SIM

MEDE
EUROPEAN CONSULTANCY

**FROM
DEVELOPMENT OF HUMAN RIGHTS
TO
MANAGING HUMAN RIGHTS DEVELOPMENT**

**GLOBAL REVIEW OF THE OHCHR TECHNICAL COOPERATION
PROGRAMME**

SYNTHESIS REPORT

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**Netherlands Institute of Human Rights (SIM)
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TABLE OF CONTENTS

ABBREVIATIONS

General

ACT	Assisting Communities Together
AJ	Administration of justice
APB	Activities and Programmes Branch
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBOs	Community-based organisations
CCA/UNDAF	Common Country Assessment / United Nations Development Assistance Framework
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
DANIDA	Danish International Development Assistance (Agency)
DFID	Department for International Development
DPKO/DPA mission	Department of Peacekeeping Operations/Department of Political Affairs
GTZ	German Cooperation for Technical Assistance
HCHR	High Commissioner of Human Rights
(H)RBA	(Human) rights-based approach
HURIST	Human rights strengthening
ICC	International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IGOs	Intergovernmental organisations
MDG	Millennium Development Goals
MDGR	Millennium Development Goals Report
MFA	Ministry of Foreign Affairs
MOU	Memorandum of understanding
NGOs	Non-governmental organisations
NHRAP	National Human Rights Action Plan
NIs	National institutions
NI Team	National Institutions Team
OHCHR	Office of the High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services
PANEL	Participation, accountability, non-discrimination, attention to vulnerability/empowerment, link to standards
PRSP	Poverty Reduction Strategy Plan
SIDA	Swedish Development Agency
RIJ or RJI	Regional justice institute
SO(s)	Standing order(s)
SURF	Sub-Regional Resource Facility
TC programme	Advisory services and technical cooperation programme
ToR	Terms of reference
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNOPS	United Nations Office for Project Services
UNTAET	United Nations Transitional Administration in East Timor
UNV(s)	United Nations volunteer(s)

USAID   United States Agency for International Development
VFTC   Voluntary Fund for Technical Cooperation

Mongolia

GGHS   Good Governance for Human Security
HURISTMON   Human Rights Strengthening in Mongolia – Phase I
JRP   Judicial Reform Project
MJHA   Ministry of Justice and Home Affairs
MPRP   Mongolian People's Revolutionary Party
NCC   National Coordinating Committee
NHRCM   National Human Rights Commission of Mongolia
NPD   National programme director
PSC   Project steering committee

Bosnia and Herzegovina

BiH   Bosnia and Herzegovina
CoE   Council of Europe
EUPM   European Union Police Mission
FBiH   Federation of Bosnia and Herzegovina
FCNM   Framework Convention for the Protection of National Minorities
GFAP   General Framework Agreement for Peace
HDZ   Croatian Democratic Union
ICTY   International Criminal Tribunal for the former Yugoslavia
IOM   International Organisation for Migration
IPTF   International Police Task Force
OHR   Office of the High Representative
OSCE   Organisation for Security and Cooperation in Europe
RS   Republika Srpska
UNHCR   United Nations High Commissioner for Refugees
UNMIBH   United Nations Mission in Bosnia and Herzegovina

Guatemala

CICIAS   Commission for the Investigation of Illegal Bodies and
                                Clandestine Security Apparatus
CONADEHGUA   National Confederation for Human Rights in Guatemala
COPREDEH   Presidential Commission on Human Rights
DEMI   Ombudsman for Indigenous Women
EEJ   School of Judicial Studies
EMP   Presidential Guard
GoG   Government of Guatemala
IRM   Initial Review Mission
MINUGUA   United Nations Verification Mission in Guatemala
PDH   Human Rights Ombudsman
SWOT   Strengths, weaknesses, opportunities, threats
URNG   Guatemalan National Revolutionary Unity

Russia

PACE   Parliamentary Assembly of the Council of Europe

Malawi

ADR   Alternative dispute resolution

ADRAM	Alternative Dispute Resolution Association of Malawi
AFORD	Alliance for Democracy
CCAP	Churches of Central Africa Presbyterian
CISANET	Civil Society Agricultural Network
CSCQBE	Civil Society Coalition for Quality Basic Education
DCP II	Project Support Document for the Democracy Consolidation Programme Phase II (2002-2006)
IMC	Inter-Ministerial Committee for Human Rights and Democracy
MASSAJ	Malawi Access to Safety, Security and Justice
MCP	Malawi Congress Party
MHEN	Mental Health Employment Network
MHRC	Malawi Human Rights Commission
MIDEA	Malawi Institute of Democratic and Economic Affairs
MPRSP	Malawi Poverty Reduction Strategy Plan
NORAD	Norwegian Agency for Development Cooperation
PCD	Presidential Commission on Dialogue
WARC	World Alliance of Reformed Churches

EXECUTIVE SUMMARY

Introduction

States recovering from conflict or lacking adequate resources or expertise need assistance to implement their human rights obligations. The Technical Cooperation Programme of the Office of the High Commissioner for Human Rights (OHCHR) supports countries in promoting and protecting all human rights at the national and regional level by incorporating international human rights standards into national laws, policies and practices and by building sustainable national capacities to implement these standards and ensure respect for human rights.

The Programme is carried out at the request of the concerned government. Projects are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions (NIs), as well as parliament and the courts.

The Programme activities include: assistance for efforts to incorporate international human rights standards into national laws, policies and practices; advice on the establishment and functioning of independent national human rights institutions; advice to the judiciary, military, police and parliaments on international standards related to their work; advice on treaty reporting; support for national human rights action plans; and advice on human rights education.

Purpose and scope

The objective of the review is to compile relevant "lessons learnt" in order to improve future interventions with a view to a more strategic approach by OHCHR to technical cooperation.

The review is meant first and foremost as a contribution to understanding how activities can be best prepared and implemented, by extracting lessons from experience.

As a "lessons learnt" evaluation, the emphasis is on accumulation of experience, rather than on accountability. The review focuses on impact and achievement.

The review embraces activities defined as "Advisory Services and Technical Cooperation in the Field of Human Rights", in the language of the Commission on Human Rights.[1] The technical cooperation activities take place as individual technical cooperation projects as well as forming elements of OHCHR's six larger field operations. To avoid too broad a scope, the review consists of a combination of thematic and country studies. Based on these studies, the synthesis report pulls together lessons learned across areas of intervention. The review addresses the relevance, impact and effect of activities at the regional and sub-regional level on interventions at the national level.

The review covers the following areas:

        a. OHCHR's policies and priorities
        b. Ensuring effectiveness and efficiency
        c. Management and approach

Methodology

Within the framework of the global review, studies were conducted on technical cooperation (TC) activities in Bosnia Herzegovina, Guatemala, Malawi and Mongolia. Missions to these countries were undertaken by teams of one international and one national expert.

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[1] In the case of BiH "activities similar to Technical Cooperation", since strictly speaking activities in BiH are not activities under item 19.

The objective of the country studies was to assess how OHCHR TC assistance in different countries and in varying political and cultural circumstances has worked. The country studies needed to provide an overall view of TC assistance in that particular country and insights into how such assistance functions, not only at the national level, but where applicable also at the level of organisations or various geographical levels (regional, local). The studies furthermore needed to gather information regarding experiences with identification, planning and implementation and monitoring of TC activities and to assess how the assistance has contributed to the promotion and protection of human rights.

In addition to the country studies, there were four major substantive areas of intervention identified as important with regard to documenting experience relevant to the design of future OHCHR technical cooperation activities. Within the framework of the global review of the TC activities, studies were conducted on TC activities in the areas of administration of justice, human rights education, National Human Rights Action Plans and national human rights institutions.

The studies on these themes were conducted as desk studies. One field visit was undertaken to Russia as a case study for the theme of human rights education.

Findings – country studies

The findings for each country are presented in a similar way: context and TC activities; assessment of these activities; and overall assessment of OHCHR in the country concerned.

In Bosnia and Herzegovina the OHCHR office is small. The formation of strategic alliances and the creation of synergies are therefore essential. The office has a good reputation for its work. It has strong relationships with non-governmental organisations (NGOs), intergovernmental bodies and the government. The office has a strong comparative knowledge in the field of human rights standards and mechanisms and is committed to gender mainstreaming. A weakness is the lack of documentation on strategy, feasibility studies, planning, implementation, monitoring and independent evaluations. There is a significant degree of integration of work with other agencies in protecting and promoting human rights.

The OHCHR project in Guatemala is highly valued for inter alia its considerable expertise in human rights and its access to government officials and civil society. It has been very instrumental in mainstreaming human rights into the United Nations (UN) system in Guatemala. Government bodies have been sensitised to their human rights obligations, but the results of this are as yet unclear. There is a need for a greater focus and prioritisation of activities. Undelivered and uncertain funding are great obstacles to the realisation of activities. The activities are moreover not well-known. An issue for consideration, not only for OHCHR but for the other UN agencies as well, is what form human rights activities need to take and what structure there will be after United Nations Verification Mission in Guatemala (MINUGUA) possibly eventually closes.

In Malawi OHCHR has aimed at contributing to strategic investments in capacity building for human rights. The scope of the activities was very wide, too ambitious and under-funded. The successes were few which is also related to organisational, managerial and administrative problems. OHCHR does not have much "critical mass" in Malawi. The United Nations volunteer (UNV) posted under the human rights strengthening (HURIST) programme played a central role in the institutional strengthening of human rights, among others things through the organisation of workshops on human rights approaches to development and poverty. There appears to be little or no assessment of the impact of OHCHR's activities in Malawi.

