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**MID-TERM EVALUATION REPORT**

**BUSINESS AND HUMAN RIGHTS IN ASIA: PROMOTING RESPONSIBLE BUSINESS PRACTICES THROUGH REGIONAL PARTNERSHIPS (08/2018-07/2023)**

**Date submitted**: 8th February 2022

**Evaluation Consultant**: Joanna Brooks

**PROJECT PROFILE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project Identification** | | | | |
| **Project Title:** | Business and Human Rights in Asia – Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia) | | | |
| **Project ID:** | 00110712 | | | |
| **Output IDs:** | ***Output Name*** | | | ***Output Number*** |
| Output 1: Regional peer learning and training | | | 00110712 - O2.3 |
| Output 2: Regional strategies in support of NAP | | | 00110712 - O2.3 |
| Output 3: Partnership architecture | | | 00110712 - O2.3 |
| Output 4: Strengthened CSOs and NHRIs for remedies | | | 00110712 - O2.3 |
| Output 5: Greater policy coherence and public discourse on trade and investment | | | 00110712 - O2.3 |
| **Linkages to UNDP Strategic Plan and Regional Progamme Document 2018-2021** | | | | |
| **UNDP RPD BRH 2018-2021 Outcomes** | **Outcome 2:** Accelerate structural transformations for sustainable development  **Indicative RP Output 2.3**: Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and promote human rights (**UNDP Strategic Plan 2018-2021, Outputs 2.2.2 and 2.2.3**)  **RP Output Indicator 2.3.2**: The United Nations Guiding Principles on Business and Human Rights are translated into country level action plans for implementation  **RP Output Indicator 2.3.4**: Number of National Human Rights Institutions support to undertake new initiatives that relate to emerging issues such as conflict and preventing violent extremism, the SDGs, lesbian, gay, bi-sexual, transgender and intersex issues, climate change financing, business and human rights and women, peace and security | | | |
| **UNDP B+HR Project Outcome** | **Outcome 1**: Sustainable business practices which strengthen human rights, empower women, and respect the environment are facilitated at the regional and national levels through the implementation of UN Guiding Principles on Business and Human Rights | | | |
| **UNDP B+HR Project Output Statements and gender marker:**  **NB: In the project document the outputs do not indicate the gender marker** | **Project Output 1:** Regional and international dialogue and training events build momentum and inform progress on UNGP implementation efforts and facilitate South-South exchange and cooperation  **Project Output 2:** Regional and national legislative and policy frameworks, including National Action Plans, are developed and implemented on UNGP, reflecting regional best practices, including perspectives of women, migrants and Indigenous Peoples (IPs)  **Project Output 3: S**trengthened regional partnership architecture, made up of UN system, NHRIs, CSOs, and private sector actors working on B&HR, brings greater coherence to awareness raising, technical assistance efforts, while facilitating innovative practices  **Project Output 4:** Increased awareness of all regional stakeholders of the UNGPs and strengthened access to effective remedy for violations of human rights in the context of business operations  **Project Output 5:** Strengthened policy coherence between regional Trade Agreements, International Investor Agreements, and UNGP to enhance the region’s competitive positioning in attracting investment and increasing trade flows | | | |
| **UNDP SP Vision and Outcome:** | **Vision**: to help countries achieve sustainable development by eradicating poverty in all its forms and dimensions, accelerating structural transformations for sustainable development and building resilience to crises and shocks.  **SP Outcome 1**: Advance poverty eradication in all its form & dimensions  **SP Outcome 2**: Accelerate Structural Transformations for Sustainable Development | | | |
| **Project Information** | | | | |
| **Project Duration:** | | ***Start Date:*** 1 August 2018 | ***End Date:*** 31 July 2023 | |
| **Implementing Partner:** | | UNDP | | |
| **Responsible Parties:** | | UNDP Bangkok Regional Hub Business and Human Rights Asia Team (Direct Implementation Modality – DIM) | | |
| **Regional Coverage:** | | Yes | | |
| **Targeted Countries** | | Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Viet Nam | | |
| **Region** | | Asia Pacific | | |
| **Project Budget** | | | | |
| **Cost Sharing Agreement** | | 9 August 2018 | | |
| **Project budget** | | SEK 50,000,000 approx. US$ 5,600,000 | | |
| **Project expenditure as at time of evaluation – 31.05.2021** | | US$ 2,399,200 | | |
| **Funding source** | | The Swedish International Development Agency (SIDA) | | |
| **Evaluation Details** | | | | |
| **Evaluation Type** | | Mid-Term Evaluation | | |
| **Evaluation dates** | | 06/09/2021 – 20/06/2021 | | |

**ACKNOWLEDGEMENTS**

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The evaluation was conducted in association with Olivera Puric (PhD), who assisted with research, data collection and processing.

In addition, the consultant would like to thank all persons interviewed during the MTE, including representatives from national government, CSOs, NHRIs, UNWG B&HR, UN Agencies and other international organisations and SIDA for their openness and willingness to share information during the key informant interviews and focus group discussions.

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# ABBREVIATIONS

AICHR ASEAN Intergovernmental Commission on Human Rights

APF Asia Pacific Forum

ASEAN Association of Southeast Asian Nations

AWP Annual Work Plan

B&HR Business and Human Rights

B+HR Asia Business and Human Rights Asia Project

BRH Bangkok Regional Hub

CEC Centre for Environmental Concern

CO Country Office

CSO Civil Society Organisation

EU European Union

FGD Focus Group Discussion

GSI Gender and Social Inclusion

HRBA Human Rights Based Approach

HRD Human Rights Defender

HRDD Human Rights Due Diligence

KII Key Informant Interview

NAP National Action Plan

NHRI National Human Rights Institution

M&E Monitoring and Evaluation

MEL Monitoring, Evaluation and Learning

MTE Mid-Term Evaluation

NAP National Action Plan

NHRI National Human Rights Institution

OECD Organisation for Economic Co-operation and Development

PWD Person With Disability

RP/D Regional Programme/Document

RRF Results and Resources Framework

SLAPP Strategic Lawsuits Against Public Participation

SAARC the South Asian Association for Regional Cooperation

SDG Sustainable Development Goal

SIDA Swedish International Development Agency

SMART Specific, measurable, attainable, relevant and time-bound

SMSE Small and Medium Sized Enterprises

ToC Theory of Change

ToR Terms of Reference

UN United Nations

UNDP United Nations Development Programme

UNEG United Nations Evaluation Group

UNGP United Nations Guiding Principles

UNWG United Nations Working Group

# EXECUTIVE SUMMARY

This evaluation is an external mid-term evaluation (MTE) of UNDP’s Business and Human Rights in Asia: Promoting Sustainable Business through Regional Partnerships (B+HR Asia) project (1 August 2018 – 31 July 2023). The evaluation was commissioned by the project and covers the period 1 August 2018 – 20 June 2021.

The overall scope of the MTE is to assess the progress towards the achievement of the project objectives and outcomes as specified in the project document and identify early signs of project success and areas for improvement that will guide the future direction of the project, both in the short-term, meaning the remaining project implementation period, as well as in the longer term in view of a future programming cycle. The evaluation was based on data available at the time of evaluation, including project documents and other relevant reports, as well as extensive stakeholder consultations, conducted over a period of two months. The primary audience for the evaluation is the project and the UNDP Bangkok Regional Hub, the Swedish International Development Agency (SIDA), the project’s donor, governments in the region, representatives of the Project Board and other development partners. The secondary audience for the evaluation are other stakeholders, including CSOs.

The methodology used a mixed-methods approach but was essentially qualitative. It comprised an analysis of all relevant project documentation shared by the project, and data collected through a total of 36 meetings and seven focus group discussions with 65 stakeholders and beneficiaries. Participants included government representatives, global, regional and national civil society organisations, National Human Rights Institutions, donors, UNDP and other UN Agencies, the UN Working Group on Business and Human Rights, OECD, and project beneficiaries. A total of 40 women and 25 men were consulted.

The B+HR Asia project has significantly driven the business and human rights discourse and strengthened implementation of the United Nations Guiding Principles (UNGPs) on Business and Human Rights in Asia. Three years in to implementation, the project has already achieved significant results, including convening large numbers of diverse stakeholders in various regional and sub-regional events – to date 19,825 stakeholders have been convened from 108 different countries. In 2020 alone, the Regional Business and Human Rights Forum was held online due to the COVID-19 context, which allowed for an unprecedented 6,623 participants from 101 countries. This is broken down to 3,841 women and 2,170 men/1,018 civil society representatives, 1,205 business representatives, 388 government representatives, 115 human right defenders (HRD) and 696 academics. These numbers speak for themselves. The project has initiated and supported the development of National Action Plans on B&HR in eight countries. It has cultivated an ever-expanding partnership architecture, which includes government representatives, civil society, National Human Rights Institutions (NHRIs), human rights defenders, academia and businesses. To date the project has cultivated over 80 partnerships, enabling it to link the BHR agenda with climate change, environment, labour, migrant workers, child rights, women’s rights, international trade and investment agendas and youth engagement. It has created safe spaces for civil society to come together and share experiences, as well as similar spaces for businesses. It has reached rights holders by amplifying the voices of civil society and human rights defenders and has changed business practices, for example to empower women. Further, it has contributed considerably to the body of knowledge and evidence on business and human rights in Asia through supporting over 30 different knowledge products including studies, researches and assessments. Many of these results show promising sustainability prospects. In addition, the B+HR Asia project and programme teams are recognised for their high level of expertise and dedication.

At the mid-term point, the project has already over-achieved on 17/34 of its activity level targets. It has fully achieved a further 4 and 10 are on-track to be achieved. Only 3 of its activity targets remain uncertain, in large part due to COVID-19 and partly due to shifting priorities. When looked at per output, the project has over-achieved on all outputs, except output 5, which remains on track. There are gaps in the project’s results and resources framework, which prevent the monitoring and evaluation of the project’s contributions towards its outputs, outcomes and impact although overall, it can be said that the project is contributing to its outcome to facilitate sustainable business practices, which strengthen human rights, empower women, and respect the environment at the regional and national levels through the implementation of UN Guiding Principles on Business and Human Rights. The project’s delivery rate stands at 100% for 2021, up from 80% in 2020. In 2019, the project achieved a delivery rate of 64%.

This evaluation report provides a set of 20 findings, nine challenges, seven conclusions, 12 recommendations and six lessons learned. A summary of the key findings and recommendations are provided below.

**Findings**

**Relevance**

**Finding 1:** The B+HR Asia Project is fully in line with regional development priorities and UNDP Strategic Plan 2018-2021 as well as UNDP’s Regional Programme Document 2018-2021 and its theory of change, although this is not reflected in the project’s results framework. The project is in line with the national development priorities and respective Country Office programme’s outputs and outcomes of the countries it is covering, as well as the regional priorities of its donor, SIDA. Further, the project contributes towards achievement of the SDGs, although alignment of the project with the 2030 Agenda and the SDGs could be further strengthened.

**Finding 2:** The project design was evidence based and informed by a solid consultation process, however it has an unclear theory of change and its indicator framework is not consistently SMART (specific, measurable, attainable, relevant and time-bound), resulting in institutionally, some of the results of the project being lost.

**Finding 3:** The project has integrated gender equality and women’s empowerment and other vulnerable groups into the project design and implementation. It considers women’s human rights a priority area and contributes to UNDP’s work on promoting gender equality and women’s empowerment.

**Finding 4: The BHR discourse has progressed immensely during the course of the project implementation and the project, reflected in its AWP, has been able to respond effectively to the changes and demands. As the discourse in Asia and globally evolved, so did the project. Similarly,** the B+HR Asia project has proven to be adaptive and responsive to changing contexts in the target countries and region, including political changes and the COVID-19 pandemic. This flexibility should continue to allow the project to shift to changing priorities and respond to needs and opportunities as they arise.

**Effectiveness**

**Finding 5:** It is without doubt that the B+HR Asia project has been a major driver of the business and human rights discourse in Asia and has strengthened regional momentum toward implementation of the UNGPs.

**Finding 6:** The combined regional and sub-regional approach is necessary for creating an enabling environment and levelling the playing field for progress at the national level. It has positioned UNDP as the lead actor on Business and Human Rights in the region.

**Finding 7:** An essential value that B+HR Asia brought to the region was the facilitation of transparent and inclusive NAP development processes. The project has contributed to increased peer-to-peer learning and South-South exchange on the development of the NAP between governments; for example, Thailand and Pakistan and Japan and Vietnam.

**Finding 8:** The partnership architecture brought policy coherence and alignment to the BHR agenda in Asia and allowed the project to connect its work with the relevant organisations at the global, regional and national levels. It facilitated dialogue and cooperation to eliminate silos and identify commonalities. Having a dedicated output on strengthening the regional partnership architecture can be considered a best practice.

**Finding 9:** Through innovation labs and seed funding, the project has been able to reach rights-holders and help ensure new ideas get off the ground.

**Finding 10:** The project has created awareness and built capacities of Civil Society Organisations and National Human Rights Institutions and has provided support to amplify CSO voices on business and human rights in the region. However there are still limitations with regards to capacities and differences in the levels of capacity among the institutions are wide.

**Finding 11:** Training journalists on investigative and social affairs reporting is of crucial importance to promoting B&HR in the region.

**Finding 12:** While initial efforts have been made by the project to look at the nexus between trade and investment and B&HR at the regional level, this still remains a blind spot, and one that is becoming more heavily scrutinised in the post COVID-19 context.

**Efficiency**

**Finding 13:** The B+HR Asia project and B+HR programme in Asia have the right people to bring about change. While it is premature to assess fully the value for money of the project, it should be noted that the achievements of the project have exceeded what was originally envisaged, in part due to the expertise and dedication of the B+HR Asia regional team and in part due to the strategy and approaches adopted by the team during the project’s implementation.

**Finding 14:** There is good cooperation and synergies between the SIDA funded regional B+HR Asia project and the EU funded national B+HR Asia project, as well as a joint strategic direction. There is a tight, programmatic narrative and strategy between the two projects, who share the same website, branding and logos. The division of countries is appropriate although the SIDA funds could be used more strategically at the national level going forward. When it comes to the implementation of activities, there could be greater coordination and harmonisation between the two projects.

**Sustainability and Impact**

**Finding 15:** At the mid-way point there are some promising sustainability prospects of the project interventions, however further efforts need to be made during the remaining project implementation period to ensure that the results of the project are sustained.

**Finding 16:** There is strong ownership of some of the project activities including the NAP processes, the multi-stakeholder platforms, the networking and the peer-to-peer and south-south knowledge exchanges.

**Finding 17:** The MTE is unable to measure the impact of the project against its indicators, since these are not included in the results framework, however when assessing beyond the RRF, it is clear that the project has had considerable impact in raising awareness of the UNGPs and associated processes in the region. The success of B+HR Asia has paved way for the UNDP B+HR Global programme, has inspired BHR work in 4 other regions, as well as resource mobilisation for additional work in Asia, for example the EU funded BHR project.

**Diversity and inclusion**

**Finding 18:** The project has adopted effective approaches and strategies for integrating gender and social inclusion into the project’s activities, outputs and outcomes, as well as into the structure of the project itself.

**Environment**

**Finding 19:** B+HR Asia has made preliminary steps towards enhancing its environmental perspective into the project’s implementation and strengthening the protection of business and human rights and the environment, as captured in the project’s theory of change and overall outcome.

**Management and Monitoring**

**Finding 20:** The project has been unable to monitor the results of progress against indicators beyond those at the activity level, due to the gaps in the project’s results framework. Until now, the project has not established a strong M&E standard, although it is in the process of addressing this.

**Recommendations**

**Recommendation 1** The project should leverage the SDGs to continue to further the BHR discourse in the region and in particular to attract businesses. The project’s indicator framework at outcome and impact level should be tied more closely to the relevant SDG indicators.

**Recommendation 2** The project should ensure alignment in its results framework with the outcomes of the Regional Programme Document, UNDP’s Global Rule of Law Programme – Phase IV, as well as the UNDP Strategic Plan 2022-2025. It should immediately address shortfalls in the indicator framework, to be able to track, monitor and report on progress during the remaining implementation period. For the next programming phase, a strong and evidence based theory of change should be developed, which can be used to develop the next phase results framework with SMART indicators and a strong M&E framework.

**Recommendation 3** The regional approach adopted by the project should provide the anchor for UNDP’s business and human rights programming in Asia going forward. A review should be conducted of which countries the project should focus on with a view of using the regional approach to push countries at the national level.

**Recommendation 4** High-level policy work at the regional level should feed into the national level planning and policies, without an exclusive focus on the development and implementation of National Action Plans.

**Recommendation 5** The project should consider expanding its partnership base further to ensure a whole of government and whole of society approach, which will contribute to more sustainable outcomes and results.

**Recommendation 6** The project should shift away from just awareness raising to more refined capacity development approaches.

**Recommendation 7** The project should consider geographical expansion to strengthen sustainability and leave no one behind.

**Recommendation 8** The project should further mainstream the human rights based approach into its theory of change and project approaches and have a rights-holders centric approach through making more of a push towards participatory and inclusive engagement to reach those furthest left behind.

**Recommendation 9** The project should focus more on access to remedy and ensuring access to justice for all, as well as the introduction of stronger accountability tools and mechanisms.

**Recommendation 10** The project should have a clearly defined exit strategy for the current phase and in general, which reinforces ownership and the sustainability of project results.

**Recommendation 11** The project should explore opportunities to connect BHR with emerging areas, including the environment, technologies and automation, and SMSEs and the informal economy.

**Recommendation 12** The project should consider a tighter programmatic approach at the implementation level to further improve harmonisation and coordination between the SIDA funded and EU funded projects.

In terms of the OECD-DAC evaluation criteria that the MTE was asked to assess - relevance, efficiency, effectiveness and sustainability – the MTE used an evaluation rating scale of (1) – (4), with 1 being unsuccessful, 2 being moderately successful, 3 being successful and 4 being very successful. The rating scale is further detailed under section 2.5 of the report. It is noted that the project has scored highly for a mid-term evaluation.

**Relevance** **– 4/4 – Very successful**

The project is very relevant in the region. It is aligned with regional and national priorities, including those of national partners as well as the UNDP COs. It is aligned with the UNDP BRH RPD, the Strategic Plan and UNDP’s global programme on Rule of Law. It is also relevant in relation to the needs and priorities of its target beneficiaries. Furthermore, the project contributes to a number of the SDGs.

**Effectiveness – 3/4 – Successful**

The overall effectiveness of the implemented output activities is successful, in particular the organisation of regional events, the partnership architecture, the NAP development processes and the body of knowledge and research that has been created with support of the project. Fewer results have been seen so far with regards to access to remedy and trade and investment.

**Efficiency – 3/4 – Successful**

The project has consistently delivered at a high level despite the challenges posed by COVID-19, which did derail certain activities. The project structure is now complete however there are serious shortcomings with the M&E to date. It is anticipated that this will improve going forward now that the M&E specialist is on board.

**Sustainability – 3/4 – Successful**

At the mid-way point there are already some strong indications of sustainability of some of the project results. Going forward the project should address more the issue of ownership and try to ensure that results gained are not lost.

**Overall – 13/16 – Successful**

The project is generally on the right track with some key results achieved to date. With a fine-tuning of its focus and further expansion of its partnership base along with improved M&E it has the potential for further successes.

Legend

* Very successful (4)
* Successful (3)
* Moderately successful (2)
* Unsuccessful (1)

For a detailed explanation of the evaluation ranking scale, please see section 2.5 below.

# INTRODUCTION

## Background

UNDP has been implementing the Business and Human Rights in Asia: Promoting Sustainable Business through Regional Partnerships (B+HR Asia) project since 1 August 2018. It is a five year project with an anticipated end date of 31 July 2023 and a total budget of SEK 50,000,000/US$ 5,600,000 (approx.). The Swedish International Development Agency (SIDA) funds the project.

The project contributes to the UNDP Asia-Pacific Regional Programme Output 2.3 *Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and protect human rights* (UNDP Strategic Plan 2.2.2 and 2.2.3). Project activities are channelled towards five principle outputs:

1. Regional peer learning and training events that build regional momentum and inform progress on implementation of the UNGPs;
2. Regional strategies in support of the advancement of National Action Plans, or similar policy frameworks, in furtherance of implementation of the UNGPs;
3. A partnership architecture bringing greater coherence to policy and advocacy efforts among actors working on a regional level on business and human rights;
4. Strengthened CSOs and NHRIs that provide access to effective remedy for violations of human rights in the context of business operations and;
5. Greater policy coherence and public discourse on trade and international investor agreements, and their relationship to the business and human rights agenda.

In line with the Monitoring and Evaluation (M&E) plan for the project a Mid-Term Evaluation was commissioned.

This MTE Report provides readers with an introductory chapter containing the context of the project (chapter 1), the evaluation objective, purpose and scope (chapter 2), evaluation approach and methodology (chapter 3), analysis and findings of the evaluation (chapter 4), conclusions (chapter 5), recommendations arising from the findings and conclusions (chapter 6), and lessons learned (chapter 7).

The primary users of the evaluation report are the B+HR Asia project team, the B+HR Asia programme team and other staff from the UNDP Bangkok Regional Hub (BRH) and national governments. Secondary users include the project’s partners and beneficiaries and the project’s donor.

## Context

Since the Human Rights Council’s unanimous endorsement of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in June 2011, the UNGPs have been widely recognised as the most authoritative and normative framework guiding efforts to reduce or eliminate the adverse impact of business operations on human rights. The UNGPs consist of three pillars and are grounded on a polycentric governance framework promoting a so-called smart mix of measures. While the first pillar of the UNGPs concerns the well-established States duty to protect human rights under international human rights law, the second pillar addresses the responsibility of business enterprises to respect human rights and mainly links the concept of human rights with corporate governance and private regulation. Finally, the third pillar stresses the need for both State and non-State actors to promote access to effective remedies to victims of business-related abuses through providing or cooperating in judicial and non-judicial grievance mechanisms.

The UNDP Asia-Pacific, Bangkok Regional Hub, Business and Human Rights unit, has been playing a central role in promoting the implementation of the UNGPs in Asia. Based on a year long piloting phase including a scoping mission between June 2017 and March 2018, funded by the Regional Development Cooperation Section at the Embassy of Sweden in Thailand, UNDP identified seven countries—Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Viet Nam to accelerate regional momentum taking place in Asia towards the implementation of the UNGPs

The topic 'Business and Human Rights' covers a wide range of interconnected developmental challenges. In order to address human rights impacts caused by business operations, it requires an intervention that is multi-sectoral with robust multi-stakeholder engagement. The objective of the UNDP B+HR Asia programme is to promote the implementation of the UN Guiding Principles on Business and Human Rights which is anticipated to be a catalyst for responsible business practices and the collaborated actions by the state and business actors in the protection and respect of human rights. The Project, “Business and Human Rights in Asia: Promoting Sustainable Business through Regional Partnerships (B+HR Asia)” was thus designed with the aim to promote the implementation of the UNGPs in Asia through regional efforts focused on advocacy, policy development, technical advisory support, capacity building, awareness-raising, innovation platforms, regional peer learning events, and South-South cooperation. With support from the Swedish International Development Cooperation Agency (SIDA), the project has been driving progress on B&HR in the region, engaging diverse stakeholders including governments, businesses, civil society organisations (CSOs), and independent national human rights institutions (NHRIs).

# 

# Evaluation objective, purpose and scope.

## Objective

This Mid-Term Evaluation (MTE) aims to inform UNDP B+HR Asia team and its partners of lessons learned, results achieved and areas for improvement. The MTE draws out progress towards project deliverables, identifies gaps in programming and provides recommendations for the second half of programming. Furthermore, the findings of the MTE also inform recommendations for the future design of UNDP’s work on B&HR in the region, both in the short-term during the remain project implementation period, as well as in the mid-longer term in terms of future programming. As this project is the first initiative developed in UNDP on B&HR, the MTE aims to produce valuable lessons and experiences, providing useful findings to the other relevant B&HR projects and various initiatives organised by the UNDP Regional Hubs, as well as Country Offices (COs) globally and global programming on B+HR.

Responding to the Theory of Change (ToC) as described in the project document, the agreed results and resources framework (RRF) and the approved work plans, the MTE looks at the relevance of the project, the quality of the project design, effectiveness and efficiency of the implementation to date, sustainability of the overall project results, impact of the intervention made to date and forward-looking directions for the future. To meet these ends, the MTE serves to:

1. Assess project performance and progress against the expected outputs, targets including the indicators presented in the RRF and contributing to the expected outcome; The MTE also looks beyond the RRF to identify potential results that may not be fully captured by an assessment against the results framework alone;
2. Review and document the successes and draw out lessons learned for deepening impact;
3. Assess the effectiveness of the project’s engagement with diverse stakeholders including governments, businesses, civil society organisations (CSOs), National Human Rights Institutions (NHRIs), human rights defenders (HRDs) and other rights-holder groups in the implementation of the UNGPs and the development process of the NAPs;
4. Review the role of the project in enhancing the importance of and the space for the UNGPs at the regional level and contributing knowledge, guidance and the development and application of the UNGPs through advocacy, policy development, technical advisory support, capacity building, awareness raising, innovation platforms, regional peer learning events and South-South cooperation;
5. Identify challenges and the effectiveness of the strategic approaches that the project adopted for addressing those challenges;
6. Ascertain the relevance, effectiveness, efficiency and sustainability of the project interventions;
7. Outline recommendations including potential realignments in scope and approach in line with the project’s desired outcome;
8. Provide forward looking recommendations to inform the future design of UNDP’s work on B&HR in the region along with the final evaluation;
9. Assess how the project has been able to respond to and drive the evolving B&HR discourse both regionally and globally, and to what extent it has influenced this discourse,
10. Assess to what extent the project has been able to adapt and be flexible to meet changing needs and demands.

## The Scope of the MTE

The MTE assesses the B+HR Asia project’s progress against the project ToC and the achieved results from 1 August 2018 – 20 June 2021 and proposes recommendations, which will inform and help improve the implementation of the project during 2022-2023 and designing any future phases of the project. Financial data and progress towards indicators cover the period until 1 December 2021.

The MTE’s geographical coverage includes the project’s target countries in Asia Pacific, namely Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Vietnam. The MTE mainly focuses on the regionalism aspect of the project but also features country specific aspects where relevant, in particular on how the project’s regional activities are translated at the country level.

## The Project’s Theory of Change

The project’s theory of change is underpinned by the project’s 4-pronged approach towards ensuring UNGP implementation and was heavily informed by a political economy lens. The 4-pronged approach is as follows:

1. Prong 1: Promote regional momentum and collaboration through regional dialogue and peer learning opportunities and investments at the country level
2. Prong 2: Leverage international standing
3. Prong 3: Make the business case
4. Prong 4: Recognise business as partners and advocates

The theory of change for B+HR Asia, as presented in the project document, therefore articulates:

*If the economic and political interests driving policy by national governments and businesses can be leveraged to ensure endorsement and implementation of the UN Guiding Principles on B&HR, and if governments, businesses, CSOs, NHRIs, and representatives of affected communities are supported and convened with the purpose of devising policies and partnerships to strengthen human rights and protect the environment in the context of business operations, then: these stakeholders can draft and jointly own and implement regional strategies, effective National Action Plans and other solutions that raise awareness of problems and potential solutions; stakeholders can engage in peer learning and knowledge sharing; businesses can effectively develop and participate in mechanisms to protect human rights through multi-stakeholder initiatives and networks; legal and accountability frameworks can be strengthened to prevent, mitigate and remedy violations; NHRIs can play a key role in devising and overseeing the implementation of polices and resolve disputes in a just manner; disruptions to trade relations can be minimised through greater policy coherence and; business and government can contribute effectively to impacting positively on people’s lives, environmental protection, and achieving sustainable development goals.*

There is no visualisation of the theory of change included in the project document.

While the MTE is criteria-based and is not a theory-based evaluation, the MTE also reviews the project’s theory of change as part of the analytical process. This analysis is provided under Chapter 4.

## Evaluation criteria and questions

The MTE was conducted in line with UNEG’s Evaluation Guidelines and Norms and Standards for Evaluation, the revised UNDP Evaluation Guidelines[[1]](#footnote-2) as well the OECD-DAC evaluation criteria - (a) relevance; (b) effectiveness; (c) efficiency; and (d) sustainability. The evaluation also considers any impact that the project has had to date, as well as assessing the potential future impact of the project interventions.

As per the ToR, the MTE was asked to consider a number of key questions shaped around the OECD-DAC evaluation criteria. The ToR and key evaluation questions are provided in Annex I.

## Evaluability Analysis and Evaluation Ranking Scale

The MTE evaluated the project and its outputs against the evaluation criteria as well as against its context, theory of change and organisational performance.

As agreed with the UNDP B+HR Asia project team, the MTE used a rating scale to rank each evaluation criteria – relevance, efficiency, effectiveness, and sustainability, as described below.

* Very successful (4)
* Successful (3)
* Moderately successful (2)
* Unsuccessful (1)

**Scoring of Project Performance:**

|  |  |
| --- | --- |
| **Rating** | **Performance description** |
| 4 Very successful (Always/almost always) | Performance is clearly very strong in relation to the evaluation question/criterion. Weaknesses are not significant and have been managed effectively. |
| 3 Successful (Mostly, with some exceptions) | Performance is reasonably strong on most aspects of the evaluation question/criterion. No significant gaps or weaknesses, or less significant gaps or weaknesses have mostly been managed effectively. |
| 2 Moderately successful (Sometimes, with many exceptions) | Performance is inconsistent in relation to the question/criterion. There are some serious weaknesses. Meets minimum expectations/requirements as far as can be determined. |
| 1 Unsuccessful (Never or occasionally with clear weaknesses) | Performance is unacceptably weak in relation to the evaluation question/criterion. Does not meet minimum expectations/requirements. |

## Cross-cutting issues

As stipulated in the ToR, gender and social inclusion and the human rights based approach aspects were integrated into the evaluation methodology and incorporated into the evaluation matrix. In addition to being participatory and inclusive, the MTE’s approach was based on the principles of gender equality. All data gathered was disaggregated to the largest extent possible and efforts were made for positive sampling in terms of ensuring a 50 per cent gender balance during the focus groups with project beneficiaries, as well as minority and other vulnerable group representation where possible. Specific gender and human rights considerations are detailed below.

