Is there evidence of cooperation with similar programmes run by other organisations to increase effect or avoid overlap?*

The **Indonesia** Programme has had an average total yearly budget of NOK 3.2 mill during the period 2002-2009. It is therefore a small country programme from a financial viewpoint. Comparing *inputs to outputs*, the programme is very efficient as it has been able to deliver training to a sizable number of Indonesian beneficiaries. The support to advocacy on economic and social rights has generated the greatest cost-effectiveness in the portfolio. The beneficiaries produced savings by organizing themselves to enable six instead of the planned three training sessions to take place. This incremented the number of beneficiaries from programme support. The programme efficiency diminishes when comparing *inputs to outcomes*. This is partially due to lack of clarity on programme objectives and targeting, but also to the nature of human rights education, where impacts tend to be realized in the longer run.

The Indonesia programme has had a one-year planning and budgeting cycle. Cost-effectiveness could have been gained if the Programme had a longer-term cycle, e.g. three-year instead of annual budgeting, which would have enabled funding predictability and improved planning. In this regard, delays in budget approval and fund



transfer from the MFA to NCHR have generated inefficiencies and frustrations to programme partners. So have the cumbersome internal financial procedures at the University of Oslo. Efficiency gains can also be achieved through improved human resources management within the programme. This refers to orientation and utilization of staff (legal advisers, programme coordinator) part of the programme's management team at NCHR. New programme staff has received minimum orientation regarding the programme's strategy, objectives, target and M&E. It is also the result of the lack of results-based management style of the programme. NCHR has overtime substantially decreased coordination with other donors and organisations funding and implementing human rights programmes in Indonesia. This is partially a side-effect of having no in-country office or officers until March 2010.

Overall, the **South Africa** programme ran efficiently, including when comparing inputs to outputs to outcomes. Programme partners who use complementary methods for implementation have been able to become more productive in delivering outputs. These organisations strengthen the effectiveness across their portfolio of activities. For instance, their policy interventions and litigation draw on the very solid research produced by them. Some partners have also built strategic partnerships and networks to achieve maximum results and cost-saving effects.

Embedding services in government structures and integrating the project into the community have incremented the project effectiveness by building legitimacy to their activities and incrementing beneficiary ownership of the activities. Additionally, several programme partners have been able to mobilize non-financial resources very effectively. Programme partners also built upon the organisations' historical expertise, which contributed to the cost-effectiveness of their activities.

NCHR provided added value to the work of some of its partners, providing community consultation and substantive inputs to project design and to litigation. The same management issues apply to the South Africa programme. NCHR was unanimously regarded by Indonesian and South African partners as a reliable, flexible donor-partner. As a donor, NCHR is zealous administratively, yet flexible. NCHR enables programme partners to select activities they perceived to be significant to them, generating ownership and motivation to implement activities effectively and generating efficiency. NCHR also facilitates changes in budget lines to enable activity implementation in a more effective manner, thus allowing changes in implementation to adjust to the timing, pace and pool of resources on the ground.

## 6.10 Planned Exit Strategies

*ToR Qc9: What is the planned exit for the programmes? Are any steps being taken to embark or prepare for an exit process? How is sustainability for these programmes understood by stakeholders?*

The **Indonesia** Programme has a yearly planning and budget cycle, so longer-term planning and financial predictability for activities has not been expected by the partners. Exit, therefore, has to be considered on a yearly basis, which is actually not very conducive to programme effectiveness.

Partners were made aware that the **South Africa** Programme would come to an end in 2009. At the final year of the programme, NCHR organized a workshop with programme partners and external experts to examine the impact of socio-economic rights strategies in South Africa. The topics discussed in the workshop were followed up by a book, *The Role and Impact of Socio-Economic Rights Strategies 1994-2009*, currently still in production. This publication will provide an in-depth analysis of a range of case studies on the question of *impact*, including many activities supported by the Programme.

## 6.11 Findings and Conclusions

### *The Indonesia programme:*

- The Indonesia programme focused on dissemination of human rights law and international HR standards in law faculties, and in the area of civil and political rights. The greatest success of the programme has been to introduce human rights seriously in Indonesian law studies, leading to an obvious improvement in HR knowledge in academia as well as in public administration;
- NCHR sees the dialogue as linked to the programme, and this is reflected in the choice of thematic focus and form of interventions;
- The evaluation team has found no clear vision for the programme's particular contributions to human rights compliance in Indonesia; and
- The programme has suffered from a lack of funding predictability and from short-term planning. The NCHR has wished for three-year rather than annual plans. Delays in payments (both from the MFA to the NCHR and from the University of Oslo to programme partners and service providers) have led to management problems.

### *The South Africa programme:*

- The South Africa programme worked with direct implementation of socio-economic rights through various methods, but support to litigation up against rights guaranteed in the country's Constitution as a prioritized approach;
- The programme had an evidence-based approach to programmatic development, but it lacked a more cohesive results framework to properly measure outcomes and impacts. However, instruments for measuring programme's outcomes and impacts were developed at the end of the programme, they should have been planned at the outset of the implementation; and
- Overall, the programme was run efficiently, including when comparing inputs to outputs to outcomes.

### *General:*

- Whereas the programmes appear as knowledge-based and competent, NCHR has not been able to take full advantage of its potential as a research institution by integrating research in the project work. Resourcing the programmes with a dedicated researcher may influence the application of mechanisms to ensure programmatic relevance;
- NCHR does not consistently and fully use results-based management in its international programmes. The programmes under review have not fully developed methods for measuring outcomes and impact;

- NCHR has not developed a specific policy for integrating marginalized groups in the activities of its international programmes. But in practice these groups have been much more involved in South Africa than in Indonesia;
- NCHR was unanimously regarded by **Indonesian and South African** partners as a reliable, flexible donor-partner; and
- NCHR enables programme partners to select activities they perceived to be significant to them, generating ownership and motivation to implement activities effectively and generating efficiency. NCHR also makes direct contributions to partner's activities, strengthening the partnership and increasing the cost-effectiveness of the programmes.

## 7. Findings, Conclusions and Recommendations

### 7.1 General Support to Human Rights

Support to the global system for the promotion and protection of human rights, backed up by generous funding of human rights activities, has enjoyed a consistent and privileged position in Norway's foreign and development cooperation policy. The policy has been maintained over changes in government, shifting from right-of-centre to left-of-centre. Active promotion of and support to an international legal order based on democracy and human rights, where all governments are held accountable to their legal and moral obligations to protect everybody from human rights abuse, has been maintained as a cornerstone principle. A crucial element in this international legal order has been the construction of a system of international conventions which have been ratified by a majority of countries in every region of the world, and of a network of bodies and procedures under the UN and regional umbrellas to monitor the implementation of such obligations.

Quantitatively, the importance of support to human rights in Norway's development cooperation has been doubled in absolute terms over the ten-year period 2000-2009. After a drop in the middle of the period, the amounts rose sharply towards the end, reaching NOK 1.5 billion in 2009. The total value of projects and programmes with a pre-dominant human rights objective during this decade amounts to almost NOK 10 billion. This is over 5% of total Norwegian ODA for the period, although support to human rights has actually been falling relative to total growth of the aid budget. These funds are aimed at development as well as emergency and humanitarian purposes, and they are being implemented through a number of actors, including embassies, Norad, other public institutions, NGOs – Norwegian, international and local – and the multilateral system. Partners in more than 100 countries are among the beneficiaries.

A share of this overall HR funding is represented by what may be termed a 'small portfolio' of more targeted and specific human rights funding, under the responsibility of the MFA's unit for Human Rights and Democracy, seen more as part of the country's foreign policy. The value of this special portfolio has been more than NOK 950 mill, representing one tenth of Norway's total funding to international human rights activities and 0.5% of overall ODA.

Despite Norway's significant policy and funding commitment to Human Rights, the evaluation found there is no mechanism in place to ensure the systematic incorporation of human rights in the prioritization, allocation and formulation of Norwegian development cooperation. The political instruction to do so is clearly expressed in

government documents, including budget propositions, targeting Norwegian ODA toward strengthening the capacity of the partner countries to implement their rights obligation. However, there is a missing link in the implementation of this principle, and the 'human rights footprint' on allocation decisions – with explicit reference to treaty obligations – is hardly visible.

It is remarkable that local NGOs have represented the main implementing channel for Norwegian HR support: about 25 % as an average for the decade (more than NOK 2,3 bill) and around 30% over the last years (as absolute totals have grown rapidly). Civil society in general, including Norwegian and international NGOs, account for as much as 57% of the implementation of Norway's support to human rights. This compares to 21% for total ODA that is implemented through NGOs. A contrary situation exists for the multilateral channel, which absorbs 48% of total ODA but only 20% of HR-related funds.

Within the UN system, UNDP has been the largest partner organisation, with the Human Rights High Commissioner (OHCHR) as a growing actor in ensuring that overall UN country planning is based on clear and treaty-based human rights criteria. In comparison to both these channels, the official Norwegian aid system has a lesson to learn.

Local NGOs in countries with serious human rights violations are often the most active human rights defenders. They frequently represent the most discriminated rights holders, such as indigenous peoples, and the most threatened victims of human rights violations. Norway has been a leading actor in putting in place and implementing a UN mechanism – a Universal Declaration and a Special Rapporteur – in defence of human rights defenders. This double commitment to local human rights advocates, taking a front position by challenging their respective governments to be accountable vis-à-vis their rights holders, is perhaps the most prominent aspect of Norway's international human rights identity.

More than anybody else, these key partners in Norway's efforts to promote human rights where they are most vulnerable are dependent on the strengthening of the international treaty system. When Norway is now increasingly seen as hesitant to subordinate the national legal system to international HR conventions (as discussed in Chapter 2.3), the traditional international HR perception of Norway may be challenged. Another change that may influence this perception is the increasing internationalization of leading Norwegian business corporations, often in countries and areas with serious HR problems. Support to the establishment of international guiding principles for 'business and human rights' is one attempt to address this new challenge, but it remains to be seen how effectively such principles will be implemented, including for leading Norwegian corporations, many of them with dominant or significant state ownership.

**Conclusion:** Norway, as a leading provider of general ODA, has also given human rights support a prominent position within its ODA. Almost 10 billion NOK, representing over 5% of Norway's total ODA, has been allocated to this purpose during the first decade of the 21<sup>st</sup> century. Norway has contributed significantly to

strengthening human rights defenders in countries with serious violations, both politically through the UN system and by channelling a very significant share of the human rights funding to them. The main weakness in the human rights funding is of a qualitative character: the lack of a systematic mechanism to rights-base development cooperation programmes by referring to the treaty obligations of the partner countries.

### **Recommendation 1:**

The stated principle in the Government Budget Proposition for Norway's ODA that *"the Human Rights Conventions shall be used methodically to identify state obligations towards their population"*, needs to be converted into practical tools and mechanisms in the formulation and allocation of development cooperation programmes and projects:

- Identification of legitimate human rights challenges and opportunities for Norway's cooperation partner countries may be identified through the Universal Periodic Review (UPR) process of the UN Human Rights Council, and an active policy dialogue may be pursued on the basis of UPR recommendations;
- The Section for Human Rights and Democracy in the MFA needs to be strengthened and given a specific mandate to incorporate such concerns in strategic and annual plans and when new major programmes are being formulated, and also as criteria for support through NGO and other channels. Norad's capacity in the same field also needs to be strengthened and used more systematically for the same purpose; and
- The promotion and protection of civil-political and socio-economic rights – seen as indivisible – should have the same priority both in Norway's foreign policy and in development cooperation. However, with the latter particular attention should be given to support the partner countries' maximum allocation of available resources for the progressive realization of economic, social and cultural rights, and to Norway's obligation to provide relevant technical and financial support towards the same aim. Both obligations follow from Art. 2 (1) of the International Covenant on Economic, Social and Cultural Rights.

The evaluation has focused specifically on one thematic issue and one important partner as examples to assess how the Norwegian support to human rights has been working in practice.

## **7.2 Support to Freedom of Expression**

The support to freedom of expression (FoE) and the development of free and independent media has now been the specific thematic issue of this evaluation. In practice, this has mostly been about media support, concentrated to six countries in the Western Balkans and in Eastern and Southern Africa. As such, very interesting results have been achieved. In two cases, by supporting independent media the programmes have indirectly influenced on the very regime situation: the fall of the autocratic Milosevic regime in Serbia and the decision by President Chiluba of Zambia not to run for a third term. In these times of popular democratic uprisings in different parts of the world, this is an extremely interesting lesson learnt, although recent experiences have shown that support to new social media, together with

community radio, may become much more important in the future than the more traditional press media.

The objective to promote the right to freedom of expression in a wider sense, including freedom of information, internet freedom and the voice of minorities and disadvantaged groups in society, has not been pursued as systematically as the high political priority should indicate. There was a significant change from the middle of the period we have studied, when funding of a handful of specialized international organisations became more visible, assumingly with this broader objective in mind. But even most of this support has been directed to media support. Only International and Norwegian PEN and Article 19 can be said to have played this broader role, and support to Article 19 has been very limited.

**Conclusion:** The Evaluation has found no clear Norwegian overall strategy within this field. Support to free and independent media has played an important role in some countries, even influencing on the regime situation in a pro-democracy direction. In order to follow up on the strong political priority to a broader freedom of expression objective, the challenge is to put in place a strategy and an implementation system with sufficient leverage and expertise to influence on ODA allocations.

#### **Recommendation 2:**

In order to reflect the increasing political priority to support freedom of expression around the world, the 2005 Guidelines for media support should be extended and reformulated as a general strategy for support to freedom of expression, freedom of information, the promotion of political and artistic expression. The fact that the implementation of most of these activities has been left to different partners emphasizes the need for the MFA to establish a more coherent strategy in this regard.

- Such a strategy should not least aim at minorities or disadvantaged groups in society, and perhaps above all at internet freedom and support to the pro-democracy and pro-human rights use of new social media;
- Living up to ministerial commitments requires increased investments in Freedom of Expression and independent media support;
- The MFA, in improved coordination with Norad, needs to strengthen its capacity to adapt the overall strategy to a real policy for freedom of expression-support in more long-term and strategic cooperation with specialized partners in different regions and countries, and to ensure country-level implementation of ministerial priorities.