The activities of OHCHR in Mongolia have recorded considerable achievements. Many activities were undertaken within the framework of Human Rights Strengthening in Mongolia (HURISTMON). The main problem with HURISTMON is, however, the lack of a clear focus. Another problem is the short-term nature of the activities. A longer term involvement should be

considered. Another issue is the ownership of the various activities: the National Commission on Human Rights Project is seen as a truly Mongolian project, whereas the National Human Rights Action Plan project is seen as UN-driven. Representatives of various UN agencies in Mongolia are open to applying a rights-based approach in their development activities. There is a clear desire for an advisory role for OHCHR in this respect.

In comparing the findings of the country studies it was found that, with regard to Bosnia and Herzegovina (BiH) and Mongolia, *concrete evidence of achievements* is available, whereas in the case of Guatemala and Malawi this was not the case.

Explicit and written vision, mission and strategy are weak for all countries, as are project cycle management and the use of project cycle management tools (needs assessment, stakeholder analysis, goal/ result orientation, evaluation using indicators). Gender mainstreaming policy was only found in BiH.

The (non-written) strategies followed in the cases of BiH and Mongolia were effective due to *focus on specific issues and projects* and the ability to generate ownership through participatory methodologies, even if the strategic approach in Mongolia still seems too broad. A strong point in both countries was the ability to establish strategic alliances with groups of essential stakeholders.

The *sustainability of all projects* is assessed as low. In BiH and Mongolia this is mainly due to *short-term planning and short-term funding*, in the other two countries because there are no real achievements to build on. Sustainability, participation and ownership were not used as essential criteria for engaging projects.

Coordination and cooperation between OHCHR and other UN agencies appeared *not* to be the "*standard mode of operation*". The Common Country Assessment / United Nations Development Assistance Framework (CCA/UNDAF) process started in all the countries reviewed, but successes with regard to integrating human rights into the CCA/UNDAF programming process were few. The United Nations Development Programme (UNDP) and OHCHR cooperation in the framework of HURIST seems to enhance the effectiveness of development programming through the integration of human rights standards and principles. At the same time the effectiveness of human rights activities seems to increase due to greater ownership as a result of participatory programming.

Administration and organisation issues (discontinuity of staff, stop-go funding) did have an important impact on the effectiveness and efficiency of the activities in Guatemala and Malawi.

Findings – thematic studies

On the theme of the administration of justice it has been found that there is a strong concentration on teaching and learning. There is no document selecting primary areas of interest and criteria for selection. It is important to further develop expertise in the field of drafting, advising and teaching law-drafting. Assistance to universities and law schools should be reconsidered. Direct training by OHCHR should be abandoned: train the trainers. Training should be put in a wider perspective which requires the development of methodology. Methodology is a key word; it offers opportunities to professionalise further and to enhance activities through standardisation. Training manuals should take the laws of the country and its practices into account; specialised local expertise is therefore essential.

An overall strategy is needed to make the goals of human rights education explicit. Human rights education has three components: raising public awareness, training of professional groups and education for the schooling sector. Overall goals for all three components should be the transfer of knowledge and the moulding of attitudes. These overall goals and specific goals should be made explicit in the activities; this is at present lacking. Broad-based cooperation of UN agencies

is also still lacking both at the regional and national level. OHCHR can play a leading, coordinating role in this respect. It is important to develop different methodologies for different target groups; at present little is known about whether such different methodologies are applied.

With regard to the theme of National Human Rights Action Plans, OHCHR has so far had little coherent vision and strategy. It is important for OHCHR to decide what priority and attention it gives to this mandate. OHCHR should say "no" when a National Human Rights Action Plan (NHRAP) project is unlikely to be sustainable or to have a significant impact, by utilising in a well-considered way the criteria for decision-making for the approval and commencement of NHRAP projects. A clear division of work between OHCHR and UNDP on the issue of National Human Rights Action Plans should be established. The OHCHR Handbook on NHRAPs constitutes an important step forward, but needs revision from the perspective of methodologies, particularly on the ways in which the objectives of NHRAP projects should be monitored and evaluated.

On the theme of national human rights institutions, it would be useful to make the strategic orientation of OHCHR more explicit. The Technical Cooperation Manual pays insufficient attention to the importance of indicators. The concept of stakeholders as social forces ready to support or constrain a particular human rights institution (HRI) project should be an explicit concern in the Manual. There is evidence that some national human rights institutions are under-funded, which impedes the fulfilment of their mandate and the sustainability of the project. HRIs have the potential to become central players in the development of a human rights strategy at the national and sub-national level. Such an integrated human rights programming and development strategy at the national and sub-national level can become an important tool for defining priorities and for coordinating work with other UN agencies.

Comparing the findings and analyses of the theme studies leads to the following conclusions.

Vision, mission and strategy have lagged behind the development of project activities. Activities within the framework of themes have been too output-oriented (e.g. trainings and materials), with little long-term strategy in mind. Project cycle management and the use of project cycle management tools were found to be weak.

Project designs are usually *weak in focus and priority setting* and *do not* aim for long-term *sustainability*. *Monitoring and evaluation* and the use of indicators are the particularly weak aspects.
Sustainability, participation and ownership did *not function* as criteria for engaging in theme projects/ activities.

Very little or no evidence was found of *synergetic effects* between themes and between themes and country projects.

Very little or no evidence was found that *coordination and cooperation* takes place on the various themes with other UN agencies, with the exception of the NHRAPs with UNDP within the framework of HURIST and, to some extent, with the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on human rights education.

Understaffing, under-funding and lack of coordination has influenced the use of available expertise and had a negative impact on synergetic effects regarding the various themes.

OHCHR's general policies and priorities

Issues that are addressed are related to: potential differences in prevailing values between recipient countries and OHCHR; the extent to which recommendations of human rights treaty bodies and special procedures are taken into account in the design of TC activities; the balance between different categories of rights addressed by the programme; integration of gender

perspectives in the Technical Cooperation programme; OHCHR integration of theme and country approaches; and synergetic effects.

In the drafting and implementation of TC programmes various factors may influence the effectiveness of the programme in the recipient country and need to be taken into account. States' perceptions of human rights must be respected, while upholding the fact that the TC programme applies international human rights norms that are universal, indivisible, interdependent and inter-related. Other relevant factors include the ownership of a programme, political and economic priorities and the country's legacy from the past. In both the needs assessment and the evaluation, the impact of such factors needs to be taken into account. Potential obstacles need to be identified in a timely manner and addressed. In the collection of best practice, ways to overcome the obstacles should be included. The TC programmes may benefit from the experience gained by HURIST and the rights-based approaches in introducing the issue of difference of values, although HURIST as a lesson-learning programme also still has a way to go.

In the implementation of the TC programmes much attention is being paid to reporting under human rights treaties and the relevance of the special procedures. At the same time, however, the recommendations formulated by these organs have not been used to their full potential, neither in the formulation of the programme, nor in its implementation. Since the TC programme takes as a starting point the international norms adopted within the framework of the United Nations, it would benefit the consistency and credibility of the system as a whole if the interpretation of these norms by the supervisory organs were to play a key role in the programme. It would be useful if the TC Manual referred explicitly to the role to be played by recommendations from treaty bodies and special procedures. The implementation of this advice implies that the OHCHR will provide support for a country-centred follow-up of the recommendations in relation to the design of Technical Cooperation strategies and activities.

The TC Manual stresses that all human rights are equally important and draws attention to economic, social and cultural rights and the rights of vulnerable groups. There are comprehensive training materials. It was found that attention to these issues has indeed increased over the years. By emphasising these issues, balance is sought in the *aim to be achieved*, which is the equal enjoyment of rights by all. Prioritisation and planning are essential issues.

Gender is also a point of attention in the TC Manual and comprehensive training materials are available. The TC projects generally include gender components. However, they do so in different ways. Important factors for success or failure are the creativity, quality and perseverance of the OHCHR staff at the national level. Projects would benefit from tools, exchange of experiences and an overview of best practice. Exchange of experiences and the building of a body of knowledge on human rights work and strategies, actions and instruments should be a major concern of OHCHR management. Only then can value be added and only then can a relatively small organisation like OHCHR make a difference.

The TC programme aims to build national capacity in countries so that they can become increasingly independent of external assistance. Programme activities need to be carried out in support of national development objectives through national programmes. Promoting NHRAPs and the establishment of national human rights institutions should therefore constitute the backbone of the TC strategy. An NHRAP should constitute the basis for the infrastructure of human rights promotion and protection, and should set out the framework for relevant issues, such as human rights education and the administration of justice. At present, the NHRAP is seen as a theme that is operated at the same level as other themes in the TC programme, and therefore does not fulfil the crucial role described above. The various themes run separately to each other. While various themes are adequately coordinated at the internal level, there is insufficient coordination among the themes and among thematic and country projects. It is necessary to review the concept of 'themes', since they are all quite different in nature and each need their own way of 'synergising' with country projects. The NHRAPs are envisaged as a

management tool, a way for domestic actors to manage such projects. National institutions are a core element in national capacity building, human rights education and administration of justice.

Development of content and methodologies and the collection of best practice can be organised according to themes. As themes form the content of projects, management can direct their content by the choice of themes and the capacity provided for their development. It is also a way to organise expertise, documentation, practices and discussion.