### Gender and Social Inclusion, and Human Rights

The evaluation ensured a two-pronged approach towards gender and social inclusion (GSI), and human rights.

The first ensured that the evaluation was gender responsive and efforts were made to promote:

* **Gender and Social Inclusion** throughout the evaluation scope of analysis and the evaluation criteria. This ensures that questions were designed to be gender responsive and that GSI related data was collected, where possible, at all stages of the evaluation;
* **A gender responsive methodology** ensured appropriate methods and tools that reflect gender sensitivity. This promoted the employment of a mixed methods approach and the collection of disaggregated data. It also guaranteed that a wide range of data sources and processes were employed in order to promote diversity, inclusion and representation of all relevant groups in the evaluation.
* **Evaluation findings, conclusions and recommendations reflect a gender and human rights analysis**: The evaluation analysed the effects of the intervention on human rights and GSI and ensured that findings include data triangulated from a wide range of social groups and where possible disaggregate data.

The second was to ascertain the extent to which B+HR Asia and its results to date are gender responsive. This entailed a detailed examination of the following:

* The overall design of the B+HR Asia project and the extent to which it ensured that needs of women and other vulnerable groups were considered.
* The implementation of the B+HR Asia project and the extent that it ensures gender sensitivity and HRBA in its activities and the promotion of gender equality and human rights both from a project management perspective as well as performance.

# Evaluation approach and methodology

The evaluation was guided by the basic methodology as set out in the ToR, in line with the UNEG and OECD/DAC Quality Standards for Development Evaluation, and keeping in mind the Paris Declaration on Aid Effectiveness. As required by the ToR, the evaluation assessed the relevance, effectiveness, efficiency, and sustainability of the project.

The evaluation was multi-faceted and the methodological approach used mixed (qualitative and quantitative) methods, as the best vehicle for meeting the evaluation’s needs. The consultant ensured that the evaluation was conducted through a participatory and consultative process, which included all relevant national and regional stakeholders and the project beneficiaries.

To this end, a total of 65 stakeholders and beneficiaries were consulted during the course of the evaluation in 36 meetings and seven focus group discussions. Participants included government representatives, global, regional and national civil society organisations, National Human Rights Institutions, donors, UNDP and other UN Agencies, UNWG B&HR, OECD, and crucially project beneficiaries. A total of 40 women and 25 men were consulted. A full list of stakeholders who were consulted is provided at Annex II, including the organisation or institution that they represented.

The methodological approach was synthesised into an Evaluation Matrix (see Annex III), which guided the MTE and provided an analytical framework for conducting the evaluation. The evaluation matrix sets out the relevant evaluation criteria, key questions and sub-questions, data sources, data collection methods/tools, indicators and methods for data analysis. The evaluation matrix was divided into each of the 4 evaluation criteria – relevance, effectiveness, efficiency and sustainability. Within the effectiveness criteria, each of the project’s outputs are individually scrutinised and analysed – please see below under Chapter 4. The evaluation matrix also contains the additional evaluation criteria as stipulated in the ToR – diversity and inclusion, principled and management and monitoring.

The evaluation’s principal guide was the project document for the B+HR Asia project. While it is usual to rely heavily on the Results and Resources Framework (RRF) containing the project’s logframe and M&E framework, which should contain indicators, targets and “means of verification” (i.e. data and documents) for the project’s outputs, due to gaps in the project’s results framework, logframe and M&E Framework, the MTE had to look beyond the RRF in order to assess and measure results. These gaps and shortcomings are discussed in more detail in Chapter 4. In addition, the MTE conducted a critical analysis of the project’s logframe, which is provided at Annex V.

The consultant identified a cross-section of data sources in order to optimise data collection and ensure triangulation. A large focus of the evaluation was on obtaining qualitative data through interviews and focus group discussions with relevant stakeholders and beneficiaries, as per the consultation list at Annex II.

The consultant conducted as many interviews as possible given the complexities of conducting the evaluation remotely using virtual tools, in order to ensure the integrity and the comprehensiveness of the evaluation. Wherever possible data gathered, both qualitatively and quantitatively was triangulated, through cross verification from two or more sources. For interviews, this was done through posing a similar set of questions to multiple interviewees. For the document review it was accomplished through crosschecking data and information from multiple sources to increase the credibility and validity of the material. Draft Informant Guides are provided at Annex IV, which provide an indication and outline as to the set of questions that were asked of each group of stakeholders. Additional questions are provided in the Evaluation Matrix.

The evaluation was conducted in a non-linear, sequential methodology consisting of three main phases – desk research, document review and Inception Report; virtual data collection, analysis and validation; and drafting, revision and finalisation of the report.

## Data analysis

### Analytical methods

In order to analysis the collected data, the following analytical methods were applied:

Political economy analysis;

Quantitative and qualitative data analysis;

Data synthesis;

Triangulation; and

Verification and validation.

#### Political Economy Analysis

A political economy analysis helped the MTE to understand who seeks to gain and lose from the project’s interventions, as well as to identify who has vested interests and the social and cultural norms that need to be taken into account.

#### Quantitative and Qualitative Data Analysis

Most of the primary data collection methods (interviews and FGDs) collected qualitative data. These were analysed using a code structure, which was aligned to the key evaluation questions, sub-questions and indicators. The qualitative data from the primary data collection methods was cross-referenced with other sources such as documents. The quantitative data produced descriptive analysis (rather than more complex regressions).

#### Triangulation

Triangulation is the process of using multiple data sources, data collection methods, and/or theories to validate research findings. The MTE used more than one approach (data collection method) to address the evaluation questions in order to reduce the risk of bias and increase the chances of detecting errors or anomalies. The MTE applied three approaches to triangulation: methods triangulation (checking the consistency of findings generated by different data collection methods); interrogating data where diverging results arise; and analyst triangulation (discussion and validation of findings, allowing for a consistent approach to interpretive analysis).

#### Data Synthesis

The process of bringing all the evidence together to synthesize the data and formulate findings and conclusions took place in two ways. The first was the process of articulating the key findings and cross-checking the strength of the evidence for each. Based on this, the conclusions were then developed and cross-checked for their relevance to the findings.

#### Verification and Validation

The above steps incorporate verification and validation of evidence during the data collection and data analysis processes. In addition, the MTE presented its preliminary findings and recommendations at an evaluation de-brief held with the Evaluation Reference Group and the draft report was shared widely amongst the project team and other key stakeholders, allowing for review and comments. These processes provided an opportunity to share key findings, offer mutual challenges, and discuss the feasibility of and receptiveness to draft recommendations. It also provided an important opportunity to foster buy-in to the evaluation process particularly for the stakeholders who will have responsibility for implementing recommendations.

## 

## Sampling Methods for Qualitative and Quantitative Data Collection

The geographical scope of the evaluation included 7 countries in Asia Pacific, namely Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Vietnam. The MTE ensured that stakeholders from each country were included in the data gathering process, as well as regional and global stakeholders. In addition, the MTE reviewed and analysed documents relating to each of the countries, although a detailed assessment of each location is beyond the scope of the evaluation and is not included.

The MTE used a purposive sampling approach. The MTE consulted with the project to develop and refine a list of potential key informants to participate in the interviews and FGDs. This included efforts to ensure a 50:50 ratio of female to male participants, as well as efforts to ensure that all geographical locations where the project is implemented were represented.

The sampling approach was purposive due to the small scale of the evaluation, but criteria considered the following contextual and operational factors as appropriate:

* Geographically proportional taking into account each of the countries;
* Sex of participants;
* Sensitivity to the inclusion of diversity of participants;
* A balance of different levels and types of engagement with the project; and
* Socio-economic diversity.

## 

## Methodological Limitations and Attribution of Results

### Deviations from the proposed Methodology

It was originally envisaged and proposed in the Inception Report to conduct two online surveys/questionnaires – one for UNDP CO focal points and one for NHRIs and CSOs – to be followed up by focus group discussions (FGDs). During the course of the evaluation, a decision was made in consultation with the B+HR Asia project team to only conduct the FGDs. This decision was made for a number of reasons, first and foremost being that the MTE felt it was possible to gather all relevant data and to deep dive into some of the arising issues in a FGD. This was based on a review of the data collection tools and instruments and the evaluation methodology overall. In this way, the MTE avoided an overlap of data gathering processes and avoided contributing to stakeholder fatigue by asking stakeholders to participate in multiple processes. This decision was made also considering the forthcoming evaluation of the EU funded Business and Human Rights in Asia project.

### Challenges and Limitations of the Evaluation

There were several challenges and limitations confronting the evaluation. The first relates to the challenges of conducting the evaluation remotely using virtual tools. While this is generally a satisfactory substitution for data gathering during the COVID-19 pandemic, it does not allow for building up a rapport with participants, for more informal communication which often takes place before and after formal meetings, or for conducting site visits. Stakeholders are often more reluctant to speak openly and freely into a screen, which acts as a barrier between the evaluator and the participant. In order to mitigate this, the MTE tried to “warm-up” the participants at the beginning of each interview or FGD with some general questions, and also assured all participants that their responses were confidential and anonymous.

Another challenge, which is frequently faced during evaluations relates to biases. Each bias and the corresponding mitigation efforts are described below.

* *Recall bias*: B&HR has conducted many activities to date and it is quite possible that key informants may not accurately remember particular specific B+HR Asia project intervention activities. A similar problem is that participants in multiple UN activities – in particular activities under the EU funded B+HR Asia project - may have blended their experiences into a composite memory or response and, subsequently, did not distinguish between them as separate activities in their responses.

The consultant mitigated this bias primarily through a semi-structured interview protocol that called for questioning about specific activities; through gentle reminders and nudging about the activities of the SIDA project; and also through being aware of the activities of the EU funded sister project, which allowed the consultant to distinguish the responses. Triangulation of data also mitigated this bias.

* *Response bias*: Informants may have given the consultant positive remarks about the project because they would like to stay involved with the intervention in the future and they think that a negative evaluation could mean the end of project opportunities.

The MTE adopted two main strategies for mitigating this bias. First, it reiterated for each informant the maintenance of confidentiality and anonymity and then explained the evaluation’s independence from both UNDP and the project. Second, as with recall bias, questions designed to elicit specific examples helped to identify response bias.

* *Selection bias*: Beneficiaries provided by UNDP and its partners could mean that the consultant hears only from people who had positive experiences. As with the other forms of bias, multiple sources of data and questions eliciting specific examples help to mitigate the risk of this bias. In addition, the MTE sought additional interviews with varied stakeholders to mitigate further this bias.

Finally, are limitations of available data and information. In order to track progress towards the outcomes and outputs, the MTE required data, information and statistics from the project. It is frequently challenging to obtain data and what exists is often not disaggregated. To mitigate this, the MTE endeavoured to collect as much data – both qualitative and quantitative - as possible during the data collection phase and from the documents made available by UNDP. However, challenges with the projects’ RRF and M&E framework limited the quantitative data that was available to the MTE.

### Attribution of Results

In the complex development context in Asia and in the specific countries in which the B+HR Asia project is being implemented, it is difficult for the MTE to attribute the observed results solely to the project. This is partly because of the number of stakeholders involved, partly because of other exogenous factors, and partly because of the complex nature of the project itself. For this reason, the MTE adopted a contribution approach, which does not firmly establish causality but rather seeks to achieve a plausible association by analysing the project’s ToC and results framework, documenting the project’s successes and value added, applying the “before and after” criterion, i.e. what exists now that did not exist before and what has changed since the start of the project, and through considering the counterfactual – what would have happened without the B+HR Asia project.

# 4. Analysis and Findings of the Mid-Term Evaluation

This chapter presents the analysis and findings of the MTE grouped around each of the evaluation criteria and cross-cutting issues and based on the analysis of the qualitative and quantitative data collected. Each of the key evaluation questions is answered and the analysis and findings are also informed by the guiding questions provided in the ToR. The guiding questions are extensive and are not included here but are provided at Annex I.

## Relevance

**Finding 1: The B+HR Asia Project is fully in line with regional development priorities and UNDP Strategic Plan 2018-2021 as well as UNDP’s Regional Programme Document 2018-2021 and its theory of change although this is not reflected in the project’s results framework. The project is in line with the national development priorities and respective Country Office programme’s outputs and outcomes of its target countries as well as the regional priorities of its donor, SIDA. Further, the project contributes towards achievement of the SDGs, although alignment of the project with the 2030 Agenda and the SDGs could be further strengthened.**

The business and human rights discourse started relatively recently in Asia, with the region showing increased awareness and uptake in recent years. This provided a unique opportunity for UNDP to develop a project, which would build on the momentum in the region, bring in political commitments from states and engage various stakeholders promoting responsible business practices for preventing human rights abuses and risks and promoting and protecting human rights.

The objective of the UNDP B+HR Asia programme is to promote the implementation of the UN Guiding Principles on Business and Human Rights which are anticipated to be a catalyst for responsible business practices and the collaborated actions by the state and business actors in the protection and respect of human rights. The development of the B+HR Asia project was informed by an extensive scoping phase, including various scoping missions, consultations, assessments and analyses, which took place between June 2017 and March 2018. This allowed for the identification of a number of countries who expressed their willingness and commitment to developing National Action Plans on Business and Human Rights or similar processes, and who sought UNDP’s support and expertise in developing and implementing NAPs and in raising awareness of B&HR in their respective countries. This scoping phase also provided an evidence base upon which to develop the project although it fell short of providing a baseline to inform the development of the project’s results framework and indicators of success. This is discussed more fully under section 4.8 and finding 20.

The project was developed at a time when there was growing awareness of business and human rights in the region. A number of high profile incidents had recently occurred, including the fire at the Tazreen garment factory in Bangladesh and the collapse of the garment assemblage factory at Rana Plaza, which shone a spotlight on the linkages between business and human rights and which brought the issue to the attention of governments and other stakeholders in the region. The adverse impacts of business in Asia are most keenly felt on labour rights (including migrant workers’ rights), women’s rights, land rights, and rights linked to the environment. More specifically, businesses are often implicated of land-grabbing, gender discrimination, sexual exploitation and violence, abusive working conditions and environmental degradation. Growing awareness has resulted in more and more leading national and multi-national corporations embedding human rights due diligence approaches into their operational policies and corporate communication profiles. This growing awareness also resulted in countries, such as Germany, adopting into national legislation Due Diligence Laws. The project was able to build upon this momentum.

The MTE finds that the B+HR Asia project is fully aligned with Outcome 2 of the Regional Project (RP) Document 2018-2021, which mirrors the UNDP Strategic Plan 2018-2021, and in particular is aligned with its outcome 2, “*accelerate structural transformation for sustainable development*.” Within this, it is aligned with and contributes to the RP’s Output 2.3 “*Institutions, networks and non-state actors strengthened to promote inclusive access to justice and promote human rights*” (UNDP Strategic Plan 2018-2021, Outputs 2.2.2 and 2.2.3). The project undoubtedly contributes to the RP’s output indicators 2.3.2 and 2.3.4, respectively RP Output Indicator 2.3.2: *The United Nations Guiding Principles on Business and Human Rights are translated into country level action plans for implementation* (as appropriate to the project); and RP Output Indicator 2.3.4: *Number of National Human Rights Institutions support to undertake new initiatives that relate to emerging issues such as conflict and preventing violent extremism, the SDGs, lesbian, gay, bi-sexual, transgender issues, climate change financing, business and human rights and women, peace and security* (as applicable to the project). However, despite this alignment, contributions of the project towards these higher level outputs and outcomes are not reflected in its RRF, and thus there is no quantifiable evidence to support this.

The project is also in line with the regional development priorities of its donor, SIDA, and the MTE was informed that SIDA provided inputs into the development of the project document and were consulted throughout the development process.

Further, the project contributes to the national development priorities of its beneficiary countries, as well as the Country Programme Documents of the respective Country Offices, as informed by various national level actors and CO representatives. For example, in South East Asia, in Indonesia, the project contributed to the Roadmap on the Implementation on the Guiding Principles on Business and Human Rights, which subsequently became elevated to the Draft National Strategy on Business and Human Rights through intensive multi-stakeholder dialogues and consultations. In Malaysia, the project contributes to the National Action Plan, which is in the process of being developed. In Thailand, the project contributes to the already adopted NAP, while in Viet Nam, the project has supported a Preliminary Assessment of the Regulatory Framework on Responsible Business Practice. This assessment is expected to advance responsible business practice in Viet Nam, including through the development of a National Action Plan on Responsible Business Practice. The Assessment is the first step in this regard, providing a preliminary analysis of laws and policies pertaining to upholding international social and environmental standards in the context of business activity. The infographic below shows the number of NAP related consultations conducted by the project.



**Figure 1: No. of NAP Consultations conducted**

In South Asia, there is perhaps less of a commitment at the national policy level to B&HR than in South East Asia. For example, in Bangladesh, the NAP development process has stagnated, in part due to COVID-19 restrictions preventing the organisation of awareness raising and capacity building activities, as well as in part due to the generation of sufficient political will. That said the Bangladesh National Human Rights Commission does have a Committee on Business and Human Rights and Corporate Social Responsibility, with whom the project is engaging as well as a Technical Working Group for the development of the NAP. The MTE was informed that in 2022, the Regional Business and Human Rights Forum will be hosted in Bangladesh as a way to generate momentum. In India, the project contributes to the development of the NAP. In Sri Lanka, the recent political developments have raised concerns about the broader human rights trajectory in the country, as the space for Human Rights Defenders and civil society groups working on human rights has become more heavily restricted. In the midst of these developments, businesses struggled to stay afloat in a stalled economy. Unsurprisingly perhaps, many business leaders and government officials have not been as open to engaging the B&HR agenda as they had been at the start of the project.

The MTE observes that the project contributes to a number of the SDGs. For example, when businesses conduct robust environmental impact assessments and monitor their operations and supply chains for violations of environmental laws, they substantially reduce the number of deaths and illnesses from hazardous chemicals and air, water and soil pollution and contamination (SDG 3.9). Businesses can develop and enforce anti-discrimination policies in furtherance of efforts to end its impact on women and girls (SDG 5.1) while ensuring women’s full and effective participation in economic life (SDG 5.5). By investing more in monitoring, auditing and complaints systems throughout their supply chains, businesses can contribute to ending forced labour in all its forms (SDG 8.7). Businesses can enhance grievance mechanisms, complaints systems, and whistle blower protections, while forgoing frivolous claims of defamation against human rights defenders, to ensure greater access to justice (SDG 16.3). The links between the SDGs and environmental rights (including Goals 13-15 on the environment and climate action) are also substantial. However, the MTE finds that while the links between B&HR and the SDGs are strong, there are opportunities to leverage the SDGs further to drive policy coherence and to bring more stakeholders on board. Many key informants commented that businesses in particular are more familiar with the SDGs than they are with B&HR, that the SDGs are more interesting and less threatening to them and that businesses gravitate towards this agenda more. It is also noted that any contribution of the project towards the SDGs is not captured in its RRF.

**Finding 2: The project design was evidence based and informed by a solid consultation process, however it has an unclear theory of change and its indicator framework is not consistently SMART (specific, measurable, attainable, relevant and time-bound), resulting in institutionally, some of the results of the project being lost.**

The theory of change of a project should articulate strategies, approaches and interventions that when implemented successfully along envisaged causal “development pathways” will lead to the achievement of the project’s planned results. There should be coherence between the ToC and the RRF. The B+HR Asia project’s ToC is unclear and does not adequately reflect the impact statement, outcomes and outputs. It is more shaped around activities and results at the activity level without a clear causal pathway towards the results framework. Assumptions and risks underpinning the ToC are not clearly articulated and there is no clear description of how the ToC will contribute to higher-level outcomes. The current RRF is completely missing outcome indicators, many of the existing output indicators are not measurable or quantifiable and do not have targets, and there is almost a complete absence of a baseline. In addition, the output statements in the RRF differ from those in the narrative project document. While the RRF does include indicators and targets at the activity level, these are unable to capture any results of progress towards higher level outcomes. Baselines at the activity level are in general also absent. This has made both M&E and reporting challenging, leading to an absence of reporting on progress towards indicators, beyond activity level indicators. The situation regarding M&E is discussed more fully under Management and Monitoring below.

It is standard M&E practice to periodically review the ToC and test causal assumptions in the light of any changes in context during the implementation of a project. In the case of B+HR Asia, such a review has not been done since the start of the project implementation. Meanwhile, the context in the Asia-Pacific region relating to B&HR has evolved considerably and the programmatic framework within which the project is operating has changed with the introduction of the EU funded B+HR project.

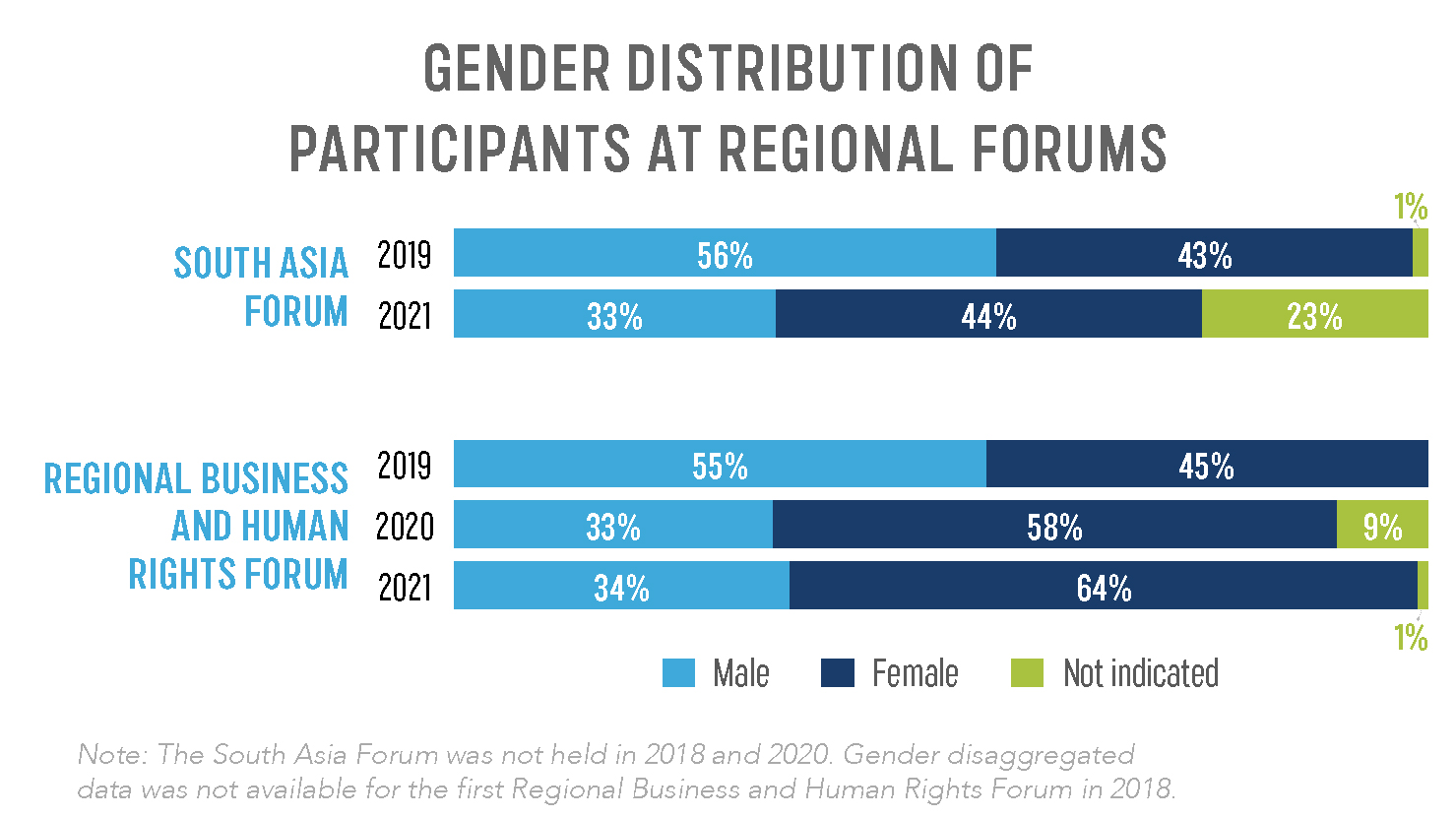
**Finding 3: The project has integrated gender equality and women’s empowerment and other vulnerable groups into the project design and implementation. It considers women’s human rights a priority area and contributes to UNDP’s work on promoting gender equality and women’s empowerment.**

The MTE finds that the project has integrated a gender perspective into both the design and implementation of the project. For example, in line with the UNGP, a gender guidance toolkit was produced and launched at the global forum on B&HR in Geneva in November 2019. The toolkit has proven to be very useful, and was used, for example, for capacity building activities in Bangladesh. To facilitate the application of gender equality at ground level, B+HR Asia developed and published the Casebook of Gender Dimension to B&HR in 2020. This publication draws on real-life examples of 15 good case practices of the Asian business community and showcases how to implement existing standard. The casebook is due to be published in 2022.

Another example is the Video Women’s Rights are Everyone’s Business: Applying the gender lens to the B&HR agenda. The video was developed to reach a wider audience with the message of interconnection between B&HR and Women’s Rights and was widely disseminated to highlight further regression of women’s circumstances in 2020. These efforts and activities have helped to raise awareness of the differentiated effects of business and human rights abuses on women. The project has also sought to ensure gender representation in all of the project activities as well as considering the gender balance of both the project and Project Board structure.

UNDP and the project jointly developed a Memorandum of Understanding with UN Women to secure a close working relationship and access to UN Women’s world-class expertise on gender. It has also created synergies and linkages with UN Women’s work and experience on the B&HR agenda, namely through its project on migrant women workers titled, *Safe and Fair: Realizing women migrant workers’ rights and opportunities in the ASEAN region*, but also through a new project in development on Women’s Economic Empowerment.

The project has consistently strived to achieve a gender balance at the regional forums. While in South Asia this has not quite been achieved, the representation of women has been strong and consistent. At the Regional Business and Human Rights Forum the project has successful increased the representation of women year on year, with a 45% representation in 2019, increasing to 58% in 2020 and rising again to 64% in 2021. This is illustrated in the infographic below.



**Figure 2: Gender distribution of participants and regional forums**

**Finding 4: The BHR discourse has progressed immensely during the course of the project implementation and the project, reflected in its AWP, has been able to respond effectively to the changes and demands. As the discourse in Asia and globally evolved, so did the project. Similarly,** the B+HR Asia project has proven to be adaptive and responsive to changing contexts in the target countries and region, including political changes and the COVID-19 pandemic. This flexibility should continue to allow the project to shift to changing priorities and respond to needs and opportunities as they arise.

The MTE observes that the project team has proven to be pro-active, adaptive and resilient to fast moving developments in the region and external challenges, including political instability, conflict and of course, the COVID-19 pandemic. The project has been able to adapt, as illustrated in its Annual Work Plans, to the evolving BHR discourse both within Asia and globally. Additionally, at the start of the pandemic, the project responded incredibly quickly by developing a project implementation contingency plan already in March 2020, as well as being quick in their response to stakeholders' needs. One of the key responses was to develop a Rapid Self-Assessment on Human Rights Due Diligence (HRDD) and Covid-19, which was generated and released with translation into 14 languages. The tool has been downloaded over 3000 times, and a second edition was released in cooperation with UNICEF to ensure that messages on children’s and women’s rights were further emphasised and references to additional resources were included. This tool has also been used beyond the region, for example, in Central and Eastern Europe, where companies in Turkey were trained on how to use the tool.

In-person activities quickly shifted to an online modality, including the flagship B+HR Forum Asia, which was hosted on a virtual platform in June 2020. The shift to an online modality allowed for the participation of a staggering 6,623 attendees and saved an estimated 220 tonnes of carbon emissions. Cognisant of the limitations of virtual platforms and online events, including the digital divide, especially for rights-holders, as well as the sensitivity of some discussion topics, in 2021, the project adopted a hybrid model. This allowed both online and in-person participation. It is hoped that in 2022, the Forum will revert to being held in-person.

## Effectiveness

In order to assess the effectiveness of the project to date, the MTE reviewed the project’s technical as well as operational approaches, the regionalism and deliverables, the quality of results and any preliminary indications of their impact, alignment with national priorities and the level of response to the needs of the stakeholders. This was done by assessing the results achieved, the partnerships established as well as issues of capacity. In order to answer the key evaluation questions, the analysis of the effectiveness of the project has been broken down into each of the five output areas. Due to the gaps in the results framework, it is very challenging for the MTE to evaluate progress towards output or higher level goals.

**Output 1: Regional momentum strengthened toward implementation of the UNGPs through advocacy and regional dialogue on opportunities, priorities, and challenges of implementation.**

**Finding 5: It is without doubt that the B+HR Asia project has been a major driver of the business and human rights discourse in Asia and has strengthened regional momentum toward implementation of the UNGPs.**

This output is focused around introducing and building upon dialogues that have proven instrumental in fostering a race-to-the-top in implementation of the UN Guiding Principles in Asia. It was anticipated in the original project design that continued dialogue bringing in new sub-topics and deeper levels of sophistication to the discussion on B&HR would stoke new rounds of collective action and regional momentum.

