



# Walking the Talk – Human Rights-Based Approach in Finland’s Development Policy and Cooperation

## Background and Rationale

The Constitution of Finland identifies advancing human rights as one of the objectives of Finland’s participation in international cooperation.<sup>1</sup> **Finland’s foreign, security and development policies are anchored in commitments to human rights and their realisation.** In development policy and cooperation, this commitment involves applying a human rights-based approach (HRBA) to development.

### Commitment to strengthen:

1. The realisation of human rights as a development objective,
2. Inclusive, participatory and non-discriminatory development process, which are transparent and enhance accountability,
3. Enhanced capacities of rights-holders and duty-bearers and other responsible actors.

(MFA Guidance note, 2015)

HRBA uses human rights to define intended results and ensures that development cooperation processes are guided by human rights principles. This implies **a systematic integration of human rights as both a means and an objective in development cooperation.**

The **Guidance Note on Human Rights Based Approach in Finland’s Development Cooperation**<sup>2</sup> (2015) has been a key framework and tool to implement the approach. It is guided by the *UN Common Understanding*.

The guidance note defines the *levels* of human rights considerations in projects and programmes: *human rights blind, sensitive, progressive, and transformative*. The Ministry has a respective marker system for identifying the HRBA levels for projects and programmes. The minimum requirement is human rights sensitive and *do no harm*. HRBA is complementary and compatible with Results-Based Management (RBM).

**The evaluation of human rights-based approach in Finland’s development policy and cooperation** informs the Ministry on how HRBA has been applied in development cooperation during 2019-2021, how the approach could be implemented more effectively, and what its linkages with risk management are. The main users are the Ministry, the Development Policy Committee, different partners, actors and stakeholders.

In this brief, the Development Evaluation Unit highlights some of the findings and conclusions reached by the Evaluation Team.

## A strong sense of ownership of HRBA has emerged in recent years within the Ministry and among partners

This is due to a widespread recognition that human rights principles provide an essential moral and normative compass for Finnish development cooperation. If it did not exist, there is a great risk that Finland’s development efforts would lack strategic direction both in terms of the processes supported and the goals pursued. Long-term partnerships and flexible funding create space for finding new, innovative approaches to enhancing respect for human rights.

<sup>1</sup> *The Constitution of Finland*, 1999, Chapter 1.

<sup>2</sup> [https://um.fi/documents/35732/48132/human\\_rights\\_based\\_approach\\_in\\_finlands\\_development\\_cooperation\\_guidance](https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation_guidance)

## Due to the application of HRBA, human rights have become part of the 'DNA' of Finland's approach to development

This constitutes a striking laudable result. Consistent efforts and strong ownership have made HRBA a cornerstone in how Finland positions itself in the development community and how Finland is perceived in the international development community. Anchoring Finland's application of HRBA in systematic human rights analyses is essential for ensuring that development cooperation is coherent with Finland's broader international commitments.

## Enabling factors of success are broad integration of HRBA in policies and practices

Several factors lie behind the effectiveness in HRBA implementation. Firstly, HRBA has been central to Finland's positioning in the development community and in linking development cooperation to Finland's wider human rights commitments in its foreign and security policies. Successes primarily relate to the integration of HRBA into policies and practice, with varied progress across the cooperation instruments and modalities. All of these efforts have been supported by the steadily increasing refinement of how human rights are portrayed in policy positions, strong government commitments, and guidelines.

## Human rights language in project documents point to transformative level when key words such as 'duty-bearer' are traced

One line of evidence came from applying data science techniques that looked at the language in documents. Among the twenty most typical nouns that appear together with human rights in the English documents are 'violation', 'defender', 'mechanism', 'woman', 'protection', 'accountability', 'standard', 'victim', 'discrimination', 'principle', 'conflict' and 'disability'.

## Plans are stronger in the use of HRBA language than progress reports

Overall, planning documents were mostly transformative. At the same time, about 40 % of the plans were below the minimum requirement of human rights sensitive when key words were analysed. The results also suggest that

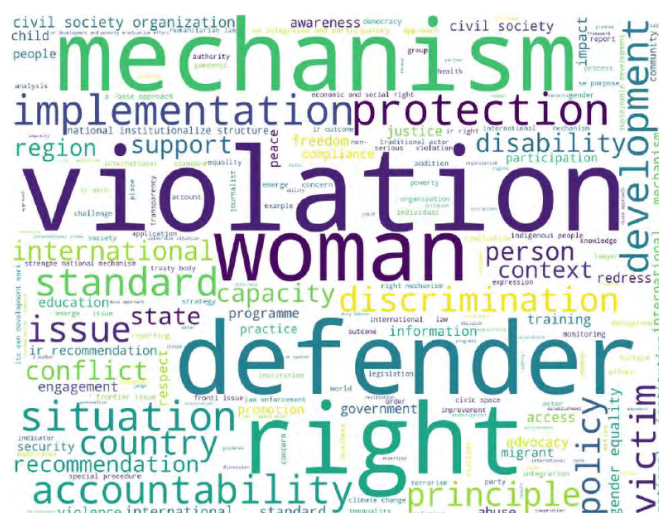
there is some mismatch between plans and reports; 40% of the projects' reports do not have the same HRBA level as in the plans. The majority of documents analysed do not match the self-assessed levels of the Ministry's HRBA markers. However, no direct conclusions can or should be drawn based on the data science observations alone.