In view of the lack of effective integration of theme and country approaches and thereby the lack of synergetic effects, the integrated programming approach within a Country Human Rights Development Strategy, as proposed in the Kapila report, gains even more importance. The approach recommended in the Kapila report connects the NHRAPs, which are not seen as a series of activities but as a framework for integrating human rights into national planning, and the national institutions, and integrates these into country programming. This could be seen as a means of ensuring that national institutions become central players in the development of a Country Human Rights Development Strategy, vested as they are with a mandate for promotion as well as protection, and also as the main vehicles for ensuring national ownership of such a strategy.

Ensuring effectiveness and efficiency

The question of how to ensure the effectiveness and efficiency of the Voluntary Fund for Technical Cooperation (VFTC) programme is approached by addressing four sub-items.

A first important sub-item in this respect is the involvement of local partners and the encouragement of joint ownership of projects and activities. It was found that a broad participation of various stakeholders will enhance ownership which in itself is crucial for ensuring effectiveness and efficiency. For that reason OHCHR recognises both as a matter of principle and a matter of strategy the participation of local partners in its activities and projects. Not all stakeholders need to be involved to the same extent and in the same manner in all stages of the project. Partners in a project should be carefully selected; a stakeholder analysis is for that reason relevant. National human rights institutions can be key partners in the implementation of a project, provided that this role is accepted by a wider group of stakeholders in the project.

A second sub-item relates to the management of programmes and projects and in particular the vision, mission and strategy of the programme. It was found that the development of a vision, mission and strategy with regard to the VFTC programme is lagging behind the actual development of project activities. This is particularly damaging to the theme of NHRAPs. It is also clear that the synergetic effects between the themes suffer a negative impact through the lack of an overall strategy. In the area of human rights education a strategy is needed on the overall goals of human rights education and on the inter-connections between the three components of human rights education (raising awareness, training for professional groups and human rights education for the schooling sector). The HURIST experience illustrates that OHCHR needs to identify its role, core competence and added value in alliances with other actors in the field of human rights capacity-building at the national level.

The third sub-item concerns issues relating to management, organisation and communication. It was found that in some projects OHCHR's role as facilitator, supporting those who are working under difficult conditions in the field, did not live up to expectations. The major problems relating to management, organisational and administrative issues are the understaffing of the office in Geneva, the insecurity about continuation of jobs and the timely disbursement of funding. There is also a lack of guidance from OHCHR which can be attributed to the aforementioned factors and to the problems relating to communicating at a distance. The issue of effective and efficient communication with, on and from the projects should be taken up by OHCHR in Geneva. Furthermore, it is important to establish a staff development programme for field offices situated in changing, post-conflict countries. The lack of visibility and knowledge about OHCHR

programmes is a cause of concern, both for ideological reasons and from the point of view of adequate fund-raising. OHCHR procedures and delays have also constrained cooperation with other agencies.

The fourth and final sub-item relates to TC activities viewed in relation to the overall UN country strategy. It was found that the CCA/UNDAF process, as a comprehensive UN programming approach, addresses TC programme problem areas, such as lack of common country assessment from a rights perspective, lack of a common strategic approach and lack of cooperation and coordination among the UN agencies. Furthermore, the CCA/UNDAF has the advantage of overall methodology guidance according to UN agreed standards. It is recommended that OHCHR develops a clear strategy on how to engage in the CCA/UNDAF process in order to ensure that its concepts and approaches are valued and integrated. It is concluded that, when guided by the recommendations of the Kapila report on delivery of services at the country level, a Country Human Rights Development Strategy and a focused approach on priority countries, OHCHR has more to gain than to lose by engaging in the CCA/UNDAF process. Finally it is concluded that the CCA/UNDAF process provides an opportunity chance and a challenge for OHCHR to become effective in mainstreaming human rights in the work of other agencies and in service delivery.

Recommendations

OHCHR is a relatively young organisation within the family of UN agencies. In the first years of its existence the emphasis was on developing the expertise in various fields of human rights: *development of human rights*.

The country and thematic studies have yielded ample evidence that OHCHR's role as the UN expert organisation in the field of human rights is recognised, acknowledged and valued by governments and NGOs as well as other members of the UN family.

The challenge for OHCHR is not so much the further development of its expertise, although that will remain an issue that deserves continuous attention, as in any other expert organisation. The challenge is rather in how to effectively respond to growing expectations inside and outside the organisation, given that OHCHR resources will remain limited in relation to the growing ambitions and expectations. This means that OHCHR will have to revert to *managing human rights development.*

From that perspective, the major challenges facing OHCHR are to:

- identify the role and added value of the OHCHR in relation to the other members of the UN family;
- improve the level of strategic programming;
- make the most effective use of the limited resources.

I.　　Introduction

I.1. Background information

States recovering from conflict or lacking adequate resources or expertise need assistance to implement their human rights obligations. The Technical Cooperation Programme of the Office of the High Commissioner for Human Rights (OHCHR) supports countries in promoting and protecting all human rights at the national and regional level, by incorporating international human rights standards in national laws, policies and practices and by building sustainable national capacities to implement these standards and ensure respect for human rights.

The Programme is carried out at the request of the concerned government. Projects are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions, as well as parliament and the courts. The Programme is implemented in the context of the pursuit of national development objectives and national programmes and assistance coordinated by the United Nations system in support of these objectives.

The Programme activities include: assistance for efforts to incorporate international human rights standards into national laws, policies and practices; advice on the establishment and functioning of independent national human rights institutions; advice to the judiciary, military, police and parliaments on international standards related to their work; advice on treaty reporting; support for national human rights action plans; and advice on human rights education.

I.2. Purpose and scope of the review

The objective of the review is to compile relevant "lessons learnt" in order to improve future interventions with a view to a more strategic approach by OHCHR to technical cooperation.

The review has assessed the scope, nature and content of OHCHR technical cooperation activities, including organisational and methodological aspects.

The review did not have the purpose of providing a complete documentation of activities, or the use and results of OHCHR resources. The review is meant first and foremost as a contribution to understanding how activities can be best prepared and implemented, by extracting lessons from experience. The purpose is also to review the effectiveness, including cost-effectiveness, of various forms of interventions.

As a "lessons learnt" evaluation, the emphasis is on accumulation of experience, rather than on accountability. The review focuses on impact and achievement.

The review embraces activities defined as "Advisory Services and Technical Cooperation in the Field of Human Rights" in the language of the Commission on Human Rights. The technical cooperation activities take place within the framework of OHCHR's seven larger field operations. To avoid too broad a scope, the review has consisted of a combination of thematic and country studies. Based on these studies, the synthesis report pulls together lessons learnt across areas of intervention. The review addresses the relevance, impact and effect of activities at the regional and sub-regional level on interventions at the national level.

The various studies should cover, but not necessarily be limited to, the following issues relevant for the observations and conclusions in the final synthesis report:

I.3. Main questions addressed

a. OHCHR's policies and priorities

- **Are the current TC activities relevant to OHCHR's general policies and priorities?**
    - o To what extent are recommendations from human rights treaty bodies and special procedures taken into account in the design of TC activities?
    - o Has there been a balance between different categories of rights addressed by the Programme? If there has been an imbalance, why is that and how could it be addressed?
    - o How do TC activities integrate gender perspectives (acknowledging the impact that the roles played by men and women in society have on respect for human rights, including efforts to fight gender-based discrimination; equally targeting men and women in the design and implementation of the activities; ensuring participation of women and their inclusion among the beneficiaries of the activities)?

b. Ensuring effectiveness and efficiency

- **How are TC activities viewed in relation to the overall UN country strategy (UNDAF) in the context of the United Nations Secretary General's programme of reform?**
    - o To what extent are TC activities in the field of human rights coherent with other development activities? Have TC activities been viewed as an integral part of UN development assistance as a whole and as such been treated as a valuable complement to other programmes? Are there any interesting synergy effects that have been identified should be reported
    - o How effective are OHCHR's performance and efforts regarding donor and inter-agency coordination? Does OHCHR as part of the UN have an advantage over bi-lateral agencies and other UN agencies/departments when it comes to providing specific TC projects, which are often politically sensitive? The study should address how the various members of the international community work together (or fail to do so) in the field of human rights and what the effects are of such coordination on the realisation of human rights objectives in the country under study

- **How have OHCHR TC activities supported and built capacity for promotion and protection of human rights?**
    - o Which criteria have been used for selecting projects? Are certain combinations of activities better than others?
    - o What are the strengths, weaknesses, opportunities/achievements, threats /obstacles? What are the commonalities to successful and less successful activities: political context, implementing partners, external advisers?
    - o Which assessment methodology (appraisal / monitoring / review) has been applied (pre/post activity)? Which success criteria have been used and what should the relevant success criteria be? The difficulties of identifying meaningful indicators to assess specific project performances should be addressed. What kind of anticipated cause-and-effect relationships are project documents explicitly or implicitly based on? In the light of available project documentation, a discussion of the problems of formalising such analysis would be useful.
    - o Which assessment of sustainability (economic / social / cultural) is relevant in connection with TC projects – and how is it measured?

c. Management and approach

- **How do TC activities address the political and cultural situation in the recipient country?**
    o To what extent does the TC programme acknowledge the possibility that prevailing values in the recipient country are different from those guiding OHCHR decisions? To what extent do such considerations enter into programme thinking?
    o Are local partners involved in the design and implementation of the projects? How is ownership and local participation encouraged? To what extent do the partners in recipient countries participate in the formulation of applied assessment methodology? A discussion of the problems of combining sensitivity to local circumstances and demands of strategic thinking so as to sustain a degree of programme coherence is expected. The main purpose of this discussion is to understand the process whereby programme decisions have been made in relation to specific projects.