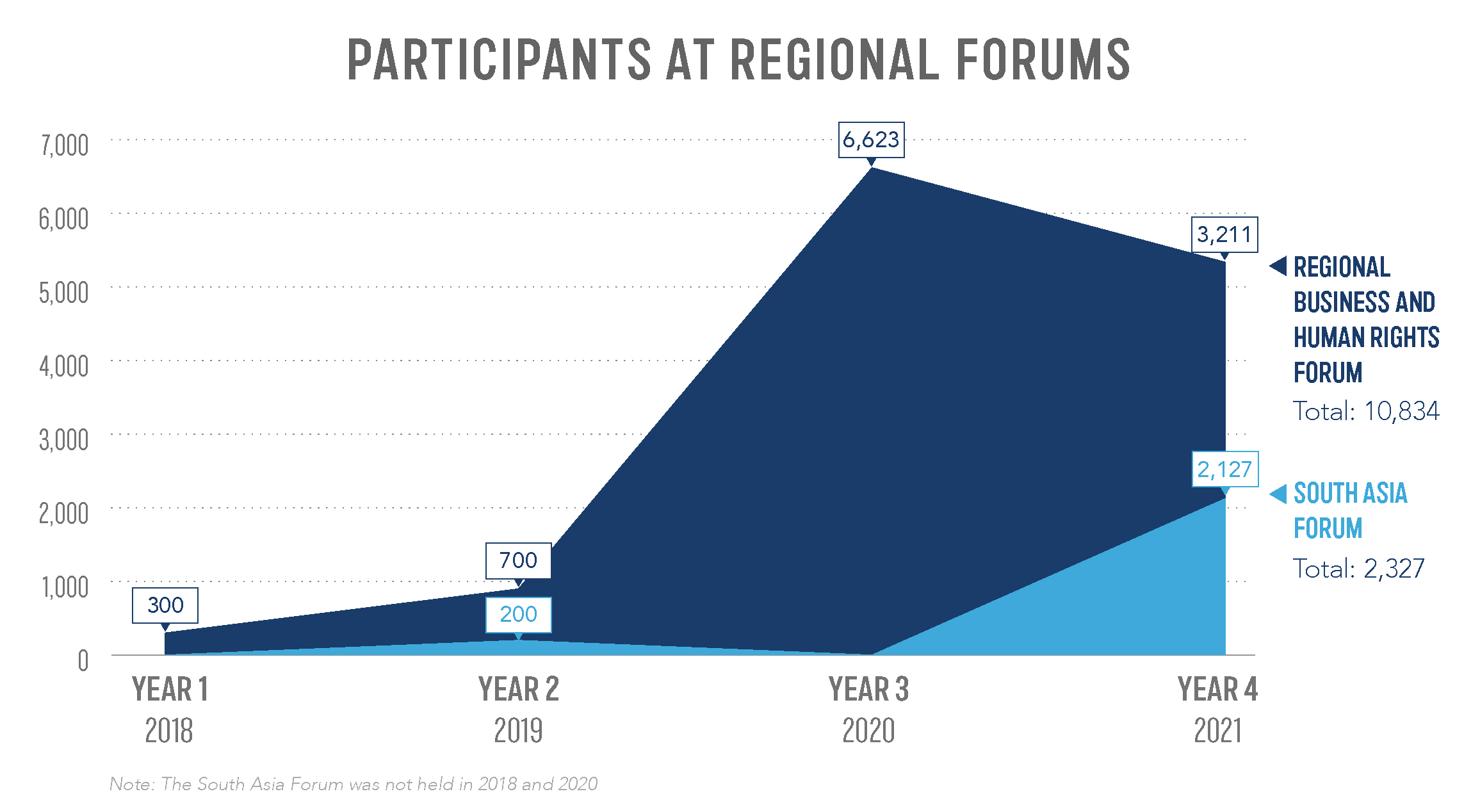
Without exception, all stakeholders confirmed the major contribution that UNDP and the project have made towards furthering the B&HR agenda in the region. As one stakeholder commented:

“*The project moved the regional and national momentum, it created awareness and built capacity, and it supported in amplifying CSO voices*…*it pushed the discourse and generated conversations*.”

Another commented:

“*The SIDA funding gave a lift to the whole agenda*.”

The strategy that the project adopted to achieve this was to convene stakeholders in large, high-level forums on an annual basis, as an opportunity for peer exchange and knowledge sharing, as well as a tool to encourage countries in the race to the top. All stakeholders who have participated in the flagship Regional Business and Human Rights Forums confirmed the utility and relevance of the events. The increase in the number of participants since 2018 confirms not just the impact the project has had in terms of raising awareness of B&HR in the region but also the high regard with which UNDP, the project and its events are held by stakeholders. In 2020, the Forum was held online due to the COVID-19 context, which allowed for an unprecedented 6,623 participants from 101 countries. This is broken down to 3,841 women and 2,170 men/1,018 civil society representatives, 1,205 business representatives, 388 government representatives, 115 human right defenders (HRD) and 696 academics. These numbers speak for themselves. While in 2021, there was a decrease in the number of participants, this is due to the Forum being conducted using a combined model of in-person participation and virtual participation. The number of participants at the regional forums is illustrated below.



**Figure 3: Participants at regional forums**

During the course of the project implementation, a decision was made to hold sub-regional Forums, for South Asia and Southeast Asia respectively. This strategy was adopted due to the different levels of progress in the sub-regions, as well as differences in the issues, systems, complexities and ground realities between them, and proved to be successful in allowing the project to tailor the events to the specific needs of the sub-regions. Many stakeholders commented on the need to approach the issue of B&HR at the sub-regional level and welcomed the project’s strategy and approach in this regard.

**Finding 6: The combined regional and sub-regional approach is necessary for creating an enabling environment and levelling the playing field for progress at the national level. It has positioned UNDP as the lead actor on Business and Human Rights in the region.**

All stakeholders who participated in the evaluation commented on the need to have a regional approach in addressing the issue of B&HR. In this way, the project is able to bridge the gap between the global level and the national level and also create the enabling environment necessary for approaching the issue at the national level. Human rights are a very sensitive subject in Asia, in particular for individual countries and governments. However the regional approach allowed for all countries to sit together at the same table and to level the playing field between them. This, as stakeholders commented, pushed the discourse and generated discussions, which would not otherwise have taken place. It allowed for the exchange of knowledge, ideas and learning between peers and created a “race to the top” as well as friendly competition between countries, keen not to be left behind their neighbours. As one stakeholder commented:

*“The regional approach provides Asian solutions to Asian problems.”*

Conversely, while bridging the gap between the global and national levels, the regional approach of the project is also influencing both global and national agendas. For example, it has helped to drive the National Action Plan process in countries beyond its geographical coverage (see below under output 2), while also feeding in to discussions at the global level. The project made a significant contribution to the UNWG’s Next Decade project and corresponding Roadmap and participates in the Annual UN Forum on Business and Human Rights in Geneva.

The regional approach has also allowed for UNDP to position itself as the lead actor on business and human rights in Asia. Stakeholders confirmed this, one of whom commented:

*“UNDP is seen as the leader of the Business and Human Rights agenda in the region by governments, civil society and by other UN agencies and international partners.”*

Output 1 has 2 output level indicators, without targets, 2 activity indicators and 7 activities with corresponding targets. When assessed against the activity level results in the RRF, we can see that output 1 is on-track to achieve its targets – please see Table 1 below for progress towards output 1 and Annex V for the overall project progress per outputs. Out of its seven activity indicators, the project has over-achieved on 5, with the remaining two being on track. This is an impressive result at the mid-way point.

|  |  |  |  |  |  |  |  |  |  |
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| **Outcomes** | | | | | | | | | |
| **Intended Outcome as stated in the Regional Programme RRF:** | | | | | | | | | |
| **Project Outcome**:Sustainable business practices which strengthen human rights, empower women, and respect the environment are facilitated at the regional and national levels through the implementation of UN Guiding Principles on Business and Human Rights | | | | | | | | | |
| **Output/output indicators** | **Activity indicators** | **Activities** | **Activity baseline** | **Activity targets** | | | | | **Status** |
| **Yr 1** | **Yr 2** | **Yr 3** | **Yr 4** | **Yr 5** |
| ***Output 1:***  *Regional and international dialogue and training events build momentum and inform progress on UNGP implementation efforts and facilitate South-South exchange and cooperation*  ***Output 1 Indicators:***  *No. of governments represented at the regional dialogue*  *% increase in number of Asian companies that adopt human rights policies and due diligence protocols* |  | *1.1.1 Co-host five (5) regional dialogue forums on progress towards the implementation of the UNGPs, including review of South-South cooperation and learning* | *3 Regional Workshops hosted on B&HR basics. 3 Reports capturing lessons learned produced. No introductory or social media products produced.* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 6  Performance: 120%  Over-achieved |
| *1.1.2 Produce five (5) reports, outcome documents or multi-media product summarizing deliberations and conclusions* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 15  Performance: 300%  Over-achieved |
| *1.1.3 Develop three (3) videos and three (3) social media communication products to introduce gender and environmental dimensions, and other sub-topics to a widening B&HR agenda* | 2 | 3 | 5 | 6 | 0 | Target: 6  Achievement: 15  Performance: 250%  Over-achieved |
| 1.2 No. of Regional Expert-level Workshops supporting capacity building, focused on the environment, and the specific needs of women, migrants and indigenous peoples | *1.2.1 Host five (5) regional expert-level workshops on the UNGPs, or similar event identifying priority areas of action and best practices* |  | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 6  Performance: 120%  Over-achieved |
| *1.2.2 Produce multi-media training products to support expert-level workshop* |  | 1 | 2 | 3 | 4 | 5 | Target: 4  Achievement: 3  Performance: 75%  On-track |
| 1.3 No. of key stakeholders actively participate in Global Forum on Business and Human Rights | *1.3.1 Five (5) events co-hosted at the annual Forum on Business and Human Rights* | *1 event co-hosted, at the UN* ***Global*** *Forum on Business and Human Rights in Geneva.* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 7  Performance: 140%  Over-achieved |
| *1.3.2 Provide support to NHRIs, CSOs, and government in their engagement at the annual Forum on Business and Human Rights* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 4  Performance: 80%  On-track |

Delivery under output 1 has been consistently and increasingly high, with a slight downturn during 2019 due to COVID-19. Delivery in 2018 was 61%, in 2019 it was 80%, increasing to 93% in 2020 and increasing again in 2021 to 100%.

**Output 2 Regional and national legislative and policy frameworks, including National Action Plans, are developed and implemented on UNGP, reflecting regional best practices, including perspectives of women, migrants and Indigenous Peoples (IPs)**

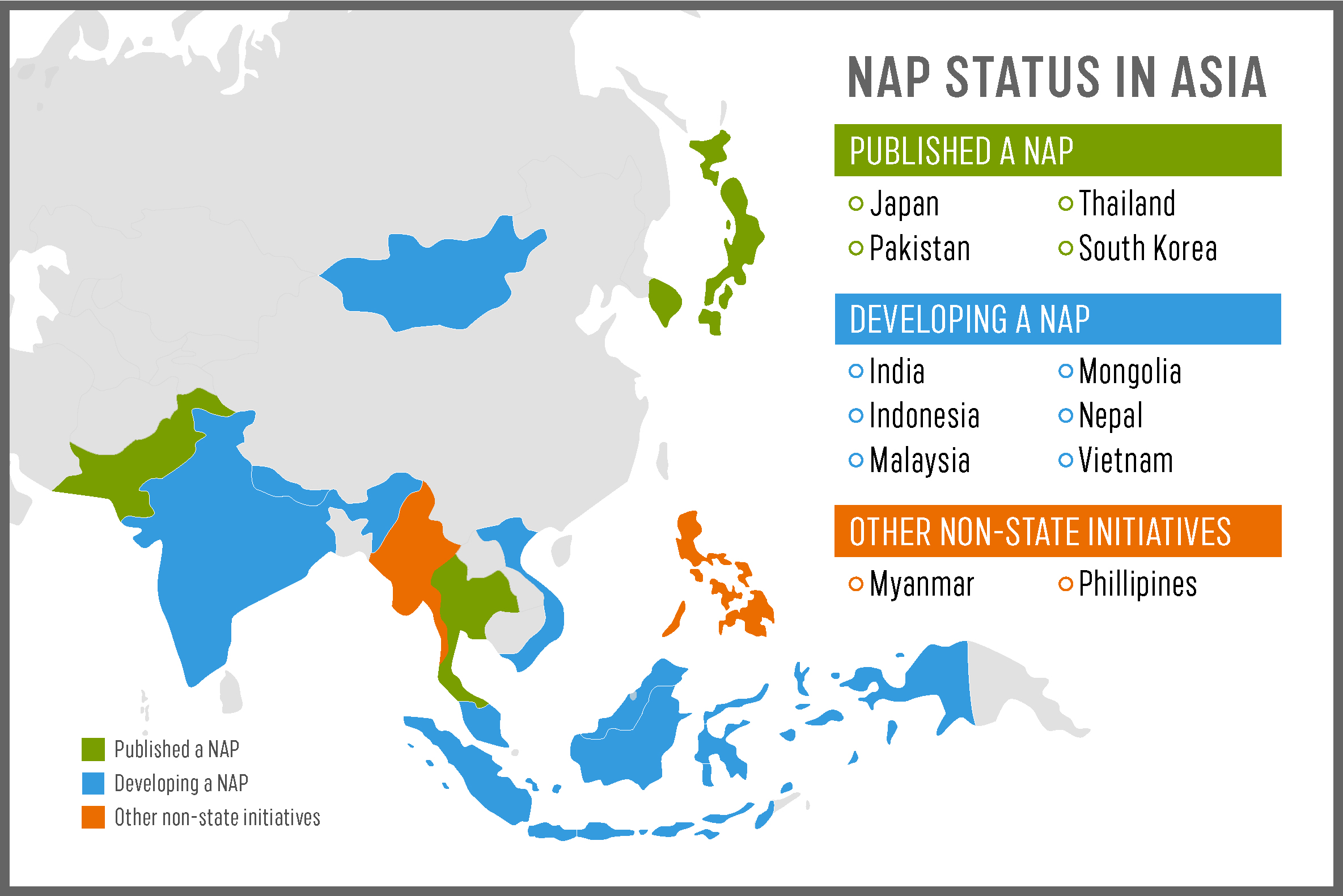
**Finding 7: An essential value that B+HR Asia brought to the region was the facilitation of transparent and inclusive NAP development processes. The project has contributed to increased peer to peer learning and South-South exchange on the development of the NAP between governments; for example, Indonesia, Thailand and Pakistan and Japan and Vietnam.**

Output 2 is focused around the provision of technical advice and assistance to feed into the development of National Action Plans on Business and Human Rights or similar policy frameworks. While ideally, the update of the UNGPs should involve a “smart mix of measures” – which entails a combination of mandatory and voluntary, national and international measures) it has become more and more apparent that voluntary measures are not sufficient and that well-developed legislative and policy frameworks are at the core of B&HR progress. B+HR Asia recognised this tendency at the beginning of the project implementation in 2016 and has continuously worked on strengthening the capacity of the stakeholders, knowledge sharing, and developing a solid base for further implementation of the UNGPs through the development of NAPs.

It should not be understated that the project initiated NAP processes in 8 countries in the region and paved the way for the EU project to continue with this work stream. The project initially started with providing support to seven different countries - Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Viet Nam – however, after the introduction of the sister EU-funded B+HR project in 2020, a decision was made for the SIDA funded regional project to continue focusing on those countries where there was no overlap with the EU project, namely Bangladesh and Viet Nam. However, the project continues to facilitate the NAP process through awareness raising and showcasing experiences at the regional events, capacity building, advocacy and through providing targeted support, for example to conducting national level baseline assessments. As one stakeholder commented:

*“Through regional activities for awareness raising, advocacy missions and positive communications implemented by the project, the momentum and interest on the B&HR agenda has reached out beyond the programme geographical coverage of 7 countries.”*

The MTE was informed that in addition to those countries where the project was initially focusing, UNDP B+HR Asia was contacted for follow-up discussions and activities regarding the possibility of initial steps towards the implementation of the UNGPs in Pakistan, Nepal, Japan, Mongolia and Maldives. This is also testament to the results of the project and the snowballing effect that it is having on countries in the region. The current NAP status in Asia is illustrated below.



**Figure 4: NAP status in Asia**

The programme supports the development of NAPs through the production of knowledge materials and technical support; such as comprehensive research on the status of B&HR, the casebook on applying gender-sensitive practices to the UNGPs, and advocacy missions to provide technical support to the government. During the course of the project implementation period to date a total of 29 advocacy missions have taken place – an impressive number, especially when considering the COVID-19 context and travel restrictions in place.

Under this output, the project has also supported a comprehensive research study on the Status of Business and Human Rights in Asia. The research provides an overview of B&HR focused mainly on: Bangladesh, India, Indonesia, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand, and Viet Nam. The research scope was deliberately broad and inclusive and not an exhaustive coverage of selected issues. It represents an in-depth and critical review of obstacles while acknowledging that the field of BH&R is itself in a state of flux and that all stakeholders need to be ready to adapt. This research proved instrumental in feeding into the UNWG’s Next Decade project and will also be used to inform future UNDP programming in the area of B&HR.

Output 2 has 1 output level indicators, without targets, 5 activity indicators and 7 activities with corresponding targets. When assessed against the activity level results in the RRF, we can see that output 2 is on-track to achieve its targets – please see the able below for the progress towards output 2 and Annex V for an overall progress of the project towards achieving its targets. Of its 7 activity level results, it has over-achieved on 6 and is on-track to reach the seventh target.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Output/output indicators** | **Activity indicator** | **Activities** | **Activity baseline** | **Activity Targets** | | | | | **Status** |
| **Yr 1** | **Yr 2** | **Yr 3** | **Yr 4** | **Yr 5** |
| ***Output 2:***  *Regional and national legislative and policy frameworks, including National Action Plans, are developed and implemented on UNGP, reflecting regional best practices, including perspectives of women, migrants and Indigenous Peoples (IPs)*  ***Output 2 Indicator:***  *Four (4) NAPs or other strategic level planning documents, that meet international standards, fully developed and published.* | 2.1 No. of advocacy missions conducted in support of NAPs or other policy planning initiatives on B&HR | *2.1 Provide policy guidance and encourage governments over the course of twenty-five (25) missions to develop NAPs or other strategic planning documents towards UNGP implementation* | *UNDP conducted scoping missions in 6 countries during the first 11 months of the project.* | *5* | 10 | 15 | 20 | 25 | Target: 25  Achievement: 25+  Performance: 100%+  Over-achieved |
| 2.2 No. of policy products produced and disseminated in furtherance of NAPs development on B&HR | *2.2.1 Five (5) policy products delivered on lessons learned and evidenced-based impact in the Asia context regarding UNGP implementation* | *0* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 9  Performance: 180%  Over-achieved |
| *2.2.2 Four (4) launch events coincide with each policy document release engaging media, CSOs, government, diplomatic community, and private sector* | 0 | 1 | 2 | 3 | 4 | 5 | Target: 4  Achievement: 5  Performance: 125%  Over-achieved |
| 2.3 No. of technical support initiatives delivered on NAP drafting process | *2.3.1 Provide technical expertise, guidance and inputs into NAPs and other implementation strategies, ensuring that policies are properly consulted, costed, and include defined roles and responsibilities, among other indicators of quality.* | 0 | 20% | 40% | 60% | 80% | 100% | Target: 100%  Achievement: 70%  Performance: 70%  On-track |
| *2.3.2 Host eight (8) consultations or eight (8) validations on finalized NAPs and other strategic materials with stakeholders at national and regional levels* | 0 | 2 | 4 | 6 | 8 | 0 | Target: 8  Achievement: 13  Performance: 163%  Over-achieved |
| 2.4 No. of capacity building events conducted on NAP development and implementation, targeting government officers, CSOs actors, NHRI staff, and business leaders | *2.4 Develop and implement ten (10) capacity building events on NAP processes and best practices tailored to government, NHRIs, and business* | *1 regional capacity building event on NAP processes and best practices co-hosted with AICHR* | 2 | 4 | 6 | 8 | 10 | Target: 10  Achievement: 11  Performance: 110%  Over-achieved |
|  | 2.5 No. of awareness raising events conducted on B&HR that widen and deepen engagement on existing NAP or similar processes or that encourage government implementation of UNGPs | *2.5.1 Develop and implement with partners thirty (30) awareness raising events at the regional and national levels on the UNGPs targeting communities impacted by business operations, private sector actors, CSOs, women, migrants and Ips* |  | 6 | 12 | 18 | 24 | 30 | Target: 30  Achievement: 46  Performance: 153%  Over-achieved |

Delivery under output 2 has been increasing year on year, although it is lower than under output 1. In 2018 it stood at 39%, which increased to 66% in 2019, increasing to 74% in 2020 and increasing again in 2021to 100%.

**Output 3: Strengthened regional partnership architecture, made up of UN system, NHRIs, CSOs, and private sector actors working on B&HR, brings greater coherence to awareness raising, technical assistance efforts, while facilitating innovative practices**

**Finding 8: The partnership architecture brought policy coherence and alignment to the B&HR agenda in Asia and allowed the project to connects its work with the relevant organisations at the global, regional and national levels. It facilitated dialogue and cooperation to eliminate silos and identify commonalities. Having a dedicated output on strengthening the regional partnership architecture can be considered a best practice.**

Output 3 is focused around bringing together different actors involved in B&HR development in the region. While there are strong stakeholders active in the field, their advocacy, awareness raising and capacity building are often scattered and ad hoc. Through a partnership architecture that UNDP inspired during the scoping phase, the project has sought to ensure more collaborative, coherent, and innovative efforts to raise the profile of the Business and Human Rights agenda in Asia. This includes hosting knowledge-sharing labs - which included NHRIs, CSOs, UN-system and business champions - to strengthen the partnership architecture, raise awareness among the public, and support behavioural change in government and in the business sector around the treatment of migrants, indigenous peoples, women, and other vulnerable groups. Under this output, the project also hosts innovation labs to link new technology solutions to B&HR challenges, and provide seed funding to help ensure ideas get off the ground. Playing a key supporting role to the partnership architecture, private sector champions and academia are cultivated to echo partnership architecture messages and advocate for change before policy makers.

While the United Nations Office of the High Commissioner for Human Rights, OHCHR, is the custodian of the UNGPs, UNDP has the footprint through its network of Country Offices, regional hubs and specialist centres. In terms of partnerships with other UN Agencies, the project has been exemplary in facilitating dialogue and cooperation to eliminate silos and identify commonalities. This has led to greater policy coherence and alignment between the Agencies and for the UN to speak with one voice. This is something that is particularly appreciated among the partners and stakeholders and something that is not always easy to achieve. It also sends a strong message of coherence to the governments in the region.

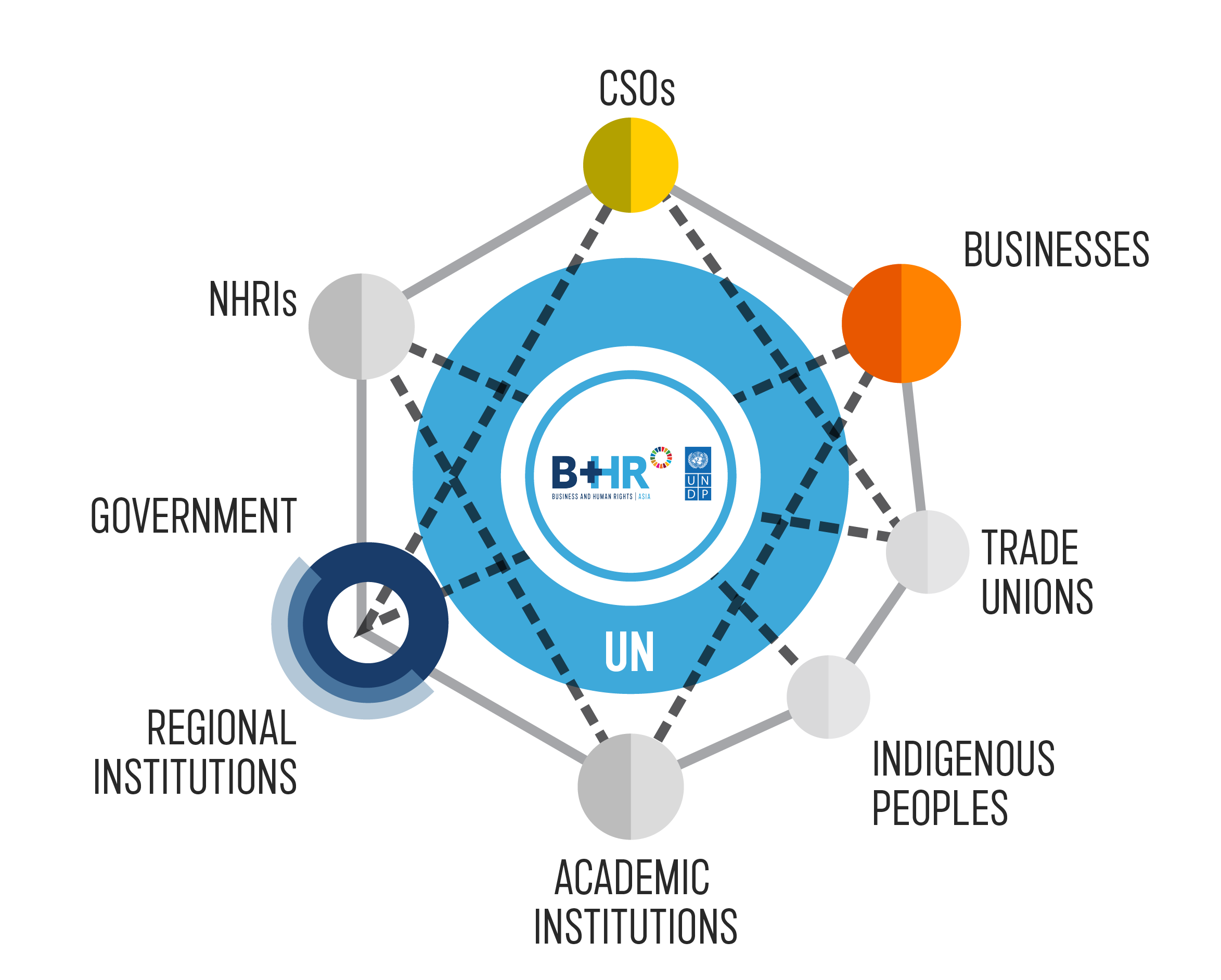
The MTE was informed by one stakeholder:

*“UNDP is not territorial and is willing to share the pie with other UN Agencies as well as open all the doors. While other UN Agencies have been involved with different aspects of B&HR, UNDP has brought the connective tissue and connected the dots.”*

This approach has encouraged collaborations and reduces the habit of working independently by the UN agencies. For example, as a joint UN endeavour, UNDP led the organisation of and served as the secretariat for the Regional B&HR Forum. Co-organisers included the UN Working Group on Business and Human Rights (UNWG), the International Labour Organisation (ILO), the United Nations Children’s Fund (UNICEF), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). This indicates the level of partnership and coherence that the project has been able to develop.

It has also allowed UNDP B+HR Asia to connect its work with relevant entities or mechanisms at the global level. For example, in collaboration with OECD, the Responsible Business and Human Rights Forum took place in Bangkok, Thailand in June 2019 and which was the first OECD Responsible Business Forum that was hosted outside Paris. Furthermore, the project continuously works in close coordination with the UN Working Group (UNWG) on B&HR; thus the progress in the region is in alignment with the broader B&HR direction. Importantly, as mentioned above, UNDP also contributed to the formation of strategy for the next decade of UNGP B&HR in which examples from Asia were fed into the paper.

The project has established and cultivated partnerships with over 80 organisations, which has allowed it to link the BHR agenda with other agendas, including climate change, environment, labour, migrant workers, child rights, women’s rights, international trade and investment agenda and youth engagement. Partnerships have been established using a whole of society approach, as depicted below:



**Figure 5: Partnership architecture**

**Finding 9: Through innovation labs and seed-funding, the project has been able to reach rights-holders and help ensure new ideas get off the ground.**

The project has also supported the organisation of innovation labs under this output, to link new technology solutions to B&HR challenges, and provide seed-funding to help ensure ideas get off the ground. For example, in 2020, the project supported the organisation of the Regional Dialogue on Indigenous Youth Social Entrepreneurship organised in Bangkok in partnership with Asia Indigenous People Pact (AIPP), UNESCO and YouthCoLab. Its goal was to gather and build the capacity of indigenous youth aged between 15 and 30 who are making a difference through social entrepreneurship and community building. The event brought together twenty dynamic young entrepreneurs from Bangladesh, Cambodia, India, Laos, Myanmar, Nepal, the Philippines, Malaysia, Indonesia, Viet Nam, Timor-Leste and Thailand. Participants were business owners or operators and representatives of an Indigenous organisation working on youth development with social impact, devoted to preserving Indigenous knowledge and traditional culture and making a difference in their communities.

Building on from this, for the International Day of the World’s Indigenous Peoples 2020, the project, together with UNESCO, and YouthCoLab launched the campaign highlighting young social entrepreneurs. As part of the campaign, a grant was launched to support young IPs to take on efforts to combat the impact of the pandemic. The campaign was focused on individual young indigenous leaders and change-makers, including their stories of having to overcome violations and disadvantages often faced by IPs. It was underscoring issues faced by young IPs in addressing human rights challenges in the context of business activities particularly in the context of COVID-19 and highlighting how they are using social entrepreneurship to help their communities progress. The campaign had 3 million impressions and a 2.1 million reach. These number illustrate the wide reach that the project is able to generate as well as its ability to reach rights holders and bring their needs to the fore.

When it comes to reaching rights holders, the MTE was informed that the project has cultivated some strong partners with many different stakeholders, however many commented on the challenges of reaching rights holders and the difficulties in truly integrating a human rights based approach into a project that is focused at the regional level. As one commented:

“Reaching rights holders is extremely sensitive and challenging. While we need to do more to reach vulnerable groups, we also need to be aware of the sensitivities surrounding this.”

While the project has made efforts to reach rights holders through its partnerships, through research and studies and through awareness raising, there is a great need to engage more with rights holders as the real beneficiaries of the project’s interventions.