## Human rights concepts are often implicit

There is considerable ambiguity and variation in how HRBA is described in plans and reports in the different cooperation instruments and modalities. There are plans and reports with little direct reference to HRBA *per se*. In the plans that do, the intentions can involve strengthening the capacities of rights-holders and duty-bearers, enhancing the accountability and transparency of states, overcoming discrimination and creating greater opportunities for participation, especially among persons in vulnerable situations. However, there is a lack of explanation about how these intentions will be realised. Country programmes and results reporting are well anchored in HRBA concepts, which are strongly framed within the country-specific political contexts. Overall, evidence of HRBA-related results in reports may be limited because of short project timeframes and under-reporting of HRBA results.

## The most apparent results of applying HRBA are related to rights-holder capacities

This has in turn resulted in outcomes in improved human rights conditions of selected groups of rights-holders. Rights-holder capacities have been improved particularly through civil society and funds for local cooperation.



### **Results examples:**

- Gender equality improved in company policies and practices within the company structures and value chains. (Kenya)
- Human rights risks inform decisions related to business partnerships and selections of new countries for supplying products. (Vietnam)
- Social security scheme expanded to target female-dominated sectors such as domestic workers. (Zambia)
- The rights of people living with disabilities incorporated into public policies. (Tanzania, Azerbaijan)
- Midwives deliver family planning services in a rights-based way, respecting clients' integrity and rights. (Somalia)
- Persons with disabilities are able to present a stronger and more unified front in promoting duty-bearer awareness of human rights and accountability (Tanzania, Azerbaijan)
- Human rights perspective strengthened in the World Bank's grievance mechanisms. (global)
- Improved capacities of formal and informal justice sector, including enhanced collaboration between customary and formal justice systems. (Kenya, the Philippines and Uruguay).
- A stronger response to complex human rights challenges at country level due to more comprehensive rights-based approaches. (Finland's long-term partner countries)

### **Transformative change is limited and achievements mixed in strengthening the accountability and capacities of duty-bearers**

HRBA efforts have been effective at a micro level and in directly addressing specific human rights conditions or abuses. Structural factors and difficulties in influencing higher-level duty-bearers limit achieving wider transformative outcomes and sustainability. There is also less attention given to changes in attitudes and behaviours.

### **How the approach is understood and used varies across the Ministry, within the cooperation instruments and among partners**

Some actors have a deep understanding of HRBA and pre-existing capacities, whereas others are starting on a steep learning curve. The different development cooperation instruments present diverse inherent opportunities and challenges. For example, civil society and private businesses approach human rights from a different angle, and MFA has a more hands-on role within country programmes than in interventions managed from Helsinki.

### **Country programmes are a platform for the Ministry and partners to apply more comprehensive human rights assessments, together with conflict and political economy analyses**

These are essential to anchor efforts in the local context. The HRBA has strengthened country programme results frameworks through the inclusion of human rights-related objectives. In bilateral interventions, the human rights principles are apparent at a general level, with emphasis on the principles of equality, non-discrimination, participation and inclusion. Shrinking bilateral project portfolios has meant that the potential to leverage the advantages of bilateral engagement is hard to achieve.

The United Nations (UN) and civil society organisations (CSOs) have their own processes to integrate HRBA into their work and are themselves proactive in undertaking analyses that are crucial for ensuring an effective focus on human rights issues.

### **Many projects funded through civil society organisations or funds for local cooperation have a strong human rights focus**

These include response to shrinking civic space, enabling human rights defenders, and strengthening the rights of persons with disabilities. Both cooperation instruments have built the capacities of marginalised rights-holders to demand accountability. Discrimination related to gender and disability is reduced. Local civil society actors are better able to overcome discrimination, and local service providers have increased awareness of the implica-

tions of their human rights responsibilities. Attention to duty-bearer capacities, particularly at national level, is somewhat weaker and transparency receives strikingly little attention. CSOs are often weak in making use of human rights instruments and human rights mechanism recommendations in their advocacy work. Fund for local cooperation depend on the capacities of the embassy staff to assess partners' HRBA commitments.

### **Ministry's influencing work towards multi-lateral partners has strongly focused on the cross-cutting objectives of gender equality and the rights of persons with disabilities**

HRBA has been more comprehensively addressed in the dialogue with multilateral partners who implement multi-bilateral projects, particularly in countries with development cooperation staff. Finland's normative work with multilaterals has led to more consistent and deeper awareness of the implications of HRBA in their work. The general nature of corporate level reporting or, in some cases, the lack of reporting on HRBA implementation makes HRBA-related monitoring difficult, especially in the case of core funding and other global-level support to multilaterals. International financial institutions and some multilateral partner organisations have ambivalent or weak institutional commitments to HRBA.