- What are the criteria for selecting implementing partners? The study should address the relationship between OHCHR, implementing partners, the government in question and other local partners (e.g. national human rights institutions and civil society), and how this relationship has influenced the assistance.

- How have organisational, administrative and managerial issues influenced the achievements of the TC activities? How efficient is the Programme?

I.4. Methodology

Within the framework of the global review, studies were conducted on TC activities in Bosnia Herzegovina, Guatemala, Malawi and Mongolia. Missions to these countries were undertaken by teams of one international and one national expert.

The objective of the country studies was to assess how OHCHR TC assistance in different countries and under varying political and cultural circumstances has worked. The four countries included were selected on the basis of geographical range, type of intervention (Field Office, TC project, joint TC project with UNDP, TC project in support of the Department of Peacekeeping Operations/Department of Political Affairs (DPKO/DPA) mission), size and timeframe.

The country studies needed to provide an overall view of TC assistance in that particular country and insights into how such assistance functions, not only at the national level, but where applicable also at the level of organisations or several geographical levels (regional, local).

The studies furthermore needed to gather information regarding experiences with identification, planning, implementation and monitoring of TC activities and to assess how the assistance has contributed to the promotion and protection of human rights.

In addition to the country studies, four major substantive areas of intervention were identified as important with regard to documenting experience relevant to the design of future OHCHR technical cooperation activities. Within the framework of the global review of the TC activities, studies were conducted on TC activities in the areas of administration of justice, human rights education, NHRAPs and national human rights institutions.

The studies on these themes were conducted as desk studies. One field visit was undertaken to Russia, as a case study for the theme of human rights education.

The reports from the country studies, the thematic studies and the Russia case study are the main building blocks for this synthesis report and the authors of these reports can be seen as co-authors of the synthesis report. The reports from the country and case studies are available separately.

Documentation reviewed is contained in a master list.

I.5. Structure of the report

The report addresses all the main questions listed under 3, but follows a different structure.

Chapter II discusses the findings of the country studies on the TC activities of OHCHR. These countries are: Bosnia Herzegovina, Guatemala, Malawi and Mongolia. The findings for each of these countries are presented in the same way: context and TC activities, assessment of these activities and overall assessment of OHCHR in the country concerned.

Chapter III discusses the findings of the studies on the thematic technical cooperation activities of OHCHR. These thematic activities are related to the areas of administration of justice; human rights education; National Human Rights Action Plans and national human rights institutions. The findings for each of these themes are structured in the same way: the scope of the theme; mandate and strategy; critical issues; and lessons.

Chapter IV addresses the OHCHR's general policies and priorities regarding Technical Cooperation. Issues that are addressed are related to: potential differences in prevailing values between recipient countries and OHCHR; the extent to which recommendations from human rights treaty bodies and special procedures are taken into account in the design of TC activities; the balance between different categories of rights addressed by the programme; integration of gender perspectives in the Technical Cooperation programme; OHCHR integration of theme and country approaches and synergetic effects.

Chapter V deals with the question of how to ensure the effectiveness and efficiency of the VFTC programme. A first important sub-item in this respect is the involvement of local partners and the encouragement of joint ownership of projects and activities. A second sub-item relates to the management of programmes and projects and, in particular, the vision, mission and strategy of the programme. The third sub-item concerns issues relating to management, organisation and communication. The fourth and final sub-item relates to TC activities viewed in relation to the overall UN country strategy.

Conclusions about lessons learnt are drawn at the end of each section.

I.6. Circumstances of the review and acknowledgements

The review started under the pressure of a very tight time-schedule, due to the fact that the findings of the review are necessary for discussions on the future strategic orientation of the TC programme, as referred to under I.2.

The international and national experts, who provided their expertise and showed willingness to give the extra input, made it possible to complete this review successfully in time. The synthesis report contains large sections which are literal contributions from their reports. Consequently, the authors of the country and theme reports can be regarded as co-authors of this report and so the report is a real team exercise

The global review core team would like to thank the international and national experts for their commitment and effort.

The authors would also like to thank all the interlocutors for the country studies, the thematic studies and the interlocutors at OHCHR Geneva for their participation in discussions and their willingness to provide detailed explanations and contribute materials.

II. Findings from the country studies: OHCHR TC activities in the countries researched

II.1. Bosnia and Herzegovina (BiH)

II.1.1 Context and technical cooperation activities

Context

Bosnia and Herzegovina (BiH) has been at peace for over six years, since the violent conflict in the early 1990s. The Dayton Agreement that successfully ended the fighting created a complex constitution that institutionalised ethnic discrimination, while incorporating international human rights law.

The system of governance can be described as one of the most complex systems of governance in the world, with considerable control exercised by "the international community" and highly devolved responsibilities to different levels of local authorities, who still need to be made aware of issues of human rights that concern the citizens. The education system and the curriculum are both divisive and discriminatory, there is no historical culture of human rights, while the economy, particularly in the Republika Srpska, is in crisis and the country is the second poorest in all of Europe.

Major human rights concerns in the country include endemic corruption, the lack of the rule of law, many alleged war criminals, cross-border instability and an illegal traffic in people and drugs inter alia.

The OHCHR technical cooperation activities

There has never been a formal Technical Cooperation programme in BiH agreed between OHCHR and the government or any other actor. The review therefore focused on areas of activities where the most relevant lessons might be learnt by an international audience, as they shared similarities with Technical Cooperation programmes.

The areas of activities that were reviewed included: treaty body reporting; the Rights-based Municipal Assessment Project (RMAP); the design of a Poverty Reduction Strategy Plan (PRSP); trafficking in human beings; and human rights education. The activities related to the gender centres were reviewed as a cross-cutting issue.

The *treaty body reporting* activity related to the fact that BiH as a state ratified all the major international human rights instruments during the early and mid-1990s, but so far has failed to submit any report to the treaty monitoring bodies. An initial draft was prepared recently for the Convention on the Rights of the Child (CRC) but was withdrawn, as it was a submission by the two Entities rather than a combined report for the state. Consequently its reports are long overdue.

OHCHR had already identified priorities as being for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and CRC, where there are strong civil society organisations which are eager to act. As the country lacks the material and human resources to implement this, OHCHR and the United Nations Children's Fund (UNICEF) have offered technical assistance and other support.

The work is one of the main annual activities listed for 2003. At present there is no formal documented plan covering a programme to support the reporting to all treaty monitoring bodies, though it is reported by OHCHR BiH that such a plan is now being finalised.

Other UN agencies as well as NGOs have taken initiatives to stimulate state reporting under conventions relevant to their work.

A fundraising document is now available on strengthening the capacity of BiH to implement its treaty reporting obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and to explore the obligations that are common to more than one international human rights instrument (congruent obligations) in the context of BiH, with a view to supporting the Secretary General's 2nd reform report of September 2002. It is a very modest proposal with objectives, activities and outputs, but it is not a detailed long-term plan, nor does it include review and assessment methodologies.

The *Rights-based Municipal Assessment Programme (RMAP)* envisages the provision of analytical data and comprehensive information through rights-based development assessments of selected municipalities throughout BiH. These assessments will be used as tools to promote the respect, protection, promotion and fulfilment of all human rights, including the right to development by governance institutions. A further objective of the project is to enhance transparency and accountability of government to the people and to empower civil society, utilising the analyses, baselines and indicators identified by RMAP. Additionally, it aims to generate increased participation of stakeholders and is based on the premise that human rights, including the right to development, are interrelated and indivisible and cannot be measured solely by gross domestic product (GDP), but must be measured by assessing a broad spectrum of indicators. The project is planned to be implemented from April 2002 until August 2004 in 48 municipalities, representing almost one third of those in the state.

A pilot scheme was initiated (7 months late) in November 2002 in 6 of the 48 municipalities. The project is implemented in tandem between UNDP and OHCHR BiH. A number of techniques are being introduced, including log frames, duty holder and claim holder analysis as well as documentation of "problem analysis".

The *Poverty Reduction Strategy Plan (PRSP)* was initiated by the state government, one of the reasons being that the PRSP is a requirement for funding by the World Bank. The OHCHR offered to help the government in the process of developing a PRSP, soon after the office opened in 2002, by helping to introduce a rights-based approach through the provision of expertise and offering to facilitate a dialogue between government, civil society and other elements of the "international community".

A short paper outlines the work ahead, with the aim "to foster the understanding of the human rights dimension of poverty and poverty reduction at the highest level, and to push for the integration of a human rights approach to the PRSP". The plan is to operate in parallel with the government's work to prepare its PRSP, over an 18-month period.

OHCHR Geneva has produced guidelines for engagement in the PRSP. The guidelines *per se* have certainly been a useful conceptual tool and a sound basis to inspire the work in BiH. There is definitely room for improvement, in particular when it comes to making them more accessible to the widest possible readership, as the formulation may be perceived as rather abstract and complex for potential users. This has been an area of work for OHCHR BiH, though the task has been considerably helped by support from Geneva.

In 1998, the first isolated reports of *trafficking in persons* in BiH emerged. These were from NGOs working in the border areas with Serbia and from staff being trained by OHCHR in the International Police Task Force, the body that is responsible for assisting in the restructuring and training of law enforcement agencies. It later emerged that there was a very substantial problem. The UNDP Human Development Report 2002 notes that it is estimated that in 2000, 10,000 women passed through BiH[2], not counting those remaining in BiH.