Output 3 has 2 output level indicators, without targets, 3 activity indicators and 4 activities with corresponding targets. When assessed against the activity level results in the RRF, we can see that output 3 is on-track to achieve its targets – please see the table below for an illustration of the progress towards output 3 and Annex V for an overall summary. The project has over-achieved on two of its activity level indicators and is on-track to achieve the remaining two.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Output/output indicators** | **Activity indicators** | **Activities** | **Activity baseline** | **Activity targets** | | | | | **Status** |
| **Yr 1** | **Yr 2** | **Yr 3** | **Yr 4** | **Yr 5** |
| *Output 3:*  *Strengthened regional partnership architecture, made up of UN system, NHRIs, CSOs, and private sector actors working on B&HR, brings greater coherence to awareness raising, technical assistance efforts, while facilitating innovative practices*  *Output 3 indicators:*  *# of organizations that attend knowledge sharing events, and develop joined-up programming with UNDP and other entities to work on B&HR*  *# of scaleable social impact projects launched* | 3.1 No. of coordination and knowledge-sharing lab strengthening cohesion among partners working on B&HR | *3.1.1 Design and host five (5) partnership coordination and knowledge sharing lab to inform and shape regional dialogue on B&HR* | *UNDP met separately on several occasions with UN and non UN system actors. Furthermore, the project is privileged to enjoy a close partnership with the UN Working Group (UNWG), involving weekly communications.* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 4  Performance: 80%  On-track |
| 3.2 No. of externally-facing events co-organized with other members of the partnership architecture | *3.2 Co-organize three (3) events with members of the partnership architecture on the human rights risks that women, migrants and IPs face in the agriculture/fisheries, manufacturing, and infrastructure/extractives industries.* | 0 | 1 | 2 | 2 | 3 | Target: 3  Achievement: 5  Performance: 167%  Over-achieved |
| 3.3 No. of innovation labs conducted between CSO and UN system partners and private sector start-ups that address business and human rights challenges | *3.3.1 Three (3) innovation labs conducted* | 1 | 0 | 2 | 0 | 3 | Target: 3  Achievement: 1  Performance: 33%  On-track  Note: two being finalized/initiated |
| *3.3.2 Three (3) social innovation projects provided seed funding for product launch in three countries* | 1 | 1 | 2 | 3 | 3 | Target: 3  Achievement: 8  Performance: 267%  Over-achieved |

Output 3 has had a very mixed delivery rate achieving a staggering 168% in 2018. The start of the EU project and shifting of funds and priorities as a result impacted on delivery and in 2019, the project only delivered 14% under this output. In 2020 the project managed to turn this around with an impressive 98% delivery rate and in 2021, the project has exceeded delivery with a rate of 146%. It should be noted however that the allocation of funds under this output is considerably less than under outputs 1, 2 and 4.

**Output 4: Increased awareness of all regional stakeholders of the UNGPs and strengthened access to effective remedy for violations of human rights in the context of business operations**

**Finding 10: The project has created awareness and built capacities of Civil Society Organisations and National Human Rights Institutions and has provided support to amplify CSO voices on business and human rights in the region. However there are still limitations with regards to capacities and differences in the levels of capacity among the institutions are wide.**

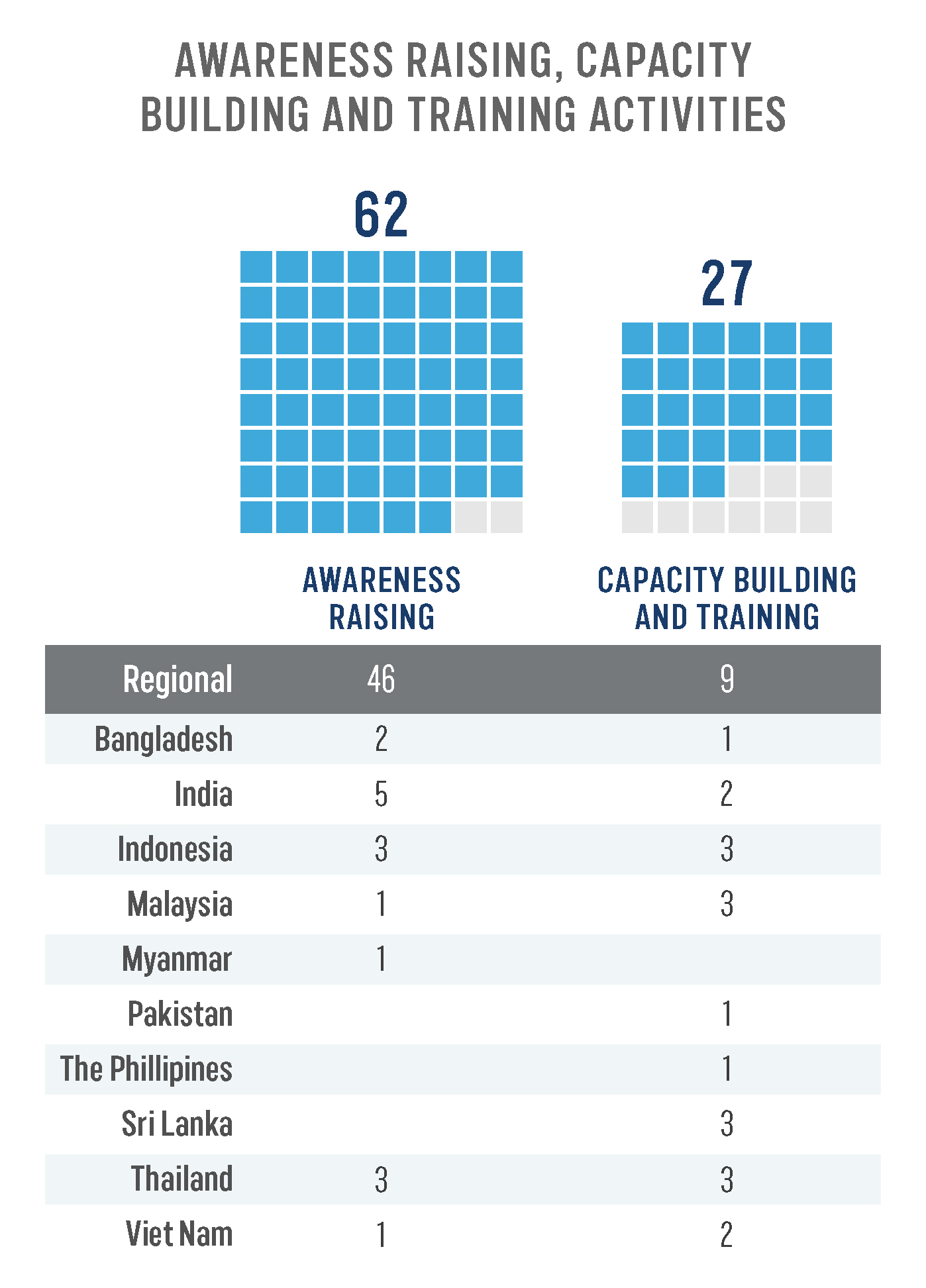
Under output 4, the project aims to assist NHRIs and CSOs working with human rights defenders to provide legal assistance in furtherance of adequate remedies. The project aims to do this through conducting awareness raising activities, trainings, and peer learning events to familiarise international organisations, community-based organisations and the wider public with the UN Guiding Principles on Business and Human Rights and the work of NHRIs and CSOs. Trainings of NHRIs and CSO on B&HR issues have been provided as necessary and as requested. Under this output, the project organises an annual Association of Southeast Asian Nations (ASEAN) Responsible Business Forum bringing together diverse stakeholders from governments, ASEAN bodies, the private sector and civil society to engage in practical discussions about the future of businesses, and how to collectively advance and mainstream responsible and inclusive business across the three pillars of ASEAN Community: Political – Security; Economic and; Social and Cultural. The Forums have provided an opportunity to address key challenges faced by ASEAN, including but not limited to access to remedies; human rights due diligence in the supply chains; gender equality; business integrity and anti-corruption; financial inclusion; micro, small and medium-sized enterprises (MSMEs) development; climate change and environmental sustainability.

The MTE was informed that the project has increased engagement with NHRIs) through conducting comprehensive needs assessment of 12 NHRIs on B&HR. The needs assessment was mainly focused on the NAP development process in each country and the accessibility of the right to remedy for business-related human rights abuses. The findings identified different levels of understanding and experiences of the UNGPs among NHRIs thus future capacity building needs to be designed in a combination of a regional approach with tailor-made programmes.

The project has also been focused on strengthening civil society through capacity building, raising awareness, developing networks, organising safe spaces etc. For example, at the 2020 Forum, the closed-door session with CSOs had a substantial impact. The session enabled them to engage with the UNWG and discuss the complex operating environment caused by COVID-19, enabling them to discuss issues openly among peers. The session enabled CSOs to identify ways to collaborate nationally and regionally, with a proposal to establish CSO national working groups, which could then advocate collectively for change on national and regional levels. The MTE was informed by a number of stakeholders about the importance and value of the safe spaces. One commented:

“The safe spaces allow us opportunity to discuss with our peers in a relaxed and safe environment issues that we otherwise would not be able to discuss. This is invaluable.”

The project has supported a total of 62 awareness raising activities and 27 capacity building events, as illustrated below:



**Figure 6: Awareness raising, capacity building and training events conducted**

**Finding 11: Training journalists on investigative and social affairs reporting is of crucial importance to promoting B&HR in the region.**

Under output 4, the project has also conducted training for journalists on investigative and social affairs reporting since media coverage can produce pressure points to hold government and businesses accountable. The Handbook Reporting Business and Human Rights, a practical guide for journalists, communicators, and campaigners was produced to underpin the training and as a tool that can be downloaded and used by anyone. The guiding idea behind the handbook is that no actor more than the media can produce pressure points to hold governments and businesses accountable by investigating cases of corporate human rights abuses and creates awareness among the general public. The MTE was informed that the Handbook and training webinar have been well received by stakeholders. As one commented:

*“I was really impressed by the quality and coverage of the Handbook for Journalists and corresponding webinar in which I participated – this is a crucial issue for raising awareness and holding governments and business to account in the region.”*

The MTE was informed that the number of Strategic Lawsuits Against Public Participation (SLAPP) cases across Asia continues to grow, with HRDs and human rights attorneys being persistently targeted. To respond to this growing challenge, the Strategic Lawsuit Against Public Participation (SLAPP) casebook was developed in partnership with the Business and Human Rights Resource Centre. The SLAPP casebook provided analysis on SLAPP cases and anti-SLAPP law and policies that occurred over the last five years in the Southeast Asian countries Malaysia, Thailand, and Indonesia. The casebook identifies promising developments in judgments of various courts in the region that have explicitly recognised the value of activists and protected their right to criticise business operations or that upheld the right of the people to seek redress and remedy for harms caused by businesses. The knowledge in this aspect is much needed given Southeast Asia has the highest record of SLAPP cases.

In addition, small grants have been provided to regional CSOs in support of legal aid on B&HR. This activity aimed to amplify the voices of HRDs and influence policies on environmental and human rights issues. Two beneficiaries supported through this scheme are Asia NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and the Centre for Environmental Concerns (CEC). Both were able to undertake a significant number of planned activities despite COVID-19 pandemic. In key informant interviews and a FGD, the MTE was informed about how these grants have helped to address issues for vulnerable people living in rural areas.

Output 4 has 3 output level indicators, without targets, 7 activity indicators and 12 activities with corresponding targets. When assessed against the activity level results in the RRF, we can see that output 4 has a slightly mixed record – please see the table below and Annex V. While it has over-achieved on 4 of its targets, achieved an additional 4 and 3 are on-track to be achieved, target 4.6.1 Develop three (3) Facebook live stories on Business and Human Rights has to date not been achieved and remains behind schedule.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Output/output indicators** | **Activity indicator** | **Activities** | **Activity baseline** | **Activity targets** | | | | | **Status** |
| **Yr 1** | **Yr 2** | **Yr 3** | **Yr 4** | **Yr 5** |
| *Output 4:*  *Increased awareness of all regional stakeholders of the UNGPs and strengthened access to effective remedy for violations of human rights in the context of business operations*  *Output 4 indicators:*  *% increase in complaints involving allegations of human rights violations received and resolved by NHRIs*  *#. of amendments in legislation or changes in legal frameworks hampering legal suits against businesses that engage in human rights violations*  *% reduction in number of SLAPP cases brought against Human Rights Defenders over three-year period* | 4.1 No. of peer learning and technical training events involving NHRIs and National Contact Points (NCPs) | *4.1.1 Two (2) learning exchange events co-hosted between NCPs and NHRIs on business and human rights cases* | 0 | 1 | 1 | 2 | 2 | 2 | Target: 2  Achievement: 1  Performance: 50%  On-track |
| *4.1.2 Host two (2) regional capacity building events with NHRI on UNGPs, sharing lessons learned and stoking South-South cooperation* | 0 | 1 | 1 | 1 | 2 | 2 | Target: 2  Achievement: 5  Performance: 250%  Over-achieved |
| 4.2 No. of CSOs and NHRIs supported in raising awareness and providing access to effective remedy | *4.2.1 Fifteen (15) awareness raising sessions conducted with partners in seven (7) countries on business and human rights targeted towards women, migrants, IPs and other vulnerable groups* | 0 | 3 | 6 | 9 | 12 | 15 | Target: 15  Achievement: 19  Performance: 127%  Over-achieved |
| *4.2.2 One (1) training module produced and distributed for purposes of awareness raising efforts* | 0 | 1 | 1 | 1 | 1 | 1 | Target: 1  Achievement: 1  Performance: 100%  Achieved |
| *4.2.3 Three (3) regional CSOs supported through small grants to CSOs providing legal aid on business and human rights* | 0 | 0 | 2 | 2 | 3 | 1 | Target: 3  Achievement: 3  Performance: 100%  Achieved |
| 4.3 No. of research products on access to remedy | *4.3.1 Two (2) multi-country research study on the differentiated impact of business operations on women, including sexual harassment and exploitation in the workplace* | 0 | 1 | 2 | 2 | 2 | 2 | Target: 2  Achievement: 1  Performance: 50%  On-track |
| *4.3.2 Two (2) studies on the regional scope and impact of SLAPP legislation.* | 0 | 0 | 1 | 1 | 2 | 2 | Target: 2  Achievement: 2  Performance: 100%  Achieved |
| 4.4 No. of trainings on UNGPs, including human rights due diligence and compliance, grievance mechanism provisions, with Private Sector firms and State-owned enterprises | *4.4.1 Five (5) trainings with private sector firms and state-owned enterprises* | *1 training of state-owned enterprises with NHRC Thailand; 1 training of state-owned enterprises with PwC* | 1 | 2 | 3 | 4 | 5 | Target: 5  Achievement: 5  Performance: 100%  Achieved |
|  | 4.5 No. of trainings on UNGPs with Judiciaries and Ministries of Justice from the region | *4.5.1 Two (2) trainings with judges and prosecutors* | 0 | 0 | 1 | 1 | 2 | 2 | Target: 2  Achievement: 5  Performance: 250%  Over-achieved |
| 4.6 Develop campaigns to heighten awareness of the UNGPs, and its role in assisting those impacted by business operations | *4.6.1 Develop three (3) Facebook live stories on Business and Human Rights* | 0 | 0 | 1 | 1 | 2 | 2 | Target: 0?  Achievement: 0?  Performance: 0%?  Not achieved to date |
| *4.6.2 Produce communication products including two (2) documentaries featuring SMEs that are operationalizing the business duty to respect human rights, and five (5) short social media pieces* | 0 | 2 | 2 | 7 | 7 | 7 | Target: 7  Achievement: 9  Performance: 129%  Over-achieved |
| 4.7 Policy guidance, support, and capacity development (Technical Specialist) | *4.7.1 Provide technical expertise, guidance and inputs into NAPs and other implementation strategies, ensuring that policies are properly consulted, costed, and include defined roles and responsibilities, among other indicators of quality. Publish technical and policy documents detailing lessons learned from UNGP implementation efforts.* |  | 20% | 40% | 60% | 80% | 100% | Target: 100%  Achievement: 70%  Performance: 70%  On-track |

Output 4 has also seen a very mixed delivery rate, starting at 41% in 2019 as a result of COVID-19, rising to 83% in 2020 and increasing to exactly 100% in 2021.

**Output 5: Strengthened policy coherence between regional Trade Agreements, International Investor Agreements, and UNGP to enhance the region’s competitive positioning in attracting investment and increasing trade flows**

**Finding 12: While initial efforts have been made by the project to look at the nexus between trade and investment and B&HR at the regional level, this still remains a blind spot, and one that is becoming more heavily scrutinised in the post COVID-19 context.**

This output is focused on the organisation of public events and publications to promotes policy coherence between the UNGPs and trade and investment policy, business regulation, labour laws, and other legal and regulatory frameworks that impact on business practices.

The MTE was informed that under this output, the project explored the connection between the UNGPs and conflict through the research 'Uncovering the Nexus between Sustaining Peace, B&HR and International Trade and Investment'. The research identified and elaborated on the relevant aspects of the UNGPs for conflict-affected areas in Asia and clarified the roles of government and business in respecting and protecting human rights, sustaining peace, and fulfilling a rights-based development, in line with the Sustainable Development Agenda of 2030. The findings from this research have emphasised the action of the international community in adopting the integration B&HR and conflict sensitivity analysis.

In 2019, the project convened a *Regional Consultation on Delivering Peace, Justice and Reconciliation: The Role of Business* together with the UNWG. The MTE was informed that this was a multi-stakeholder dialogue, which highlighted the role businesses could play in sustaining peace and reconciliation in conflict-affected areas. In particular, it considered how business enterprises operating in conflict and post-conflict contexts can affect the dynamics that enable or undermine sustainable peace. The consultation brought together 55 experts and practitioners from 12 countries representing academia, civil society, government, business and international organisations. The final recommendations from the consultation informed a report, which was presented to the UN General Assembly.

Despite these efforts, a number of stakeholders informed the MTE that one of the key areas for the project moving forward should be to address the issue of trade and investment and its connections with B&HR further.

Output 5 has 2 output level indicators, without targets, 4 activity indicators and 5 activities with corresponding targets. When assessed against the activity level results in the RRF, we can see that output 5 also has a mixed record – please see below and Annex V. While two of its targets are on-track to be achieved, the remaining two, 5.2 Conduct four (4) sector-specific roundtables with government, business and civil society stakeholders on human rights due diligence and compliance principles, in the context of Free Trade Agreements, International Investor Agreements, and the UNGPs; and 5.3 Host 3 (three) policy dialogues involving International Chambers of Commerce and Asia-Pacific business associations leveraging peer pressure, and technical expertise to ensure strong human rights and environmental standards among all businesses, including SMEs, in the context of sustainable development clauses, human rights clauses, and other are not on track.

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Output/output indicators** | **Activity indicators** | **Activities** | **Activity baseline** | **Activity targets** | | | | | **Status** |
| **Yr 1** | **Yr 2** | **Yr 3** | **Yr 4** | **Yr 5** |
| *Output 5:*  *Strengthened policy coherence between regional Trade Agreements, International Investor Agreements, and UNGP to enhance the region’s competitive positioning in attracting investment and increasing trade flows*  *Output 5 indicators:*  *Awareness raised of the sustainable development and human rights clauses of trade and investment agreements among civil society actors, government and business*  *# of CSOs working on trade, human rights, and sustainable development issues and awareness raising* | 5.1 No. of evidence-based research projects on the relationship between FTAs, IIAs and UNGPs and their impact on human rights and rule of law conditions at national and regional levels | *5.1.1 One (1) multi-country research study on the impact of sustainable development clauses, human rights clauses and other social protection provisions of trade and investor agreements* | **0** | 1 | 1 | 1 | 1 | 1 | Target: 1  Achievement: 0  Performance: 0%  On-track  Note: part of 2022 annual workplan |
| *5.1.2 Four (4) think pieces on the B&HR implications of special economic zones, Belt and Road, Economic and Social Impact Assessments* |  | 1 | 2 | 3 | 4 | 0 | Target: 4  Achievement: 1  Performance: 25%  On-track  Note: 3 papers being finalized |
| 5.2 No. of Policy Coherence Roundtables on trade and investment instruments, Equator Principles, RBC and UNGPs | *5.2 Conduct four (4) sector-specific roundtables with government, business and civil society stakeholders on human rights due diligence and compliance principles, in the context of Free Trade Agreements, International Investor Agreements, and the UNGPs* |  | 1 | 2 | 3 | 4 | 4 | Target: 0?  Achievement: 0?  Performance: 0%?  Not achieved to date |
| 5.3 No. of stakeholder dialogue sessions hosted on regulatory cooperation with multiple actors and stakeholders, on topics related to human rights due diligence in supply chains, environmental protection, and human rights provisions of trade and investment agreements | *5.3 Host 3 (three) policy dialogues involving International Chambers of Commerce and Asia-Pacific business associations leveraging peer pressure, and technical expertise to ensure strong human rights and environmental standards among all businesses, including SMEs, in the context of sustainable development clauses, human rights clauses, and other social protection provisions of trade and investor agreements* |  | 0 | 1 | 2 | 3 | 3 | Target: 0?  Achievement: 0?  Performance: 0%?  Not achieved to date |
| 5.4 Policy guidance, support, and capacity development (Technical Specialist) | *5.4.1. Provide technical expertise and guidance towards greater coherence between trade, investment, human rights policy streams. Raise awareness of the policy connections between these and other policy areas, inputting into national, regional and international policy development processes where possible. Publish technical and policy documents detailing lessons learned from roundtables and policy dialogues.* |  | 20% | 40% | 60% | 80% | 100% | Target: 100%  Achievement: 70%  Performance: 70%  On-track |

While delivery rates for this output remain high – in 2021 for example delivery stands at 172%, it should be noted that only US$10,000 was allocated to this output in 2021, leaving it far short of other outputs allocations. In 2020 it achieved a delivery rate of 83% and in 2019 94%, with 2018 seeing a delivery rate of 108%, but again with a limited allocation.

## Efficiency

**Finding 13: The B+HR Asia project and B+HR programme in Asia have the right people to bring about change. While it is premature to assess fully the value for money of the project, it should be noted that the achievements of the project have exceeded what was envisaged in part due to the expertise and dedication of the B+HR Asia regional team and in part due to the strategy and approaches adopted by the team during the project’s implementation.**

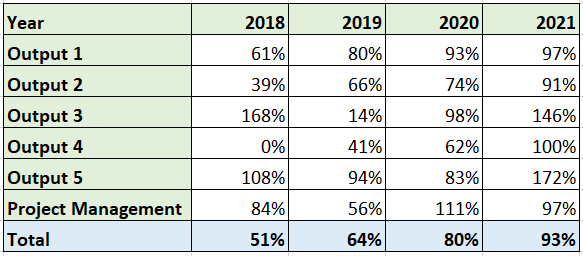
The UNDP B+HR Asia regional team consists of 8 personnel including - 1 Project Advisor (P5 at 25%), 1 Project Manager (P4), 1 Project Coordinator focusing in South Asia (P3), 1 Project Specialist (International Consultant) providing technical support to Southeast Asia, 1 Administrative Assistant, 1 Communication Specialist (International Consultant) and 2 national specialists, 1 each in Bangladesh and Vietnam. The evolution of the project team has taken place during the course of the project implementation and the most recent recruit has been a much needed M&E Specialist (International Consultant). Despite gaps in the project structure in its original design – for example, there was no Communications Specialist and no M&E Specialist foreseen, the project has been able to identify these gaps and secure the support of the donor for bringing new additions on board, including he national specialists. The team is now considered complete and no further additions are envisaged. The MTE observes that the percentage of the overall budget that is allocated to project management has increased over time, which is to be expected when the staffing structure has expanded. In 2019 the percentage was 12%, this increased to 17% in 2020, however in 2021 this has further increased to 32%. This is a large percentage and the project may wish to consider how to streamline this, in particular during the final year of implementation when activities should decrease.

The regional team is based in UNDP Regional Bangkok with the exception of the P3 position Project Coordinator based in Bangladesh and the 2 national specialists who are based in Bangladesh and Vietnam for the implementation of bilateral activities in the countries. The regional team has a role in advocacy, policy development, technical advisory support, capacity building, awareness raising, innovation platforms, regional peer learning events, and South-South cooperation in line with the 5 area supports under the regional B+HR Asia.

As commented by one stakeholder:

*“Considering the performance and progress to date, the UNDP B+HR team is competent, responsive to emerging trends, strategic in their thinking and forward-looking in their planning. The team has shown its expertise in B+HR as well as its understanding of opportunities and limitations. The current team setting enables flexible operation as well as balanced implementation at regional and country level.”*

The MTE finds that the project team have put in place the necessary processes and mechanisms to ensure the efficiency of the project implementation, as can be seen from the delivery rates, which as of December 2021 stood at 90% increasing to 100% by 31 December 2021. Delivery rates were lower for 2020 (80%) and 2019 (64%) and lower still in 2018 at 51%. The MTE was informed that the annual work plan is regularly reviewed and updated during the year in response to the changing context and needs of the stakeholders. This is illustrated in the chart below. It should be noted that 2021 delivery was updated as of 31 December 2021 to 100%.



With regards to the efficiency of its approach towards partnerships, the MTE observed that the project team demonstrates good engagement with a wide range of actors from different sectors namely government, private sector, academia, CSOs, national human rights institutes, and has started some limited engagement with journalists, the judiciary, regulators and state-owned enterprises. Since B&HR is a relatively new concept to the region, the level of understanding and capacity of partners are varied and some stakeholders may not be familiar with human rights work. The project has been able to adapt its approaches and strategies accordingly through increasing its capacity development approaches, for example with NHRIs.

The number of actors and partners that the project engages with has increased over the course of the project implementation. Through a series of awareness-raising and capacity building activities, the project has been able to bring together diverse actors, which widens the opportunity for further initiatives related to B&HR. Importantly, and as mentioned above, the UNDP B+HR team has established excellent collaboration with the UN Working Group on B&HR which ensures the relevance and complementary of the B+HR Asia with the global level. In addition, the partnership architecture with other UN agencies and partners produces synergies and complementarities and avoids the potential for overlap and duplication.

Another stakeholder commented:

*“Until now, UNDP B+HR Asia still maintains its leading role in strengthening implementation of the UNGP B&HR in the region and comprehensive stakeholder engagement through these challenging times.”*

The regional approach which the project has adopted, as discussed elsewhere in this report has proven to be an effective strategy for achieving the goals of the project and in particular of raising awareness and increasing implementation of the UNGPs at the regional level. The high level policy work at the regional level has the added value of feeding into and influencing national level policies and plans, including NAPs, as well as accelerating both the regional and national momentum.

*“The regional approach provides opportunities to get things off the ground at the national level.”*

The MTE was informed that the Project Board meets regularly – currently on an annual basis – and it well organised. It discusses relevant issues and is comprised of an appropriate mix of stakeholders. Some Project Board members would like to see additional follow-up in between the Project Board meetings to inform them of progress on decisions made, challenges or results.

**Finding 14: There is good cooperation and synergies between the SIDA funded regional B+HR Asia project and the EU funded national B+HR Asia project as well as a joint strategic direction. There is a tight, programmatic narrative and strategy between the two projects, who share the same website, branding and logos. The division of countries is appropriate although the SIDA funds could be used more strategically at the national level going forward. When it comes to the implementation of activities, there could be greater coordination and harmonisation between the two projects.**

The B+HR project covers 7 countries - Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Vietnam. In 2020, the EU (through its Foreign Policy Instrument) began providing its support to UNDP B+HR Asia, covering India, Indonesia, Malaysia, Thailand, Myanmar and Mongolia. In view of this, and guided by SIDA’s regional Development Strategy for Asia and the Pacific, it was decided that Sweden's contribution would be utilised for the regional activities and the implementation in Bangladesh and Vietnam (the countries that are not covered by the EU support), while an Integrated Workplan was developed with the EU-funded project to continue supporting NAP development processes in countries of overlap, including India, Indonesia, Malaysia, Sri Lanka, and Thailand.

Since this decision, the project has given greater attention to regional issues with some smaller funds allocated to activities at the country level. It was agreed, that during 2021, and building on the model adopted in 2020, Indonesia and Thailand would continue to receive financial support to advance, respectively, NAP development and implementation. Funding to Malaysia and Sri Lanka was dedicated to advocating for NAP development and highlight the salient business and human rights issues in the two countries. This approach has contributed to the development of baseline assessments on salient business and human rights issues in the two countries. However, a number of stakeholders discussed the added value of the B+HR Asia project continuing to support countries at the national level now that the complementary EU-funded project is being implemented. While the funds that have been allocated at the country level certainly helped to further the NAP processes, the question should be asked as to whether this should continue in the longer term, and if so, on what basis. Continued efforts are required to ensure coherence and avoid any overlap or duplication, while at the same time ensuring that resources are maximised and used strategically to achieve the best results.

Many stakeholders informed the MTE of the great value that the two B+HR Asia projects bring to each other through having a regional and national focus respectively.

*“The SIDA funding gave a lift to the whole agenda and only because of SIDA do we have the EU project.”*

The two projects are implemented under a joint programmatic strategy with a joint vision. The MTE was informed that there was a joint programme concept note, although the MTE did not have access to this and the project manager confirmed that she had not see it either. There are a number of different mechanisms and processes, which have been introduced to further strengthen coordination and cooperation between the two projects, including joint AWP planning processes and shared learning. However, the MTE observed that when it comes down to the implementation level, there are opportunities for improved harmonisation and coordination.