### **The integration of HRBA into the planning of Institutional Cooperation interventions remains rather weak**

There have been some positive developments during the recent years but impact is limited regarding capacities or results related to the respect, protection and fulfilment of human rights. MFA has integrated HRBA-related requirements and guidance to this instrument.

### **Strengthening human rights-related capacities in private sector instruments underway but HRBA application is still weak**

Capacities to avoid negative human rights impacts and manage risks within their partner companies have been strengthened but remain low. Nonetheless, understanding and application of HRBA remains weak among many private sector partners. The growing role of private sector instruments in Finland's development cooperation has implied an increasing emphasis on the capacities

of funded companies as other responsible actors in human rights due diligence. However, lessons from transition contexts indicate that when emphasis is given to private sector instruments, it reduces the role of Finnish development cooperation in strengthening the capacities of government stakeholders as primary duty-bearers.

Human rights risk management is at the core of HRBA in the private sector and some forerunner companies exist who have the human rights perspective into the risk management of their investments.

### **Integration of HRBA perspectives with risk management is at an early stage**

Recognition of human rights risks are emerging, but the recently developed risk management approaches have not been tested sufficiently from human rights perspectives. Risk awareness, particularly related to conflict sensitivity, is mixed among partners. Working on contested human rights demands risk awareness and understanding of the boundaries of what can be pursued in a given context. The Ministry has selected many context-aware partners that understand these boundaries but there is uneven attention to the political economy and conflict analyses. In conflict contexts, it is challenging to find ways to reduce conflict pressures in line with *do no harm* commitments. The resulting risks have not been reflected in current HRBA guidance.

Ministry's emphasis on tackling risks related to sexual abuse, violence and harassment has led to widespread development of mechanisms to respond to them.

### **The resources for monitoring the application and results of HRBA are limited in the Ministry**

Despite considerable progress, the Ministry's capacities are, in some respects, insufficient to achieve the ambitions of putting HRBA into practice. There is currently little follow-up on this approach from the Ministry during project implementation, and systems for monitoring and documenting HRBA results are weak. Staff rotation and limited understanding of HRBA by rotating staff are a factor. Lessons learnt from successful HRBA are not necessarily captured and shared among partners. A major reason for this gap in the application of HRBA is the Ministry's limited human resources and capacities.

Similarly, the Ministry's capacity to follow up projects implemented by civil society organisations or through the funds for local cooperation is limited, with the notable exception of where these interventions are implemented in conjunction or as part of country programmes.

### **Finland's added value is the inclusion of persons in marginalised situations, moving away from charity, providing a binding legal framework and consistency**

Finland's partners feel it enables them to better enhance the protection or well-being of the beneficiaries or rights-holders they work with. 61 % of partners feel Finland's approach is similar to approaches already being applied.

The areas of added value identified by partners included better inclusion of persons facing marginalised situations, including persons with disabilities; better involvement of and capacity building of rights-holders and duty-bearers; transforming the targeted sector from charity-based towards rights-based; providing a binding legal framework to work with, which is particularly useful for advocacy; Finland's consistency in applying the approach and strengthening the long-term sustainability.

### **There is a need to reaffirm HRBA as a core principle guiding Finland's development cooperation**

This should be reflected in the human rights outcomes pursued, as well as in the processes that MFA and its partners seek to put into place. HRBA should continue to be central to the 'DNA' of MFA and its partners. There is also a need for strengthened capacities for human rights assessments, conflict and power analyses and *do no harm* assessments among partners and the Ministry, linked

to systems for closer monitoring. Modest adjustments should be made to the 2015 HRBA Guidance Note to provide more details on the application in different cooperation instruments and modalities and different contexts.

### **Evaluation Methodology**

The evaluation used a realist perspective, with contribution analysis providing an overall approach. A Theory of Change was developed. Context case studies covered long-term partnerships (Tanzania, Mozambique); HRBA in transition contexts (Zambia, Kenya, Vietnam) and HRBA in conflict contexts (Somalia, Kenya, Palestine). Thematic cases on "Innovations and trends towards transformational development cooperation"; "HRBA in partnering with multilaterals"; "HRBA in severe headwinds" and "From cross-cutting objectives to HRBA, lessons from disability interventions" were completed. In addition to document review, over 250 interviews, three focus group discussions, and an e-survey among partners were undertaken. A separate component of the evaluation was the use of data science techniques for analysing documents.

### **Acknowledged limitations**

- The evaluation does not systematically trace broader HRBA development and its evolution, but provides a 'snapshot' of current practice,
- The extent to which human rights outcomes and impact have been found is limited,
- Limitations resulting from the weighting of the sample of projects,
- The data science techniques have their own limitations; they assess broad trends and are not well suited for analysing individual projects in depth.



Ministry for Foreign  
Affairs of Finland

For the full evaluation report and other materials:

<https://um.fi/development-cooperation-evaluation-reports-comprehensive-evaluations>.

For the brief and report "Applying Data Science Techniques in the Evaluation of Human Rights Based Approach (HRBA) in Finland's Development Policy and Cooperation 2019-2021 (dav|consulting, 2023)":

<https://um.fi/development-cooperation-evaluation-reports-comprehensive-evaluations>.