### **7.3 Norwegian Centre for Human Rights**

The programmes managed by the Norwegian Centre for Human Rights (NCHR) in Indonesia and South Africa were evaluated. The programme in *Indonesia*, started in 2002, has had the government-to-government human rights dialogue between Norway and Indonesia as the point of departure, just as in the cases of China and Vietnam. Human rights education in Indonesian law faculties absorbed 40% of the costs, with training of the military and the judiciary as the two secondary activities. Main thematic emphasis has been on classical civil-political rights based on international treaty obligations. Freedom of religion and belief, a major human rights



challenge in Indonesia, seems to have been under-represented in the programme. It is, however, worth noting that the Oslo Coalition for Freedom of Religion or Belief, which has its secretariat at the NCHR, also runs projects in Indonesia on freedom of religion or belief.

The great success of the programme has been to introduce human rights seriously in Indonesian law studies, actually now present in all regions of the country, thus producing an obvious improvement in HR knowledge in academia as well as in public administration. The question is which real impact this has had on actual human rights compliance. Lack of involvement by rights groups and civil society may have reduced significantly the relevance and empowerment potential for those rights-holders most in need: the marginalized groups. The strong relationship to the official human rights dialogue, while mutually enriching and ensuring active engagement between academic and public institutions of the two countries, may have had a downside: a too narrow approach to selection of the most relevant partners, and to the full scale of relevant rights in Indonesia.

It is a pity, though, that this evaluation has not also included a full assessment of the official human rights dialogues and how the combined exposure of official and non-official efforts may contribute to the same aim: improvement of the human rights situation in a partner country. This could have been of particular interest against the backdrop of the latest annual report of Human Rights Watch, criticizing the use of government-to-government dialogue as a substitute for public pressure when a government lacks the political will to respect rights.

The programme in *South Africa*, terminated in 2009, has not been linked to any official human rights dialogue and has been of a completely different nature. In this case, the NCHR has had the implementation responsibility for an official Norwegian human rights programme in the country focusing on economic, social and cultural rights, particularly against forced evictions and for HIV prevention and AIDS treatment. This may have been a quite unique example of the MFA systematically pursuing socio-economic rights objectives in a bilateral programme. The programme yielded important outcomes through a combination of litigation work and social activism, thus creating a powerful rights-based force. The full impact of such work is not yet known, since the nature of the litigation cycle implies that cases may come to fruition only after a number of years.

**Conclusion:** The NCHR programme in Indonesia, closely linked to the official human rights dialogue, has contributed significantly to bring mostly civil-political human rights onto the academic and public administration agenda, but with unclear impact on actual human rights enforcement. In South Africa, the management of a human rights programme without links to an official dialogue has permitted work more directly with local human rights defenders and with more emphasis on economic and social rights.



**Recommendation 3:**

The cooperation through the Norwegian Centre for Human Rights, having produced many positive results, should be continued.

- The model could possibly be extended to other human rights resource institutions. While the relationship to the official human rights dialogues (in the case of Indonesia) is mainly positive, it should not restrain the NCHR from partnership with a broader variety of social actors, particularly those working with the most disadvantaged groups for their economic, social and cultural rights;
- More work should be dedicated to the ‘demand’ side (civil society) of rights, not just the ‘supply’ side (Government), so that improved human rights *knowledge* among academics, civil servants and military/security personnel be converted into effective human rights *compliance*;
- The model of using the Centre, and similar institutions, to implement strategic and long-term human rights programmes, such as the recently terminated South Africa programme, should be considered for other bilateral partner countries, not least in order to reinforce recommendation 1 above. However, some problematic aspects of the model should also be considered.

**7.4 A Management Challenge**

One serious problem noted in the NCHR programmes as well as by the partners in the Freedom of Expression programmes – and confirmed by other NGO partners in HR projects financed by the MFA – is that agreements tend to be too short, often based on annual applications, with significant delays in payment. The frequent shuffling of applications between MFA units and Norad – with partly different objectives – also contribute to uncertainty among the partners and reduced effectiveness of the projects. The large number of disbursements to smaller organisations and initiatives is another related problem.

**Recommendation 4:**

Measures should be taken by the MFA to streamline the system of appropriations and approval, making it more transparent for the partners. Longer-term agreements for strategic human rights programmes would improve predictability and performance.

**Recommendation 5:**

A serious effort should be made to implement the previously stated intention of concentrating disbursements from the special human rights budget of the MFA (here called ‘the small portfolio’) to a limited number of strategic partners. Some of these partners could even have a general management responsibility for smaller grants, which today take much time and attention away from the strategic tasks of MFA’s Section for human rights and democracy.



# Annexes





## ANNEX A: Terms of Reference

### Background and Knowledge Gap

The Universal Declaration on Human Rights adopted by the UN General Assembly in 1948 spelled out for the first time in history basic civil, political, economic, social and cultural rights that all human beings should enjoy. The Declaration, although it is not a binding document, has become largely accepted as international customary law and thus constitutes norms of human rights that all States must respect and protect. The 1966 International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social, and Cultural Rights are legally binding instruments for the states that ratify them. These Covenants together with the Universal Declaration form the International Bill of Human Rights. In addition, many conventions and other instruments to promote and protect specific human rights have been adopted, for example with regard to racial discrimination, torture, and the rights of women, children and persons with disabilities.<sup>1</sup> This body of agreements and the notion of human rights promotion as specified in the preamble to the Universal Declaration is the basis for Norwegian human rights support:

*Promotion of an international order based on democracy and human rights is an overarching goal for the Norwegian government. The premise for this is the existence of international legal instruments to oblige states to respect, protect, and fulfill individuals' human rights, but also a normative view that sees the protection of human rights internationally as a duty.<sup>2</sup>*

Norwegian support for human rights is maintained by various means, one of which is development cooperation.<sup>3</sup> The most recent policy document on human rights in Norwegian development cooperation is from 1999. The Plan of Action (*Report number 21 to the Storting, Menneskeverd i Sentrum*) covered the years from 2000 to 2004 and included 341 concrete actions. The Ministry of Foreign Affairs (MFA) issued annual reports up to 2004 on implementation of the Plan of Action, including a results matrix in the 2004 report on the completion of the 341 points. While there is no current plan of action on human rights as a whole, there are plans for specific areas, e.g. human trafficking, children's rights and women's rights. Human rights remain key as the Norwegian government follows up on the Accra Agenda for

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<sup>1</sup> [www2.ohchr.org](http://www2.ohchr.org).

<sup>2</sup> *Menneskerettighetenes plass i Norges utenriks- og utviklingspolitikk*, Rapport, Utenriksdepartementet 2007.

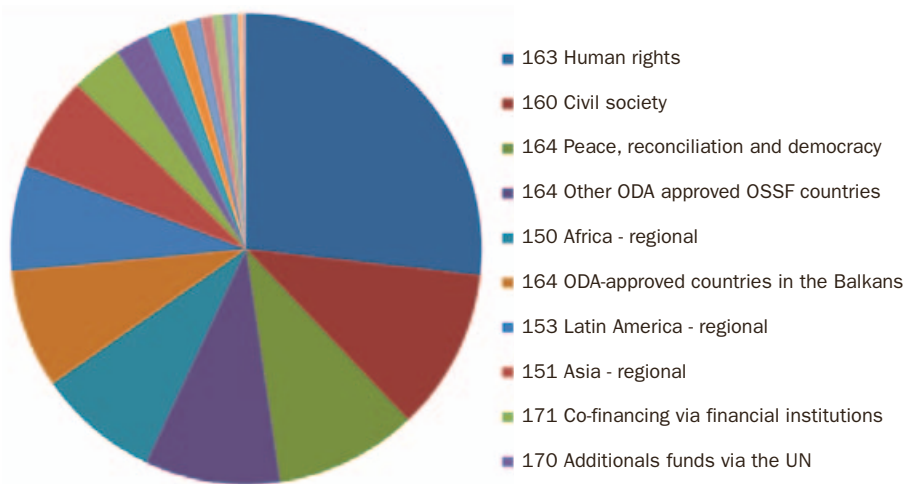
<sup>3</sup> In 2009 the Ministry of Foreign Affairs issued the report *Human Rights in Norwegian Foreign and Development Policy*, underlining the confluence of foreign and development cooperation policy on the issue of human rights.

Action<sup>4</sup> and increases its focus on thematic areas where Norway is considered to have particular strengths.<sup>5</sup>

Priority areas for Norwegian development cooperation in support of human rights include supporting human rights defenders, rule of law and work against torture and the death penalty, freedom of speech and free media, corporate social responsibility, human rights dialogues with selected countries and promotion of the rights of women, children, persons with disabilities, indigenous peoples and lesbian, gay, bisexual and transgender (LGBT) people.<sup>6</sup> In addition to these priority areas comes the promotion of a human rights based approach to development and the mainstreaming of human rights in other areas of Norwegian development cooperation.

Allocations for human rights are provided over many posts in the development cooperation budget. Using the OECD DAC classification system of foreign aid NOK 433 million was allocated to human rights in 2008.<sup>7</sup> This amounts to only 2.7 per cent of total development assistance.<sup>8</sup> This support is provided over many different posts in the Norwegian development cooperation budget: In 2008 it was spread across 21 different Chapter Posts (see Figure 1 below). The Chapter Post with the highest allocation was 163 Human Rights with NOK 116 million in 2008<sup>9</sup> – more than twice the amount of the second largest post.

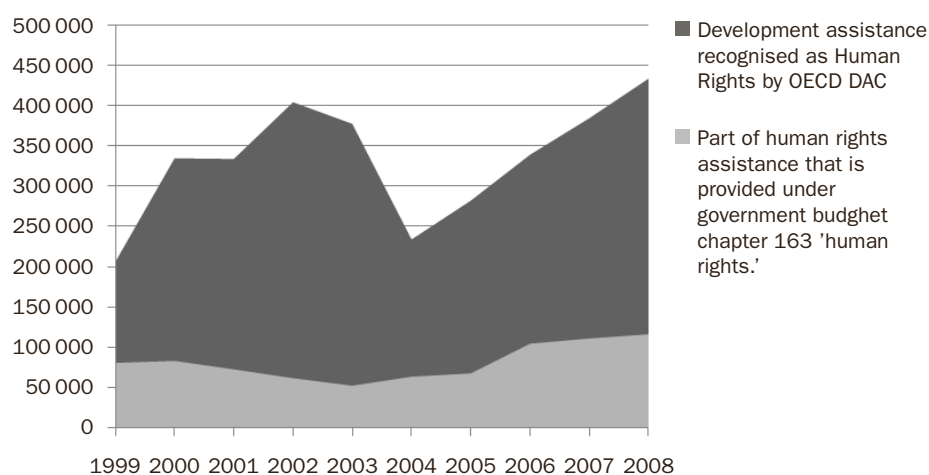
**Figure 1: Development assistance for human rights (DAC sector human rights) across posts in the development cooperation budget, 2008.**



Over the past decade there has been considerable variation in the level of funding for human rights. The core of this support provided under budget post 163 however has remained more stable, and steadily increased since 2003 (Figure 2).

4 <http://www.undp.org/mdtf/docs/Accra-Agenda-for-Action.pdf>.  
5 The national budget, Report no.1 (2009-10) pg 31; Report number 13 to the Storting (2008-09), *Climate, Conflict, Capital*, pg 16. Human rights, peace building and humanitarian aid together form one of five key pillars in Norwegian development cooperation.  
6 Taken from the following sources which suggest that the priority areas have remained relatively constant (on a political level): Report number 21 to the Storting (1999), *Menneskeverd i sentrum*; annual reports from MFA from 2000-2004 on the implementation of this plan; the national budget, Report no.1 (2009-10 and earlier years); and the current website of the Ministry of Foreign Affairs <http://www.regjeringen.no/nb/dep/ud/tema/menneskerettigheter.html?id=1160>.  
7 This classification system, divided into 'sectors', has a separate category for human rights: DAC Sector 151.62.  
8 The percentage is based on funds earmarked for human rights divided by total earmarked development cooperation ('bilateral and multi-bilateral aid').  
9 This number from the statistics division in Norad is slightly divergent from MFAs own records (NOK 123,750 million), however the projects listed appear to be overwhelmingly identical.

**Figure 2: Development assistance for human rights 1999-2008, NOK 1,000.**



Support for human rights remains an important feature of Norwegian development cooperation. While the funding is allocated to selected priority areas on a political level, it appears scattered over many budget lines and there is no available overview of actual spending on various priority areas. Furthermore, there has been no systematic assessment of the effect of the support for human rights – this area of Norwegian development cooperation has not been subject to a comprehensive evaluation in recent years.

### Purpose and Objective

The purpose of the evaluation is to acquire knowledge and draw lessons about the nature and effect of support to human rights, with a view to informing future strategies, policies and interventions in this area of development cooperation. It thus has a dual purpose of accountability and learning.

The objective is to provide an overview of allocations for human rights in Norwegian development cooperation and to document and assess the changes brought about by this support in selected areas.

### Scope and Evaluation Questions

The evaluation will consist of three separate parts:

- Mapping and analysis of the human rights portfolio<sup>10</sup> over the past decade.
- Evaluation of the support to freedom of expression.
- Evaluation of the China and Indonesia programmes of the Norwegian Centre for Human Rights (NCHR).

Further description of scope and evaluation questions for the three parts follow below.

#### **a) Mapping and analysis of the human rights portfolio over the past decade.**

The mapping will cover the past decade, i.e. the years 2000-2009. The priority areas and their funding under chapter post 163 form the starting point for the mapping. To make it complete a search for relevant projects for these categories under

<sup>10</sup> Understood as support to the priority areas described above.