Stakeholders commented that there is no natural learning between the two projects and further, because there is no joint delivery rate or joint reporting, there is less incentive to find additional time in an already pressurised environment to strengthen cooperation. This is not surprising when both project teams are focused on their own activities, implementation and delivery and both teams are already working above and beyond regular working hours. Without formal mechanisms and structures in place to share knowledge and learning, it is difficult for projects to find time to allocate to these processes, especially when incentives are also lacking. As one stakeholder commented:

“*There needs to be a mechanism to support the sharing of learning and knowledge products…the two projects need the same reporting line and better systems and structures for joint initiatives. While this was attempted in words and wishes the mechanisms were not created to enable this.”*

Another commented:

*“We also benefit from the EU knowledge products but this is based on our initiative – there are no incentives do to that. We need their support and technical assistance and vice versa to amplify the results of both projects.”*

## Sustainability and Impact

**Finding 15: At the mid-way point there are some promising sustainability prospects of the project interventions, however further efforts need to be made during the remaining project implementation period to ensure that the results of the project are sustained.**

The sustainability of the project depends on the extent to which investments that are made in the outcomes are capable of enduring and perpetuating beyond the timeframe of the project. This in large part depends on the nature of the partnerships and the level of ownership of the project’s results. Sustainability was only tentatively addressed in the project document, which did not include an exit strategy or provide for an exit strategy to be developed during the project implementation.

Despite this, there are early indications that many of the project’s results will be sustainable post project implementation. The plethora of knowledge products – over 30 to date and rising - that have been developed have been well received throughout the region and the MTE was informed that stakeholders beyond those associated with the project are using and learning from these products, as well as other stakeholders beyond the project’s reach. At a very simple level, the translation and dissemination of the UNGPs into 11 different languages in the region has, as commented by a number of informants including government representatives, expanded knowledge and familiarity with the UNGPs exponentially. A number of stakeholders did comment that there should be wider consultations in the development of knowledge products to enhance their credibility, as well as greater dissemination efforts to maximise outreach.

The project has created a number of platforms with different partners, which it is also anticipated will continue beyond the lifespan of the project to help ensure the sustainability of efforts and results at the regional level. The first is a platform with the project’s partner AICHR – the ASEAN Intergovernmental Commission on Human Rights. AICHR is considered by partners as a leader in Asia on B&HR, which given increasing trade agreements with the EU and others, increasing use of human rights and sustainable development clauses in trade agreements and the growing enactment of mandatory Human Rights Due Diligence (mHRDD) into national legislations its role is expected to continue, if not expand further.

The second platform involves the robust engagement of the Asia Pacific Forum (APF), a regional network of National Human Rights Institutions. B&HR is a strategic priority of the APF as is joint learning and communication between NHRIs to address cross border challenges. APF, as a current partner to UNDP and as a member of B+HR Asia’s Partnership Architecture, has participated in capacity building, peer learning and advocacy opportunities to increase the likelihood that a regional platform for B&HR emerges under the aegis of the APF. According to APF, “promoting respect for human rights by business is a priority for the APF and [its] members.” With this in mind, relationship building between APF, AICHR and ESCAP and the establishment of strengthening of these regional platforms will ensure that the agenda lives well after the proposed project ends.

Other early indications of sustainability include the policy changes, which have been enacted with support of the project – namely the adoption of NAPs in Thailand, Japan and Pakistan. While Japan and Pakistan are not project focus countries, the project has supported advocacy and NAP development in these countries. Moreover, India, Viet Nam and Indonesia seem to be heading towards NAP adoption relatively soon. Additionally, South Korea has a chapter on B&HR in its Human Rights Action Plan, and China has an action point on B&HR in its Human Rights Action Plan. Similarly, the promotion of peer learning and exchanges of good practices, which the project has encouraged and facilitated, also suggest good sustainability prospects.

**Finding 16: There is strong ownership of some of the project activities including the NAP processes, the multi-stakeholder platforms, the networking and the peer-to-peer and south-south knowledge exchanges.**

When assessing sustainability in terms of ownership of the project’s activities and results, in addition to the ownership of the platforms discussed above, the MTE finds that there is strong ownership of some of the project activities. This includes the NAP processes, which are well led and driven by the national governments of the respective countries, as well as the peer learning, networking and sharing of experiences that has been facilitated by the project. It is assessed that now these mechanisms are in place there is good potential that they will continue beyond the lifespan of the project. The networking that the project has facilitated, not just through the platforms discussed above but also through the regional events and bringing people together through the partnership architecture also shows signs of continuing beyond the lifespan of the project. For example, many stakeholders commented of the added value of the project in connecting them with the UNWG. These contacts and networking will likely continue after the close of the project.

Similarly, the awareness raising of the UNGPs and corresponding process such as HRDD have helped to build momentum, generate political will and secure buy-in and ownership of the project stakeholders.

In terms of financial sustainability the project perhaps has further to go. Already discussions are on-going with the existing donor, SIDA, for the development of a second phase of the project. While a second phase would not de-facto strengthen sustainability, it would allow for the further institutionalisation and consolidation of the project results.

**Finding 17: The MTE is unable to measure the impact of the project against its indicators, since these are not included in the results framework, however when assessing beyond the RRF, it is clear that the project has had considerable impact in raising awareness of the UNGPs and associated processes in the region. The success of B+HR Asia has paved way for the UNDP B+HR Global programme, has inspired BHR work in 4 other regions, as well as resource mobilisation for additional work in Asia, for example the EU funded BHR project.**

While it is difficult to measure the impact of the project against its indicators, there are clear signs that the project is having impact in the region and this is apparent from the content of the evaluation report so far. By way of illustration of how small activities can have big impact, the MTE had opportunity to conduct a FGD with women beneficiaries in Bangladesh, who, through a local CSO, had been recipients of a small grant to develop a grievance mechanism in their factory. The impact that this support has had on their lives has been immense. Below follows an insight into the focus group, as told in the words of the beneficiaries.

**Insight of Women Beneficiaries in Bangladesh**

“Before the project, we did not now what a grievance was or who to speak to or how to resolve any issues that we had. We faced harassment and abuse. Often we did not receive our wages on time and this became worse during COVID-19. Through the project we received step-by-step training on complaints mechanisms and how to resolve complaints and on establishing a trade union. We learned about women’s rights and workers’ rights. Our senior management also received training and some of the trainings were conducted jointly, which provided an opportunity for management and workers to learn about each other’s perspectives. Now we are able to talk freely with senior management. We have the courage to speak out. Although we still face challenges we now know how to resolve these and senior management are more receptive. We now have contracts and a proper wage payment as well as the right to annual leave and maternity leave. We have started to see some behavioural changes from the management. We also share what we have learned with our colleagues and other workers. Going forward, we would like more trainings in particular on business and human rights and women’s rights.”

This formed by of the project’s response to supporting RMG workers’ voice in the aftermath of COVID-19. An additional element of this work includes research conducted by the Awaz Foundation, which is focused on strengthening grievance mechanisms and collective bargaining skills at the factory level. By bolstering the grievance systems in factories, this initiative hopes to enable female RMG workers to better take part in the decisions that impact their rights and conditions at work.

It is noted by the MTE that the project has not conducted any impact assessments of the activities of the project, for example awareness raising activities, small grants, seed-funding etc.

## Diversity and inclusion

**Finding 18: The project has adopted effective approaches and strategies for integrating gender and social inclusion into the project’s activities, outputs and outcomes, as well as into the structure of the project itself.**

The adverse impacts of business in Asia are most keenly felt on labour rights (including migrant workers’ rights), women’s rights, land rights, and rights linked to the environment. More specifically, businesses are often implicated of land-grabbing, gender discrimination, sexual exploitation and violence, abusive working conditions and environmental degradation. To address this, the project integrated gender and social inclusion throughout the project’s outputs and activities. The gender aspects of the project have already been covered under Finding 3 so this section assesses the project’s approaches towards indigenous people and migrant workers – the two other key groups of beneficiaries, as well as other vulnerable groups.

When it comes to indigenous people, the MTE was informed that the project has conducted a number of activities aimed at raising awareness and capacity building. For example, under output 3, the Regional capacity strengthening programme with a focus on indigenous peoples was organised in partnership between Asia Indigenous Peoples Pact and the Diplomacy Training Programme in late 2020. This training contributed to the drafting of B&HR manual for indigenous peoples in Asia. Another example is the Regional Dialogue on Indigenous Youth Social Entrepreneurship, which was organised through the partnership between Asia Indigenous Peoples Pact and UNESCO. The programme was aimed at increasing B&HR awareness and building the capacity of IP youth entrepreneurs. It focused on developing skills, building the capacity of young indigenous social entrepreneurs, and creating a framework through which they can utilise B&HR to achieve their goals and further their impact. The MTE was informed that these events have helped to raise awareness and build capacities as well as bringing indigenous people closer to policy and decision-makers.

Migrant workers are significant to global supply chains and exceptionally vulnerable to human rights violations. Migrant workers' voices have to be at the centre of change processes, requiring investing in their capacity - their knowledge and skills. The MTE finds that to date, the project has had less of a focus on migrant workers, with only small-scale activities being implemented.

## Environment

**Finding 19: B+HR Asia has made preliminary steps towards enhancing its environmental perspective into the project’s implementation and strengthening the protection of business and human rights and the environment, as captured in the project’s theory of change.**

Human rights and the environment are intrinsically intertwined: a safe, clean, healthy and sustainable environment is essential in the enjoyment of our human rights; whilst polluted, hazardous and otherwise unhealthy environments potentially violate our human rights. Over the last few decades, businesses have been implicated in a series of environmental rights violations in Asia, taking advantage of legislative gaps, lack of implementation, and weak remediation while environmental degradation threatens the most basic human rights of millions of people in the region. To respond to this, the MTE was informed that B+HR Asia have used the UNGPs to provide a framework for addressing pressing environmental issues and disseminating their message and available mechanisms to people whose rights are threatened. In this context, the project developed a video aiming to encourage forward-looking companies, governments, and HRDs to work together to mitigate the effects of environmental degradation and its impact on human rights.

The B+HR Asia project introduced a small grants programme to support organisations working with environment under output 4. This programme aimed to influence policies on environmental and human rights issues through the provision of a small grant to the Centre for Environmental Concerns (CEC), which used the grant to convene and strengthen the Asia Pacific Network of Environmental Defenders, particularly on the aspect of monitoring and documenting environmental and human rights violations, including the capacity building of grassroots environmental HRDs.

The MTE was informed that in October 2020, through the small grants programme, CEC organised the ‘Southeast Asia Ridge to Reef Resisters’ Training’, an online training attended by 24 participants from 9 countries. The training was an opportunity for the exchange of concerns, perspectives, and knowledge on the rights and risks of environmental defenders and climate protectors in Southeast Asia. It gave an overview of the environment defenders’ position, and the tools and tactics used for improving their human rights, safety and security. It also opened an in-depth discussion on the human rights mechanisms of the United Nations, digital security, and physical security techniques. The workshop validated that the main issues faced by the environmental defenders and human rights violations are related to mining, large dams’ projects, and agribusiness plantations.

CEC also organised 5 webinars, which the MTE observed had vast reach:

• Breaking the Barriers: Webinar on the Impacts of Large Dams in Southeast Asia – with 91 Zoom and 2,600 Facebook views

• Webinar on the Impacts of Corporate Plantations and Commercial Fishing on Biodiversity - with 70 real-time viewers, 1,100 total viewers

• Webinar on the Global Mining Industry and People’s Resistance in the Time of COVID-19– with 74 real-time viewers, 1,500 total viewers

• Global Day of Action to Stop the Killings in the Philippines – with 63 Zoom and 21,000 Facebook views

• Defending the Defenders: Environmental Advocates in Southeast Asia in Focus– with 239 Zoom and 379 Facebook views

These initiatives have been well received by stakeholders, with a number of them commenting that the project should increase its focus on the linkages between the environment and B&HR both in the short and in the mid-long term. This is a particular priority of the project’s donor, SIDA, as well as some of the key project stakeholders.

With regards to the implementation of the project itself, following the evaluation on the integration of environmental perspective commissioned by the Development Cooperation Section in 2019, UNDP B+HR Asia has started 'Greening B+HR Asia'. Its operationalisation includes selecting meeting premises that adopt environmental policies and encouraging paperless programme materials and communication. Interestingly, the programme calculated that by hosting the B&HR Forums virtually, it saved 225 tons of carbon footprint. There is a plan in enhancing the environment perspective in the programme implementation. In collaboration with UNEP, an online survey was launched to capture perceptions of environmental risks and their relationships to human rights abuses in April 2021. The results from the survey will inform UNDP programming efforts on business, human rights, and the environment (B&HR/E) in Asia in the coming years.

## Principled 1

**Has the project applied the Social and Environmental Screening checklist of UNDP?**

The MTE was informed that the project completed the Social and Environmental Screening checklist but no further analysis was undertaken.

## Management and Monitoring

**Finding 20: The project has been unable to monitor the results of progress against indicators beyond those at the activity level, due to the gaps in the project’s results framework. Until now, the project has not established a strong M&E standard, although it is in the process of addressing this.**

As raised elsewhere in this report, there are a number of issues relating to the M&E of the project, which have led to gaps in reporting and institutionally some of the results of the project being lost.

First are the issues with regards to the design of the project that are discussed above, with a weak theory of change and considerable gaps in the results framework with regards to the indicators, targets and baselines. Secondly, an M&E officer was not envisaged in the original project design and the project document does not contain an M&E framework. The MTE was informed that until the time of the MTE, no M&E framework had been developed for the project. When asked for the M&E data to show progress against activity level indicators, the project was unable to produce this. In addition, the output statements in the RRF do not correspond with the output statements in the narrative of the project document. Not only does this fall short of corporate UNDP M&E standards but it also impacts on the project’s ability to report, in particular on its contribution towards higher-level outcomes and impact.

The project’s AWPs are quite lengthy narratives and are not developed in the prescribed tabular format. While providing substantial information and analysis, it makes it more difficult for M&E and reporting against the contribution of activities towards outputs as well as further up the results chain. This was commented on by some partners, one of whom commented:

“We do not see how our activities contribute towards the project’s goals and UNDP’s impact statement.”

Some partners commented that they were originally included in the project’s planning processes, including the development of the AWP, however this dialogue stopped and while the project has a joint planning process with the EU project, which is commended, other partners seem to be no longer included. There also appears to be some disconnect between the Annual Work Plan planning processes and implementation. This can lead to challenges with buy-in and ownership and balancing regional expectations at the CO level.

The project has been aware of these shortcomings for some time and sought approval from the donor to recruit an M&E specialist consultant. This was approved and the position is now filled, the incumbent starting during the course of the MTE. The MTE observes that the project is currently developing an M&E pack, while also trying to resolve the issues relating to the indicator framework. It is anticipated that a revised RRF will be developed for approval by the Project Board at its next meeting in January 2022.

## CHALLENGES

There are a number of challenges that the project has faced during its implementation. Some of these have been overcome, while others are longer-term challenges that the project has had to develop specific strategies to counter.

**Challenge 1 – Senior Management buy-in, in particular at the Country Office level**

The MTE was informed that initially, the concept of B&HR was difficult to “sell” to senior management, in particular at the CO level, where UNDP’s role in the B&HR agenda was not always initially apparent. Significant efforts were made by the project and programme team to raise awareness on B&HR within UNDP and to advocate for the project, clearly setting out the relevance of B&HR to UNDP’s overall mandate. It is interesting to note that the situation has now been completely reversed, with many Country Offices approaching the Bangkok Regional Hub, seeking assistance in establishing B&HR projects or components within their Country Programme Documents. Further, not only has UNDP’s B&HR programming expanded within the region, but it has also expanded beyond, in large part due to the efforts and results of the B+HR Project. As mentioned elsewhere in this report, the SIDA model is now being adapted to the African context and knowledge products produced by the project have been used on other regions. Finally, B&HR has now been incorporated as a key component of UNDP’s Global Programme on Rule of Law, securing its relevance and importance to achieving UNDP’s mandate going forward.

**Challenge 2 -** **Data, knowledge management, evidence**

As is often the case in a development context, the project has been confronted with limited data, knowledge and evidence to feed into both the project design and the project implementation. This is compounded by B&HR being a relatively new concept both globally and in Asia. Despite an extensive scoping period, which provided some knowledge and evidence to feed into the project design, there are still many gaps, which have impacted the RRF, the implementation of the project and the reporting. The project has adopted good strategies to try and address these gaps. Firstly, it supports many different types of research and studies, which contribute to the evidence base and knowledge on B&HR in the region. Second, it has well developed strategies and approaches for convening different stakeholders and facilitating the exchange of knowledge, learning and best practices. Thirdly, it is supporting individual countries in their efforts towards the development of an evidence-based NAP through the development of national baseline assessments, which feed into and provide the data, evidence and baseline.

**Challenge 3 - Political will and sensitivities**

The project has to continually face the challenge of generating political will in the region and the sensitivities surrounding B&HR. Again, it has developed tried and tested strategies for addressing these challenges. In particular, the extensive advocacy efforts made by the project through the advocacy missions, which aim to raise awareness and generate political will as well as to allay sensitivities have proven to be particularly successful. This can be seen by the increasing number of countries that are interested in and willing to start the development of their own NAPs. Similarly, other project strategies such as convening stakeholders to share knowledge and experiences, developing studies to provide an evidence base and conducting different researches, have all proven to be successful in generating political will and buy-in.

**Challenge 4 – Balancing the regional approach with national priorities and localisation**

B+HR Asia is aware of the existing challenge of balancing tailor-made approaches to different countries and issues with a regional response and the necessity to create a discourse that responds to the entire region. No matter how fast and well one country develops, gaps within the region reflect significantly on the progress. The project’s strategy of adopting a sub-regional approach has gone some way to addressing this challenge, and it has navigated to some extent the challenge of balancing regional and national responses, for example through coordination. This is a continuous challenge and one that the project will need to keep forefront in mind going forward.

**Challenge 5 - Engagement with businesses**

Involving the private sector is an important tool to push the B&HR agenda forward. While the project has adopted some successful strategies for engaging with businesses, for example through their participation in the regional forums and events; through the development of the Covid-19 Rapid Self-Assessment tool for businesses and through partnership with business related organisations, a key challenge for the project still remains engagement with the private sector. As one stakeholder commented:

“UNDP is very strong working with government and CSOs but less so with the private sector. The project should have a stronger involvement with the private sector.”

The Private Sector needs to lead, not just follow. While there are signs of that with large multi-national corporations backing initiatives to adopt mHRDD laws in EU countries, other businesses are overwhelmingly either passive bystanders, or actively resistant in the process. For example, in Thailand, many stakeholders commented that now the NAP has been adopted there are significant challenges in its implementation and in large part this is due to the resistance of businesses. The champions of change in the private sector need to make their voices heard more and lead in the diffusion of B&HR ideas and norms.

**Challenge 6 - CSO engagement and bottom-up activities**

In line with the challenges of engaging more with businesses is the need to localise B&HR work on the ground with affected rights holders and reaching those hardest to reach to ensure that no one is left behind through ensuring that rights holders have a voice, are empowered and have access to effective remedies. The MTE observes that the B+HR Asia Project is committed to bringing rights holders to the fore through different means, for example, safe space for HRDs and the presence of the IPs groups at the B&HR regional forum and global forum, several grants to the CSOs in support of papers and activities in protecting the rights of communities and vulnerable groups and the paper on Strategic Lawsuits Against Public Participation. However, fully integrating a human rights based approach into the project implementation and ensuring that the project reaches rights holders remains a constant challenge for the project. As the MTE was informed by one stakeholder

“More of an effort should be invested in building infrastructure and capacity on the ground. In the long run the heavy lifting could be done only by local organisations.”

**Challenge 7 – Access to remedies and access to justice**

The UNGPs recognise that there must be access to effective accountability and remedy, for both victims of business related human rights abuses as well as for human rights defenders. Genuine and prompt access to remedy is one way to ensure that human rights defenders are respected, at least retrospectively, in circumstances where their human rights have been adversely impacted by business operations. Remedy can also serve as a tool of prevention as potential culprits will know that their actions will be met with due process, and possible sanction, and thereby they may be deterred from becoming involved in abuses against human rights defenders. Likewise, impunity and a lack of accountability encourages abuses to continue unchecked and possibly increase. The MTE was informed by numerous stakeholders that access to justice and remedy remains one of the key challenges in implementing the UNGPs in terms of accountability mechanisms, awareness and capacities among all stakeholders. While the project has started to address this issue, it remains a key challenge going forward.

**Challenge 8 – Bringing in new voices and partners**

Many stakeholders commented on the need to engage more with small and medium sized enterprises (SMSE) as well as with the informal economy. While the project has made some steps in this direction, due to the nature of these sectors, their fragmentation and the huge number of companies and people that they encompass, this is a very challenging area for the project. According to ILO,more than 68 per cent of the employed population in Asia-Pacific are in the informal economy. This covers a staggering 1.3 billion people who work informally in Asia-Pacific, comprising 65 per cent of the worlds informally employed. Most of them lack social protection, rights at work and decent working conditions. If and how to bring in these groups is a key question for the project going forward. As commented by one stakeholder:

*“UNDP should keep changing perspectives and adding partners within the ever-changing environment”*

**Challenge 9 - COVID-19 lens and changing contexts**

When looking at the impressive set of results already achieved by the project, it is important to remember that the project was operating in the COVID-19 context for half of the MTE evaluation period. Further, there have been changes both within the operating context of the project, such as the introduction of the EU project and operational changes in the Bangkok Regional Hub, as well as external challenges such as coups, changes of government and political uncertainty, all of which the project has had to adapt to. COVID-19 showed that to build true resilience in a time of crisis, it is necessary to have a robust and efficient local approach and to advocate for changes to systemic issues. No one is sure what the future course of the pandemic will be, but with new strains emerging and uneven vaccination throughout the region, it is certain that the project will continue to be faced by the challenge of operating in a COVID-19 context and will continue to face political instability, changes of government and conflict. The resilience that the project has shown thus far in these challenging times should stand it in good stead going forward.

# Conclusions and general assessment against evaluation criteria

## Conclusions

**Conclusion 1: Progress on business and human rights in the region is strong but geographically unbalanced.**

Based on Findings 1, 5 and 6

The project was able to generate and capitalise on the growing momentum in the region on business and human rights and has considerably moved forward the dialogue. However progress within the region has been uneven, with greater gains being made in Southeast Asia compared to South Asia. The project has responded well to this by adopting a sub-regional approach in order to fine-tune its approaches and ensure that while there is a consistent regional narrative, it is also able to offer tailor-made approaches to individual countries or sub-regions.

**Conclusion 2: The project has invested considerable time and resources into the development of Nation Action Plans, however this is not the only normative change required to progress implementation of the UNGPs and the project should not exclude other policy and legislative changes required at the national level.**

Based on Findings 7 and 17

While the project initially had a large focus on the development of national action plans as a way to advance implementation of the UNGPs in the region, it should be noted that NAPs are not a prerequisite for implementation of the UNGPs. While they can be used as a building block towards UNGP implementation, they are not mandatory and should not be seen as the exclusive policy approach.

**Conclusion 3: The partnership architecture allowed the project to bring cohesion to the B&HR components being implemented by other UN Agencies and international organisations and ensure a consistent narrative and advocacy approach. It also allowed the project to create partnerships with a wide group of stakeholders, including civil society, human rights defenders, businesses, academia and the media.**

Based on Findings 8 and 11

Developing a partnership architecture and having an output dedicated solely to this allowed the project the sufficient time and resources necessary to create strong and meaningful partnerships. Most often projects do not have the time or resources allocated to allow sufficient investment in partnerships. While the partnerships created by the project are very strong with government and with large international or regional CSOs with a regional presence, there has been less focus on cultivating partnerships that have a strong reach at the grassroots level and on ensuring a whole of government and whole of society approach.

**Conclusion 4: A stronger human rights based approach is required to address structural inequalities and ensure access to remedy and justice.**

Based on Findings 3, 9, 10 and 19

While the project was developed inline with the human rights based approach there has been less of a focus on reaching rights holders, in particular the most vulnerable and ensuring that no one is left behind. This is crucial for addressing the structural inequalities that are pervasive throughout the region, in particular relating to business and human rights, and to ensuring access to remedy and justice.

Moving forward, it will be paramount to reach rights holders of the highest risk, such as informal economies, conflict zones, to search out ways to reach and address SMSEs’ and informal economy issues, as they are entirely under the human rights radar. It is necessary to both mobilise and create more robust networks locally and advocate for systemic problems. Although very hard to achieve, coordination between duty bearers and rights holders has to be more vibrant and stable.

**Conclusion 5: Human rights due diligence has gained traction in the region during the course of the project and this trajectory is anticipated to continue.**

Based on Finding 12

With the probable inclusion of mandatory HRDD into EU legislation, and the adopting of HRDD legislation in a number of key European countries, HRDD has become a hot topic in the region and one that is likely to shape and influence the B&HR discourse going forward, as well as impact on trade and investment in the region.

**Conclusion 6: A coherent theory of change, which informs a strong results and resources framework with SMART indicators, is necessary in order to monitor and evaluate the progress of the project and report on and capture its results.**

Based on Findings 2, 4, 15, 18 and 21

As discussed in the analysis and findings sections gaps and shortcomings with the project’s theory of change and RRF have prevented it from fully capturing its results or being able to fully report on progress made, particularly towards higher level outcomes and impact.

**Conclusion 7:** **UNDP is recognised as the leader of the business and human agenda in Asia.**

Based on Findings 5, 6, 7 and 13

The unique combination of UNDP’s convening power, mandate and resources contributes to aligning the approaches of a whole spectrum of different local, national, regional and global stakeholders. The leadership position allows for moving the agenda forward systemically with a common policy message. UNDP is a trusted partner of both government and civil society and is recognised for its unique integrator role of bridging the gap and convening diverse stakeholders. The project is thus in a unique position to serve as an integrator between partners, through investments in dialogue in support of a coherent and transformative approach to business and human rights in Asia. As one stakeholder pointed out:

“UNDP gave us the key for the business and human rights discourse - you see the door and you know you have to go in, but you don’t have key without UNDP’s support.”