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[2] *Le monde diplomatique* , "Europe and Sexual Abuse", no.009, November 2001, pp20-21.

The rule of law was very weak in BiH and border control was also very weak until 2001, because corruption was rife even in the police, some local bar tenders were attracting a very good income from the international community for these "services", local women were not usually involved and few trafficked women seemed to move on elsewhere into Western Europe. Consequently, there was very little concern about this issue among the local or European governments.

OHCHR has been the lead agency in raising awareness and advocating for priority to be given to trafficking since 1998. The Gender Trafficking Sub Group was established within the Inter-agency Gender Coordination Group at the end of 1998 and served as a forum for coordination for a wide range of international agencies and a few experienced local and international NGOs. This forum coordinated the planning of what initiatives were needed, monitored developments and reviewed progress. It had no management authority for the work, as this was undertaken by autonomous agencies.

In the field of *human rights education* a modest project providing small grants to Assisting Communities Together (ACT) exists. In September 2002, three ACT projects commenced with the material support of OHCHR. In the period from November 2002 to January 2003, OHCHR supported ACT projects that focused on the rights of women and children. OHCHR wishes to continue the ACT project in 2003 with further small grants to NGOs.

From the field visit of the global review team it was clear that the government and the international community have failed to tackle the issue of human rights education in society and a human rights environment in schools effectively.

OHCHR has been involved directly in providing training on human rights issues to government and intergovernmental agencies on specific topics. It has also advised and supported the contracting of experts and OHCHR staff to come to BiH to provide training.

The OHCHR BiH work with the *gender centres* started following wide consultation with important actors in the international community. A working group was established under OHCHR with the support of the Organisation for Security and Cooperation in Europe (OSCE) Democratisation Department. It also included key actors among international organisations including NGOs. In 1999 it had set itself the goal that gender should be mainstreamed into the work of the international community within one year, based upon the "Beijing Programme of Action". This was largely achieved, through committed experienced leadership and membership of the working group.

In 2000 the working group continued under the coordination of OHCHR, but high staff turnover and a much more cooperative government led to its demise.
Since 2001, with the changes of personnel in government, in particular the Ministry of Human Rights and Refugees, NGOs returning from Beijing Plus 5 better informed and more assertive, the agenda has once again moved ahead, as important issues remained, including returns (inheritance and property rights), domestic violence and trafficking. NGOs took a leading role and today there is a new gender law before Parliament, two new but small gender centres in Sarajevo and Banja Luka and a real local ownership of this issue.

II.1.2 Assessment of the activities

Until recently there was neither the interest nor the capacity in the government for *treaty body reporting*. Progress has been made with two State Reports close to submission, one on CEDAW and one on CRC, while NGOs are preparing "shadow" reports. Promoting local ownership, which in turn enhances quality of outcome and the ability of OHCHR to involve civil society as well as government officials on a treaty-by-treaty basis, has been one of OHCHR's considerable achievements, due to the sensitivity to the needs and the capacity of good officials in government and good-quality policy making and programming on the basis of good-quality data.

Continuation of this activity requires the following conditions to be fulfilled:
   a) the networks that have been established stay in place;
   b) the database is maintained;
   c) the government remains concerned about its image in human rights as it looks towards European integration.

The processes established for treaty body reporting could have a wider impact. These processes could be used to inform and educate government, wider society and the United Nations. A plan to ensure reporting on all conventions could help ensure that more issues are covered and more networks established.

The *Rights-based Municipal Assessment Programme* has matured into a sophisticated and innovative project. It is drawing together classic human rights monitoring and development programming and is creating a database on human rights and specific tools for municipalities, civil society and the state government. This should help to set up local economic development plans while providing a holistic record of human rights in a municipality.

The beneficiary is the state government that will obtain the information it cannot obtain at present from the entities for development of the PRSP, international reporting on human rights in BiH and policy formation and programming. Beneficiaries are also NGOs that obtain data to help them advocate a rights-based approach to development and it may help municipalities in preparing their own development plan.

An important achievement of the project is that it is participatory: processes of participation are being set up at all levels of society and a synergetic partnership has been created between UNDP and OHCHR to obtain the key data for a rights-based approach to development. The project draws on the particular skill and different competencies of UNDP and OHCHR as new skills and experiences are needed by both parties.

Programme methodologies and tools are now being introduced more comprehensively to help monitor and evaluate developments. The risks for further development of the project are that there may not be the will in some localities to help the initiative or to take action in politically controversial areas. Furthermore, individual and municipal expectations may be falsely raised and resources may not be available to respond. The goodwill towards the UN locally may give a margin of time to plan and seek to anticipate these potential difficulties.

The *Poverty Reduction Strategy Plan (PRSP)* is a "seed corn" initiative that may have a significant impact on the BiH PRSP and may pioneer the way in which OHCHR approaches PRSPs elsewhere in the future.

OHCHR BiH has been recognised by government officials, the UN country team and the PRSP Coordination Office as the most pro-active UN organisation in the initial PRSP process. OHCHR has become the coordinator of the local "international community" response to the PRSP draft and so holds a strategic position.

The activity illustrates that a well-timed, well-targeted input can help build the rights-based approach into a PRSP. It already shows how the Field Office, working at the right time in harmony with expertise drawn together in Geneva by OHCHR, can have a major impact with a modest cost. At the moment it is too early to judge and careful documentation of progress is needed. It is an important pilot project that should develop valuable experience for future initiatives elsewhere. Better documented planning and reporting is needed so that this can be a model for the future.

The National Plan of Action against Trafficking in Human Beings would have been unlikely to have been established in 2001, if it had not been for the pioneering work of OHCHR, combining with NGOs and competent and committed individuals in the international community. The

preparatory work done by OHCHR allowed officials and ministers in government to move ahead quickly, seizing a window of opportunity when the time was right. Building an alliance with senior (male) staff in the Security Ministry and in Police Monitoring gave the initiative an added capacity as well as credibility.

This area of work provides a reminder that UN peace-keeping forces do not always protect and promote human rights. Just as the people of BiH and the UN should expect the highest standards from their staff, there is no place for the international community to turn a blind eye to trafficking in human beings.

Good documentation would have helped in understanding early phases of planning and an independent evaluation should have taken place to explore the undoubted success of this project over the last four years. The work of OHCHR and the national plan of action (NPA) it promoted may be seen as a model of good practice for trafficking for BiH, but also as a model of good practice on human rights regionally and globally.

II.1.3 Overall assessment of OHCHR in Bosnia

The OHCHR BiH has a good reputation for its work in promoting human rights with the state government, inter-governmental agencies and NGOs and a strong relationship with these actors. The work of OHCHR BiH is seen by these key actors to be *efficiently and effectively* responding to their needs, subtly *engaging many actors* and creating a local *ownership* of specific human rights issues, particularly around women's rights and trafficking in human beings. The leadership of the small field office has been central in achieving these results with good support from the geographical desk in Geneva. OHCHR has a low profile but creative vision, is prepared to stand up for human rights principles and yet is known as a good listener and a good responder to needs.

The good will that the OHCHR BiH has developed is leading to considerable interest in further cooperation with OHCHR.

The OHCHR BiH Field Office is small and the magnitude of the institutional discrimination is great. In order to be effective, it had little choice but to form strategic alliances and create synergies with others. A virtue was made out of a necessity. A *major success* of the work of OHCHR BiH is that it has formed substantial and sustained partnerships to focus on a range of marginalised, disadvantaged and excluded groups. The strategies have sought to be empowering, with the participation of key actors, including rights bearers participating in their own achievement of rights.

OHCHR BiH has a *strong relationship with NGOs* (including the University of Sarajevo), inter-governmental bodies and the government. This makes it well placed to promote and coordinate a much needed, broadly based human rights information and education programme, giving the subject a much higher public and institutional profile. OHCHR BiH therefore has an advantage in helping to mainstream human rights and a rights-based approach to development and poverty reduction into the UN's programmes, governmental programmes and other bodies. If this draws in new actors and creates new networks, it will make any exit strategy much more robust.

The OHCHR has a comparative advantage in its knowledge of human rights standards, mechanisms and how to incorporate them into domestic legislation and how they should be interpreted in practice. In BiH, its staff have established strong, highly commended working relationships with key officials and ministers, as it has been able to provide in a timely and effective manner good substantive information and thoughtful interpretation of human rights standards, finding a valuable niche for itself. Additionally, it has ensured that gender concerns and women's rights are mainstreamed into human rights initiatives.

One weakness in the work from a programme perspective has been the lack of documentation on the strategy, feasibility studies, planning, implementation, monitoring and independent evaluations. Assessment, monitoring and elements of review were undertaken, otherwise the work in the various areas would not have been needs-based and responsive to changing circumstances. With the exception of the new RMAP initiative, which is becoming well documented, it would have been helpful to see more evidence of how this was done and the results obtained and lessons learnt.

In the relationships with other agencies it was seen that there is a significant degree of integration of work protecting and promoting human rights in BiH. This is strongest when linked to specific issues or on specific projects, often manifest through joint working groups set up to coordinate initiatives. There are a wide range of inter-governmental agencies working on different aspects of human rights in BiH.

This comes at points of intersection of mandates and priorities and where work is done together to share an analysis of topics such as mainstreaming gender concerns, trafficking or the new PRSP, where OHCHR leads the inter-governmental agency coordination. There was no observable competition for projects or for funding.