DAC Sector 151 will be made.<sup>11</sup> The mapping should lead to a comprehensive overview of spending in priority areas presented in table formats that highlight the key characteristics of the portfolio. Variables that could be relevant include agreement name, year(s), country, funding amount, target group, type of partner, type of intervention and funding channel. While the overview itself will highlight the quantitative side of funding for human rights support, a qualitative approach to the analysis of the portfolio is encouraged – to acknowledge shifts in policy that may not be immediately reflected in large changes in funding.

The mapping should be complemented with a response to, at a minimum, the following questions.

*Evaluation questions:*

1. How much support has been provided annually to each priority area, and has it changed over the years? What is the average size of agreements in the priority areas? How much of the overall human rights support<sup>12</sup> has gone to areas other than the priority areas?
2. What are the key forms of human rights interventions (e.g. human rights education, academic exchange, supporting human rights monitoring, reporting or advocacy)? Who are the key target populations (e.g. students, government employees, politicians, journalists, activists)? Is there a 'Norwegian profile' of human rights support, and has it changed over the decade?
3. What is the relation between the human rights priorities and the form of intervention that has been chosen?
4. What are the key channels for funding human rights support (e.g. multilateral, bilateral, civil society) and has it changed over the decade? What proportion of the support goes to local human rights organizations?
5. How is the portfolio for human rights support different in countries in conflict and transition compared to non-conflict situations? Is there a difference for example in priority area focus, type of intervention or funding channel?
6. What were the criteria for Norwegian human rights support during the period of review and are they reflected in the actual spending on priority areas? How do the criteria ensure relevance of the support with regard to the human rights situation in the targeted country?<sup>13</sup>

**b) Evaluation of support for freedom of expression.**

Support for freedom of expression is one of the priority areas of Norwegian human rights support. The legally binding norm with the most universal scope of application

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11 Based on an analysis of the 2008 data, there appears to be some funding for the priority areas that is not channeled through chapter post 163, e.g. human rights defenders and human rights NGOs in Zimbabwe, Uganda Human Rights Commission, Human Rights Association in Latin America, local human rights organizations in the Palestinian Admin. areas and human rights education in Central America.

12 As defined for example by the total allocations to OECD DAC Sector 'Human Rights.'

13 Reference should be made to the recommendations of relevant regional and universal treaty bodies.



is Article 19 of the International Covenant on Civil and Political Rights. It defines the right to freedom of expression as follows:

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
  - (a) *For respect of the rights or reputations of others;*
  - (b) *For the protection of national security or of public order (ordre public), or of public health or morals.*

A free and independent media is a strong indicator of the right to freedom of expression, and much development cooperation aiming at enhancing freedom of expression has focused on media. In 2002, the Norwegian Minister for International Development announced an initiative to bolster good governance, and a working group on support for free media was established. In the 2003 government budget NOK 50 million was earmarked for free media support.<sup>14</sup> Guidelines for the support were issued in 2005, and the portfolio became part of regular development cooperation the same year. By 2008 allocations had risen to about NOK 100 million.<sup>15</sup>

The right to freedom of expression is a prerequisite for developing or maintaining democracy. This right has been under pressure in recent years. Referring to the heated debate following the publishing of cartoons, governments' anti-terrorism legislation opening for media censorship, and the increased violence against journalists, the Norwegian Foreign Minister in 2008 launched a NOK 15 million initiative to further strengthen the support for freedom of expression and free media – in areas of conflict and countries where democracy is weak or absent.<sup>16</sup> The right to freedom of expression has been selected as a topic for this evaluation due to its long term presence in Norwegian development cooperation, its evaluability and the continued emphasis placed on this right as exemplified by the 2008 initiative.

Based on the mapping in part a) of this evaluation the evaluation team will suggest cases or topics for evaluation. Depending on the character of the portfolio, cases could be countries, organizations or projects. An effort should be made to reflect the types of support and interventions that emerge as the most significant.

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<sup>14</sup> Guidelines for support to free media in developing countries, MFA 2005.

<sup>15</sup> <http://www.regjeringen.no/nb/dep/ud/tema/menneskerettigheter/ytringsfrihet.html?id=506851>. Note that this funding is not necessarily all under DAC sector 151 Human Rights. Overviews exist of the portfolio on free media support for the years 2004-2006 and 2008.

<sup>16</sup> *Freedom of expression – Missing in action?* Speech by the Minister of Foreign Affairs, Litteraturhuset, Oslo, 7 April 2008.

*Evaluation questions:*

For the portfolio as a whole:

1. What is the current character of this portfolio (e.g. type of intervention and partner, thematic and geographic focus)? Are there any significant changes in the character of the portfolio over the past decade?
2. Are the guidelines for support from 2005 still relevant? Consider especially the emergence of new media and the changed context with new threats to the freedom of expression. What could be the most important updates to the guidelines?
3. Is there a strategy, result framework and functioning monitoring system for supported programs? Are there successful experiences and lessons from similar donor countries on maintaining such management?

For the selected cases:

4. Is the Norwegian support relevant to the human rights situation in the country? Reference should be made to the recommendations of relevant treaty bodies and opinions and recommendations of other human rights agents in the country. How was local relevance ensured, or how could it be ensured?
5. Are the programs evidence- and results-based? Are there clear results and targets, and is the input logically consistent with and sufficient for achieving these results?<sup>17</sup> Is the perception and understanding of these results the same among all stakeholders? What, if any, are the key omissions with regard to being evidence- and results-based, what are the challenges expressed by stakeholders, and how can they be overcome?
6. Have planned results at outcome level been achieved? Which factors impact on the success or lack of success of the programmes? Are there any other effects, positive or negative, that were unintended?
7. What is the planned exit for the support? Are any steps being taken to embark or prepare for an exit process? How is sustainability for the supported programs understood by stakeholders?

**c) Evaluation of the impact of the China and Indonesia programmes implemented by the Norwegian Centre for Human Rights.**

The Norwegian Centre for Human Rights (NCHR, *Senter for Menneskerettigheter*) is a key partner in Norwegian development cooperation to support human rights. It is the largest recipient of human rights funding under Chapter post 163, which the background section above identified as the key human rights post in the government budget. With over NOK 100 million in total over the past decade (1999-2008) the NCHR is far ahead of the second largest recipient, the United Nations High Commissioner for Human Rights (UNHCHR) with NOK 61 million in total. In 2008, NCHR received a quarter (28 million) out of the total 115 million human rights

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<sup>17</sup> Reference should be made to existing work by UNESCO on developing global indicators for media development – how do the indicators in supported programs relate to these?

budget under this Chapter post. The NCHR has been selected for this evaluation due to the size and duration of support and need for review.

The NCHR was established in 1987 and became the National Human Rights Institution in Norway in 2001. It is organized as part of the Faculty of Law at the University of Oslo. The two largest programmes in the NCHR portfolio supported by Norwegian development cooperation are the China and Indonesia programmes.<sup>18</sup> Both focus on research and academic cooperation and have been established as a support to the ongoing Human Rights Dialogue between the Norwegian government and the governments of China and Indonesia. The programmes were established the same year as the dialogues; in China in 1997 and Indonesia in 2002.<sup>19</sup> Since their inception, the China and Indonesia programmes have received about NOK 43 and 22 million respectively (see Table 1).

**Table 1. Support for the China and Indonesia programmes, 1997-2008 (NOK 1,000).<sup>20</sup>**

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
China	1,578	2,987	3,787	2,934	3,820	3,543	3,893	3,528	4,158	4,469	4,019	4,295
Indonesia						534	2,820	3,275	3,600	3,200	3,300	5,200

The China programme aims to promote the development, understanding and application of international human rights standards in China. Main partners are Chinese universities and academic institutions. Activities include human rights training courses and seminars, publishing the first Chinese textbook on international human rights law, translation of key human rights literature, visiting scholar programmes and support of students and researchers both in Norway and China.

The Indonesia programme conducts activities aiming at further improving Indonesia's human rights compliance by running projects addressing pertinent human rights issues in Indonesia. Main partners are state and academic institutions and non-government organizations (NGOs). Key activities and topics include human rights education (particularly in institutions of higher education), administration of justice, human rights in relation to the role and conduct of the military and security sector reform, freedom of religion or belief, economic, social and cultural rights. Capacity building is central to nearly all activities.

Next to their individually defined goals, both programmes are aimed at strengthening the ongoing human rights dialogue through their activities.

<sup>18</sup> Besides funding for specific programmes NCHR also receives an annual budget support. In 2008 this was almost NOK 10 million.

<sup>19</sup> The Norwegian government also has a human rights dialogue with the government of Viet Nam. The dialogue was established in 2003, the NCHR programme for the same country started in 2008.

<sup>20</sup> Data from the Statistics Division, Norad. Some inaccuracies exist in the labeling of these agreements hence this overview may need to be adjusted.

*Evaluation questions:*

8. Which substantive human rights form the main focus of the programmes and what is the relation between this choice of rights and the forms of intervention used under the programme?
9. To what extent is dissemination and teaching of human rights in general a goal of the programmes and what is the relation between this aim and the forms of intervention used under the programmes?
10. What is the relation between the ongoing human rights dialogue and the choice of thematic focus and interventions of the programme?
11. Are the goals and activities of the programme relevant to the local context and human rights situation in the country? Reference should be made to recommendations of relevant treaty bodies, the Universal Periodic Review, as well as opinions of other human rights agents in the country. What is the mechanism for ensuring local relevance of the activities and has there been any adjustment to activities due to this?
12. Are the programs evidence- and results-based? Are there clear results and targets, and is the input logically consistent with and sufficient for achieving these results? Is the perception and understanding of these targets the same among all stakeholders? Are the programmes monitored? What, if any, are the key omissions with regard to results-based management, the key challenges expressed by stakeholders, and how can they be overcome?
13. Have planned results at outcome level been achieved? Which factors impact on the success or lack of success of the programmes? Are there any other effects, positive or negative, that were unintended? Is there a mechanism for acknowledging and relating to negative impact? What is the cumulative impact of each programme to date?
14. To what extent do the activities involve groups that are marginalized or discriminated against in society, including, but not limited to, women?
15. How efficient do the programmes appear when comparing outcomes/impact to the budgets? How could efficiency be improved? Is there evidence of cooperation with similar programmes run by other organizations to increase effect or avoid overlap?
16. What is the planned exit for the programmes? Are any steps being taken to embark or prepare for an exit process? How is sustainability for these programmes understood by stakeholders?

Each of the three components a), b), and c) form an independent entity and the analysis should be presented in such a way that it can stand on its own. Based on findings in each component the evaluation should identify lessons learned and give operational recommendations that are relevant for planning and implementation of support for human rights in Norwegian development cooperation.

## Methodology

The evaluation team will develop an appropriate methodology that can respond to the information needs arising from the list of evaluation questions. Part b) and c) of the evaluation will each require a mix of document review and primary data collection as basis for analysis and recommendation. For part a) careful review of databases will be the main method to establish the list of supported programs in priority areas as well as answer the evaluation questions. The presentation of the methodology should address each of the three components individually and indicate any significant advantages and limitations of each chosen approach. When evaluating the results of long-running programs, some form of counterfactual perspective should be developed.

Due to the nature of the human rights support, methodological choices should reflect a consideration of options such as perception analysis, discourse analysis or other ways of gauging the impact made by the Norwegian human rights support. For part b) and c) reference should be made to current knowledge in the areas of measuring media development and human rights education.

Indicators should be developed by the evaluation team. This will facilitate and guide the table format for presenting the results of the mapping exercise in part a) of the evaluation. Using indicators in part b) and c) will provide a transparent system for comparing or assessing programmes within each part.

The evaluation shall make full use of existing relevant sources of information, including lessons to be learned from similar evaluations in the past. Some suggestions are in Table 2 below.

**Table 2. Non-exhaustive list of relevant sources of information.**

General	The national budget, Report no.1 (2009-10) and previous years; Plan of Action ( <i>Report number 21 to the Storting, Menneskeverd i Sentrum</i> ), Ministry of Foreign Affairs, 1999; Annual Reports from 2000 to 2004 on implementation of the Plan of Action, Ministry of Foreign Affairs; Evaluation of Norwegian Support to Democratic Development through the United Nations (ongoing, see especially the Literature Review), Norad 2010; Experiences and lessons learnt from SIDA's work with Human Rights and Democratic Governance, SIDA evaluation 2008:29 (meta evaluation); Assessment of SIDA's Support for Human Rights and Democracy, UTV Working Paper 2007:3.
Part b)	Guidelines for support to free media in developing countries, Norad 2005; Freedom of Expression – Missing in Action? Speech by Foreign Minister Jonas G. Støre in Oslo 7 April 2008; Overviews of the portfolio on free media support for the years 2004-2006 and 2008, Ministry of Foreign Affairs; Media Development Indicators: A framework for Assessing Media Development, UNESCO 2008.
Part c)	SIDA support to the Raoul Wallenberg Institute Indonesia Programme 2004-2006, Sida Evaluation 2006:33; Review of Raoul Wallenberg Institute's Human Rights Capacity Building programme in China, 2004-2007, Sida Evaluation 2008:23.

The informants should involve a broad spectrum of people or organizations so that in addition to the targeted groups and project staff, the evaluation will also include the voices and impressions of other relevant organizations and individuals not involved or benefiting from the support.

Information should be triangulated and validated, and data quality assessed in a transparent manner. All findings need to be substantiated and referenced/documented.

**Organization**

The evaluation will be carried out by an independent team of consultants contracted by the Evaluation Department of Norad. Evaluation management will be carried out by Norad’s Evaluation Department. All decisions concerning this terms of reference, inception report, draft report and final report will be taken by the Evaluation Department. Any modification to the ToR is subject to approval by the Evaluation Department. The evaluation team is entitled to consult stakeholders pertinent to the assignment but it is not permitted to make any commitment on behalf of the Government of Norway. The evaluation team leader is responsible for reporting to the Evaluation Department.

The Evaluation Department will identify key stakeholders who will be invited to comment on the evaluation process and the quality of products.