## Summary of Evaluation Criteria and their Ratings

As agreed with UNDP, the MTE has ranked the project against the four key evaluation criteria in accordance with the ranking scale agreed in the Inception Report. Below follows a brief summary of the MTE assessment of each evaluation criteria, followed by its individual ranking and with a ranking of the overall project provided at the end.

|  |  |  |
| --- | --- | --- |
| **MTE Criteria** | **MTE Assessment** | **Ranking** |
| **Relevance** | The project is very relevant in the region. It is aligned with regional and national priorities, including those of national partners as well as the UNDP COs. It is aligned with the UNDP BRH RPD, the Strategic Plan and UNDP’s global programme on Rule of Law. It is also relevant in relation to the needs and priorities of its target beneficiaries. Furthermore, the project contributes to a number of the SDGs. | 4 |
| **Effectiveness** | The overall effectiveness of the implemented output activities is successful, in particular the organisation of regional events, the partnership architecture, the NAP development processes and the body of knowledge and research that has been created with support of the project. Fewer results have been seen so far with regards to access to remedy and trade and investment. | 3 |
| **Efficiency** | The project has consistently delivered at a high level despite the challenges posed by COVID-19, which did derail certain activities. The project structure is now complete however there are serious shortcomings with the M&E to date. It is anticipated that this will improve going forward now that the M&E specialist is on board. | 3 |
| **Sustainability** | At the mid-way point there are already some strong indications of sustainability of some of the project results. Going forward the project should address more the issue of ownership and try to ensure that results gained are not lost. | 3 |
| **Overall** | The project is generally on the right track with some key results achieved to date. With a fine-tuning of its focus and expansion of its partnership base along with improved M&E it has the potential for further successes. | 13/16 |

**Legend:**

1 – Unsuccessful

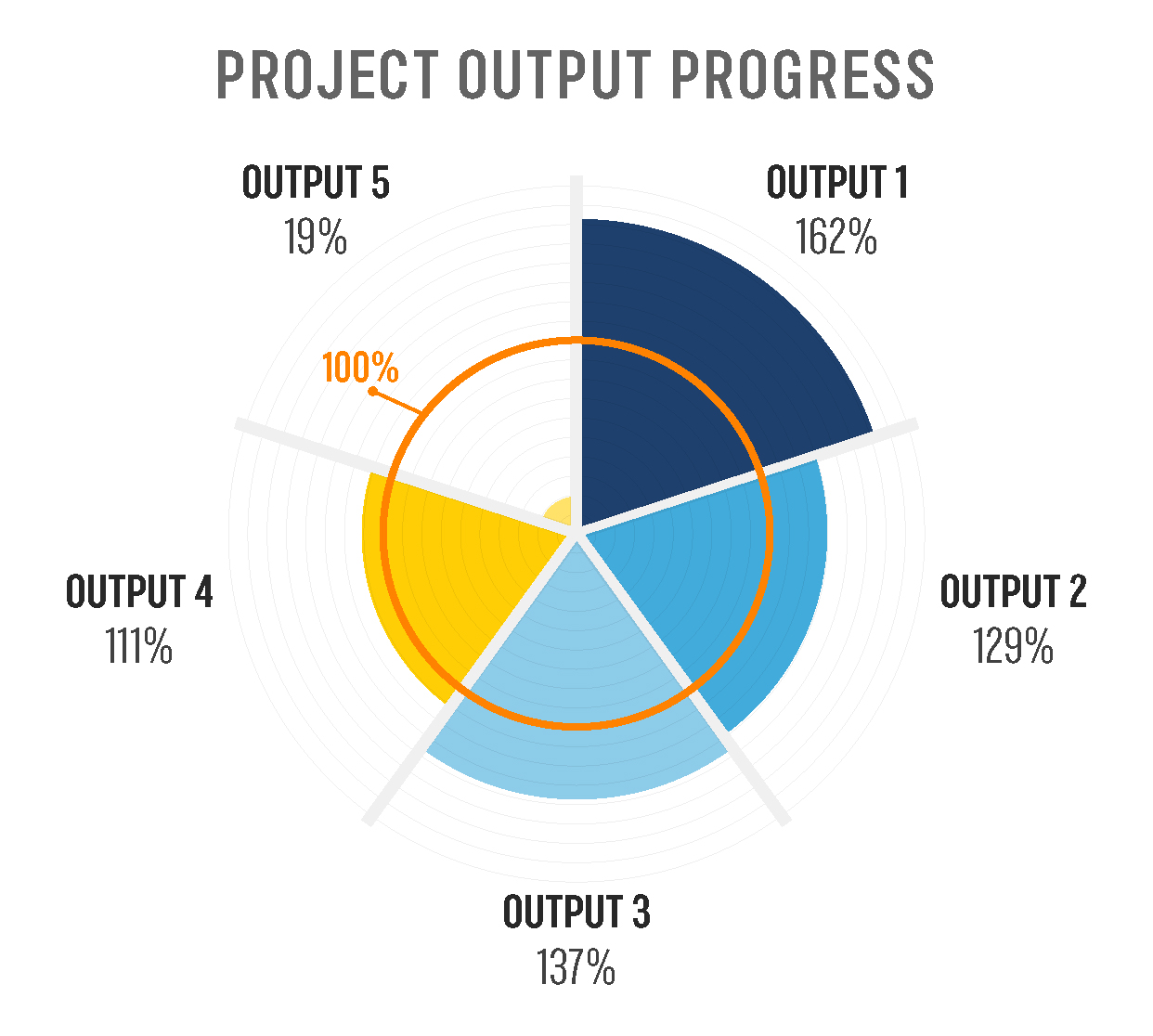
2 – Partially successful

3 – Successful

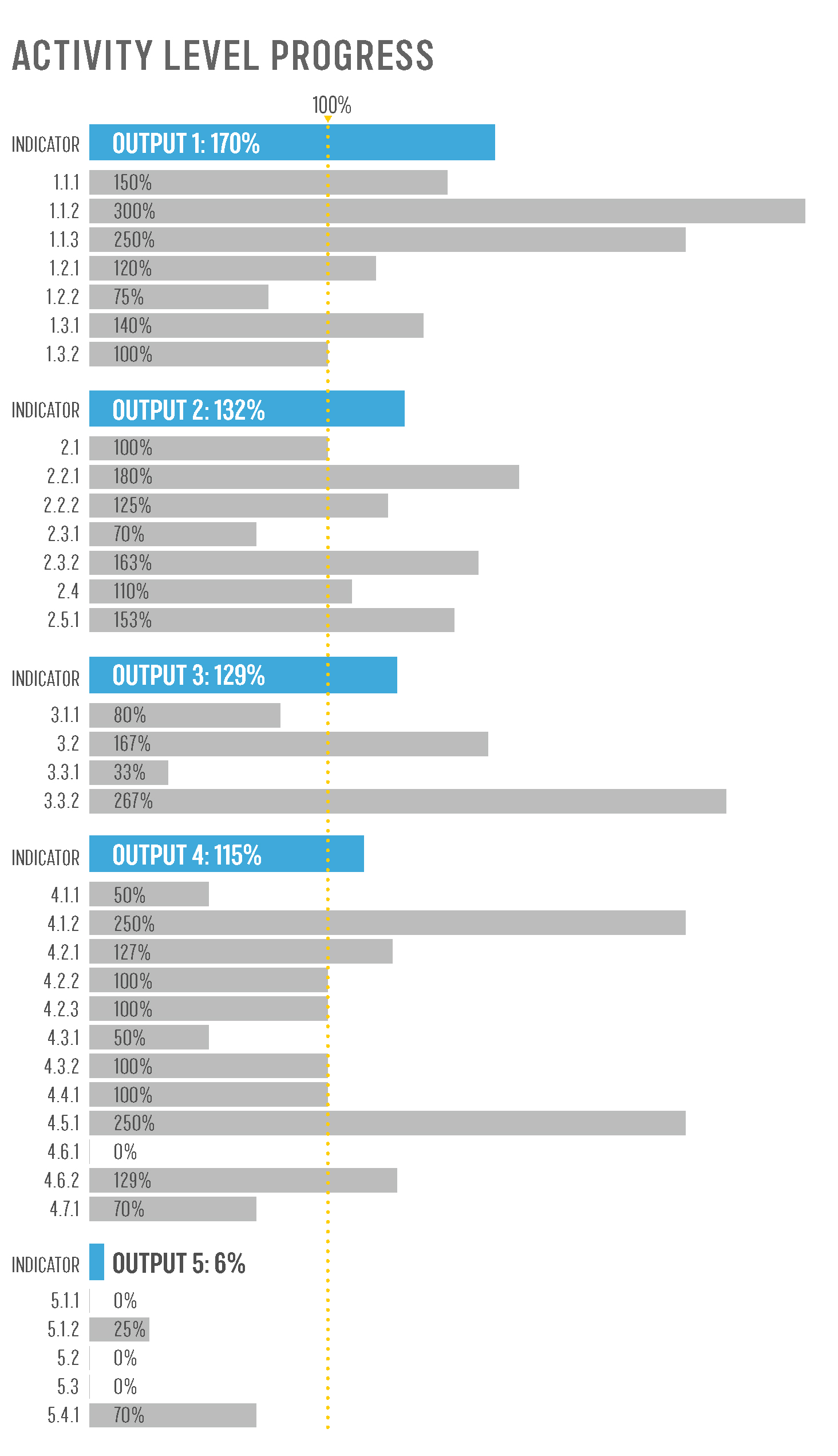
4 – Very successful

## Summary of output progress and activity level progress

A summary of the output progress and activity level progress in the infographics below is provided below.



**Figure 7: Project output progress**

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**Figure 8: Activity level progress**

# Recommendations

At the mid-way point, the MTE is not recommending any major course corrections but moreover some fine-tuning and adjustments that will help steer the project both in the remaining implementation period and going forward into a potential next phase of the project. The project should start to shift into more refined ways of working, building on the results it has already achieved and seeking to consolidate gains made. As one stakeholder pointed out:

*“We need to go beyond the exchange of information … we need more coordination in substance regarding BHR instruments and interpretation of instruments”*

The following section provides a set of forward-looking recommendations for the B+HR Asia Project and UNDP, which are practical and actionable. Each recommendation is linked to the relevant finding and conclusion upon which it is based and provides an indication as to the timescale to address the recommendation. The recommendations are provided in the same order as the evaluation questions, and as per the order of the findings, challenges and conclusions.

**Recommendation 1**

**The project should leverage the SDGs to continue to further the B&HR discourse in the region and in particular to attract businesses. The project’s indicator framework at outcome and impact level should be tied more closely to the relevant SDG indicators.**

Recommendation targeted at B+HR Asia project and UNDP, short-mid term priority, based on findings 1, 2, 17, 20, and conclusion 6

The SDGs provide a gateway for making change and the project should capitalise on the explicit link between the B&HR agenda and the 2030 Agenda, which makes specific reference to the UNGPs as a means of implementation. The 2030 Agenda recognises that businesses have an important role to play in supporting States to ensure the SDGs are achieved, which the project should leverage on. For its part, the State is committed to fostering a dynamic and well-functioning business sector, while protecting labour rights and environmental and health standards in accordance with relevant international standards and agreements and other on-going initiatives in this regard, such as the UNGPs. As such, the UNGPs are central to the dynamic between the private sector and governments as they pursue jointly the priority objectives of the 17 SDGs. Further, many stakeholders commented that businesses know and understand the SDGs more than they do the B&HR agenda and because the SDGs tend to be a less sensitive issue than human rights, businesses gravitate towards the SDGs more. This should be capitalised on by the project going forward and the SDG narrative should be used as a means of further connecting the two frameworks. This would be welcomed by the UNWG as well and by other regional hubs and individual Cos. As a starting point, the project could consider developing a toolkit on connecting the SDGs with the B&HR agenda.

**Recommendation 2**

**The project should ensure alignment in its results framework with the outcomes of the Regional Programme Document, UNDP’s Global Rule of Law Programme – Phase IV, as well as the UNDP Strategic Plan 2022-2025. It should immediately address shortfalls in the indicator framework, to be able to track, monitor and report on progress during the remaining implementation period. For the next programming phase, a strong and evidence based theory of change should be developed, which can be used to develop the next phase results framework with SMART indicators and a strong M&E framework.**

Recommendation targeted at B+HR Asia and UNDP, short-mid term priority, based on findings 1, 2, 17, 20, and conclusion 6

The project should ensure that it is fully aligned with and contributes to the Regional Programme Document, UNDP’s Global Rule of Law Programme – Phase IV, as well as the UNDP Strategic Plan. It is noted that Phase IV of the Global Rule of Law Programme has specific references to BHR, which should lead to a coherent alignment.

It is recommended that the B+HR Asia team immediately review the indicators contained in the RRF, with a view to revising those that are challenging either due to lack of data and statistics or those whose attainment is beyond the scope of the project. Indicators and targets at the output, outcome and impact level should be developed. The changes to the RRF should be approved by the Project Board. Given the remaining time for project implementation this approach is recommended as opposed to revising the existing theory of change at this point and potentially derailing project implementation through undertaking additional analyses and consultations. The B+HR Asia project team can focus on the development of a stronger ToC for the next programming phase, which will be based on a detailed analysis of the situation and context – including political economy analysis; identifying the preconditions necessary to get through the change process; undertaking broad and inclusive stakeholder consultations; clearly identifying assumptions and risks; and then assessing the validity with stakeholders of the theory of change, which should be clear, plausible, logical, based on evidence and consulted. Once the ToC for phase II has been developed, a clear and concise RRF can be developed together with a strong M&E framework, which will guide the implementation of the second phase of the project. As a best practice example, the project should consider developing an M&E [Dashboard](https://app.powerbi.com/view?r=eyJrIjoiNzUzOGEzYWQtZGI0Ny00ZWViLWIyZWQtZjVmYWUwZTdkMDJhIiwidCI6ImIzZTVkYjVlLTI5NDQtNDgzNy05OWY1LTc0ODhhY2U1NDMxOSIsImMiOjh9&pageName=ReportSection2c50e063cc55fddae891) such as the one developed by UNDP Myanmar within the framework of its Strengthening Accountability and Rule of Law project, which provides state of the art project data and information at the click of a button.

**Recommendation 3**

**The regional approach adopted by the project should provide the anchor for UNDP’s business and human rights programming in Asia going forward. A review should be conducted of which countries the project should focus on with a view of using the regional approach to push countries at the national level.**

Recommendation targeted at B+HR Asia and UNDP, mid-long term priority, based on findings 1, 5 and 6, challenge 4 and conclusion 1

The regional approach has provided a strong entry point for UNDP’s programming on business and human rights in Asia and one that has helped to neutralise sensitivities around human rights among key stakeholders. The approach has inspired similar projects in 4 more regions and was the basis for the B+HR Global programme with B+HR work now being conducted on 5 continents, testifying to its utility, applicability and relevance. Going forward, the regional approach should provide the anchor for UNDP’s programming, with regional level work feeding into national level processes. In this sense, there should be greater coordination between the regional and national level programming activities as discussed below and consideration given to the value added of the continuation of support at the national level within the framework of the SIDA funded project. In the short-term, for the remaining project implementation period, the project should continue with its country level support, in particular in the focus countries, Bangladesh and Viet Nam, however going forward it is recommended to coordinate more closely with the EU project and to assess the value added of continuing with targeted support at the national level. This is discussed more fully under recommendation 12.

It is recommended that the SIDA project continue with its approach of using the regional level activities to push countries at the national level, through national level forums, advocacy missions, baseline studies and other consultative processes. The regional approach has proved successful in de-sensitising BHR, which then allows for progress at the national level. A review of countries should be undertaken to map their level of interest and preparedness for pushing the BHR agenda, however, countries to consider include China, Laos, Cambodia, Singapore, Maldives and the Philippines.

**Recommendation 4**

**High-level policy work at the regional level should feed into the national level planning and policies, without an exclusive focus on the development and implementation of National Action Plans.**

Recommendation targeted at B+HR Asia, mid-long term priority, based on findings 5, 6, 7 and 14, challenge 3 and conclusion 2

While the UNGPs provide for a smart mix of measures, which includes a combination of voluntary and mandatory, national and international measures, experience shows that voluntary measures are not sufficient to progress implementation of the UNGPs and that mandatory legislative and policy processes are required. In this context, the project should broaden its high level policy work beyond support to the NAP development process and should not only provide support for the implementation of NAPs but should also provide support to other policy and legislative work that is necessary to support the implementation of the UNGPs. NAPs are not a prerequisite for implementation of the UNGPs and while they are one of the tools or building blocks in the process, it is recommended that the project does not focus its support solely on NAPs. The project should move beyond NAPs, which would also provide leverage for national level planning and policies. Efforts should be calibrated with the EU project, as discussed under recommendation 12.

**Recommendation 5**

**The project should consider expanding its partnership base further to ensure a whole of government and whole of society approach, which will contribute to more sustainable outcomes and results**

Recommendation targeted at B+HR Asia, short-mid term priority, based on findings 8, 10 and 11, challenge 8 and conclusion 3

Adopting a holistic approach, the project should try to both consolidate its existing partnerships but also to broaden and further diversify its partnership base. It should partner with more local and regional organisations that have good reach at the grassroots level, and rely less on large international or regional organisations who de facto speak the donors’ language but who do not necessarily have the networks to reach the most vulnerable groups. The project should not only convene partners but should also invest in developing the capacities of its partners on the ground and in particular reaching the right representation of rights holders.

Including partners in the project’s planning processes and reflecting partnerships in the project’s strategy and theory of change will contribute to the achievement of more sustainable results. Lessons learned from the implementation of the project to date show that there is a need to adopt a whole of society approach to the project implementation and to have an integrated approach to activities, which include a broad range of stakeholders. This requires taking an inclusive approach to multi-stakeholder partnerships by supporting partnerships with a variety of actors. The project has already created partnerships with government institutions, civil society and NHRIs, the private sector, academia, and the media, however there has been a large focus on government and to some extent CSO/NHRIs to date. The project should now consolidate its partnerships with the private sector, and expand its partnership base with academia and the media, as well as with the judiciary to allow for a more meaningful participation across society. SIDA has a long-term perspective with regards to its support on B&HR, which creates the opportunity for the project to look beyond the usual suspects.

**Recommendation 6**

**The project should shift away from just awareness raising to more refined capacity development approaches**

Recommendation targeted at B+HR Asia, short-mid term priority, based on findings 5, 6, 7 and 14, challenge 3 and conclusion 2

During the first three years of project implementation the project has targeted a lot of its support towards awareness raising. This is of course inevitable for a new project shaped around an emerging theme. While it is crucial to continuing with raising awareness of the UNGPs and B&HR in the region, which remains very low, the needs of the beneficiaries are constantly evolving. The project should keep pace with this by providing more sophisticated technical and advanced types of capacity development to ensure that sustainable business practices which strengthen human rights, empower women, and respect the environment are facilitated at the regional and national levels through the implementation of the UNGPs. This should include prioritising the role of CSOs and raising their profile. Once the project has ended, civil society will remain and will be the ones to hold governments and businesses to account and to monitor progress on the implementation of the UNGPs. With regards to the private sector, the project should expand its efforts to sensitise businesses and to provide training and tools that will assist them in meeting their obligations under the UNGPs. As HRDD continues to pick up pace in the region and mHRDD being expected to be brought into legislation in Europe, businesses will have to understand that they need to meet the expectations of buyers and human rights needs. Building on the UNWG Guidance on HRDD, the project should expand its support in this regard.

**Recommendation 7**

**The project should consider geographical expansion to strengthen sustainability and leave no one behind**

Recommendation targeted at B+HR Asia, mid term priority, based on findings 1, 5, and 6, challenge 4 and conclusion 1

Based on the evidence generated through the first three years of project implementation and the results and lessons learned gained to date, there is considerable demand throughout the region from additional countries that have expressed interest and willingness in implementing the UNGPs. The project should consider expanding geographically to include these countries. Efforts should be made on addressing how to engage with China, as the “factory of the world” and the key country in the region in terms of trade. There will be no real systematic solution in Asia if China does not engage in developing the momentum on B&HR. In this context, the project should build on the consultations held between the UNWG in China during 2021 with Chinese industries, the employers, the Chamber of Commerce, Global Compact, and the mining and textile industries aiming the cooperation and building bridges with Chinese authorities as to where the authorities of all governments around the world in creating a systematic approach in B&HR. Geographical expansion will help in the project’s efforts to reach the most vulnerable and marginalised communities and to ensure that no one is left behind. Geographical expansion will also further embed the project activities and results into the system, thus strengthening sustainability.

**Recommendation 8**

**The project should further mainstream the human rights based approach into its theory of change and project approaches and have a rights-holders centric approach through making more of a push towards participatory and inclusive engagement to reach those furthest left behind**

Recommendation targeted at B+HR Asia, short-mid term priority, based on findings 9 and 10, challenge 6 and conclusion 4

The HRBA approach to programming is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities, which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress. Crucially, it works with both service providers in terms of strengthening their capacities to deliver transparent, accountable, equitable and quality services, and with rights-holders to raise awareness of their rights and develop their capacities to demand their rights. It is recommended that the HRBA is mainstreamed into all project development and implementation, as a way to bridge the divide between the supply and demand side of its programming and to lead to better and more sustainable human development outcomes. For example, there should be more of a push towards participatory and inclusive engagement with vulnerable groups, especially through awareness raising and capacity building, but also through engaging more with CSOs and CBOs who have networks and reach to these groups and focusing more on bottom-up approaches rather than top down. This will provide a better chance for change, which is long-lasting. Although this is a slower process, if capacities are built from the bottom up change is long-lasting. With right coordination and synergies the project can help to ensure it reaches the right people. As a starting point, the project should consider undertaking impact assessments of the approaches it has introduced so far – grants mechanisms, seed-funding, participation in events, awareness raising etc. – to see which approaches have been the most effective and which have had greatest impact. The results of this can be built on going forward.

**Recommendation 9**

**The project should focus more on access to remedy and ensuring access to justice for all, as well as the introduction of stronger accountability tools and mechanisms**

Recommendation targeted at B+HR Asia, short-mid term priority, based on findings 9 and 10, challenge 7 and conclusions 4 and 5

Access to remedy is sometimes called the forgotten pillar of the UNGPs. While the project has made efforts in strengthening access to remedy, in particular through its work with NHRIs, the reality is that the mechanisms that should provide access to remedy in the region are generally considered inaccessible, ineffective, or manipulated. The project should leverage a HRBA by working both top down (government, businesses, judiciary) and bottom up (from grassroots CSOs, legal community members, trade unions, advocates, defenders, and academics), to enable victims of business-related human rights abuses to seek an effective remedy. While continuing to work with NHRIs in their crucial role of facilitating and providing access to remedy, as well as ensuring access to remedy in NAPs and other legislative and policy processes, the project should also expand its engagement with justice systems and the judiciary in respect of the role they play in resolving grievances and ensuring the protection of rights. A starting point could be engagement with different judicial networks including those in ASEAN and the South Asian Association for Regional Cooperation (SAARC). As one of UNDP’s comparative advantages, a greater focus on developing accountability tools and mechanisms and strengthening legal and accountability frameworks that can prevent, mitigate and remedy violations should be considered.

**Recommendation 10**

**The project should have a clearly defined exit strategy, for the current phase and in general, which reinforces ownership and the sustainability of project results**

Recommendation targeted at B+HR Asia, mid term priority, based on findings 1, 15 and 16

The B+HR Asia project was developed based on an extensive scoping phase that included numerous consultations and missions at the national level, but later the issue of ownership seems to have been given less priority. National ownership is critical to the effectiveness and sustainability of regional projects and is often a weak point in UNDP regional programmes despite the 1995 General Assembly resolution 50/120, which underlined the importance of promoting the national ownership of regional programmes. Going forward, the project should make greater efforts with regards to ensuring national ownership, in particular during the development of the second phase of the project, which will bolster project results and sustainability prospects. For example, the project should extensively consult with partners both in the project design and during its implementation and planning processes, co-hosting events can also strengthen ownership. Part and parcel of this is to develop a clearly defined exit strategy, which can contribute to better project outcomes and the sustainability of results.

**Recommendation 11**

**The project should explore opportunities to connect B&HR with emerging areas, including the environment, technologies and automation, and SMSEs and the informal economy**

Recommendation targeted at B+HR Asia, mid term priority, based on findings 1, 9 and 19 and challenge 9

The project should adopt a forward-looking approach and look beyond to 2030, being proactive in its strategies and approaches and not just reactive. This should include exploring linkages between B&HR and the environment, as was raised by a number of stakeholders during the MTE. While the dynamics between business activities and corporations’ working methods and their impact on human rights have been developing at the policy and legal levels, corporate accountability for human rights and legal initiatives relating to the protection of the environment have run in parallel in their normative development with little interaction. More recently, there have been increasing efforts to articulate this interaction by integrating environmental rights into the UN Draft Treaty on Business and Human Rights, amalgamating human rights and environmental issues as part of nonfinancial reporting, and including environmental considerations within human rights due diligence strategies, plus an increasing wave of climate litigation action which considers the human rights dimension of environmental harm. However, the disconnect is still patent in many areas, including the weak human rights normative approach to the SDGs or the lack of reference to the role of business in the UN Framework Principles on Human Rights and the Environment (2018). Areas to consider include natural resources, impacts of climate change, human rights and environmental due diligence, remedies and access to justice for human rights and environmental harm interrelated, corporate human rights, and environmental harms in the context of conflict. Other opportunities to explore include the rise of technologies and automation and the impact this will have on B&HR, and well as SMSEs and the informal economy, as discussed above.

**Recommendation 12**

**The project should consider a tighter programmatic approach at the implementation level to further improve harmonisation and coordination between the SIDA funded and EU funded projects.**

Recommendation targeted at B+HR Asia and UNDP, mid term priority, based on findings 1, 2, 6 and 14

Although there is clearly a set programmatic approach, joint strategic direction and common policy message between the two projects at the strategic level, the projects should explore the value of joint delivery and reporting at the implementation level as well, as a way to strengthen coherence and maximise results. B&HR is a complex discourse per se and having a mix of regional and national approaches with two donors with different expectations and requirements adds to the layers of complexity. The two projects should explore options on how to translate their common policy message into a clear programmatic approach at the activity level. A fusion of activities and coherence between the two projects is required to push the agenda, maximise opportunities for synergies and create the conditions for implementation at the national level. To do this, additional systems and mechanisms should be established to allow for two-way communication between the projects and to enhance learning. This could amplify the results of both projects as well as the investments of both donors and potentially leading to greater cost efficiencies. As more donors potentially come on board, ensuring a coherent programmatic approach becomes even more crucial.

# Lessons learned

**Lesson learned 1**

**A regional approach can drive momentum not just at the regional level but can also pave the way for progress at the national level.**

Lessons learned from the project show that the regional approach has successfully driven momentum both at the regional and national levels. The regional approach can de-sensitise human rights for individual countries and states and can help encourage the race to the top and friendly competition among neighbours.

**Lesson learned 2**

**Dedicating sufficient time and resources to cultivating and nurturing partnerships at the right level can strengthen ownership, contribute to the attainment of project results, and help ensure the sustainability of the project’s outcomes.**

The project has successfully developed a partnership architecture that has contributed to the attainment of project results. Calibrating this further with more partners at the regional level and with a broader and more diverse partnership base will help ensure the sustainability of the project’s outcomes.

**Lesson learned 3**

**Mainstreaming a human rights based approach, which combines top-down protection and bottom-up empowerment is critically important in the realisation of project results.**

Combining top-down and bottom-up approaches is crucial for the achievement of sustainable project results. As the project broadens its partnership base and provides innovative and sustainable solutions, it is important for it not to lose focus on its main beneficiaries – vulnerable and marginalised groups. This is important in and of itself, but also allows initiatives to be more effective and responsive to identified needs.

**Lesson learned 4**

**Flexibility, adaptability and seizing opportunities are key to successfully delivering projects in challenging and fast-moving contexts.**

Despite the challenges faced by the project in the project design, due to fast-changing contexts, as well as the additional challenges created by the Covid-19 pandemic, the project has been highly successful at the activity level as a result of its ability to be flexible and to respond to opportunities as and when they arose. Taking more risks, in particular with regards to partnerships could lead to more tangible and coherent results.

**Lesson learned 5**

**Projects require alignment between the theory of change and results framework, and a comprehensive approach to M&E that systematically captures lessons learned, incorporating them into the project implementation.**

In project design, coherence between the ToC and RRF is critically important to create a logical results chain that can clarify and improve attribution of results. It is equally important that the ToC is seen to be a living document that is reviewed and fine-tuned periodically, in order to remain relevant as a guiding strategy to achieve the desired change. Prioritising learning in M&E increases understanding of project impacts and improves results.

**Lesson learned 6**

**Ownership at the country (office) level is key for further regional programming**

Lessons learned from the project show that national ownership is key for the sustainability of project results and impact. The project mechanism that allows the use of regional inputs at the national level strategically is deepening the understanding of the business and human rights discourse both normatively and institutionally.

# Report annexes

## Annex I Terms of Reference including key evaluation questions

**Terms of Reference for ICs and RLAs through /GPN ExpRes**

**Services/Work Description:** The midterm review of a regional project in UNDP Bangkok Regional Hub

**Project/Programme Title:** Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia) Project

**Consultancy Title:** International Expert - Mid Term Evaluation of UNDP Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia) Project

**Duty Station:** Home-based

**Duration:**

**Expected start date:**

1. **BACKGROUND**

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| Since the Human Rights Council’s unanimous endorsement of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in June 2011, the UNGPs have been widely recognized as the most authoritative and normative framework guiding efforts to reduce or eliminate the adverse impact of business operations on human rights. The UNGPs consist of three pillars and are grounded on a polycentric governance framework promoting a so-called “smart mix of measures. While the first pillar of the UNGPs concerns the well-established States duty to protect human rights under international human rights law, the second pillar addresses the responsibility of business enterprises to respect human rights and mainly links the concept of human rights with corporate governance and private regulation. Finally, the third pillar stresses the need for both State and non-State actors to promote access to effective remedies to victims of business-related abuses through providing or cooperating in judicial and non-judicial grievance mechanisms.  The business and human rights (BHR) discourse has been taken off not long ago in Asia, but the region has been showing increased awareness and its uptake throughout in recent years. For example, Thailand adopted Asia’s first stand-alone National Action Plan on BHR (NAP) in 2019, followed by Japan in 2020, while other States in Asia including India and Pakistan are developing such national frameworks. There is a unique opportunity to build this momentum in the region and bring in political commitments from states and engage various stakeholders promoting responsible business practices for preventing human rights abuses and risks and promoting and protecting human rights.  The UNDP Asia-Pacific, Bangkok Regional Hub, Business and Human Rights unit, has been playing a central role in promoting the implementation of the UNGPs in Asia. Based on a year-long piloting phase including scoping mission between June 2017 and March 2018, funded by the Regional Development Cooperation Section at the Embassy of Sweden in Thailand, UNDP identified seven countries—Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand and Viet Nam to accelerate regional momentum taking place in Asia towards the implementation of the UNGPs.  The Project, “Business and Human Rights in Asia: Promoting Sustainable Business through Regional Partnerships (B+HR Asia)” was thus designed with an aim to promote the implementation of the UNGPs in Asia through regional efforts focused on advocacy, policy development, technical advisory support, capacity building, awareness-raising, innovation platforms, regional peer learning events, and South-South cooperation. With support from the Swedish International Development Cooperation Agency (SIDA), the project has been driving progress on BHR in the region, engaging diverse stakeholders including governments, businesses, civil society organizations (CSOs), and independent national human rights institutions (NHRIs).  This project contributes to the UNDP Asia-Pacific Regional Programme Output 2.3 Institutions, networks and non-state actors strengthened to promote inclusion, access to justice, and protect human rights (UNDP Strategic Plan 2.2.2 and 2.2.3). Project activities are channelled towards five (5) principle outputs:   1. Regional peer learning and training events that build regional momentum and inform progress on implementation of the UNGPs; 2. Regional strategies in support of the advancement of National Action Plans, or similar policy frameworks, in furtherance of implementation of the UNGPs; 3. A partnership architecture bringing greater coherence to policy and advocacy efforts among actors working on a regional level on business and human rights; 4. Strengthened CSOs and NHRIs that provide access to effective remedy for violations of human rights in the context of business operations and; 5. Greater policy coherence and public discourse on trade and international investor agreements, and their relationship to the business and human rights agenda.   *Table 1 – Project Information*   |  |  |  | | --- | --- | --- | | **PROJECT INFORMATION** | | | | Project title | Business and Human Rights in Asia: Promoting Responsible Business Practices through Regional Partnerships (B+HR Asia) | | | Award ID | 00110712 | | | Contributing outcome and output: | **UNDP Regional Programme Outcome 2:**  Accelerate structural transformations for sustainable development    **Indicative Regional Programme Output 2.3:**  Institutions, networks, and non-state actors strengthened to promote inclusion, access to justice, and protect human rights (UNDP Strategic Plan 2.2.2 and 2.2.3).     * RPD Output Indicator 2.3.2: The United Nations guiding principles on business and human rights are translated into country-level action plans for implementation (As applicable to the project) * RPD Output Indicator 2.3.4 Number of National Human Rights Institutions support to undertake new initiatives that relate to emerging human rights issues such as conflict and preventing violent extremism (PVE), the SDGs, lesbian, gay, bisexual, transgender and intersex issues, climate change financing, business and human rights, women, peace and security (As applicable to the project) | | | Targeted Countries | Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand, and Vietnam | | | Region | Asia Pacific | | | Cost Sharing Agreement Signing Date | 9 August 2018 | | | Project dates | Start | Planned end | | 1 August 2018 | 31 July 2023 | | Project budget | SEK 50,000,000 or around USD 5,600,000 | | | Project expenditure at the time of evaluation | USD 2,399,200 (as per AAA as of 3 May 2021) | | | Funding source | The Swedish International Development Cooperation Agency (SIDA) | | | Responsible Parties | UNDP Bangkok Regional Hub B+HR Asia Team / Direct Implementation Modality | | |