Lessons

- OHCHR BiH is seen as effective and efficient by its local partners, among others due to its engaging many actors and creating local ownership.
- Substantial and sustained partnerships have been created on a range of thematic issues and marginalised groups, forming strategic alliances and using creative synergies.
- Strong relationships with all sectors of society, governmental, non-governmental and academic, provided a basis for starting a broad-based human rights information programme.
- OHCHR BiH has effectively used its comparative advantage of knowledge of human rights standards to establish effective working relationships with key officials.
- The inadequate project documentation endangers effective project cycle management and hinders the collection and presentation of information on factors affecting effectiveness. It also hinders the possibilities of learning from experience.
- Relationships with other agencies were strongest when linked to specific issues or projects.

II.2 Guatemala

II.2.1 Context and technical cooperation activities

Context

The human rights situation in Guatemala is deteriorating. Attacks on human rights defenders, judges and indigenous leaders are increasing and are believed to be linked to the resurrection of clandestine groups, police and the military. Amnesty International and others believe that the clandestine groups are similar in personnel and practices to those that operated during the country's 36-year conflict, and that these groups are again carrying out attacks to silence, in particular, human rights defenders. The government is accused of lacking the political will to implement the Peace Accords and human rights instruments. Other criticisms highlight the government's lack of resources, competence and efficiency. The government says it has made progress in implementing the Peace Accords but lacks resources to accelerate these reforms.

Meanwhile, contrary to the Peace Accords, the government has increased the budget of the military and the feared intelligence body and presidential guard, the Estado Mayor Presidencial (EMP). The latter institution was supposed to be dissolved under the Peace Accords, but the deadline for implementation of this reform has been pushed back. Other human rights problems include a wave of crime and violence, which is of primary public concern. Meanwhile, some media promote the idea that the human rights community is defending criminals, which stimulates public tolerance of or support for forms of rough justice like extra-judicial killings of suspected criminals by police. All sectors of society, however, express concern about the lack of rule of law and the consequent state of impunity enjoyed by perpetrators of human rights abuses and other crimes. The judicial system lacks independence as it is subject to corruption and political pressure, threats and intimidation. There are concerns about governability as the country faces high levels of criminality and impunity.

The OHCHR technical cooperation activities

The current OHCHR technical cooperation project, Promotion and Protection of Human Rights in Guatemala, is a revision and extension of an earlier project[3]. The current project's duration is 17 months, beginning in August 2002 and scheduled to end in December 2003. The preceding project began in November 2001 and lasted nine months.

The Project design is ambitious and was based on the expectation of a budget roughly double of that received.[4] The Project is composed of five components, all of which were designed with one long-term objective in mind: "to strengthen national capacities for the promotion and protection of human rights."[5]

The five components of the project correlate to five objectives:
   a) To strengthen national capacities of verification/monitoring and reporting with regard to international and national human rights obligations.
   b) To provide technical advice on and facilitate coordination and cooperation with international human rights mechanisms.

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[3] Present: GUA/01/AH/10/Rev. 1; previous: GUA/01/AH/10.
[4] The budget committed to the current OHCHR project ("the Project") was $1,057,620 (excluding the 13% programme support cost, or PSC) when the Project document was signed in June 2002. However, disbursements to the Project have fallen far short of this commitment. For example, in 2002, a period spanning the renewal of the Project, a total of $445,100 (excluding the 13% PSC) was pledged to the project, but by year's end only approximately $226,200 had been received, according to Project members.
[5] Project Document, 18 June 2002, p. 10.

    c) To provide assistance and advise to the UN system on human rights related matters, in particular by participating actively in the process of transfer of MINUGUA's tasks to the UN system.
    d) To strengthen national capacities of verification of indigenous peoples' rights and to promote multiculturalism.
    e) To mainstream human rights into the curricula of the School of Judicial Studies (EEJ).

While the renewed Project's objectives remain largely the same as in its predecessor, its design sought to address the "need to re-focus the attention of the national and international instances for the promotion and protection of human rights on the rights of indigenous peoples, discrimination, economic, social and cultural rights and, in general, to promote a more integrated vision and understand of the indivisibility, interrelatedness and interdependence of human rights."[6]

The adjustments mentioned in the current revised project include assistance to the UN system that will in particular focus on the process of transfer of MINUGUA's functions. The present project also seeks to emphasise trainings in the interior of the country under components 1 (assistance in strengthening the national capacities of verification/monitoring of and reporting on international human rights obligations) and 4 (support to the promotion of indigenous rights and multiculturalism).

The project design engages the following theme areas: NHRAP, human rights education and administration of justice.

Regarding the *National Human Rights Action Plan (NHRAP),* the project provided a consultant to the Presidential Commission on Human Rights (COPREDEH), who initiated a draft of a plan which is not complete yet. The Project hired a consultant to work with COPREDEH for approximately 8 months, conducting research and advising COPREDEH on international human rights mechanisms and obligations in addition to advising them on the NHRAP.

With the establishment of the Peace Accords, some UN agencies in Guatemala have conducted activities in *human rights education*, especially UNESCO and UNICEF in the area of children's education.
The project has increasingly focused its workshops and seminars on the rights of indigenous people, and this theme overlaps with the theme of administration of justice, as the project integrates indigenous rights into its training for judges. The project's ability to conduct seminars and workshops has been limited at times by lack of funds.

UNESCO implements its *human rights education programme* under the banner of "Culture of Peace" and this education programme seeks to counter the militaristic tendencies of Guatemala's public education system and to generate the cultural changes necessary to reduce the levels of violence in society. Children's minds may be a more fruitful avenue toward the long-term societal changes that could enhance respect for human rights.

UNDP is also active in human rights education via its project "Support for the Reform of Education in Human Rights in Guatemala". The objective of the project is to contribute to the creation of a new generation of law professionals with a deep understanding of human rights, who can have a sustainable, long-term impact in Guatemala.[7] This UNDP project is helping to build and strengthen the human rights curriculum at several universities, including their branches outside the capital, and includes a focus on legal education for indigenous women.

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[6] *Ibid.*, p. 4.
[7] Descriptions of UNDP's justice projects are available at http://www.pnudguatemala.org /seguridadjusticia/index.html.

In the field of *administration of justice* the project has trained a number of judges and has close relations with the School of Judicial Studies. However, UNDP has been most active in this area. It currently manages six such projects, among them the training of judges. While there are overlapping responsibilities between UNDP and OHCHR here, there does not appear to be duplication. As stated above, OHCHR focuses mainly on workshops and seminars on the rights of indigenous peoples.

II.2.2 Assessment of the activities

In the area of *Treaty body reporting/ facilitation of special rapporteurs* the project has been successful in stimulating the interest of NGOs in writing alternative reports on the human rights situation in Guatemala, and government interlocutors also expressed a desire to receive (more) help in assuming their obligations in the matter of writing human rights reports. The government is far behind in writing its reports and complains that it does not have the capacity to write such reports, or lack statistics. Other interlocutors suggested that the government lacks the political will to meet its reporting obligations. NGOs expressed the need for more training in how to write alternative human rights reports.

The project has done an excellent job in facilitating the visits of special rapporteurs. These visits, which are facilitated and planned by the Project, receive widespread media attention, provoke a government response and generate reports that provide great morel support to beleaguered human rights defenders.

In the areas of setting up an *NHRAP* the project was given the difficult task of trying to stimulate an NHRAP via an institution ill-suited for the task – COPREDEH. Due to its dependency on the executive branch, it is not considered a neutral and autonomous institution.

However, the project has been successful in putting the topic of an NHRAP on the agenda in Guatemala: the head of the Intersectoral Table on Human Rights expressed a strong interest in using this group as the starting point for developing, if not a comprehensive National Human Rights Plan, then one that will be established in stages. NGOs and the PDH (Human Rights Ombudsman) were also interested in the idea of an NHRAP. Nevertheless, there is scepticism whether such a plan could be drawn up and, if drawn up, whether it could be implemented. The new head of PDH's international mechanisms unit (created with the Project's help) estimated that it would take three years to establish an NHRAP.

There is also criticism that to help create an NHRAP seems to ignore the Peace Accords. Many of the human rights objectives of the Peace Accords have gone unfulfilled and therefore, according to these criticisms, energy might better be devoted to formulating a plan for the achievement of the Peace Accords, or at least portions thereof.

In the field of *human rights education/ administration of justice* the project has trained judges in human and indigenous rights, which is certainly needed. Unfortunately, it is not clear whether judges are receptive to, or utilise such training in their work. In a highly politicised judicial system, even those judges who might be sympathetic to enforcing human rights legislation may be inhibited from doing so for reasons of physical or professional self-preservation. Without following up with judges who have received training in human rights, it is difficult to determine what impact this activity has had on the implementation of human rights instruments in Guatemala's courts.

The project has supported workshops and seminars with NGOs, which have helped to raise awareness and educate their members, if in a sporadic and superficial manner.

The project has had success with MINUGUA in fostering, if not engineering, the creation of a *network of indigenous people's NGOs* – the Consejo Nacional Indigena (CNI). However, there are questions regarding the effectiveness of the CNI, since there are claims that CNI exists

largely in name only and has accomplished little. These claims could not be verified by the global review mission.