**Composition of the Team**

The team shall cover the following competencies (these must be documented in the tender):

<b>Competence</b>	<b>Team leader</b>	<b>At least one team member</b>
Academic	Higher degree	Higher degree (PhD)
Discipline	Human Rights Law (preferred), social or other relevant sciences with a focus on human rights	Human Rights Law (preferred), social or other relevant sciences with a focus on human rights
Evaluation	Experience managing multi-country and multi-disciplinary evaluations	Experience applying evaluation standards, principles and methods
Sector	Experience with similar evaluations or reviews of human rights programming, including methodology for measuring results	Experience with similar evaluations or reviews of human rights programming, including methodology for measuring results
Sector		Experience with results based management tools
Sector		Thematic knowledge and experience in freedom of speech/free media and human rights education
Sector		Skills in database management and analysis, including relevant computer packages

Competence	Team leader	At least one team member
Development cooperation	Yes	Yes, particularly Norwegian development cooperation and human rights support.
Country/region	China and Indonesia	China and Indonesia
Language	Excellent English	Excellent English
Language		Reading ability of Norwegian
Language		Speaking ability of local language in China and Indonesia.

## Budget and Deliverables

The estimated work of the evaluation is 57 person weeks excluding national research assistants/enumerators. The deliverables consist of the following:

- An inception report shall be prepared in accordance with the Evaluation Department's guidelines given in Annex 3 of the Tender Document. It will be discussed with the team and the hearing group before approval by the Evaluation Department.
- The evaluation team shall present its preliminary analysis to relevant stakeholders at the end of each field visit, allowing for feedback and discussion.
- A draft final report shall be prepared for feedback from the hearing group and the Evaluation Department. The feedback will include comments on structure, facts, content, and conclusions.
- A final evaluation report shall be prepared in accordance with the Evaluation Department's guidelines in Annex A-3 Guidelines for Reports.
- A seminar for dissemination of the final report in Oslo and/or in the case countries, to be arranged by the Evaluation Department. Travel cost related to dissemination in case countries will be covered separately by the Evaluation Department on a need basis, and are not to be included in the budget.

All presentations, reports, data collection tools and raw data are to be submitted in electronic form in accordance with the deadlines set in the time-schedule specified in the Tender Document (Part 1 Tender Specifications).

The Evaluation Department retains the sole rights with respect to distribution, dissemination and publication of the deliverables.

## **Addition to Terms of Reference – Reflecting Changes During the Evaluation Process:**

### **1) Letter (e-mail) dated 12 October, from Mr. Asbjørn Eidhammer, Director of Evaluation, Norad's Department of Evaluation:**

"We refer to our constructive meeting on 21 September, and we are looking forward to receiving your inception report. For the benefit of that report, we would like to draw your attention to some important points which we did not make clear at that meeting, some of which have become more pertinent after recent developments.

It is important that the choice of countries, programmes and organisations for field or case studies under part b) of the evaluation (support for freedom of expression) sufficiently reflects the use of funds under the government's budget chapter 163.72 Human Rights, as described in the ToR, and cross-checked with the relevant DAC categories under DAC sector 151 as specified in your proposal. The amount of funding at country level should not be the main criteria for selecting countries, as one of the aims of this part of the evaluation is to evaluate the Government's guidelines for support to free media in developing countries (MFA 2005).

The third component of the evaluation (NCHRs programme in China and Indonesia) is the only element of Norwegian support in China that is to be evaluated. The thematic focus is to be seen in relation to the human rights dialogue, but the dialogues themselves in the two countries are not objects for this evaluation. Your suggestion in the proposal to look at FoE challenges in Norway's HR cooperation – particularly the policy dialogue – with Indonesia and China in order to make FoE a "value added" component to the human rights evaluation work in these two countries (p.9 in your proposal) is as such outside the scope of this evaluation. In this context, the elaboration of a human rights "profile" might be useful for the country studies under the freedom of expression part of the evaluation, but might not be relevant to the component regarding NHCRs programmes in China and Indonesia.

In light of the current situation it would be wise to postpone plans for field work in China and consider at a later stage whether such a visit is feasible or whether this part of the evaluation could be done as a desk study.

These issues and possible amendments may have implications for your plans and budgets, and we suggest that you reflect such possible changes in the inception report. We are, of course, fully prepared to discuss these issues with you if you should so wish."

### **2) Decision to terminate the evaluation of the NCHR China Programme**

In a letter from Norad's Evaluation Department dated 10 November 2010 (as part of comments to the Inception Report), the following message was communicated:

***Evaluation of the China programme of the NCHR to be terminated:*** Norad's evaluation department has come to the conclusion that an evaluation of the China programme of the NCHR shall not be undertaken, and that the part of the evaluation that comprise the China programme shall be terminated for two reasons:



- a. Under the current political circumstances it will be very challenging, if at all possible, to carry out a thorough evaluation that will provide sufficient evidence to draw well-funded conclusions and recommendations for the evaluation to meet basic evaluation quality standards; and
- b. One key principle related to evaluation in difficult contexts is to “do no harm”. We are not fully convinced that an evaluation at this stage may not run the risk of negatively influencing the actual programme.

Due to the sensitivity of these matters, any references in the report to the termination of the evaluation of the China programme should be written in a neutral manner.

We understand the termination of this part of the contract might have implications for some of the team members and for the team’s planned work. With reference to Paragraph 9 in our contract concerning termination of the whole or parts of the contract, we are prepared to discuss possible constructive solutions with you in this regard.

We would like to ask the team to consider the possibility of undertaking a rapid assessment of NCHR’s South Africa programme based on the review undertaken recently with a potential update of that review – in the place of the China programme evaluation. This would be in order to obtain a more broad-based evaluation of NCHR than what an evaluation of only one programme would provide.

### **3) Terms of Reference for the Rapid Assessment of NCHR’s South Africa Programme**

This ToR is an addendum to part c) of the ToR for the Evaluation of Norwegian Development cooperation to Promote Human Rights. The evaluation of the China programme has been terminated and will not be carried through.

In order for the evaluation to obtain a more extensive assessment of NCHR’s programmes than what an evaluation of only one programme would provide, a rapid assessment of NCHR’s South Africa programme will be undertaken. The rapid assessment will be based on the mid-term-review undertaken in 2008/9 and will provide an update of the review addressing the Centre’s comments to the MTR and the recent developments up until the closure of the programme.

The Team is requested to follow up on the development of the Programme since 2009, and to use the update of the 2009 Review as a supplement to the Indonesia case evaluation for the assessment of NCHR’s programmes. The scope of the updating includes to:

- do an update on the main findings of the 2009 evaluation; and
- explore the follow up of the recommendations from the 2009 evaluation and the internal review of the programme.

In this regard, a desk study of the programme covering documentation since the 2009 review is to be conducted. The desk study will be supplemented with stakeholder interviews, with NCHR, Norad and MFA staff in Oslo and via telephone with a

number of partners in South Africa, including the Norwegian Embassy in Pretoria. This does not entail a field trip to South Africa.

The selection of partners in South Africa should be done in consultation with the management of the South African programme, and should include a representative selection of the type of partners (research institutes, legal institutes and NGOs), and geographic spread (Cape Town, Pretoria and Johannesburg).

The main purpose of this rapid assessment based on the MTR is to provide a sufficient database for a more extensive assessment of NCHR's programmes than an evaluation of the Indonesia-programme alone would provide.

## ANNEX B: List of Informants

### Norway Informants

#### *Norwegian government officials:*

- Mr. Espen Barth Eide, State Secretary, MFA (e-mail exchange)
- Mr. Halvor Sætre, Deputy Director General and Head of Section for Human Rights and democracy, MFA
- Mr. Odd Magne Ruud, Deputy Director General, Africa I Dept, MFA
- Mr. Bjørn Johannessen, ex-Ambassador (Malawi, O-i-c Afganistan), ex-Director General/Humanitarian Section, MFA, various senior positions/Norad
- Mr. Petter Wille, Ambassador, ex-Deputy Director General, MFA
- Mr. Haakon Blankenborg, ex-Ambassador to Serbia; ex-Head of Parliament's Standing Committee on Foreign Affairs (now Senior Adviser W.Balkan Section, MFA)
- Mr. Jon Lomøy, (former) Norwegian Ambassador, Zambia
- Mr. Kjetil Paulsen, Ambassador, Macedonia
- Mr. Eivind S. Homme, Ambassador, Norwegian Embassy Indonesia
- Ms. Constatine N. Karame, First Secretary, Norwegian Embassy Indonesia
- Mr. Herman Baskaar, Counsellor, Embassy of Norway in Macedonia
- Mr. Kikkan Haugen, Section for Administration and Agency Management, Ministry of Finance, former Secretary, Zambia Embassy
- Ms. Helga Fastrup Ervik, Assitant Director General and Deputy Section for Human Rights and democracy, MFA
- Ms. Monica Thowsen, Senior Adviser, Section for Human Rights and democracy, MFA
- Ms. Elisabeth Salvesen, Senior Adviser, Section for Human Rights and democracy, MFA
- Ms. Marie Louise Teige, Senior Adviser, Indonesia Programme Officer, MFA
- Ms. Hege Røttingen, Senior Adviser, Section for Human Rights and democracy, MFA
- Mr. Baard Hjelde, Senior Adviser, Section for Human Rights and democracy, MFA
- Ms. Hege Araldsen, Head of Latin America Section, MFA
- Mr. Gisle Hagen, Senior Adviser, Peace, Gender and Democracy Department, Norad
- Ms. Elisabet Forseth, Senior Adviser, Civil Society Department, Norad
- Ms. Ellen Ahnfeldt, Deputy Head of International Section, Police Directorate
- Mr. Henning Høgseth, Asst. Chief of Police, International Section, Police Directorate
- Ms. Kristin Ryan, Senior Adviser, Law Department, Ministry of Justice
- Ms. Tone Bratteli, (former) Norad Senior Adviser
- Mr. Ivar Evensmo, Senior Adviser Norad, Civil Society Department
- Ms. Ingrid Skjølaas, First Secretary, Norwegian Embassy, South Africa
- Ms. Ann Fredriksen, Norwegian Embassy, Zambia
- Ms. Marit L. Karlsen, (Former) NORAD Senior Adviser and Zambia Embassy Staff
- Ms. Eli Koefoed Sletten, Senior Adviser, Civil Society Department, Norad

Mr. Lars Sigurd Valvatne, Royal Norwegian Embassy, Lusaka  
Ms. Jannicke Bain, Western Balkans Section (Serbia) (Ministry of Foreign Affairs)  
Mr. Arild Moberg Sande, Western Balkans Section (Macedonia) (Ministry of Foreign Affairs)  
Ms. Elisabeth Salvesen, Senior Adviser, Section for Human Rights and Democracy (Ministry of Foreign Affairs)

**Norwegian non-government informants:**

Mr. Nils Butenschøn, Director, Norwegian Center for Human Rights  
Ms. Siri Skaare, Senior Officer, Norwegian Center for Human Rights  
Mr. Jan Helgesen, Researcher, Norwegian Center for Human Rights  
Mr. Knut D. Asplund, Indonesia Programme Manager, NCHR  
Mr. Aksel Tømte, Programme Coordinator  
Ms. Nicola Colbran, former Programme Coordinator, NCHR  
Ms. Siri Skåre, Acting Director of Programmes, NCHR  
Mr. Malcolm Langford, Programme Researcher, NCHR  
Ms. Kristin Hogdahl, formerly Programme Manager, NCHR  
Mr. Peris Sean Jones, Researcher, University of Oslo  
Mr. Stein Moen, Major, Norwegian Armed Force  
Ms. Trude Falch, Senior Officer, NPA  
Mr. David Bergan, Senior Officer, NPA  
Ms. Kari Kjærnet, Senior Officer, NPA  
Mr. Martin Holte, Senior Officer, NPA  
Ms. Gwen Berge, Senior Officer, NCA  
Ms. Marianne Opheim, Human Rights Adviser, NCA  
Mr. Sigurd Johns, Head of Policy Development, Save the Children/Norway  
Ms. Anne Ma Grøslund, Child Rights Adviser, Save the Children/Norway  
Ms. Ellen Stie, Child Rights Adviser, Save the Children/Norway  
Ms. Ingunn Tysse Nakkim, Senior Adviser (Evaluation), Save the Children/Norway  
Mr. Anders Heger, President, Norwegian PEN  
Mr. Carl Morten Iversen, Senior Officer, Norwegian PEN  
Ms. Therese Jebsen, Rafto Foundation  
Ms. Nora Sveaass, Professor University of Oslo (Psychology); Member of UN Committee Against Torture  
Ms. Toril Brekke, Head of International Department, NRC  
Ms. Siri Elverland, Senior Adviser, NRC  
Mr. Richard Skretteberg, Senior Adviser, NRC  
Ms. Maria Dahle, Director, Norwegian Human Rights House Foundation

**Indonesia Informants:**

*Participants of Focus Group Discussions in Pusham Ull (Human Rights Study Center of Indonesian Islamic University, Yogyakarta), all are from faculties of Law:*

Ms. Sefriani, Indonesian Islamic University, Yogyakarta.  
Mr. Nur Hartanto, Atma Jaya Catholic University, Yogyakarta.  
Mr. Rahmat Muhajir, Ahmad Dahlan University, Yogyakarta.  
Ms. Nanik Prasetyoningsih, Muhammadiyah University, Yogyakarta.  
Mr. Muntoha, Indonesian Islamic University, Yogyakarta.  
Ms. Cunduk Wasiati, Widya Mataram University, Yogyakarta.

Ms. Suny Ummul Firdaus, State University of Solo, Central Java.  
Ms. Rahayu, Diponegoro University, Semarang, Central Java.  
Mr. Majedah, State University, Medan, North Sumatera.  
Ms. Dewinani, Gorontalo University, Celebes.  
Mr. Yahya, Tarakan University, East Borneo.  
Mr. Nazir, Banjarmasin, South Borneo.