1. **SCOPE OF WORK, RESPONSIBILITIES AND DESCRIPTION OF THE PROPOSED WORK**

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| **The Purpose and Objectives of the Midterm Review**  The Midterm Review (MTR) aims to inform UNDP B+HR Asia team and its partners of lessons learned, results achieved and areas for improvements. The MTR will draw out progress toward project deliverables, identify gaps in programming, and any course correction required for the second half of programming. Furthermore, the findings of MTR will inform the future designing of UNDP’s work on BHR in the region along with the final evaluation. As this project is the first initiative developed in UNDP on BHR, the MTR will be able to produce valuable lessons and experiences, providing useful findings to the other relevant BHR projects and various initiatives organized by UNDP Regional Hubs (RHs) as well as Country Offices (COs) globally.  Responding to the Theory of Change (ToC) as described in the project document, the agreed results and resources framework (RRF) and the approved workplans, the MTR should look at the relevance of the project, quality of the project design, effectiveness and efficiency of the implementation to date, sustainability of the overall project results, impact of intervention made to date, and forward-looking directions for future. To meet these ends, MTR will serve to:   * assess project performance and progress against the expected outputs, targets including indicators presented in the RRF and contribution to expected outcome. * review and document the success and draw out lessons for deepening impact * assess the effectiveness of the project’s engagement with diverse stakeholders including governments, businesses, civil society organizations (CSOs), national human rights institutions (NHRIs), human rights defenders and other rights-holder groups in the implementation of the UNGPs and the development process of the NAPs * review role of the project in enhancing the importance of and the space for the UNGPs at the regional level and contributing knowledge, guidance and the development and application of the UNGPs through advocacy, policy development, technical advisory support, capacity building, awareness raising, innovation platforms, regional peer learning events, and South-South cooperation * identify challenges and the effectiveness of the strategic approaches that project adopted for addressing those challenges * ascertain the relevance, effectiveness, efficiency, and sustainability of the project interventions * outline recommendations, including potential realignments in scope and approach in line with the project’s desired outcome * provide forward looking recommendations to inform the future designing of UNDP’s work on BHR in the region along with the final evaluation   **The Scope of the MTR**  The MTR is expected to assess the B+HR Asia project progress against the project ToC and the achieved results from 1 August 2018 to 30 June 2021 and propose recommendation which will inform and help improving the implementation of the project during 2021 – 2023 and designing any future projects. The MTR will be based on a desk review of project related documents and in-depth virtual interviews and surveys as outlined in the methodology section. The MTR will also intend to document good practices, success stories, lessons learned or transferable examples. Based on the achievements too the date, the MTR will provide forward looking programmatic recommendations for the project’s next phase.  The MTR’s geographical coverage includes the project’s targeted countries in Asia Pacific, namely Bangladesh, India, Indonesia, Malaysia, Sri Lanka, Thailand, and Vietnam, The MTR will mainly focus on the regionality aspect of the project but can also feature country specific aspect especially on how the project’s regional endeavor is translated into the country level.  In responding to the MTR purpose and objectives, the MTR criteria and guiding questions can be outline below:    *Table 2 - Criteria and Guiding Questions*   |  |  | | --- | --- | | **Criteria** | **Guiding Questions** | | **Relevance** | *Relevance of the project: review the progress against project outputs and contribution to outcome level results as defined in the project’s theory of change and ascertain whether assumptions and risks remain valid. Identify any other intended or unintended, positive or negative, results using following guiding questions.*   1. To what extent was the project in line with the regional development priorities and UNDP strategic Plan, Regional Programme Document and its direction on human rights? 2. To what extent does the project contribute to the ToC for the relevant regional programme outcomes? 3. To what extent were the project activities in targe countries in line with the national development priorities and country development programmes’ outputs and outcomes? 4. To what extent the overall design and approaches of the project were relevant? 5. To what extent, the inputs and strategies identified were realistic, appropriate and adequate to achieve the results? 6. To what extent did the project achieve its overall outputs? Are the project’s contributions to outcomes clear? 7. To what extent the project was/is able to raise awareness of the UNGPs in the region and translate them into country-level action plans for implementation of the UNGPs and development of the NAPs? 8. To what extent did the project contribute to promoting responsible business practices as well as overall human rights conditions in the region? 9. To what extent does the project contribute to gender equality and women’s empowerment? 10. To assess whether the results achieved had a differentiated impact on women and other vulnerable groups? 11. To what extend has the project been appropriately responsive to COVID-19 pandemic as well as other political, legal, economic, institutional changes in target countries and the region? | | **Effectiveness** | *Effectiveness of implementation approaches: review project’s technical as well as operational approaches, the regionality and deliverables, quality of results and their impact, alignment with national priorities and responding to the needs of the stakeholders; covering the results achieved, the partnerships established, as well as issues of capacity using following guiding questions;*   1. To what extent the project activities were delivered effectively in terms of quality, quantity, and timing? 2. How effective were the strategies used in the implementation of the project? 3. To what extent the project was effective in enhancing the capacity of States on implementing UNGPs and the development process of the NAPs into the governments’ priorities? 4. What are the key internal and external factors (success & failure factors) that have contributed, affected, or impeded the achievements, and how UNDP and the partners have managed these factors? 5. In which areas does the project have the greatest achievements? Why and what have been the supporting factors? How can the project build on or expand these achievements? 6. In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome? 7. To what extent have stakeholders been involved in project implementation? To what extend are project management and implementation participatory? 8. To what extent have the South-South cooperation and knowledge management contributed to the regional momentum on developing the NAPs?   *\* Regionality principles in the Regional Programme Document focus on development results that are uniquely realisable at sub-regional and regional levels (including inter-country and multi-country work), require the specialised focus, relationships and expertise embedded in RPs and effectively complement global and country level results. This means emphasising:*   * *regional public goods and services (such as regional integration, climate change, natural resource management, risk governance and crisis management);* * *cross-border externalities and spill-overs;* * *advancement of awareness, dialogue and action on sensitive and emerging issues that are best addressed on a multi-country or inter-country basis;* * *promotion of innovation that overcomes institutional, financial and/or informational barriers that may be too high for an individual country to surmount;* * *inter-regionality, that is, cooperation and coordination on issues that are of interest to 2 or more regions due to their particular relevance to, connections between and impact on these regions;* * *partnership-building and network development at regional and sub-regional levels that benefit from resources and opportunities that exist primarily or only at these levels; and* * *knowledge generation and sharing of experience and expertise, including through South-South and triangular cooperation, focused on issues of common interest so that countries can connect to, and benefit from experiences from across the region that are also connected to the global knowledge bank.* | | **Efficiency** | *Efficiency of the project management structure and the added value of the project’s regional approach: review planning, management, monitoring and quality assurance mechanisms for the delivery of the project interventions and the added value of the regionality of the project set up in the context of fiscal reform at national and subnational level using following questions.*   1. To what extent is the existing project management structure appropriate and efficient in generating the expected results? 2. Have resources (funds, human resources, time, expertise, etc.) been allocated strategically to achieve outcomes? 3. Was the process of achieving results efficient? Were the resources effectively utilized? 4. Did the project activities overlap, and duplicate other similar interventions funded nationally, and/or by other donors? 5. To what extent did the project produce synergies within UNDP and with other development partners and play complementary roles each other? 6. What is the added value of the project’s regionality approach for influencing the implementation of the UNGPs and development process of the NAPs at the national level? 7. How does the project align with other regional and national level initiatives/activities on BHR? How efficiently are national and regional activities connected and complement each other? | | **Sustainability** | *Sustainability of the project results and risks along with opportunities related to future interventions: review and assess if the current project setup has plans for future resource mobilization, synergy, long term partnership and / or taking into account institutionalization of the project impact for continued support after the project end using following questions;*   1. To what extent did the project bring momentum in the region for implementation of the UNGPs and development of the NAPs? To what extent is it likely to be institutionalized and implemented by each State after the completion of this project? 2. What is the likelihood of the continuation and sustainability of regional and national level dialogues engaging various stakeholders and strengthening national and regional partnership architectures, made up of UN system, NHRIs, CSOs, and private sector actors working on BHR? 3. How were capacities of a various set of BHR stakeholders strengthened at the national level through regional peer-learning and south-south cooperation? 4. Describe key factors that will require attention to improve the prospects of sustainability of Project outcomes and the potential for replication of the approach? 5. To what extent do stakeholders support the project’s long-term objectives? 6. To what extent will financial and economic resources as well as political wills be available to sustain the benefits achieved by the project? 7. Are there any social or political risks that may jeopardize sustainability of project outputs and the project’s contributions to country programme outputs and outcomes? | | **Diversity and inclusion** | *Sustainability and effectiveness of diversity and inclusion approach: r*eview the project’s approaches and strategies in integrating gender and social inclusion (GSI) in the countries, using following questions;   1. To what extent has the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects? How can the project further broaden in a future phase its contribution to enhancing diversity and inclusion? 2. To what extent have local communities, women, youth, people with disabilities and other disadvantaged groups benefited from the work of Business and Human Rights? | | **Principled** | 1. Has the project applied Social and Environmental Screening checklist of UNDP? | | **Management and Monitoring** | 1. Has the project monitored the results of progress against indicators? 2. Has the project established a strong M&E standard? |     **MTR Methodology**  The MTR method suggested here are indicative only. The MTR consultant should review the methodology and propose the final methods and data collection tools as part of the inception report. The MTR should employ a combination of both qualitative and quantitative evaluation methods and instruments. It should build upon the available programme documents, interviews with key informants and gathered from focus groups discussion, which would provide an opportunity for more in-depth analysis and understanding of the project. The evaluation consultant is expected to frame the evaluation using the criteria of relevance, effectiveness, efficiency, and sustainability.    The consultant must provide evidence-based information that is credible, reliable, and useful. The consultant is expected to follow a participatory and consultative approach ensuring close engagement with government counterparts, project team, UNDP COs, UNDP BRH, and key stakeholders. The MTR will provide quantitative and qualitative data adopting appropriate methods. Some of the data collection methods are listed in below table 3.    *Table 3 – Some Methods of Collecting Data*   |  |  | | --- | --- | | Review of relevant literature and documentation | The MTR Consultant is expected to carry out the following activities while reviewing relevant documents:   1. Desk study of relevant literature 2. Study and review of all relevant project documentation and evidence sources, which include a review of inter alia  * The B+HR Asia Project document (cost sharing agreement) * Theory of change and Result Framework * Project quality assurance reports * Annual workplans * Activity designs * Consolidated quarterly and annual reports * Results-oriented monitoring reports * Highlights of project board meetings * Technical/Financial monitoring reports * UNDP Bangkok Regional Hub Regional Programme Document Mid-term review (RPD MTR), * Any communication materials * Other relevant communication materials and knowledge products such as research studies, policy brief, blogs, etc. | | Online Interviews/Consultations/surveys | 1. In depth interviews (online) to gather primary data from key stakeholders using a structured methodology 2. Focus Group discussion (online) with project beneficiaries and other stakeholders 3. Interviews (online) with relevant key informants including the UN agencies and other implementing partners 4. Online meetings and or discussions with relevant stakeholders to complement the information received from other sources and for triangulation of information. 5. Where possible collect quantitative data to respond to MTR questions; 6. Development of evaluation questions around relevance, effectiveness, efficiency, and suitability and designed for different stakeholders to be interviewed based on stakeholder analyses. Online surveys or zoom meetings may be conducted to solicit feedback. Efforts must be made to ensure the methodology leaves no -one behind. |   **Gender and Human Rights-based Approach**  As part of the requirement, evaluation must include an assessment of the extent to which the design, implementation, and results of the project have incorporated gender equality perspective and rights-based approach. The evaluators are requested to review UNEG’s Guidance in Integrating Human Rights and Gender Equality in Evaluation during the inception phase1. In addition, the methodology used in the evaluation, including data collection and analysis methods should be human rights and gender-sensitive to the greatest extent possible, with evaluation data and findings disaggregated by sex, ethnicity, age, etc. – with a focus on people with disabilities. Detailed analysis on disaggregated data will be undertaken as part of final evaluation from which findings are consolidated to make recommendations and identify lessons learned for enhanced gender responsive and rights-based approach of the project. These evaluation approach and methodology should consider different types of groups in the project intervention – women, youth, minorities, and vulnerable groups.  **List of key agencies, stakeholders, and partners for evaluation**  **UNDP**   * UNDP BRH Management * UNDP BRH B+HR Asia SIDA project team members * UNDP Country Focal Points from Bangladesh and Vietnam under the B+HR Asia SIDA project as well as India, Indonesia, Malaysia, Sri Lanka, and Thailand * B+HR Asia Programme Team   **Stakeholders:**   * International development partners (ILO, UN Women, OHCHR, OECD, etc.) * UN Working Group on Business and Human Rights * Project donor and other donors * National Human Rights Institutions * Government from Ministry of Law, Ministry of Commerce, Ministry of Foreign Affairs, Parliamentarians, etc. * CSOs and Human Rights Defenders groups * Academia |

1. **Expected Outputs and deliverables**

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| The following deliverables in line with IEO’s guidance are expected:  *Table 4 - Expected Deliverables and Descriptions*   | **#** | **Deliverables** | **Description** | **Due date** | | --- | --- | --- | --- | | 1 | Workplan and methodology | The workplan should provide clear timeline of how each MTR steps will be undertaken. Considering the travel restriction due to COVID 19, the consultant is required to provide clear interview and/or focus group discussion scheduled online as this will required coordination support from the BHR project team at BRH. As UNDP BRH completed the RPD MTR, the consultant is expected to review the RPD MTR findings and methodology used for the process as this will help inform the design of BHR project MTR approach and methodology. The BHR MTR methodology should provide a specific assessment framework, covering both quantitative and qualitative dimensions, with a detailed list of required stakeholders who need to be interviewed in the MTR process. A simple stakeholder analysis for conducting interviews and evaluations can be conducted. The draft methodology can be adjusted later once the MTR consultant has completed the desk review of the project related documents. The final MTR approach and methodology can be presented as a part of the Inception Report. | 10 days after the contract signed | | 2 | BHR MTR Inception report | * The inception report should include a proposed schedule of tasks, activities, and deliverables, building on what has been provisionally proposed in this ToR. * It should be prepared by the MTR consultant before going into the full-fledged MTR exercise. * It should detail the reviewing approach, proposed format, and table of content of the MTR report. * It must also outline reviewers’ understanding of what is being reviewed and why, showing how each area of inquiry will be answered by way of: proposed methods; proposed sources of data; and data collection procedures. This information should be provided through the preparation of a MTR Matrix. * The inception report should provide UNDP/SIDA and the MTR consultant with an opportunity to verify that they share the same understanding about the assignment, the same understanding of the ToC and clarify any misunderstandings at the outset. * The MTR Inception report should include MTR Evaluation Matrix. The matrix should include key evaluation criteria, indicators, question, and sub-questions to capture and assess them. * Inception report must include a sample evaluation matrix as below:  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | | Relevant eval criteria | Key questions | Specific sub-questions | Data Sources | Data Collection methods/tools | Indicators/success standards | Methods of data analysis | |  |  |  |  |  |  |  | | 15 September 2021 | | 3 | MTR evaluation briefing | After completion of data collection or before sharing the draft report, the evaluator should present preliminary debriefing and findings to UNDP Advisory Team and MTR reference group at UNDP BRH. | 10 October 2021 | | 4 | Draft B+HR MTR report | * The Mid-term Review (MTR) Advisory Group[[2]](#footnote-3) will review the draft B+HR Asia Project Mid-Term Review (MTR)report to ensure that it meets the required quality standards and covers all agreed components and contents of the MTR. Detailed comments and feedback on the draft report will be provided to the MTR consultant, and discussions may be held to provide clarifications as necessary. * The draft report will also be shared with stakeholders and other partners, including SIDA, for additional feedback and inputs. * Evaluator should submit a comprehensive draft report consisting of major findings and recommendations for future course of action. | 30 October 2021 | | 5 | Final B+HR MTR report | * The final MTR report will be produced by the MTR Consultant based on feedback received on the draft report. The evaluator should include two rounds of feedback from UNDP. The final report will be shared with SIDA, stakeholders and other relevant partners. * The final draft report should be submitted within the given timeline with enough detail and quality. | 15 November 2021 | | 6 | Audit Trail Form | The comments and changes by the consultant in response to the draft report should be retained by the evaluator in form of audit trial to show they have addressed comments.  This document can be submitted as an Annex to the final evaluation report. | 20 November 2021 | |

1. **Institutional arrangements/reporting lines**

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| The B+HR MTR requires only one international consultant to complete the MTR. The MTR is estimated to commence on 1 September 2021 and will need to be completed before 30 November 2021 at the latest.  The principal responsibility for managing this evaluation resides with UNDP BRH B+HR Asia project manager at UNDP Bangkok Regional Hub. The B+HR Asia Team will contract the MTR consultant and help with the day-to-day coordination for MTR process with different stakeholder. The details of the implementation arrangement are described in Table 3.  *Table 5 - Implementation Arrangements*   | **Who (Responsible)** | **What (Responsibilities)** | | --- | --- | | MTR Advisory Group as *Evaluation Manager* | * Assure smooth, quality, and independent implementation of the evaluation with needful guidance from UNDP’s Senior Management. * Hire the national consultant by reviewing proposals and complete the recruitment process. * Ensure the independent implementation of the evaluation process. * Approve each step of the evaluation * Supervise, guide, and provide feedback and comments to the evaluation consultants. * Ensure quality of the evaluation. * Ensure the Management Response and action plans are fully implemented | | Business and Human Rights Specialists (B+HR Asia SIDA Project Manager) | * Draft ToR to be reviewed and finalized by the *Evaluation Manager* * Support in hiring the consultant * Provide necessary information and coordination with different stakeholders including donor communities * Provide feedback and comments on draft report * Prepare management response and action plan and follow up the implementation | | B+HR Project Team | * Provide required information, furnishing documents for review to the consultant team. * Logistic arrangements, such as for support in setting up stakeholder meetings, arranging field visits and coordinating with the Government. | | MTR Consultant | * Review the relevant documents. * Develop and submit a draft and final inception report * Conduct evaluation. * Maintain ethical considerations. * Develop and submit a draft evaluation report * Organize meeting/consultation to discuss the draft report * Incorporate inputs and feedback in draft report * Submit final report with due consideration of quality and effectiveness * Organize sharing of final evaluation report * Evaluator is expected to work within Asia-Pacific working hours, particularly for the interviews. | | MTR Reference Group | * The MTR Reference Group comprised of COs focal points, DRR/RR as relevant, representative from GPN-AP, relevant UNDP Business and Human Rights Specialists in the region and others, SIDA representative and other relevant stakeholders * Review draft report and provide feedback * Participate in debriefing session and provide suggestions |     The MTR Consultant will be briefed by UNDP Evaluation Manager upon arrival on the objectives, purpose, and output of the evaluation. An oral debriefing by the MTR Consultant on the proposed work plan and methodology will be done and approved prior to the commencement of the process.  The B+HR MTR will remain fully independent and reports to Governance and Peacebuidling Team Leader at UNDP Bangkok Regional Hub. The MTR Consultant maintains all the communication through the Evaluation Manager during the implementation of the evaluation. The Evaluation Manager should clear each step of the evaluation. Evaluation report must meet the requirements from the Independent Evaluation Office’s guidelines which will be provided as part of the inception meeting.  Contractors will arrange online final presentation with UNDP BRH and relevant stakeholders and noted comments from participants which will be incorporated in the final report. The Inception and draft report must meet IEO’s standardized template and quality standards[[3]](#footnote-4).  It is understood that it may take multiple rounds of feedback before Evaluation Report is finalized and approved. Final report must meet IEO’s Quality Criteria.  The final report will be signed off by Governance and Peacebuilding Team Leader, UNDP Bangkok Regional Hub. |

1. **Experience and qualifications**

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| I. Academic Qualifications:   * A minimum of a master’s degree or equivalent in law, political science, development studies, history, or other relevant social science.   II. Years of experience:   * At least 15 years of professional experience in the provision of policy, analytical, and technical advisory support for international development organization. * At least 5 years of proven experience in development, risk assessment, and/or evaluation of programmes or projects in the area of human rights, democratic governance, rule of law, and/or development. * Experience in the result-based management, evaluation methodologies and programme/project monitoring approaches with development partners * The project mid-term review/evaluation experience with UNDP is highly desired. * Sound understanding of the UN system and of UNDP’s mandate and role.   III. Language:   * Excellent knowledge, both oral and written, of English with presentational capacities is required   IV. Competencies:  **Functional Competencies:**   * Ability to work independently; * Ability to perform tasks in a timely manner and produce quality final product; * Strong interpersonal, communication and diplomacy skills; * Openness to change and ability to receive and integrate feedback.   **Corporate Competencies:**   * Demonstrates integrity by modeling the UN’s values and ethical standards; * Promotes the vision, mission, and strategic goals of UNDP; * Displays cultural, gender, religion, race, nationality and age sensitivity and adaptability; * Treats all people fairly without favoritism; * Fulfills all obligations to gender sensitivity. |

1. **Payment Modality**

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| Payment to the individual contractor will be made based on the actual number of days worked, deliverables accepted and upon certification of satisfactory completion by the manager.  *Table 6 – payment Installments*   |  |  |  |  | | --- | --- | --- | --- | | **Deliverables/ Outputs** | | **Estimated Working Days** | **% of total contract amount** | | 1st Installment | Upon satisfactory completion of the MTR inception report (including final methodology, data collection tools and questions, proposed data collection schedules, evaluation matrix, evaluation briefing etc.) | 7 days | 20% | | 2nd Installment | Upon satisfactory completion of desk review, interviews and analysis and submission of MTR draft report including debrief on draft findings and recommendation to the management | 33 days | 50% | | 3rd Installment | Upon satisfactory submission of MTR Final Draft [[4]](#footnote-5)  and completion of final presentation. | 10 days | 30% | | **Total** | | **50 days** | **100%** |   *\* The total duration of the task should not exceed 50 working days.*  *\* A buffer of 5 days is given for both consultants for unforeseen circumstances.*  Consultant must send a financial proposal based on per-diem The total amount quoted shall be all-inclusive and include all costs components required to perform the deliverables identified in the TOR, including professional fee, living allowance and any other applicable cost to be incurred by the IC in completing the assignment. The contract price will be fixed output-based price regardless of extension of the herein specified duration. Payments will be done upon completion of the deliverables/outputs and as per below percentages:  It is important to note that multiple iterations of the report may be required for the satisfactory completion of the report.  In general, UNDP shall not accept travel costs exceeding those of an economy class ticket. Should the IC wish to travel on a higher class he/she should do so using their own resources.  In the event of unforeseeable travel not anticipated in this TOR, payment of travel costs including tickets, lodging and terminal expenses should be agreed upon between the respective business unit and the Individual Consultant prior to travel and will be reimbursed.  Travel costs shall be reimbursed at actual but not exceeding the quotation from UNDP approved travel agent.  **Evaluation Ethics**  To promote trust and confidence in evaluation in the UN, all UN staff engaged in a MTR and MTR consultants working for the United Nations system are required to commit themselves in conducting the MTR in accordance with the principles outlined in the UNEG ‘Ethical Guidelines for Evaluation’ and writing to the Code of Conduct for Evaluation[[5]](#footnote-6). The consultants must safeguard the rights and confidentiality of information providers, interviewees and stakeholders through measures to ensure compliance with legal and other relevant codes governing collection of data and reporting on data. The consultant must also ensure security of collected information before and after the evaluation and protocols to ensure anonymity and confidentiality of sources of information where that is expected. The information knowledge and data gathered in the evaluation process must also be solely used for the evaluation and not for other uses without the express authorization of UNDP and partners.  Consultants will be held to the highest ethical standards and are required to sign a Code of Conduct upon acceptance of the assignment.  **ANNEXES[[6]](#footnote-7)**  **Relevant document will be shared with the evaluator after selection process is completed and the evaluator is on board.**   1. Relevant Documents:  * The B+HR Asia Project document (cost sharing agreement) * Theory of change and Result Framework * Project quality assurance reports * Annual workplans * Activity designs * Consolidated quarterly and annual reports * Results-oriented monitoring report * Highlights of project board meetings * Technical/Financial monitoring reports * Relevant documents of the B+HR Asia project funded by the EU * UNDP Bangkok Regional Hub Regional Programme Document Mid-term review (RPD MTR), * Other relevant communication materials and knowledge products such as research studies, policy brief, blogs, etc.  1. IEO’s guidance on structure and content of report, 2. List of key agencies, stakeholders and partners for evaluation   **UNDP**   * UNDP BRH B+HR Asia SIDA project team members * UNDP Country Focal Points from Bangladesh and Vietnam under the B+HR Asia SIDA project as well as India, Indonesia, Malaysia, Sri Lanka, and Thailand * B+HR Asia Advisor and UNDP BRH B+HR Asia EU project team members     **Stakeholders:**   * International development partners (ILO, UN Women, OHCHR, OECD, etc.) * UN Working Group on Business and Human Rights * Project donor and other donors * National Human Rights Institutions * Government from Ministry of Law, Ministry of Commerce, Ministry of Foreign Affairs, Parliamentarians, etc. * CSOs and Human Rights Defenders groups * Academia      1. Inception Report Contents Outline 2. Evaluation matrix 3. Format of the evaluation report 4. Evaluation Audit Trial Form 5. UNEG Code of Conduct |

## Annex II List of stakeholders consulted

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| **Number** | **Name-Surname** | **Affiliation** |
| 1 | Dante Pesce | Member of the Working Group on Business and Human Rights |
| 2 | Surya Deva | Chair of the Working Group on Business and Human Rights |
| 3 | Lorenzo Urbinati | Programme Manager, Development and Knowledge Management, Asian Forum for Human Rights and Development (FORUM-ASIA) |
| 4 | Betty Yolanda | Asia Regional Manager, (BHRRC)  Business & Human Rights Resource Centre |
| 5 | Sean Lees | Business and Human Rights Specialist, UNDP Asia-Pacific |
| 6 | Livio Sarandrea | Crisis Prevention and Rule of Law Specialist, UNDP Asia-Pacific |
| 7-12 | Nusrat Khan | National Business and Human Rights Specialist, UNDP India |
| Myanthi Peiris | National Business and Human Rights Specialist, UNDP Sri Lanka |
| Tarinee Suravoranon | National Business and Human Rights Specialist, UNDP Thailand |
| Puteri Noor Jehan Wan Abdul Aziz | National Business and Human Rights Specialist, UNDP Malaysia |
| Sagita Adesywi | National Business and Human Rights Specialist, UNDP Indonesia |
| 13 | Sinisa Milatovic | Business and Human Rights Specialist, UNDP Global |
| 14-16 | Samad Aftab | Project Officer, UNDP Pakistan |
| Amar Hassan | Project Analyst, UNDP Pakistan |
| Tek Tamata | Program analyst-justice, rule of law and human rights at UNDP Nepal |
| 17 | Amara Pongsapich | Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR) Thailand |
| 18 | Janssens Vicky Faye EDA JAV | Deputy Head of Political and Economic Section, Embassy of Switzerland in Bangkok |
| 19 | Thanyaporn Krichtitayawuth (Thanya) | Executive Director of Global Compact Network Thailand |
| 20 | Matthias Thorns | Deputy Secretary-General, International Organization of Employers |
| 21 | Tihana Bule | Economist and Policy Analyst, Organisation for Economic Co-operation and Development |
| 22 | Sophia Areias | Director, Global Business Initiative on Human Rights |
| 23 | Fredy Guayacan | Programme Manager (ILO) International Labour Organization |
| 24-26 | Marit Nilses | Economic Affairs Officer (UNESCAP) United Nations Economic and Social Commission for Asia and the Pacific |
| Ida Hyllested | Regional Manager, (UNICEF) United Nations Children's Fund |
| Georgina Lloyd | Regional Coordinator Environmental Law and Governance, (UNEP) United Nations Environment Programme |
| 27 | Aleksandra Lasota | Business and Human Rights Lead (IOM) International Organization for Migration |
| 28 | Katia Chirizzi | Deputy Representative, the United Nations High Commissioner for Human Rights Regional Office for South-East Asia |
| 29 | Harpreet Kaur | Business and Human Rights Specialist, UNDP Asia-Pacific |
| 30 | Victoria de Mello | Human Rights Policy Specialist, UNDP UNDP Africa (formerly with the team) |
| 31 | Laura Liguori | International Relations Officer, Foreign Policy Instruments, Asia-Pacific · Delegation of the European Union to Thailand |
| 32 | Juthathip Subhaswasdikul (Eve) | Former Senior Programme Office for SIDA, Embassy of Sweden in Bangkok |
| 33-38 | SIDA B+HR Asia Team | SIDA B+HR Asia Team |
| 39-43 | 5 female Bangladeshi beneficiaries | SIDA (SIDA) Swedish International Development Agency Project |
| 44 | Timotheus Felder-Roussety | Counsellor for Social Affairs/Business and Human Rights Sozialreferent/Wirtschaft und Menschenrechte AV Neu Delhi |
| 45 | Rabiya Javeri Agha | Former Secretary Ministry of Human Rights Pakistan |
| 46 | Ms. Nareeluc Pairchaiyapoom | Director of International Human Rights Division, Rights and Liberties Protection Department, Ministry of Justice |
| 47-48 | Zoha/Minahil | Research Fellow Research Society of International Law, Pakistan |
| 49 | Aishah Bidin | Senior government advisor and Professor of Corporate & Insolvency Law, University Kebangsaan |
| 50 | Namit Agarwal | Asia Policy Lead,   World Benchmarking Alliance |
| 51 | Priyanga Hettiarachi | Representative of the Westminster Foundation |
| 52 | Pooja Adhikari | FGD CSO from SA |
| 53 | Pradeep Narayanan | FGD CSO from SA |
| 54 | Dau Anh Tuan | Director General Legal Department Vietnam Chamber of Commerce and Industry |
| 55 | Nguyen Thanh Tu | Director General Department of Civil and Economic Laws Ministry of Justice |
| 56-57 | Annamaria and Asa | Åsa Hedén, Counsellor, Head of Regional Development Cooperation in Asia - Regional Asia and Myanmar, |
| 58-59 | Dau Anh Tuan + 1 another person Dao Duy Anh, Hanoi, Vietnam | Director General Legal Department Vietnam Chamber of Commerce and Industry |
| 60 | Trang Nguyen | Project Manager of Vietnam Rural Industries Research and Development Institute (VIRI) |
| 61 | Khun Sor. Rattanamanee Polkla, | Executive Coordinator, Community Resource Centre Foundation |
| 62 | Bahtiar Manurung: | Foundation for International Human Rights Reporting Standard (FIHRRST) - |
| 63 | Mr. Axel Blaschke | Resident Representative Friedrich-Ebert-Stiftung Vietnam |