II.2.3. Overall assessment of OHCHR in Guatemala

The Project has been *effective* in raising awareness among government bodies of their human rights obligations, but it is not clear whether this awareness-raising has generated results, although the Project recently helped the PDH create an international mechanisms unit. Perhaps the greatest impact of the Project has come from its facilitation of visits by the special rapporteurs, whose widely publicised reports serve to remind the government of its human rights obligations and lend support to human rights activists.

The OHCHR Project in Guatemala is valued for its expertise in human rights, its stature as the pre-eminent human rights body in the UN, its convocatory power and access to government officials and to civil society. The *achievements* of the Project are to be found in its role as advocate for the application of human rights standards and instruments by the Guatemalan government; in raising awareness and providing moral, advisory and some technical support to NGOs; and in advocating the mainstreaming of human rights into the UN system in Guatemala.

The *design* of (the current phase) of the Project seems not to have taken into account previous evaluations recommending a *greater focus and prioritisation of activities*. The Project in Guatemala is staffed by capable, hard-working and enthusiastic personnel who have been given a number of tasks that, in hindsight, appear too ambitious (i.e. unrealistic), dispersed and loosely defined to have a measurable impact. The demands made on it exceed the capacity of the project.

Uncertain and undelivered funding is a great obstacle to the planning and execution of Project activities and reduces the credibility of the OHCHR when it cannot follow through on commitments made to its beneficiaries.

The Project's activities are *not well known* in Guatemala, owing to its small size and the dominance of MINUGUA in the field of human rights. The Project has too little capacity to be effective in the interior of the country.

For the UN as a whole, the leading issue concerning the *future of the OHCHR* is what form, if any, its activities will take following the eventual closure of MINUGUA. While discussions are taking place, the OHCHR needs to make basic decisions, such as whether there will be an office or merely a field presence and what functions the OHCHR might adopt from MINUGUA.

The UN system as a whole may wish to pay more attention to creating a coherent human rights strategy between its agencies, especially with the impending close-down of MINUGUA. At present, there appears to be little or no long-term strategy apart from a broad and unfocused effort to help Guatemala implement the Peace Accords, a process that, as mentioned in the situation analysis, is made difficult by the government's lack of political will, competence and capacity. The United Nations Country Team (UNCT) needs to define a strategy that prioritises and focuses interventions, defining when, where and how to intervene for maximum effect.

The design of Project activities do not seem to a great extent to have taken into account coordination between agencies within the framework of the UN country strategy, and the utility of the CCA/UNDAF remains unclear. At the highest levels of agency management, there is great awareness of the CCA/UNDAF, but it remains unclear how these documents are actually implemented in the design of activities. In short, the people most closely associated with the creation of the CCA/UNDAF tend to be its greatest promoters.

Lessons

- The project has been effective in sensitising the government to its obligations, but more efforts should have been made to generate results from this increased awareness.
- The project has successfully established contacts with government officials and has managed to network with NGOs, which has resulted in a fruitful exchange of expertise on human rights.
- The design of the project appears to be too ambitious and needs better prioritisation and more focus.
- Uncertain and undelivered funding has seriously hampered the implementation of project activities.
- The project is very little known in the country. It has too little capacity to work in the interior of Guatemala.
- A leading issue for the UN family, including OHCHR in Guatemala, is in what form and under what structure human rights activities should continue after MINUGUA has been phased out.
- The added value of the CCA/UNDAF process is seen only by a few people most closely related to the process. Extensive communication is needed.

II.3 Malawi

II.3.1 Context and technical cooperation activities

Context

Since its independence in 1963, Malawi had been run by a dictatorial government headed by Dr H. Kamuzu Banda. An irreversible process of democratic transition was initiated in March 1992. In 1993 Banda and his Malawi Congress Party (MCP) overwhelmingly lost a referendum on the issue of one-party versus multi-party democracy. In June 1994 Malawi had its first free and fair elections and a written national constitution. The Constitution establishes not only state institutions, but also independent institutions, such as the Malawi Human Rights Commission, the Ombudsman and the Law Commission. The formal system of governance established by the constitution consists of an executive president and a unicameral parliament. The Constitution provides for a judiciary that consists of subordinate courts, a High Court and a Supreme Court of Appeal.

Traditional authorities do not derive their authority solely from traditional laws and customs, but also from the state that regulates, through statutory powers granted to the President, questions of succession, promotion and deposition of "traditional" authorities.

There is a significant civil society that is active in advocacy, mainly in the area of civil and political rights.

Concerns regarding governance include the financial accountability of public institutions, political independence of law enforcement institutions and accessibility of justice for marginalised sections of the population, such as the rural poor and women. The major shortcomings in rights implementation concern the implementation of economic, social and cultural rights. Most Malawians suffer poverty and lack access to adequate food, potable water, health services and education.

The civil and political rights of the poor are vulnerable to subversion by those who have access to resources and use them to induce the poor not to insist on their rights, for example, in elections in which credible allegations of vote-buying have persisted since Malawi adopted multi-partyism.

The OHCHR technical cooperation activities

Initial activities of OHCHR in Malawi were based on a Joint Declaration for cooperation in developing human rights promotion and protection, signed in 1994. Prior to the Joint Declaration OHCHR had sent several missions, including one to conduct a needs assessment (September 1993) and one to assist in drafting a National Plan of Action in the field of human rights (concluded in 1995).

After signing the 1994 Joint Declaration, the OHCHR opened its office in Malawi in December 1994, which effectively functioned until November 1996, when the officer in charge left and was not replaced. Activities during this period included provision of technical assistance to the government in various areas, for example the field of signing up to international human rights obligations and to make them part of the law of Malawi. Also, training was conducted on treaty body reporting regarding CEDAW and CRC. Furthermore, various materials were produced in support of the OHCHR's technical assistance activities.

In 1996 a project started with the aim of both "strengthening national capacities in the field of human rights and developing a strong civil society capable of participating in the national promotion and protection of human rights in Malawi".[8] The project envisaged a wide range of

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[8] See document MLW/95/AH/34.

activities for a 2-year period: a national conference on the National Plan of Action, the establishment of the Malawi Human Rights Commission, legal reform, training for members of the police force, the National Compensation Tribunal, the Truth Commission, reporting obligations, the military and prison services, training for lawyers, expert advice and assistance on the implementation of the Convention of the Rights of the Child and elections. The limited amount of funds in the first phase of the project allowed for only short-term, low-cost activities such as two-to three-day conferences/workshops and visits by consultants/experts.

The project was extended beyond its initial 2-year period until July 2001 to allow for outstanding and on-going activities. An additional budget was allocated.

The main activities in the project period included the following.

The major target of OHCHR was the *Malawi Human Rights Commission*, provided for in the Constitution, with a mandate for the "…protection and investigation of violations of rights accorded by this Constitution or any other law". The Commission became operational only after the enactment of the Human Rights Commission Act five years after the enactment of the Constitution in 1994, due to Parliamentary delays and lack of financial resources.

OHCHR has played an important role in the various stages of the development of the Malawi Human Rights Commission. In the early stages of its development, the Malawi Human Rights Commission received some technical assistance from OHCHR. OHCHR has also been instrumental in the provision of training of members and staff of the Commission and, for example, development and review of a strategic plan for the period 2002 to 2005.

Another important activity included supporting the process of developing the *National Human Rights Action Plan.* The Malawi office of OHCHR played a crucial part in drafting the first National Human Rights Action Plan of 1995. Although the plan was adopted it never became operational. Its successor, the current National Plan for the Promotion and Protection of Human Rights, 2002-2009, prepared by the Malawi Human Rights Commission (December 2002), still has to be formally adopted. In this plan UNDP has the main advisory role, rather than OHCHR.

The OHCHR's activities in the area of *administration of justice* have consisted of two types. The first has been the training of judicial officials while the second has been the promotion of alternative dispute resolution. Other donors, such as the UK government (Department for International Development – DFID), United States Agency for International Development (USAID) and the European Union (EU) are also active in this field. OHCHR put more emphasis on international human rights instruments in its approach than these other donors apparently do. There appears to be little coordination between the donors regarding their activities.

In the period from 1996 to 2002 UN activities in the field of *human rights education* included the provision of training courses for the judiciary, police, prisons, the Malawi Human Rights Commission and election officials. UNDP also provided some training in treaty reporting for government officials and NGOs. It has also supported the training of Members of Parliament in human rights as part of an extended training programme that also covers other aspects of governance.

II.3.2 Assessment of the activities

The "Joint Declaration" period of 1994-1996 included a wide variety of *product-oriented activities*: stimulation of ratification of international treaties, training in treaty body reporting and production and distribution of materials on human rights issues. The effects of these activities were not monitored or measured.

Some of the activities clearly had no effect, due to a variety of circumstances. For example, the training on treaty body reporting was not used, since the people who were responsible for

reporting had too much other work and the OHCHR did not provide the regular facilitation, advice and finally the impetus to stimulate the reporting process.

During this period the ground work was also done for the design of the Project which started in 1996 and for activities that formed a substantial element of the Project, such as the establishment of a National Human Rights Action Plan.

The assessment of the activities carried out between 1996 and the present is the following.

The *Malawi Commission on Human Rights* received support not only from OHCHR but also from UNDP and other donors. The concurring views of donors and the Commission are that the Commission is certainly not fully effective and that improvements are needed. There are diverging views on the reasons for the lack of effectiveness and how to address shortcomings between members and the donor community, including OHRC and UNDP, and the Commission itself. Donors think that the Commission needs to focus on its core mandate of investigation of past violations in view of its limited funding and general financial constraints. The Commission asserts that civic education and research are necessary prerequisites for the Commission to effectively discharge its monitoring and investigative mandate. The bulk of UN resources that have been spent on the Human Rights Commission have gone towards capacity development in general. Future funding needs to be allocated to more substantial activities.