*Pusham Ull:*

Mr Eko Riyadi, Director of Pusham Ull  
Mr. Marzuki Usman, former Director of Pusham Ull

*Gadjahmada University, Yogyakarta:*

Mr. Aris Arif Mundayat  
Mr. Eric Hariej

*Islamic Study Center, Indonesian Islamic University, Yogyakarta:*

Mr. M.Latif Fauzie, Executive Director

*FRR Law Office Jakarta:*

Gen. Brig. Heru Cahyono SH, MH, Head of Indonesian Military Prosecutor  
Col.Leut.Nyoman Suparta, SH, Head of Legal Secretary of Kopasus Special Force  
Ms. Widati Wulandari, SH, MCL, trainer, Padjajaran University, Bandung, guest  
reseracher, the user of the black book.  
Mr. Andrey Sujatmoko, guest researcher, Trisakti University, Jakarta, participant &  
resource person in the seminar conducted by Pusham Ull.  
Mr. Arif Pradipta, Fadillah's assistant  
Mr. Fadillah Agus, SH, MH, FRR lawyer.

*In Search of Common Ground, NGO:*

Mr. Agung Yudha (previously worked with with Elsham)

*NCHR Jakarta:*

Mr. Kjetil F. Alvsaker, Legal Adviser

*Indonesian Supreme Court:*

Mr. Artijo Alkotsar, Deputy Chief Justice of The Supreme Court, was the 1st director  
of Pusham Ull, and previously with LBH Legal Aid Yogyakarta

*ISAI (Institute for the Studies on Free Flow of Information):*

Mr. Tedjabayu, Deputy Executive Director

**Participants of Focus Group Discussions, Ecosoc Rights with beneficiaries  
from East Nusa Tenggara (NTT) Province:**

Mr. Hyeronimus Malelak (Civil Society Forum Sumba Island)  
Mr. Iswardi Lay (Protestant Priest, Religious Leaders Network on Ecosoc, Rote  
Island)  
Mr. P. Marselinus Vande Raring SVD, Catholic Priest, (Justice, Peace and Integrity of  
Creation), West Flores.

Mr. Emanuel Ubuq (United People Troops Forum, Lembata Island)  
Mr. Aloysius (Alwi) Murin (Legislative Member of Lembata District)  
Mr. Marianus Kisman (Justice, Peace and Integrity of Creation), Manggarai District,  
West Flores  
Mr. Cheluz Pahun (NTT Province Journalists Network)  
Mr. P. Mateus L. Batubara OFM, Catholic Priest, Manggarai District, West Flores  
(Justice, Peace and Integrity of Creation)

*Judicial Commission Office:*

Prof. Mustafa, Commissioner  
Mr. Sukoco, Commissioner  
Mr. Busyro Muqoddas, Commissioner  
Mr. Danang Wijayanto, Bureau of Investigation  
Mr. Jumain Narvanto, Bureau of Investigation  
Ms. Niniek Ariyani, Secretary Programme

*Komnas HAM (National Commission on HR):*

Mr. Yosep Adi Prasetyo, Deputy Chief Commissioner  
Mr. Kabul Supriyadhie, Commissioner for Sub-Commission of Monitoring &  
Investigation  
Mr. M. Ridha Saleh, Commissioner for Sub-Commission of Mediation

*Demos NGO, Jakarta:*

Ms. Roichatul Aswidah, Research Deputy (previously worked with Komnas HAM)  
Mr. Anton Prajasto, Executive Director  
Ms. Yanti, staf (previously worked with Institute of Ecosoc Rights)

*LBH Legal Aid, Jakarta:*

Ms. Restaria Fransisca Hutabarat, SH, MA, Head of R&D

*Elsham, Jakarta:*

Ms. Indri, Director Executive

*The Ecosoc Institute, Jakarta:*

Ms. Sri Palupi, Executive Director

*Kompas Daily:*

Ms. Mariah Hartiningsih, Senior Journalist (received Yap Thiam Hien HR Award)

*Former master students in Oslo University:*

Ms. Indah Amaritasari, Programme Officer, Raoul Wallenberg Institute, Jakarta  
Mr. Muktiono, Professor, Brawijaya University, Malang, East Java  
Mr. Andi Taletting Salahuddin, International Programme, Directorate General of HR

**Serbia informants:**

Mr. Emil Jeremic, Regional Director South East Europe, Norwegian People's Aid  
Ms. Ivana Kahrmann, Programme Manager, Norwegian People's Aid

Mr. Vukasin Obradovic, Founder and General Manager, Vranjske; President of Independent Journalists Association of Serbia (IJAS/NUNS)  
Ms. Svetlana Lukic and Ms. Svetlana Vukovic, general managers, Pescanik (on B92)  
Ms. Sasa Mirkovic and Ms. Jasna Milanovic, President and Project coordinator, ANEM (Association of Independent Electronic Media), Belgrade  
Mr. Slobodan Boba Stojacic, General Manager, Radio 021, Novi Sad  
Mr. Dejan Miladinovic and Snezana Milosevic, President and Secretary General, LOCAL PRESS, Kragujevac (Association of Local Print Media in Serbia)  
Ms. Natalija Bratuljevic, Programme Officer, Civil Rights Defenders  
Mr. Rich McClear, Chief of Party, IREX / Serbia Media Assistance Programme  
Mr. Dragan Kremer, Programme Manager/ Consultant, Medienhilfe  
Ms. Dragana Nikolic Solomon and Alenka Kulic, Head of Media Department and Development Officer, OSCE Belgrade  
Ms. Jelena Leskovic, Programme officer, Press Now

**Macedonia informants:**

Mr. Nebojsa Karapejovski, General manager, RTV Menada, Tetovo  
Mr. Gazmend Ajdini and Roberto Belicanec, Managers, Media Development Centre; Mr Ajdini is also outgoing Secretary General of the Association of Journalists of Macedonia  
Mr. Risto Popovski, Founder and former editor-in-chief, MAKFAX news agency  
Ms. Violeta Gligoroska, Media Programme Coordinator, Fund for Open Society Institute-Macedonia  
Mr. Klime Babunski, Institute for Sociological, Political and Juridical Research, Sts. Cyril and Methodius University – Skopje; President, PRO MEDIA (NGO)

**Zambia informants:**

Mr. Fanwell Chembo, (former) ZIMA-director  
Mr. Bellon Chintombwa, Radio Mazabuka  
Mr. Pryd Chytah, Panos deputy director  
Mr. Chisombu Dyaunka, NAIS (National Agricultural Information Service)  
Mr. Lee Habasonda, SACCORD – director  
Mr. Sipo Kapumba, MISA-Zambia director  
Ms. Gillies Kasongo, PANOS  
Mr. Clayson Hamasaka, Evelyn Hone College  
Ms. Catherine Lenaud, Coordinator Evelyn Hone College  
Mr. Goodwell Lungu, Director Transparency International Zambia  
Ms. Mlika Malindima, ZAMCOM  
Mr. Amos Malupenga, managing director The Post  
Ms. Chisinaba Masenghu, ZAMCOM  
Mr. Parkie Mboosi, PANOS-Zambia Director  
Mr. Ivans Milimo, managing director Daily Mail  
Ms. Doreen Mwalusala, ZAMCOM Lodge manager  
Mr. Robert Mwanga, Managing editor Radio Phoenix  
Mr. Costa Mwanza, Managing editor MUVI TV  
Ms. Ester Mulenga, ZAMCOM Acting Director  
Mr. Mutemwa, Evelyn Hone College  
Mr. Daniel Nkalamo, (former) ZAMCOM director

Mr. Josef Nyirenda, Radio Tishedi Shedi – station Manager  
Mr. Justina Phiri, ZAMCOM  
Mr. Mpunga Simukhali, ZAMCOM  
Ms. Kathy Sikombe Band, Friedrich Ebert Stiftung  
Ms. Juliet Tembo, (Former) MTF  
Mr. Abdon Yezi, independent consultant

**Other non-Norwegian informants:**

Ms. Teresa Albero, Senior Officer, Policy, Planning, Monitoring and Evaluation  
Section, OHCHR  
Ms. Flaminia Minelli, OHCHR  
Mr. Nicolás Faselle, OHCHR  
Ms. Myriam Tebourbi, OHCHR  
Mr. Jesper Højberg, Executive Director, IMS  
Mr. Finn Rasmussen, Senior Adviser, IMS  
Mr. Anthony Borden, Executive director, Institute for War and Peace Reporting  
Ms. Sara Whyatt, Acting Executive Director, International PEN



## ANNEX C: Documents Consulted

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- Utenriksdepartementet (2001): *Evaluation of the Norwegian Human Rights Fund*
- Utenriksdepartementet (annual 1999-2005): *Annual report on Norway's efforts to promote human rights* [with reference to the Plan of Action 2004-2005]

Utenriksdepartementet/Ministry of Foreign Affairs (2009): *The Role of Human Rights in Norwegian Foreign and Development Policy*  
Ministry of Foreign Affairs (with Norwegian National Police Directorate and others) (2009): *Training for Peace in Africa*  
Ministry of Foreign Affairs (2010): Norway's efforts to support human rights defenders. Guide for the foreign service.

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Norwegian Church Aid (with others): *Rights-based development from a faith-based perspective*  
Norwegian church Aid (2007): *Together for a Just World – Working to Uphold Human Dignity*  
Norwegian Refugee Council: *Policy Paper*  
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Pen International (2010): *A guide to defending writers under attack (The Writers in Prison Committee of International PEN)*  
Save the Children (2005): *Child Rights Programming – How to Apply Rights-Based Approaches to Programming*  
Save the Children (2007): *Getting it Right for Children – A practitioners' guide to child rights programming*

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**Project reports and documents:***Evelyn Hone College:*

- 2004, Contract regarding EHC Journalism Section 2004-2006
- 2004, Annual Consultative meeting of EHC with Norwegian Embassy
- 2004, Appropriation Document (BD) ZAM 2387, EHC Journalism 2004-2006

*MISA/ ZIMA :*

- ZIMA Decision Document Civil Society division (2000)
- Contract Institutional Support (200-2003)
- Report on Mazabuka Community media Literacy Seminar (2002)
- Narrative report to Norwegian Embassy (2003)

*MTF:*

- 2002, terms of Reference media Trust Fund Study Zambia
- 2003, MTF's comments on Prof. Rønnings preliminary report
- 2003, MTF report to the Norwegian and Danish embassies on MTF activities 2001/2003

*Panos:*

- Application to Norad for 2010
- Strategic plan 2007-2011
- Consolidated Annual Budget 2010

*Zamcom:*

- 2000, Report on Mazabuka Community Radio Training
- 2000, Advanced Photo-Journalism course report
- 2000-2001, Contract between ZAMCOM and NORAD
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## Western Balkans

### General:

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Scanteam (2009), *Mid-Term Review of the Norwegian Cooperation with South Africa in the Field of Human Rights: 2007-2009*

## **Ethiopia**

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Wirak A. (2008) *Final report ETH-2414 Education Programme for Journalists, DECO, Oslo*

## **Mozambique**

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## **Zimbabwe**

Brice, K. & Evensmo, I. (2009): *A review of IMS's Zimbabwe Media Programme*

## **ANNEX D:**

### **Methodology of the Evaluation**

With reference to the purpose and objective of the evaluation as set out in the ToR and referred to in Chapter 2, we will in this Annex present the methodological approach for the various parts of the evaluation.

First, there is an explanation of how the Human Rights Profiles have been constructed. Second, the approach with the freedom of expression and media development component will be explained. We have partly chosen to divide this task in two, and this has also been reflected in the methodology. Next, we present the way in which we have gone about the evaluation of NCHR's country programmes in Indonesia and South Africa, and finally we point to some conceptual and methodological challenges with the qualitative portfolio analysis and other parts of the evaluation.

#### **Human Rights Profiles**

In Scanteam's tender document, the team emphasized that this evaluation needs to be grounded on a thorough legal understanding of human rights – internationally as well as nationally, taking into account national human rights situations as well as the prioritised areas for Norwegian Development Aid with regard to human rights.

As also indicated in the tender document, a HR Profile was developed for those countries selected for case studies (Indonesia, Serbia, Macedonia and Zambia) plus countries where Freedom of Expression projects were to be assessed through desk studies (Ethiopia and Mozambique). A desk study was also conducted on Zimbabwe, but since Zimbabwe has not yet been through the UPR examination, very little material of the kind we use for this exercise is available. So we decided to drop the HR Profile for Zimbabwe.

The Human Rights Profiles aimed at giving an indication of the prevailing human rights issues, challenges and future opportunities in each of the selected countries in the past decade. They were used as a tool for those involved in the evaluation process as well as the readers of the report.

The HR Profiles provide an overview over each country's HR treaty situation, a section related to the Human Rights Council's Special Procedures, any recent visits, follow up to recommendations, recent opinions from thematic experts/Rapporteurs etc. They also give a brief, but coherent, analysis of the implementation of a selection of human rights issues. The team chose to focus on eight human rights clusters in composing the HR Profiles, among which are both civil-political and economic, social and cultural rights. For each country, indicators for 3-5 of these clus-

ters were chosen, depending on relevance for the evaluation and availability of reliable and comparable data.

The HR Profiles were based mainly on information from the *Universal Periodic Review*, but additional sources of information were incorporated to provide a historical perspective of the evolution of the HR record for each country.

### **Universal Periodic Review (UPR)**

The HR Profiles have mainly been based upon information from the new and innovative *Universal Periodic Review (UPR)* process. The UPR is a globally accepted process which all 192 UN Member States will go through and participate actively in during 4-years cycles. Due to its nature of being generally accepted, the UPR constitutes a new and a unique source for the most updated 'balanced and generally accepted information' with regard to the human rights situation in a country.

### **Each country's UPR is based on three reports:**

**1)** One Report generated by the State itself, containing a self-assessment on the human rights developments and challenges, as viewed by the State itself, with a good summary on the legal and institutional framework. The document is also a good source on local capacities and coordination / cooperation arrangements as it provides information on relevant policies, programmes, plans and available resources.