| Annex III Evaluation Matrix | | | | | | |
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| **Relevant**  **Evaluation criteria** | **Key**  **Questions** | **Specific Sub-**  **Questions** | **Data**  **Sources** | **Data collection**  **Methods/Tools** | **Indicators/ Success**  **Standard** | **Methods for Data**  **Analysis** |
| The **relevance** of B+HR Asia’s project design, with a specific focus on its theory of change and how the project outputs realistically and effectively contributed to its overall objective. | \*To what extent was the project in line with the regional development priorities and UNDP strategic Plan, Regional Programme Document, UNWG Priorities and its direction on human rights?  \*To what extent does the project contribute to the ToC for the relevant  regional programme outcomes?  \*To what extent were the project activities in target countries in line with the national development priorities and country development programmes’ outputs and outcomes?  \*To what extent the overall design and approaches of the project were  relevant?  \*To what extent, the inputs and strategies identified were realistic,  appropriate and adequate to achieve the results?  \*To what extent does the project contribute to gender equality, the empowerment of women, social inclusion and the human rights-based approach?  \*To what extent has the project been appropriately responsive to political, legal, economic, institutional, etc., changes in the region throughout the project period, including the COVID-19 pandemic?  \*What is the degree to which the BHR project activities were overlapping with and/or complementing other interventions in the domain?  \*What is the level of acceptance for and support to the Project by relevant stakeholders? | \* Were any stakeholder inputs/concerns addressed at the project formulation stage?  \*How does the project align with related national strategies?  \*How does the project address the human development needs of intended beneficiaries?  \*What analysis, in particular of the GSI/HRBA context and its political economy was done in designing the project?  \*Was the project able to adapt to evolving needs/changing context?  \*How well were gender aspects taken into account into project design and concretely and effectively implemented?  \*What project revisions were made and why?  \*Was a stakeholder analysis conducted as part of the project development phase? | \*National policy documents including relevant strategies and action plans in the 7 target countries  \*UNDP Strategic Documents incl. UNSDCF, UNDP GP B+HR, UNDP BRH Regional Programme  \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | N/A | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Effectiveness** – The overall effectiveness of the implemented project activities towards the expected results | \*To what extent the project activities were delivered effectively in terms of quality, quantity, and timing?  \*How effective were the strategies used in the implementation of the project?  \*To what extent the project was effective in enhancing the capacity of States on implementing UNGPs and the development process of the NAPs into the governments’ priorities?  \*What are the key internal and external factors (success & failure factors) that  have contributed, affected, or impeded the achievements, and how UNDP and the partners have managed these factors?  \*In which areas does the project have the greatest achievements? Why and  what have been the supporting factors? How can the project build on or expand these achievements?  \*In which areas does the project have the fewest achievements? What have been the constraining factors and why? How can or could they be overcome?  \*To what extent have stakeholders been involved in project implementation?  \*To what extent are project management and implementation participatory?  \*To what extent have the South-South cooperation and knowledge management contributed to the regional momentum on developing the  NAPs? - What were the constraining and facilitating factors and the influence of the context on the achievement of results? | - In what way did the Project come up with innovative measures for problem solving?  - What good practices or successful experiences or transferable examples were identified?  - What is the level of expertise and acceptance of UNDP work on BHR: which added value does UNDP have and what are its comparative advantages in the sector?  - What are the direct and indirect results (at both output and impact level) of the project implementation and their sustainability?  -How does the project complement/overlap with other UNDP and UN initiatives – in particular the EU B+HR Asia project? | \*National policy documents including relevant strategies and action plans in the 7 target countries  \*UNDP Strategic Documents incl. UNSDCF, UNDP GP B+HR, UNDP BRH Regional Programme  \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | N/A | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Output 1:** Regional and international dialogue and training events build momentum and inform progress on UNGP implementation efforts and facilitate South-South exchange and cooperation | - How many regional forums on UNGPs have been held to date?  - What have been the main outcomes of the forums? What knowledge products were produced?  - How many regional expert level workshops have been held?  - What have been the main outcomes of the workshops? What knowledge products were produced?  - How many events has the project co-hosted at the annual forum on BHR?  - What have been the main outcomes of the forums? What knowledge products were produced?  - In what ways did the project support Gov., NHRIs and CSOs to participate in the annual forums? | - What are the key achievements under this output?  - What are the key challenges?  - Is progress on track?  - What are the main lessons learned so far?  - Has the approach changed during the project implementation period? If so, why? | \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | Output 1 Indicators:  No. of governments represented at the regional dialogue  % increase in number of Asian companies that adopt human rights policies and due diligence protocols  **Indicator 1.2** No. of Regional Expert-level Workshops supporting capacity building, focused on the environment, and the specific needs of women, migrants and indigenous peoples  **Indicator 1.3**  No. of key stakeholders actively participate in Global Forum on BHR | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Output 2:** Regional and national legislative and policy frameworks, including National Action Plans, are developed and implemented on UNGP, reflecting regional best practices, including perspectives of women, migrants and Indigenous Peoples (IPs) | - How many NAPs has/is the project supported/ing? How do you ensure that these meet international standards?  - What role has the project had in the development of these NAPs (advocacy, policy development, technical advisory support, capacity building, awareness raising etc.)  - What are the results of the capacity building support the project has provided to Gov., CSOs, NHRIs etc. How do you measure these results?  - To what extent has awareness of the UNGPs increased during the project implementation period – how are you tracking and measuring this? | - What are the key achievements under this output?  - What are the key challenges?  - Is progress on track?  - How do you measure results?  - What are the main lessons learned so far?  - Has the approach changed during the project implementation period? If so, why?  - To what extent are GSI and HRBA considerations addressed in the design and implementation of activities? | \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | Output 2 Indicator:  Four (4) NAPs or other strategic level planning documents, that meet international standards, fully developed and published.  Indicator 2.1 No. of advocacy missions conducted in support of NAPs or other policy planning initiatives on BHR  Indicator 2.2 No. of policy products produced and disseminated in furtherance of NAPs development on BHR  Indicator 2.3 No. of technical support initiatives delivered on NAP drafting process  Indicator 2.4 No. of capacity building events conducted on NAP development and implementation, targeting government officers, CSOs actors, NHRI staff, and business leaders  Indicator 2.5 No. of awareness raising events conducted on BHR that widen and deepen engagement on existing NAP or similar processes or that encourage government implementation of UNGPs | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Output 3:** Strengthened regional partnership architecture, made up of UN system, NHRIs, CSOs, and private sector actors working on BHR, brings greater coherence to awareness raising, technical assistance efforts, while facilitating innovative practices | * How many events have been organised under this output and what have the results of this events been? * Have any social impact projects been launched with support of the project? How do you monitor results of these projects? * How is the project codifying knowledge gained and exchanged through these events? * How can others learn from this? | - What are the key achievements under this output?  - What are the key challenges?  - Is progress on track?  - How do you measure results?  - What are the main lessons learned so far?  - Has the approach changed during the project implementation period? If so, why?  - To what extent are GSI and HRBA considerations addressed in the design and implementation of activities? | \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | Output 3 indicators:  # of organizations that attend knowledge sharing events, and develop joined-up programming with UNDP and other entities to work on BHR  # of scaleable social impact projects launched  **Indicator 3.1** No. of coordination and knowledge-sharing lab strengthening cohesion among partners working on BHR  **Indicator 3.2** No. of externally-facing events co-organized with other members of the partnership architecture  Indicator 3.3 No. of innovation labs conducted between CSO and UN system partners and private sector start-ups that address business and human rights challenges | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Output 4:** Increased awareness of all regional stakeholders of the UNGPs and strengthened access to effective remedy for violations of human rights in the context of business operations | - How does the project measure increase in awareness of regional stakeholders on the UNGPs and access to remedies for violations of HR in the business context?  - How does the project measure the % increase in the number of complaints received and resolved by NHRIs on BHR issues and how is this attributed to the project?  - How many legislative changes have arisen as a result of project support in the target countries?  - How is the project measuring SLAPP cases brought against HRDs and how is this reduction attributed to the project?  - How many peer learning events have taken place and what have the results been?  - What awareness raising activities have been conducted and how has the project measured the impact of these activities?  - What trainings have been conducted and to whom? How is impact measured? Are pre and post training assessments conducted?  - How does the BHR technical specialist provide policy guidance, support and capacity development – to whom, how often, results etc.? | - What are the key achievements under this output?  - What are the key challenges?  - Is progress on track?  - How do you measure results?  - What are the main lessons learned so far?  - Has the approach changed during the project implementation period? If so, why?  - To what extent are GSI and HRBA considerations addressed in the design and implementation of activities? | \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | Output 4 indicators:  % increase in complaints involving allegations of human rights violations received and resolved by NHRIs  #. of amendments in legislation or changes in legal frameworks hampering legal suits against businesses that engage in human rights violations  % reduction in number of SLAPP cases brought against Human Rights Defenders over three-year period  **Indicator 4.1** No. of peer learning and technical training events involving NHRIs and National Contact Points (NCPs)  Indicator 4.2 No. of CSOs and NHRIs supported in raising awareness and providing access to effective remedy  Indicator 4.3 No. of research products on access to remedy  Indicator 4.4 No. of trainings on UNGPs, including human rights due diligence and compliance, grievance mechanism provisions, with Private Sector firms and State-owned enterprises  Indicator 4.5 No. of trainings on UNGPs with Judiciaries and Ministries of Justice from the region  Indicator 4.6 Develop campaigns to heighten awareness of the UNGPs, and its role in assisting those impacted by business operations  Indicator 4.7 Policy guidance, support, and capacity development (Technical Specialist) | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Output 5 -** Strengthened policy coherence between regional Trade Agreements, International Investor Agreements, and UNGP to enhance the region’s competitive positioning in attracting investment and increasing trade flows | - How is the project measuring the increase in awareness on SD and HR clauses of trade and investment agreements and how is this attributed to the project?  - How is the project influencing the number of CSOs working on trade, HR and SD?  - How are the evidence-based researches being used to further the BHR agenda in the region?  - How many policy coherence roundtables and stakeholder dialogue sessions have been held? What have been the results to date? What follow-up is being conducted?  - How does the BHR technical specialist provide policy guidance, support and capacity development – to whom, how often, results etc.? | - What are the key achievements under this output?  - What are the key challenges?  - Is progress on track?  - How do you measure results?  - What are the main lessons learned so far?  - Has the approach changed during the project implementation period? If so, why?  - To what extent are GSI and HRBA considerations addressed in the design and implementation of activities? | \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | Output 5 indicators:  Awareness raised of the sustainable development and human rights clauses of trade and investment agreements among civil society actors, government and business  # of CSOs working on trade, human rights, and sustainable development issues and awareness raising  Indicator 5.1 No. of evidence-based research projects on the relationship between FTAs, IIAs and UNGPs and their impact on human rights and rule of law conditions at national and regional levels  Indicator 5.2 No. of Policy Coherence Roundtables on trade and investment instruments, Equator Principles, RBC and UNGPs  5.3 No. of stakeholder dialogue sessions hosted on regulatory cooperation with multiple actors and stakeholders, on topics related to human rights due diligence in supply chains, environmental protection, and human rights provisions of trade and investment agreements  5.4 Policy guidance, support, and capacity development (Technical Specialist) | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Efficiency in delivering outputs**  The cost efficiency of the implemented project activities towards the expected results | \*To what extent is the existing project management structure appropriate and  efficient in generating the expected results?  \*Have resources (funds, human resources, time, expertise, etc.) been  allocated strategically to achieve outcomes?  \*Was the process of achieving results efficient? \*Were the resources effectively  utilized?  \*Did the project activities overlap, and duplicate other similar interventions  funded nationally, and/or by other donors?  \*To what extent did the project produce synergies within UNDP and with  other development partners and play complementary roles each other?  \*What is the added value of the project’s regionalism approach for influencing  the implementation of the UNGPs and development process of the NAPs at  the national level?  \*How does the project align with other regional and national level  initiatives/activities on BHR? How efficiently are national and regional  activities connected and complement each other?  \*Have the implementation modalities been appropriate and cost-effective?  Did the B+HR Asia staffing structure and management arrangements ensure cost-efficiency, value-for-money, and effectiveness of implementation strategies and overall delivery of results?  \*Was there good coordination and communication between partners in the project? | \*Did the project coordinate its activities sufficiently with other initiatives in the field?  \*Was the project implemented within deadline and cost estimates?  \*Did UNDP solve any implementation issues promptly?  \*Were project resources focused on the set of activities that were expected to provide significant results  \*Was there any unified synergy between UNDP initiatives that contributed towards reducing costs? (In particular EU project)  \*How often has the project board met?  \*How did UNDP programming overlap, if at all with other initiatives?  \*To what extent were UNDP able to synergize with other UN agencies?  \*Is the project fully staffed and are the staffing/management arrangements efficient?  \*Are procurements processed in a timely manner?  \* Are the resources allocated sufficient/too much?  \*What were the reasons for over or under expenditure within the Project? | \*National policy documents including relevant strategies and action plans in the 7 target countries  \*UNDP Strategic Documents incl. UNSDCF, UNDP GP B+HR, UNDP BRH Regional Programme  \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | N/A | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Sustainability of the outcome** | \*To what extent did the project bring momentum in the region for  implementation of the UNGPs and development of the NAPs?  \*To what extent is it likely to be institutionalized and implemented by each State after the completion of this project?  \*What is the likelihood of the continuation and sustainability of regional and national level dialogues engaging various stakeholders and strengthening national and regional partnership architectures, made up of UN system,  NHRIs, CSOs, and private sector actors working on BHR?  \*How were capacities of a various set of BHR stakeholders strengthened at the national level through regional peer-learning and south-south cooperation?  \*Describe key factors that will require attention to improve the prospects of  sustainability of Project outcomes and the potential for replication of the approach?  \*To what extent do stakeholders support the project’s long-term objectives?  \*To what extent will financial and economic resources as well as political will be available to sustain the benefits achieved by the project?  \*Are there any social or political risks that may jeopardize sustainability of  project outputs and the project’s contributions to country programme  outputs and outcomes? | \* Is there an exit strategy for the Project? Does it take into account political, financial, technical and environmental factors?  \* What issues have emerged during implementation as a threat to sustainability? (if not covered above)  \*What corrective measures have been adopted?  How has UNDP addressed the challenge of building national capacities? (if not covered above)  \*What is the level of national/regional ownership of the project activities?  \* To what extent has the project created a shift in attitudinal and cultural behaviour towards BHR?  \*Has the project managed to procure Gov. co-financing for any of the deliverables?  \*Is it anticipated that the project will secure financing for 100% of the project activities? If not, why not and what was the shortfall?  \*Does the project provide for the handover of any activities?  \*What are the perceived capacities of the relevant institutions for taking the initiatives forward?  \* Were initiatives designed to have sustainable results given the identifiable risks? | \*National policy documents including relevant strategies and action plans, in particular the MSDP  \*UNDP Strategic Documents  \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports, field visit reports  \*Implementing partners progress reports | * Document requests * Stakeholder interviews, in particular with UNDP and other bilateral donors and the national institutions included in the project * Independent external research and reports * Focus groups * Email, phone and Skype follow-up where necessary | % of Government Co-financing procured by project?  # of activities absorbed by national/regional partners/other UNDP projects | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |
| **Diversity and Inclusion** | \*To what extent has the project promoted positive changes in gender equality and the empowerment of women? Were there any unintended effects? How can the project further broaden in a future phase its contribution to enhancing diversity and inclusion?  \*To what extent have local communities, women, youth, people with disabilities and other disadvantaged groups benefited from the work of Business and  Human Rights? |  | \*B+HR Asia Project Document  \*B+HR Asia Progress Reports  \*B+HR Asia Quality Assurance report, results orientated monitoring reports  \*Relevant partner reports | * Document review and desk research * Independent external research and reports * Key informant interviews * Focus group discussions * Online surveys * Email, phone and online follow-up where necessary | N/A | \*Qualitative and quantitative data analysis  \*Data synthesis  \*Descriptive statistical analysis  \*Process tracing  \*Triangulation  \*Discussion of data amongst the consultant and the B+HR Asia team  \*Verification of data with Stakeholders  \*Fact checking by UNDP comment and feedback to consultant |

## Annex IV Draft informant interview guides

**Interview questions for government counterparts**

1. What is the policy and legislative framework with regards to BHR in your country and the region?
2. What steps are in place to develop a National Action Plan on BHR of if you already have an NAP on BHR, how would you assess the implementation of this Plan?
3. Are you familiar with UNDP’s B+HR Asia project? Is the project relevant to strengthening BHR in your country and/or in the region? Among the activities conducted under the project, which of them are most relevant and why? Are there any less relevant activities?
4. In your opinion, what are the advantages of having a regional approach to addressing the issues of BHR? Are there any disadvantages to this approach?
5. How is your country able to translate the activities conducted at the regional level down to the national level?
6. Has the project strengthened local/national/regional capacity for BHR? If yes, in what areas?
7. What are the main challenges with respect to BHR in your country and in the region? How would you assess the awareness of different stakeholders with regards to BHR? Are there different challenges for different groups in terms of BHR in your country and the region – e.g. women, migrant workers, IPs PWDs etc.?
8. What remedies are available in your country for victims of BHR abuses? How would you assess the effectiveness of these remedies? What are the gaps and how can these be addressed?
9. To what extent do you cooperate with other stakeholders active in the field of BHR such as CSOs, NHRIs, media, and businesses?
10. In your view what is the long-term impact made by the project activities?
11. Have you noticed any unintended consequences, whether negative or positive of the project? Give examples
12. In your view, do the project activities contribute to larger reform efforts in the country and region, in particular those linked with achievement of the SDGs?
13. Will the government continue with any of the project activities beyond the lifespan of the project? If so, which ones? And if not, why not?
14. What are your priorities in terms of BHR in the short (1-2 years) and mid-long term (3+years)? How can the project support you with these priorities?
15. In which areas do you think the project should focus on in the short-term (1-2 years) and longer term (3+ years and beyond)?

**Interview Questions for National Human Rights Institutions**

1. What is the mandate of your Institution?

2. What are the main challenges with respect to BHR in your country and the region? Are there different challenges for different groups in terms of BHR in your country and the region – e.g. women, migrant workers, PWDs etc.?

3. What remedies are available for these victims? How would you assess the effectiveness of these remedies? What are the gaps and how can these be addressed?

4. Are you familiar with UNDP’s B+HR Asia project? Is the project relevant to strengthening BHR in your country and/or in the region? Among the activities conducted under the project, which of them are most relevant and why? Are there any less relevant activities?

5. In your opinion, what are the advantages of having a regional approach to addressing the issues of BHR? Are there any disadvantages to this approach?

6. How is your institution able to translate the activities conducted at the regional level down to the national level?

7. To what extent do you cooperate with other stakeholders active in the field of BHR such as CSOs, governments, media, academia, and businesses, in particular at the regional level?

8. Has the project strengthened local/national capacity for BHR? If yes, in what areas?

9. In your view what is the long-term impact made by the project activities?

10. Have you noticed any unintended consequences, whether negative or positive of the project? Give examples

11. In your view, do the project activities contribute to larger reform efforts in the country and region, in particular those linked with achievement of the SDGs?

12. Will your institution continue with any of the project activities beyond the lifespan of the project? If so, which ones? And if not, why not?

13. What are your priorities in terms of BHR in the short (1-2 years) and mid-long term (3+years)? How can the project support you with these priorities?

14. In which areas do you think the project should focus on in the short-term (1-2 years) and longer term (3+ years and beyond)?

**Interview questions for Civil Society Organisations**

1. What is the mandate of your organisation?

2. What are the main challenges with respect to BHR in your country and the region? Are there different challenges for different groups in terms of BHR in your country and the region – e.g. women, migrant workers, PWDs etc.?

3. What remedies are available for these victims? How would you assess the effectiveness of these remedies? What are the gaps and how can these be addressed?

4. Are you familiar with UNDP’s B+HR Asia project? Is the project relevant to strengthening BHR in your country and/or in the region? Among the activities conducted under the project, which of them are most relevant and why? Are there any less relevant activities?

5. In your opinion, what are the advantages of having a regional approach to addressing the issues of BHR? Are there any disadvantages to this approach?

6. How is your organisation able to translate the activities conducted at the regional level down to the national level?

7. To what extent do you cooperate with other stakeholders active in the field of BHR such as NHRIs, governments, media, academia, and businesses, in particular at the regional level?

8. Has the project strengthened local/national/regional capacity for BHR? If yes, in what areas?

9. In your view what is the long-term impact made by the project activities?

10. Have you noticed any unintended consequences, whether negative or positive of the project? Give examples

11. In your view, do the project activities contribute to larger reform efforts in the country and region, in particular those linked with achievement of the SDGs?

12. Will your institution continue with any of the project activities beyond the lifespan of the project? If so, which ones? And if not, why not?

13. What are your priorities in terms of BHR in the short (1-2 years) and mid-long term (3years)? How can the project support you with these priorities?

14. In which areas do you think the project should focus on in the short-term (1-2 years) and longer term (3 years and beyond)?

**Interview questions for UNDP**

1. To what extent is implementation matching your vision for the project? Why/why not?
2. Has the project been able to reach all target groups that it had intended to reach?
3. How has the changing context impacted on the programme implementation?
4. How was the project able to adapt to the COVID-19 context?
5. Which aspects of the project, and which of the approaches used were most successful in bringing about change and why? Which approaches did not work and why?
6. In your opinion what are the biggest challenges in implementing the project? What have been the key results to date?
7. What advantages do you think the regional approach brings to programming? How does this approach complement the country-level activities funded through the EU project? What about complementarities with other UNDP BRH projects and agendas – e.g. Fairbiz, corruption, gender, conflict etc.
8. How is the partnership and coordination among the UNDP, other UN Agencies, and other projects – in particular the EU B+HR Asia project, Governments, NHRIs, CSOs, and other relevant national and local partners?
9. What is the composition (gender, ethnicity, etc.) of project staff and does it reflect the diversity of project stakeholders?
10. What avenues did women and vulnerable groups have to provide feedback on the project, or otherwise influence how and what the project was delivering?
11. What are the project’s mechanisms for MEL?
12. Is there evidence that the project advanced any key national human rights, gender or inclusion policies?
13. Have you observed any unintended impact (could be negative as well as positive) of the project?
14. Overall, which were the most important or relevant changes you have noticed as a result of the project?
15. How has the project contributed to and been influenced by the evolving BHR discourse both regionally and globally?
16. To what extent do you think the project has been able to adapt and be flexible to changing needs and demands?
17. What would you do differently now, if you were to start the B+HR Asia project again?
18. What advice would you give to other UNDP Regional Hubs who are interested in BHR programming?
19. What are the short and longer term priorities of the project and how do these synergise with the Global BHR programme and the UNWG’s Global Roadmap?

**Interview Questions for SIDA (and to be adapted for EU)**

1. To what extent was SIDA involved in the inception phase of the project and the design of the full project?

2. Were your views/inputs taken into account?

3. How satisfied are you with the communication procedures and mechanisms with the project and with UNDP?

4. Do you receive narrative and financial reports in a timely manner?

5. How satisfied are you with the results achieved by the project to date?

6. What have been the biggest challenges in the project?

7. What have been the biggest achievements in the project?

8. What are your current development priorities and how does the project fit into these?

9. What are your long-term priorities for the Asia region?

10. In your views what are the advantages of the regional approach of the project? Are there any disadvantages?

11. Are you satisfied with the level of coordination with the EU B+HR Asia project? Are there any gaps or areas, which could be strengthened?

10. Why did you choose to support a UNDP project? What do you perceive UNDP’s comparative advantages to be? Do you feel that you are getting value for money with UNDP?

11. Would you support a UNDP project again in the future? If not, why not?

**Interview Questions for UNWG on BHR**

1. What is the mandate and composition of the UNWG?

2. What level of cooperation has the UNWG had with the UNDP B+HR Asia project? Were your inputs sought at the design stage?

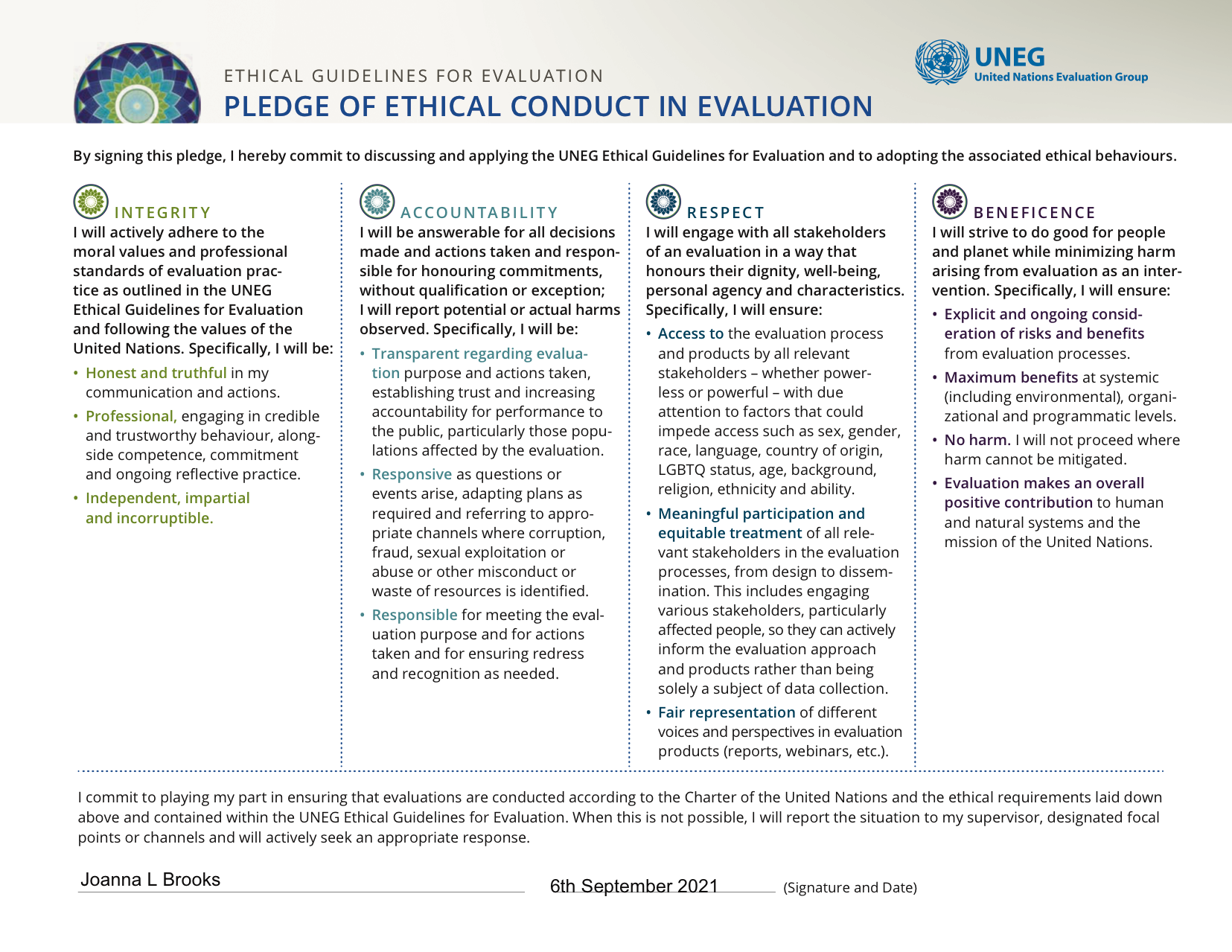
3. What are your views on the project and its results achieved to date?

4. In your opinion, what are the advantages of the regional approach of the project? Are there any disadvantages?

5. Given the anticipated publication of the UNWG’s Global Roadmap on BHR what do you think should be the priority areas for the project in the short (1-2 years) and mid-long term (3+ years)?

6. How can the UNWG and the UNDP B+HR Asia project best collaborate in the future to contribute to the achievement of global and regional priorities on BHR.

## Annex V 2020 Ethical Guidelines for Evaluation Pledge

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1. <http://web.undp.org/evaluation/guideline/index.shtml> [↑](#footnote-ref-2)
2. The MTR Advisory Group refers to the BHR MTR oversight function at BRH. The group members are composed of representatives from UNDP BRH Programme Management Unit and M&E Team, and Governance and Peacebuilding Team Leader. [↑](#footnote-ref-3)
3. http://web.undp.org/evaluation/guideline/documents/PDF/UNDP\_Evaluation\_Guidelines.pdf [↑](#footnote-ref-4)
4. Multiple reiterations may be required prior to approval of the final report which must comply with Independent Evaluation Office’s Quality Standards available [here](http://web.undp.org/evaluation/guideline/section-6.shtml). [↑](#footnote-ref-5)
5. UNEG, ‘Ethical Guidelines for Evaluation’, June 2008. Available at: <http://www.uneval.org/search/index.jsp?q=ethical+guidelines> [↑](#footnote-ref-6)
6. These documents will be provided after signing of the contract. [↑](#footnote-ref-7)