**2)** One Report that is based on information gathered from UN agencies and processes with regard to status of implementation of international commitments and main recommendations and observations. This is mostly based on assessment made by independent UN bodies and HR experts, and in general includes information from: (i) the High Commissioner herself; (ii) UN treaty bodies; (iii) Special Procedures of the Human Rights Council (HRC) (which consists currently of 8 country mandates and 31 thematic mandates); (iv) the Security Council, the General Assembly, the HRC and any other relevant UN bodies; (v) UN entities in the country or regionally (typically the Resident Coordinator office, UNDP, ILO, UNICEF, UNESCO, UNIFEM, UNAIDS, WHO, UNHCR, WFP etc); (vi) UN Secretary General. The limitation of this Report would be the availability of information from the different bodies, depending again on the reporting/examination status, visits (and follow-up information) of Rapporteurs, Independent Experts, the High Commissioner, the Secretary Generals special envoys and specific mandates to monitor and report on the situation in the country. However, in general the UN compilation is perceived as being a good summary of (available) human rights information on the country from all relevant UN sources within the last four years. The OHCHR is responsible for the compilation of the information for this Report, and makes an effort to validate information drawn from other sources (through its field presences, stakeholder information etc).

**3)** One Report which is a compilation of national stakeholders' assessments, typically both national and international NGOs concerned with HR issues. It provides an update on main current challenges on the ground. This report is a summary of the information the OHCHR receives, and not the result of a comprehensive research. This is the report containing the most critical judgement of the HR situation on a country. It is one of the three reports that the UPR Working Group looks at, validate,



modify and even question on a well documented basis the information from the State itself and from the UN sources.

In addition, the UPR outcome is influenced by the questions put forward by the various Member-States, and as such also reflect the international society's current human rights concern with regard to the country in question.

During the UPR review, the country in question may give voluntary pledges/commitments, which of course the country in question would be more ready and willing to implement than the general recommendations received. Such voluntary pledges/commitments would also be part of the UPR outcome document that is drafted by the UPR Working Group.

Other sources of information with regard to the status of international human rights would typically be the yearly reports issued by HR INGOs like Amnesty International, Human Rights Watch, which are most often already incorporated into the UPR process through the stakeholders report. These reports would be of particular importance for those countries which have not yet been through the UPR.

The UPR report does not provide any systematic backward-looking information, permitting us to assess the evolution in the HR record for each country over the last decade.

### **Composition of the HR Profiles**

Each HR Profile consists of the following:

- an overview of each country's HR treaty situation (typically which treaties that are ratified, when, whether there exist any reservations, follow up on reporting).
- a section related to the Human Rights Council's Special Procedures, any recent visits, follow up to recommendations, recent opinions from thematic experts/Rapporteurs etc.
- a third section that give a brief, but coherent, analysis of the implementation of a selection of human rights issues. The issues were selected according to the human rights issues that are prioritised by the Norwegian Development Cooperation. The wording of the issues and indicators were picked from OHCHR newly developed 'Indicators to Promote and Monitor the Implementation of Human Rights'. The conceptual and methodological framework for these indicators for human rights assessment have been developed by the Research and Development Branch of the OHCH (RRDB), in consultation with a panel of experts, including members of treaty bodies, special Rapporteurs of the HRC, various UN agencies and civil society organisations. In short, the conceptual and methodological framework behind the indicators *inter alia* (i) make use of quantitative as well as qualitative indicators to assess the implementation of human rights effectively; (ii) translate the narrative on the normative content of human rights into a few characteristic attributes: acceptance of international human rights standards (structural indicators), to what extent the country is implementing / meeting its obligation (process indicators), and to what extent the individual right-holders are receiving these rights (outcome indicators).



We have concentrated on eight human rights clusters:

- right to a fair trial
- right to freedom of opinion and expression
- right to liberty and security
- right to life
- right not to be subjected to torture
- right to enjoyment of the highest attainable standards of physical and mental health
- right to non-discrimination
- right to education

For each of these clusters (among which are both civil-political and economic, social, cultural rights), we selected nine precise indicators, distributed between structural, process and outcome indicators. For each country, indicators for 3-5 of these clusters were chosen, depending on the relevance for the evaluation and availability of reliable and comparable data.

It must be borne in mind that this work with human rights indicators is still a work in progress in the UN system and elsewhere and it does not, therefore, present what we would consider conclusive HR Profiles. We still believe that this exercise is highly relevant for the evaluation, and also of value for future considerations about Norway's support to human rights.

### **Freedom of Expression and Media Development**

In consultation with Norad, it was decided to carry out the field work for this part of the evaluation in Serbia and Macedonia (with emphasis on Freedom of Expression more in general) and in Zambia (the media programme). Additional desk studies were done of media support programmes in Ethiopia, Mozambique and Zimbabwe (mostly based on previous reviews and evaluation reports). Finally, we were also asked to do desk studies of the support to PEN International and its Norwegian chapter, the Institute of War and Peace Reporting (IWPR), International Media Support (IMS) and the Rafto Foundation.

The desk studies of the organizations, in addition to pure document studies, also included interviews (in some cases telephone interviews) with staff of the organizations in London, Copenhagen, Bergen and Oslo, as well as phone interviews with some of their international partners and other crucial stakeholders, in order to determine the possible impacts on the enjoyment of freedom of expression of projects funded by Norway.

Below, we will explain our methodology following the ToR questions, particularly for the field work. The first three questions are of a general character, the remaining refer more specifically to the case studies. Question 6 and 7 and partly also some of the other questions required quite different approaches in Zambia vs. Western Balkan, which will be discussed separately for the two fields work tasks.

## How to respond to the ToR questions

**Question 1: What is the current character of this portfolio (e.g. type of intervention and partner, thematic and geographic focus)? Are there any significant changes in the character of the portfolio over the past decade?**

Our approach: Was done in the Mapping Study, which was triangulated in the Desk Study.

**Question 2: Are the guidelines for support from 2005 still relevant? Consider especially the emergence of new media and the changed context with new threats to the freedom of expression. What could be the most important updates to the guidelines?**

Our approach:

**Step 1:** Literature review: the evaluation team produced an overview of the most current assessments of global threats and opportunities to media development and freedom of expression, based on recent independent expert studies as well as on the official annual reports by the special mandates at the UN, OAS, OSCE and AU on freedom of expression (the special rapporteurs).

**Step 2:** Interviews (also skype) with:

- a. The Norwegian Ministry of Foreign Affairs, Norad, and working group members;
- b. Institutt for Journalistikk and other Norwegian NGO stakeholders;
- c. Other Norwegian donors: Norwegian Peoples' Aid, Gimlekollen, Norwegian Church Aid and others;
- d. Academics;
- e. Global/regional freedom of expression NGOs (ARTICLE 19/Press Now/Freevoice);
- f. A few selected other donors: Unesco, Soros media.

**Step 3:** The results of these interviews / suggestions were used as inputs to the field studies (Western Balkans, Zambia).

**Step 4:** Bring together results of 1., 2. and 3 in the final report, with a disclaimer stating that this is based on stakeholders' views.

**Question 3: Is there a strategy, result framework and functioning monitoring system for supported programmes? Are there successful experiences and lessons from similar donor countries on maintaining such management?**

Our approach:

1. Establish whether or not there is a strategy etc. We noted the huge diversity of partners and projects. There could have been country strategies, if not an overarching thematic strategy (this was preliminarily discussed in the Mapping Study).

We interviewed relevant Norad and MFA staff with regard to the 'Guidelines' published in 2005 (see also list in question 2). Embassy personnel in Western Balkan and Zambia were also interviewed.

2. With regard to experiences from others: *"We believe that the issue of lessons to be learnt from other donors may be addressed in general, whereas the question about monitoring systems should be addressed under each case study"* (quote from tender document)

Our approach: interview with other co-donors to partners in Zambia and Western Balkans.

**ToR questions for the selected cases** (with general approach):

*"The African cases would focus on media development but assess how this has affected FoE, while the Balkan case would examine the extent to which Norwegian-financed projects have contributed to greater respect for FoE in the region, but also to media development"* (quote from Tender Document).

Question 4 ***Is the Norwegian support relevant to the human rights situation in the country? Reference should be made to the recommendations of relevant treaty bodies and opinions and recommendations of other human rights agents in the country. How was local relevance ensured, or how could it be ensured?***

Our approach:

The mapping study identified the projects to be included in the desk study and field work, which subsequently was agreed with Norad. The Human Rights Profiles provided us with the relevant legal situations. *"...The first of these three tasks will be the documentation and structuring of the legal foundations for the human rights activities in the countries to be included under the FoE and NCHR programmes. This will therefore largely be an "intermediate input" for the two other main tasks..."* (quote from tender document).

In cases where the HR Profiles did not fully cover the non-UN material (since it was mostly based on the UPR), specific reference has been made to other mechanisms (some of those mentioned under Question 2 / Step 1).

***Question 5: Are the programmes evidence- and results-based? Are there clear results and targets, and is the input logically consistent with and sufficient for achieving these results? Is the perception and understanding of these results the same among all stakeholders? What, if any, are the key omissions with regard to being evidence- and results-based, what are the challenges expressed by stakeholders, and how can they be overcome?***

Our approach: In our respective desk studies we have studied the different project documents and evaluations and formulated ‘topic questions’ for the fieldwork and taken the field work from there (see case study explanations).

**Question 6: Have planned results at outcome level been achieved? Which factors impact on the success or lack of success of the programmes? Are there any other effects, positive or negative, that were unintended?**

Our approach: Differed between the two case studies, as further described below.

**Question 7: What is the planned exit for the support? Are any steps being taken to embark or prepare for an exit process? How is sustainability for the supported programmes understood by stakeholders?**

Our approach: Differed between the two case studies, as further described below.

### **Field Study 1: 4th generation field evaluation of media development support in Zambia**

The evaluation approach called ‘4th generation evaluation’ can be clarified as follows: In almost every evaluation being carried out, we are trying to know about *output* (e.g. how many trainees did we have?), *outcome* (e.g. have they learned anything?), and *impact* (did anything change?).

In the *First generation evaluation* accountability; ‘counting’ output, was the main goal; the *Second generation* (starting around the sixties of the past century as a reaction to the first) was mostly an (*‘anthropological, thick’*) description of what had happened in the programme / process; in the *Third generation* – which is most in fashion at present – the *judgment* (conclusions and recommendations of the expert-evaluator) is paramount. The *Fourth generation* – which is participatory and responsive to the stakeholders and constructivist in its methodology – is a relatively new development – mainly in the USA - over the last decade, and still little used in international cooperation projects.<sup>21</sup>

Focus of the *Fourth generation evaluation* are:

- a thorough desk-study and stakeholder analysis (including the question: are there victims of the project?),
- interviews with stakeholders / focus groups, going from one to another
- the use of Claims, Concerns and Issues (**CC&I**), **informing the process of the evaluation**: is there consensus about the ‘good outcome – that’s a *claim*; is there consensus about the need to change things: that is a *concern*; and the rest (where people differ) are *issues*, that need to be discussed in a stakeholder meeting in such a way that an *agenda for the future* emerges.
- Workshops throughout the evaluation in order to guarantee participation of stakeholders and *learning during the evaluation*.

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21. See also: Shuttlebeam (2007) *Evaluation*, and Guba & Lincoln (1990) *Fourth Generation Evaluation* as well as Bob van der Winden (2004) *‘Do not beat a drum with an axe’ – Responsive evaluation in an International Context*.

In practice this evaluation started with a thorough **desk study**, gathering all available country, programme and project documents as well as documents produced by others, shedding light on the country context. Together with the 'guidelines' and the legal country study, these have served to formulate a list of *topic questions* for the field study.

This field study started with a series of interviews in Norway in order to get clarity about the Norad / MFA developments over the years. In Zambia a **kick-off session** took place with the participation of representatives of all organizations represented in the portfolio. The kick-off session was used to formulate more precise research questions, a refined topic list of questions for field interviews and a very preliminary list of 'Claims, Concerns and Issues' to be discussed with the counterparts and other respondents.

We organized two '**focus meetings**' - one with personnel, one with beneficiaries per organization plus some interviews. An essential part of the field study was the **video-interviews** with the 'users' of the project outputs, e.g. media (editors, etc.) who are now working with journalists trained by one of the programme partners or media supported by the Media Trust Fund (one of the Zambia beneficiaries). Video interviews were used as input for discussion in the final stakeholders meeting.

A preliminary report, including conclusions on **Claims, Concerns and Issues** (**Claims** being the positive outcomes of the projects, where there is consensus; **Concerns** the things to be improved – also with consensus- **Issues** are discussion points where there is no consensus), were discussed with stakeholders (including Embassy staff) again, before departure from the country.

The **final case report** (available on Scanteam's website) represents the conclusions and recommendations, based on negotiation and discussion in the stakeholder group. This effectively shifted the task of the evaluator from 'judge' to (provocative) facilitator of a concerted dialogue among stakeholders, who afterwards formulated conclusions and recommendations based on the final Claims, Concerns and Issues.

This approach is in its form not so different from mainstream evaluation techniques (open interviews with 'topic lists'; focus groups, discussion meetings, leading to conclusions and recommendations etc.). The basic difference with the 3d generation evaluation methodology is the change in position and behaviour of the evaluator: s/he becomes a *facilitator* rather than a *judge*. The list of '*claims, concerns and issues*' is an essential instrument in this process (where there is consensus the conclusions are those from joint stakeholders, where there is discussion the *issues* are a measure for the things to be developed in an *agenda for the future* that comes forth from the *negotiation process* during the evaluation). New techniques (use of *social media* during the process, *video interviews*) are supportive in this process.

In the end, it is still the responsibility of the evaluator to sum up the process and develop conclusions and recommendations based on the CC&I.

## **Field Study 2: Evaluation of support to freedom of expression in the Western Balkans**

The Western Balkans field study was conducted in the two countries that have received the largest share of the media development support: Serbia and Macedonia. There is also consistency, with both countries having received support throughout the entire evaluation period, which we believe gave us a good picture.

We chose to focus the Serbia/Macedonia case studies on the extent to which the overall NPA package of supported projects has contributed to respect for freedom of expression in the countries. We, therefore, took a broader, more policy-focused approach to the field studies in this case. A thorough desk study assessed the extent to which freedom of expression needs were evaluated at the beginning of the project cycles, what the assessment was based on, and whether there was a coherent underlying strategy throughout the evaluation period. An important starting point for this was the Human Rights Profiles drawn up for each of the countries, but added indicators to these to give us a more complete picture of respect for freedom of expression throughout the decade.

The field study itself was conducted in a one-week period, allowing for two/three days in Serbia and two in Macedonia. Because of the broader focus of the evaluation, interviewees included key implementers as well as others, key Norwegian in-country decision makers and other key in-country donors. In-country interviews were conducted individually, and in some cases through small groups. In addition, interviews were conducted with key strategic staff in Norway. The focus of the project-related questions were the key strategic points identified in the ToR and tender:

- How was local relevance ensured for the projects, or how could it be ensured?
- Were the projects evidence- and results-based?
- Were there clear results and targets, and was the input logically consistent with and sufficient for achieving these results?
- Was the perception and understanding of these results the same among all stakeholders?
- What were the key omissions with regard to being evidence- and results-based?
- What were the challenges expressed by stakeholders, and how were they or can they still be overcome?
- Have planned results at outcome level been achieved?
- Which factors impact on the success or lack of success of the programmes?
- Have there been any other effects, positive or negative, that were unintended?
- What is the planned exit for the support?
- Are any steps being taken to embark or prepare for an exit process?
- How is sustainability for the supported programmes understood by stakeholders?

In addition, to assess the broader developments in the field of freedom of expression in the two countries, interviews were conducted with other donors and other key stakeholders including both IGO and NGO watchdogs (e.g., the OSCE Representative on Freedom of Expression, both current and her predecessors).

## NCHR Programmes

The assessment of the NCHR human rights programmes were to be based on assessments of two case study programmes established to support HR dialogues with Norway: China and Indonesia. Due to unforeseen circumstances in the inception phase of this evaluation, Norad's evaluation department concluded that an evaluation of the China programme would not be undertaken. NCHR's South Africa programme was selected by Norad to replace the China programme evaluation.

The evaluation questions listed in the ToR for the two country programmes focus on determination of main areas of intervention; the relationship between the ongoing HR dialogue and the thematic focus of the programme; degree of relevance to local context and human rights priorities; the evidence and results based character of the programmes; achievements at outcome level; involvement of marginalized and discriminated groups; programme efficiency and exit strategies.

Parallel to addressing these questions, the team member in charge of this part of the evaluation carried out a Rapid Assessment of the NCHR (regarding its capacities to implement the programme).

### **Rapid Assessment of the NCHR capacities to implement the programmes**

A rapid assessment of NCHR competence, capacity and comparative advantages as a channel for implementing support activities for the Norwegian human rights dialogue with Indonesia and for managing its own country programmes was done. This assessment was based on information collected through profiling NCHR and looking into its capacities as a development cooperation partner of the Norwegian Ministry of Foreign Affairs. This included an assessment of its capabilities to partake, support and implement programmes that support the dialogues, and of the financial, administrative and management resources available for the programmes. This was done through:

#### Desk Study:

- Programme budgets, management and administrative reports
- NCHR Human resources
- Agreements between NCHR and MFA for the two country programmes
- Memos from MFA and NCHR annual meetings
- Activity reports of the NCHR
- Existing review of the NCHR capacities and performance

#### Personal Interviews:

- Current and former staff at NCHR
- MFA
- Programme partners (implementers and cooperation partners) regarding NCHR's comparative advantages and shortcomings.
- MFA and embassy staff
- Beneficiaries



## **Country Fieldwork**

Fieldwork in **Indonesia** took place from 21 November to 6 December, 2010, in Yogyakarta, Jakarta and Bali (mid-point meeting with beneficiaries from Flores). The team carried out individual and group meetings with NCHR partners, programme beneficiaries, and external stakeholders. Focus group discussions took place with programme beneficiaries in two programme areas, HR Education and ECOSOC. The evaluation team met with MFA staff in Oslo and at the embassy in Jakarta and NCHR staff in Oslo at the inception and finalization phases of the evaluation. The team also met with the NCHR staff posted in Jakarta and conducted Skype interview with former staff.

As per ToR, there was no field work for the **South Africa** programme. The rapid assessment of the programme was rather undertaken through a desk study of programme documentation since the 2009 review, supplemented by interviews with programme staff and former staff and telephone interviews with officials from the Norwegian embassy in Pretoria. However, the evaluation team was already familiar with NCHR' South Africa Programme, as one of its members conducted the programme's Mid-Term Review in 2009. Programme stakeholders in South Africa had recently been consulted in connection with the finalization of the programme (Jones, Langford, Smith, 2010). The evaluation team was asked to consider whether partners' views since the 2009 review had been integrated into the final programme report. It was agreed with NCHR and the Norwegian Embassy in Pretoria that further interviews with recently consulted programme partners would not take place in connection with this rapid assessment.

## **How to respond to the ToR questions**

We will then turn to each ToR question and explain our methodology.

### ***Question 1: Which substantive human rights form the main focus of the programmes and what is the relation between this choice of rights and the forms of intervention used under the programmes?***

Our approach:

This question was pursued with a historical perspective, to capture developments in the programmatic focus and methods used over time. The identification of which substantive human rights comprise the programmatic focus in both countries was addressed by looking at stated objectives (selected programmatic areas) and resource utilization (e.g. financial, human resources, efforts) in programmatic terms. The team identified how the forms of intervention used have been derived (decided by stakeholders in the dialogue, defined by NCHR, based on country needs/capacities, etc.).

This question was pursued in the desk study and through personal interviews. The main sources of information in addressing this question were:



Desk study – Main documents:

- Archives: Documentation on dialogue between countries
- Agreements MFA & NCHR
- NCHR strategic documents, proposals (portfolio composition & analysis) and annual reports
- M&E reports – NCHR and Projects
- Compare with international standards (other similar programmes, projects) in the countries
- Internal/External evaluations, reviews, papers.
- Programme Budgets & Expenditures: Weight over time on substantive areas and forms of interventions.

Personal interviews:

- Informants were asked to identify which substantive human rights comprise the programmatic focus in both countries, both in principle and in practice as well as the relationship between priority areas and the forms of intervention.
- Informants: MFA (Norway & Countries), NCHR staff, NCHR's country partners (implementers and cooperation partners), non-partners, HR organisations, other HR donors, other relevant HR institutions.

***Question 2: To what extent is dissemination and teaching of human rights in general a goal of the programmes and what is the relation between this aim and the forms of intervention used under the programmes?***

Our approach:

This question was checked against the stated objectives of the programmes, portfolio composition and channels/means for implementation over time. Different dimensions were addressed: in principle, in practice, and as a result of the programmes. The Indonesia Human Rights Profile was used as active reference material as part of this assignment, also to understand the general country context.

The main sources of information in addressing this question were:

Desk study:

- Dialogue/Agreement document between Norway & Countries
- Agreements MFA & NCHR, memos from annual meetings NCHR and MFA
- NCHR proposals and reports
- Portfolio and Project proposals
- M&E reports: Inputs/outputs and outcomes
- Partnerships sought/not sought, formed, possible
- Dissemination channels (media, seminars, etc)
- Compare with other programmes in the countries
- Budget distribution between activities/form of interventions

Informant Interviews:

- MFA (Norway & countries)
- NCHR staff
- Relevant organisations and public institutions implementing NCHR's HR programmes
- Programme partners (implementers and cooperation partners)
- Other HR organizations
- Beneficiaries

**Question 3: What is the relation between the ongoing human rights dialogue and the choice of thematic focus and interventions of the programme?**

Our approach:

It must first be underlined that it falls beyond the scope of this evaluation, according to the ToR, to evaluate the human rights dialogue between Norway and Indonesia. The focus here is on the *mutual relationship* between the dialogue and the NCHR country programmes.

The alignment between the human rights dialogues and NCHR's strategic focus and programmatic approaches and channels was sought. The team explored how the relationship has been envisioned and how it developed, how the evolving (or established) relation support the objectives of the dialogue and the programme, and the perceived advantages/limitations in linking/delinking the dialogue with the country's programme. The question of how this relationship has been perceived by the different parties (authorities, programme partners and external stakeholders) on each side was also addressed.

Desk study:

- Dialogue/Agreement documents
- Agreements MFA & NCHR, memos from annual meetings NCHR and MFA
- NCHR proposals and reports
- M&E reports: Inputs/outputs and outcomes
- External documents
- Compare with other programmes in the countries
- Budget distribution between activities/form of interventions

Informant Interviews:

- MFA (Norway & countries)
- NCHR staff
- Members of the dialogues' working groups
- Relevant organisations and public institutions implementing NCHR's HR programme
- Other HR organizations
- Beneficiaries

**Question 4: Are the goals and activities of the programme relevant to the local context and human rights situation in the country? Reference should be made to recommendations of relevant treaty bodies, the Universal Periodic Review, as well as opinions of other human rights agents in the country. What is the mechanism for ensuring local relevance of the activities and has there been any adjustment to activities due to this?**

Our approach:

The relevance of the portfolios (goals, thematic areas) was looked at against the dialogues between governments, NCHR's strategies, and local context and human rights situation in the countries. In addition, the existence of mechanism for ensuring local relevance was investigated, especially whether NCHR's Monitoring and Evaluation mechanisms have been effective management tools for feedback to the country's programme management. The requested reference to the treaty bodies, UPR etc. was taken care of in the HR Profile.

The foreseen main sources of information in addressing these questions were:

Desk study:

- The evaluation team prepared a Human Rights Profile on Indonesia based on various sources of information, the most important of which was the Universal Periodic Review.
- Archives: Documentation on dialogue between countries
- Agreements MFA & NCHR
- NCHR proposal for each country
- NCHR reports (portfolio composition & analysis over time)
- M&E reports – NCHR and Projects

Personal Interviews:

- MFA (Norway and countries)
- Other members of the HR dialogue
- NCHR staff
- Programme partners (implementers and cooperation partners)
- Non-partners HR organisations in-country
- Other HR donors
- International HR institutions in the countries
- Beneficiaries

**Question 5: Are the programmes evidence- and results-based? Are there clear results and targets, and is the input logically consistent with and sufficient for achieving these results? Is the perception and understanding of these targets the same among all stakeholders? Are the programmes monitored? What, if any, are the key omissions with regard to results-based management, the key challenges expressed by stakeholders, and how can they be overcome?**

Our approach:

The evidence and results based character of the programmes was examined looking at the full scope of the planning process (the dialogue, NCHR's yearly planning and proposals, dialogue and planning with partners/perspective partners and reporting), the Monitoring and Evaluation (M&E) instruments and their applicability, the results-based management (needs assessment, utilization of the M&E and other possible feedback instruments and mechanisms). The NCHR programmes are partnership-based in nature. Integration of partners, both implementers and cooperation partners, into NCHR's M&E mechanisms was assessed. The level and extent of confluence among stakeholders in the perception and understanding of the programme's targets were pursued through NCHR's M&E instruments and through personal interviews.

The team utilized the Office of the High Commissioner for Human Rights' (OHCHR) indicators to Promote and Monitor the Implementation of Human Rights (see under description of HR Profiles) as baseline to evaluate NCHR's M&E system and instruments.

The foreseen main sources of information in addressing these questions were:

Desk study:

- Dialogues documents, memos from annual meetings NCHR and MFA
- NCHR planning documents (strategy, proposals, reviews)
- Project proposals and NCHR annual reports
- Compare with international M&E standards for HR

Personal Interviews:

- MFA (Norway & countries)
- NCHR staff
- Programme partners (implementers and cooperation partners)
- Non-partners HR organisations
- Other HR donors
- International HR institutions in the countries
- Relevant public institutions implementing HR programmes
- Beneficiaries

***Question 6: Have planned results at outcome level been achieved? Which factors impact on the success or lack of success of the programmes? Are there any other effects, positive or negative, that were unintended? Is there a mechanism for acknowledging and relating to negative impact? What is the cumulative impact of each programme to date?***

Our approach:

The achievements in terms of outcome of these programmes were assessed at different levels: project, portfolio, and governance (the latter meaning the value added by NCHR managing the programmes). The analysis of each of the Programmes was

done by assessing the NCHR's portfolios of projects in the countries both 'from below' – looking at how projects have contributed to portfolio performance – and 'from above' – how the overall portfolio performed from the perspective of the human rights dialogue between Norway and Indonesia; Agreement/Guidelines between Norway and the South Africa government; Agreement between MFA and NCHR; and Programme Strategies. The Human Rights Profile of Indonesia and other contextual issues was also a reference for assessing results at outcome level. Moreover, the institutional setting of the dialogues, NCHR as the programme manager and administrator, was assessed. In this regard, the value added of NCHR managing the Norwegian cooperation in human rights with these countries, or the governance dimension, was evaluated (see Rapid Assessment of the NCHR capacities above).

The main sources of information in addressing these questions were:

Desk study:

- NCHR reports (portfolio composition & analysis over time)
- M&E reports – NCHR and Projects
- Other NCHR documents

Personal Interviews:

- MFA (Norway & countries)
- NCHR
- Participants in the HR dialogues
- Programme partners (implementers and cooperation partners)
- Non-partners HR organisations
- Other HR donors
- HR institutions in the countries
- Relevant HR public institutions
- Beneficiaries

***Question 7: To what extent do the activities involve groups that are marginalized or discriminated against in society, including, but not limited to, women?***

Our approach:

Due consideration was given to marginalized or discriminated groups identified by the Human Rights Dialogue and NCHR. It was assessed to what extent NCHR has integrated marginalized or discriminated groups into the programme criteria for funding as well as the context for targeting these groups.

The main sources of information in addressing this question were:

Desk study:

- Dialogue/Agreement document between Norway & countries
- Agreements MFA & NCHR, memos from NCHR and MFA annual meetings
- NCHR proposal for each country

- Project proposals
- NCHR reports (portfolio composition & analysis)
- M&E reports – NCHR and Projects

Personal Interviews:

- NCHR
- MFA
- Programme partners (implementers and cooperation partners)
- Beneficiaries

**Question 8: How efficient do the programmes appear when comparing outcomes/impact to the budgets? How could efficiency be improved? Is there evidence of cooperation with similar programmes run by other organizations to increase effect or avoid overlap?**

Our approach:

The evaluation of the efficiency of the programmes looked at NCHR's management of the programmes. As stated in the tender, the efficiency assessment was not a rigorous quantitative study, but rather a more generic organisational and programmatic assessment. This assessment was done along two dimensions: (a) NCHR's processing of projects, internal administration costs of running the programmes, competence in running the programmes (*internal efficiency*), and (b) the efficiency of the resources applied to deliver the actual first-order results (outputs), to the extent that this could be assessed (*external efficiency*).

The main sources of information in addressing this question were:

Desk study:

- NCHR and project proposals (planning)
- NCHR reports, administrative reports
- Project proposals
- Project Documents

Personal Interviews:

- NCHR
- Programme partners (implementers and cooperation partners)
- Cooperation dimension: Non-partners HR organisations, other HR donors, international HR institutions in the countries
- Beneficiaries

**Question 9: What is the planned exit for the programmes? Are any steps being taken to embark or prepare for an exit process? How is sustainability for these programmes understood by stakeholders?**

Our approach:

Sustainability is assessing the degree to which the programmes have contributed to the longer-term viability of project results. Sustainability of results was addressed at structural and organizational levels (capacities, synergies, institutionalization of results).

The main sources of information in addressing this question were:

Desk study:

- Agreements MFA & NCHR
- NCHR proposal for each country
- Project proposals
- NCHR & Project reports
- Existing evaluation of human rights programmes in the two countries

Personal Interviews:

- NCHR
- Members of the countries' dialogues
- MFA
- Relevant organisations and public human rights institutions
- Programme partners (implementers and cooperation partners)
- International HR institutions in the countries
- Relevant HR organisations and public institutions
- Beneficiaries

### **The qualitative portfolio analysis**

A significant part of the portfolio analysis was done as part of the mapping study, although it needed updating when the 2009 data became available. But the full portfolio analysis could only be done after the various parts of the evaluation had been finalized, in order to have a broader basis for this analysis.

After carrying out this mapping exercise, it became quite clear that the available data base as such does not immediately permit us to respond to many of the evaluation questions regarding qualitative analysis of the human rights portfolio. The reason is that the DAC funding criteria are organized very differently from the Norwegian priority areas, and that the 'policy markers' in the data base only to a very limited extent give any guidance to the same criteria.

In order to go deeper into issues about Norwegian priority areas in the portfolio (apart from freedom of expression and free media and the human rights dialogues), the Team carried out document studies and interviews of main actors involved in the planning and implementation of HR support, in MFA, Norad, NGOs and other partner institutions. By doing so, we were at least partly able to respond to *question 1* ('quantitative importance of priority areas'), *question 2* ('key forms of human rights intervention' and 'key target populations'), *question 3* (relation between the human rights priorities and the form of intervention), and *question 6* (criteria vs

actual spending on priority areas). The issues of key channels (question 4) and country variations with emphasis on conflict vs. non-conflict situations (*question 5*) was already to a large extent addressed in the Mapping Study. The last part of *question 6* (criteria vs relevance of support in various countries) was assessed by using the Human Rights Profile as our main reference.

Through these studies, we also identified some systematic issues of great importance for Norway's work with international human rights, which were not explicitly addressed in the ToR. One of these have been discussed in Chapter 7 of the Report.

As a bottom line of the portfolio analysis, we have tried to conclude whether there is a specific 'Norwegian profile' of human rights support, and whether it has changed over the decade.

### **Evaluation's Limitations**

When defining the overall universe of human rights promotion in Norwegian development cooperation as reflected in the DAC database, we depend on coding done by desk officers in MFA, Norad or NGOs. What is coded as a 'human rights' intervention may to some extent be haphazard. This may be the main methodological weakness of the study.

As described above, the classifiers/identifiers in Norad's database posed a challenge and limitation to the Mapping Study, and consequently, to the qualitative analysis of the HR portfolio. This particularly affected the team's ability to fully answer questions 1, 2, 3, 6 of Part A of the ToR.

The assessment of the NCHR human rights programmes were to be based on assessments of two case study programmes established to support HR dialogues with Norway, namely China and Indonesia. The ToR did not imply an evaluation of the HR dialogues as such, something that would have added an important element to the evaluation. Due to unforeseen circumstances in the inception phase of this evaluation, Norad's evaluation department concluded that an evaluation of the China programme of the NCHR would not be undertaken. NCHR's South Africa programme was selected by Norad to replace the China programme evaluation. While the South Africa Programme provided a rich case study to widen the team's ability to assess NCHR's programmes according to the ToR questions, the programme had just closed during the period of this evaluation. The China case study would have offered a view of NCHR implementing two programmes in support of ongoing country dialogues and of the institution implementing a country HR programme in more complex political circumstances. Although the evaluation team was already familiar with NCHR's South Africa Programme, as one of its members conducted the programme's Mid-Term Review in 2009, the rapid assessment had the limitation of not including consultations with South African stakeholders.

The Human Rights Profiles for selected countries, which provide the main HR-related issues in each country, had the limitation of not being exhaustive by principally talking the Universal Periodic Review (UPR) as the point of departure. Moreo-



ver, the limitations of the UPR process itself also influence the Human Rights Profiles, as the assessment is not done by Independent Experts, but by peers, based on information contained in the three different UPR reports (the national report, compilation of civil society / NGOs, / NHRIs etc., and lastly the UN compilation). While the most salient human rights issues are raised, the interactive dialogue is not comprehensive, often also due to the time limitations. With regard to the recommendations (made/adopted as State-State recommendations), they are often vague and in some cases not in line with international human rights principles.

The desk study of media support programmes in Zimbabwe, Mozambique and Ethiopia are based on the study of existing, albeit independent, evaluations only.

Of the four direct beneficiary Freedom of Expression (FoE) organisations selected in the addition to the ToR for desk study, one (the Rafto Foundation) turned out not be very relevant for this issue. One other organisation (IMS) had already been assessed through the desk study of FoE work in Zimbabwe.



## EVALUATION REPORTS

- 4.99 Evaluation of the Tanzania-Norway Development Cooperation 1994–1997
- 5.99 Building African Consulting Capacity
- 6.99 Aid and Conditionality
- 7.99 Policies and Strategies for Poverty Reduction in Norwegian Development Aid
- 8.99 Aid Coordination and Aid Effectiveness
- 9.99 Evaluation of the United Nations Capital Development Fund (UNCDF)
- 10.99 Evaluation of AWEPA, The Association of European Parliamentarians for Africa, and AEI, The African European Institute
- 1.00 Review of Norwegian Health-related Development Cooperation 1988–1997
- 2.00 Norwegian Support to the Education Sector. Overview of Policies and Trends 1988–1998
- 3.00 The Project “Training for Peace in Southern Africa”
- 4.00 En kartlegging av erfaringer med norsk bistand gjennom frivillige organisasjoner 1987–1999
- 5.00 Evaluation of the NUFU programme
- 6.00 Making Government Smaller and More Efficient. The Botswana Case
- 7.00 Evaluation of the Norwegian Plan of Action for Nuclear Safety Priorities, Organisation, Implementation
- 8.00 Evaluation of the Norwegian Mixed Credits Programme
- 9.00 “Norwegians? Who needs Norwegians?” Explaining the Oslo Back Channel: Norway’s Political Past in the Middle East
- 10.00 Taken for Granted? An Evaluation of Norway’s Special Grant for the Environment
- 1.01 Evaluation of the Norwegian Human Rights Fund
- 2.01 Economic Impacts on the Least Developed Countries of the Elimination of Import Tariffs on their Products
- 3.01 Evaluation of the Public Support to the Norwegian NGOs Working in Nicaragua 1994–1999
- 3A.01 Evaluación del Apoyo Público a las ONGs Noruegas que Trabajan en Nicaragua 1994–1999
- 4.01 The International Monetary Fund and the World Bank Cooperation on Poverty Reduction
- 5.01 Evaluation of Development Co-operation between Bangladesh and Norway, 1995–2000
- 6.01 Can democratisation prevent conflicts? Lessons from sub-Saharan Africa
- 7.01 Reconciliation Among Young People in the Balkans An Evaluation of the Post Pessimist Network
- 1.02 Evaluation of the Norwegian Resource Bank for Democracy and Human Rights (NORDEM)
- 2.02 Evaluation of the International Humanitarian Assistance of the Norwegian Red Cross
- 3.02 Evaluation of ACOPAM An ILO program for “Cooperative and Organizational Support to Grassroots Initiatives” in Western Africa 1978 – 1999
- 3A.02 Évaluation du programme ACOPAM Un programme du BIT sur l’« Appui associatif et coopératif aux Initiatives de Développement à la Base » en Afrique de l’Ouest de 1978 à 1999
- 4.02 Legal Aid Against the Odds Evaluation of the Civil Rights Project (CRP) of the Norwegian Refugee Council in former Yugoslavia
- 1.03 Evaluation of the Norwegian Investment Fund for Developing Countries (Norfund)
- 2.03 Evaluation of the Norwegian Education Trust Fund for Africa in the World Bank
- 3.03 Evaluering av Bistandstorgets Evalueringsnettverk
- 1.04 Towards Strategic Framework for Peace-building: Getting Their Act Together. Overview Report of the Joint Utstein Study of the Peace-building.
- 2.04 Norwegian Peace-building policies: Lessons Learnt and Challenges Ahead
- 3.04 Evaluation of CESAR’s activities in the Middle East Funded by Norway
- 4.04 Evaluering av ordningen med støtte gjennom paraplyorganisasjoner. Eksempelvisert ved støtte til Norsk Misjons Bistandsnemda og Atlas-alliansen
- 5.04 Study of the impact of the work of FORUT in Sri Lanka: Building Civil Society
- 6.04 Study of the impact of the work of Save the Children Norway in Ethiopia: Building Civil Society
- 1.05 –Study: Study of the impact of the work of FORUT in Sri Lanka and Save the Children Norway in Ethiopia: Building Civil Society
- 1.05 –Evaluation: Evaluation of the Norad Fellowship Programme
- 2.05 –Evaluation: Women Can Do It – an evaluation of the WCIDI programme in the Western Balkans
- 3.05 Gender and Development – a review of evaluation report 1997–2004
- 4.05 Evaluation of the Framework Agreement between the Government of Norway and the United Nations Environment Programme (UNEP)
- 5.05 Evaluation of the “Strategy for Women and Gender Equality in Development Cooperation (1997–2005)”
- 1.06 Inter-Ministerial Cooperation. An Effective Model for Capacity Development?
- 2.06 Evaluation of Fredskorpset
- 1.06 – Synthesis Report: Lessons from Evaluations of Women and Gender Equality in Development Cooperation
- 1.07 Evaluation of the Norwegian Petroleum-Related Assistance
- 1.07 – Synteserapport: Humanitær innsats ved naturkatastrofer: En syntese av evalueringsfunn
- 1.07 – Study: The Norwegian International Effort against Female Genital Mutilation
- 2.07 Evaluation of Norwegian Power-related Assistance
- 2.07 – Study Development Cooperation through Norwegian NGOs in South America
- 3.07 Evaluation of the Effects of the using M-621 Cargo Trucks in Humanitarian Transport Operations
- 4.07 Evaluation of Norwegian Development Support to Zambia (1991 - 2005)
- 5.07 Evaluation of the Development Cooperation to Norwegian NGOs in Guatemala
- 1.08 Evaluation: Evaluation of the Norwegian Emergency Preparedness System (NOREPS)
- 1.08 Study: The challenge of Assessing Aid Impact: A review of Norwegian Evaluation Practise
- 1.08 Synthesis Study: On Best Practise and Innovative Approaches to Capacity Development in Low Income African Countries
- 2.08 Evaluation: Joint Evaluation of the Trust Fund for Environmentally and Socially Sustainable Development (TFESSD)
- 2.08 Synthesis Study: Cash Transfers Contributing to Social Protection: A Synthesis of Evaluation Findings
- 2.08 Study: Anti- Corruption Approaches. A Literature Review
- 3.08 Evaluation: Mid-term Evaluation the EEA Grants
- 4.08 Evaluation: Evaluation of Norwegian HIV/AIDS Responses
- 5.08 Evaluation: Evaluation of the Norwegian Research and Development Activities in Conflict Prevention and Peace-building
- 6.08 Evaluation: Evaluation of Norwegian Development Cooperation in the Fisheries Sector
- 1.09 Evaluation: Joint Evaluation of Nepal’s Education for All 2004–2009 Sector Programme
- 1.09 Study Report: Global Aid Architecture and the Health Millenium Development Goals
- 2.09 Evaluation: Mid-Term Evaluation of the Joint Donor Team in Juba, Sudan
- 2.09 Study Report: A synthesis of Evaluations of Environment Assistance by Multilateral Organisations
- 3.09 Evaluation: Evaluation of Norwegian Development Cooperation through Norwegian Non-Governmental Organisations in Northern Uganda (2003–2007)
- 3.09 Study Report: Evaluation of Norwegian Business-related Assistance Sri Lanka Case Study
- 4.09 Evaluation: Evaluation of Norwegian Support to the Protection of Cultural Heritage
- 4.09 Study Report: Norwegian Environmental Action Plan
- 5.09 Evaluation: Evaluation of Norwegian Support to Peacebuilding in Haiti 1998–2008
- 6.09 Evaluation: Evaluation of the Humanitarian Mine Action Activities of Norwegian People’s Aid
- 7.09 Evaluation: Evaluation of the Norwegian Programme for Development, Research and Education (NUFU) and of Norad’s Programme for Master Studies (NOMA)
- 1.10 Evaluation: Evaluation of the Norwegian Centre for Democracy Support 2002–2009
- 2.10 Synthesis Study: Support to Legislatures
- 3.10 Synthesis Main Report: Evaluation of Norwegian Business-related Assistance
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