With regard to the Commission, OHCHR has mainly been a facilitator, supporting the idea of a human rights commission that had been initiated by Malawians as part of their constitutional negotiation process in the early 1990s. OHCHR's role even at this stage nevertheless made it one of the main players in the establishment and consolidation of the Commission.

Regarding the *NHRAP* activities, the assessment is the following. In 1994 OHCHR facilitated the drafting of Malawi's National Action Plan, which was adopted in a relatively short time. The activities related to the plan focused on raising awareness as to the existence and meaning of this plan, rather than its implementation. In 2001, new objectives for the Project in Malawi were set and included the new NHRAP. It would appear, therefore, that the first initiative had inadequate stakeholder involvement and that an effort then had to be made to publicise its existence and "sell" it to the community. The second initiative took little notice of the first and seems to be a classic example of re-inventing the wheel.

The OHCHR's activities in the area of *administration of justice* are difficult to assess, since no evaluation appears to have been done. The initiative on alternative dispute resolution, however, appears to have led to some concrete results. This activity appears to have been one of the few OHCHR initiatives in Malawi that were sustained over a period. The process led to the creation of the Alternative Dispute Resolution Association of Malawi (ADRAM) of Malawi and some commitment by the judiciary to incorporate ADR into mainstream civil procedure. There appears to be little connection between UNDP/OHCHR projects and the other projects in the field of administration of justice.

There is some added value of OHCHR continuing to work in the area of administration of justice. The major advantage of OHCHR involvement is that it emphasises international standards in the administration of justice, whereas other agencies may include these standards without the same degree of emphasis. The second advantage is that OHCHR is perceived to be more politically neutral than bilateral donors. In the recent past, the Danish International Development Assistance Agency (DANIDA) and DFID have had some of their projects terminated because of suspicions by the Malawi government regarding their political motivation.

OHCHR (or UNDP) has not been directly involved in activities aimed at integrating *human rights education* into school or university curricula. In the University of Malawi, the establishment of the first human rights full course was done with the support of the Danish Centre for Human Rights.

An evaluation mission in May 2002 recommended that OHCHR should undertake activities to integrate human rights into existing training curricula of colleges, schools and the Prison Training School.

II.3.3 Overall assessment of OHCHR in Malawi

The "Joint Declaration" period 1994-1996 can be characterised as the *pioneering period*, with a wide variety of activities, which started on a trail and error basis rather than on the basis of strategic design.

The second phase of activities started with the signing of the project in 1996. This project envisaged contributions by OHCHR to *strategic investment in capacity building* for human rights with many topics: implementation of the 1995 National Human Rights Action Plan; support for establishing a Law Commission and a Truth Commission; support for a National Human Rights Commission; a fully operational National Compensation Tribunal; public servants fully knowledgeable of human rights (HR), including military officers and law enforcement officials. The successes in this over-ambitious and under-funded project were few.

Organisational, managerial and administrative issues have influenced the achievements of the country project, one of the main issues being the discontinuity in staff. The creation of a regional office in Pretoria that was supposed to cater for Malawi's needs has not provided any compensating effects. A UNV posted under the HURIST programme only arrived in 2001.

OHCHR as such does not have much *"critical mass"* in Malawi. It is therefore important to find some form of coordination with efforts that had already been undertaken, for example in the field of administration of justice with projects such as DFID's Malawi Access to Safety, Security and Justice (MASSAJ) project and other para-legal initiatives.

The common feature that activities carried out in Malawi share is that there appears to be *little or no assessment of their impact*. Most activities undertaken by OHCHR in Malawi had not been appraised, monitored or assessed after their implementation. The records indicated that no systematic needs assessment, planning, review and impact assessment methodologies had been applied. There appeared to be no tools such as log frames or stakeholder analysis that OHCHR had applied in its activities.

OHCHR's role as a significant resource for civil society organisations (CSOs) focused on human rights implementation has not been revived. However, the UNV posted under the HURIST programme has played a central role in the institutional strengthening of human rights within the UN system as envisaged by his assignment. The officer has organised training workshops on rights approaches to development and poverty, while playing a key role in the UN theme group on human rights. However, in integrative documents, such as CCA/UNDAF, human rights still tend to be confined to the pages on governance rather than pervading the whole strategy.

Lessons

- The successes of the over-ambitious and under-funded project from 1996 to date are few.
- Discontinuation in staff has affected the project negatively, the Pretoria regional office has not been able to compensate.
- The lack of a critical mass makes it all the more essential that OHCHR in Malawi coordinates its efforts with other actors.
- Activities in Malawi are not subject to assessment of impact. Application of project cycle management tools is largely lacking.
- From 2001 to 2003 the UNV posted under the HURIST programme in Malawi played an important strategising and coordinating role within the UNCT.
- The CCA/UNDAF process does not yet include an overall human rights approach but is confined to the issue of governance.

II.4 Mongolia

II.4.1 Context and technical cooperation activities

Context

In a relatively short time, Mongolia has established a relatively stable democracy. The country's government is clearly committed to promoting the rule of law, human rights and fundamental freedoms. However, the human costs of the transition to democracy and market economics have been dramatic. Poverty has increasingly affected large parts of the population: recent figures show that at present about one third of the total population of about 2.4 million is living below the poverty line. This has a serious impact on the human rights situation in the country, in particular regarding economic and social rights. Women and children, in particular, are disproportionately affected by this development, resulting in growing poverty, decreasing access to and quality of basic social services, in particular in the health and education sectors, increasing gender disparities and a rise in street children and school drop-outs among boys.

Mongolia is facing human rights concerns which can also be seen in other countries in transition. The following are just a few of these concerns: worrying signs of increasing corruption; weak governmental institutions which impair a smooth implementation of human rights standards into practical life; a lack of effective remedies to address alleged human rights violations, in particular also because of a weakly functioning judiciary; a lack of awareness of the nature of human rights both within the governmental and parliamentary circles and among the public at large; continuing gender inequality; and poor conditions in prisons and pre-trial detention centres.

The government of Mongolia seems truly committed to addressing these and other concerns, but is seriously hampered by a lack of resources. The occurrence of some recent natural disasters has made the country even more dependent on foreign assistance.

The OHCHR technical cooperation activities

Mongolia has benefited from two substantial UNDP/OHCHR programmes in the past few years: one for the strengthening of human rights in Mongolia (HURISTMON), aimed at the adoption of a National Human Rights Action Programme (NHRAP) and the other for the strengthening of the capacity of the recently established National Human Rights Commission of Mongolia (NHRCM).

The first phase of the *HURISTMON* project was aimed at creating broader awareness of human rights in Mongolia, as well as promoting better human rights observance through a participatory and consultative development of an NHRAP.
The NHRAP had five "Immediate Objectives":
   a) To build broad consensus on the planning strategy and strategic partnerships for developing the NHRAP among key national stakeholders and actors in the country;
   b) To assess, develop and strengthen the national capacity of public sector governance institutions, national human rights institutions and civil society and private sector institutions to promote and protect human rights in the country;
   c) To increase public awareness on human rights standards and norms, effective dissemination of lessons learnt and best practice, as well as public advocacy of human rights principles in the country;
   d) To develop a comprehensive NHRAP, which synthesises/integrates regional and sectoral human rights action plans, for its official approval and nation-wide public launching;
   e) To develop a catalytic strategy for mobilisation of internal and external resources for implementation of and to allocate responsibilities and duties among the implementing partners of the NHRAP.

According to the Project Document, the NHRCM is supposed to play an important role in the achievement of all five 'immediate objectives'. In practice, a close collaboration has been established with the NHRCM Project, especially in human rights awareness and education.

The duration of the project was originally foreseen for a period from January 2001 to December 2002. The project was extended until March 2003. Recently a project document for Phase II has been signed. Phase II will focus more on the implementation of the NHRAP and education activities, including specialised training for targeted groups, such as police and prison authorities, as well as mainstreaming human rights into the UN Country Team. Phase II is said to be aimed at "creating institutional behavioural change" (minutes of the Tripartite Review Meeting of January 2003). Phase I was said not to have had this aim. One of the activities in Phase II will be the development of a manual on arrest procedures by the police from a human rights perspective, to be used in the Police Academy after its completion. The duration of Phase II is from April 2003 to December 2004. Funding, however, is only secured for the period until December 2003 .

UNDP and OHCHR jointly developed the *National Human Rights Commission of Mongolia Project,* aimed at "strengthening national capacities for the promotion and protection of human rights of the people of Mongolia, through technical assistance to the National Human Rights Commission of Mongolia".

The project, which runs from December 2001 until December 2005, consists of several components, in accordance with the main responsibilities of the NHRCM:
   a) Promotion of human rights through education and research;
   b) Protection of human rights through a complaints and investigation mechanism;
   c) Effective implementation of human rights through monitoring and advisory functions and the provision of human rights policy advice to the government.
The project also has a component to develop efficient and effective management and administration within the Commission.

Quite a few tasks of the HURISTMON and NHRCM projects are closely related and even overlapping. The main reason why both programmes have not been combined to form one large project under a single unified project team is that the HURISTMON project is closely related to the Ministry of Justice and Home Affairs (MJHA), whereas the NHRCM project is related to a state-financed, but fully independent institution. Combining the two projects could have resulted in situations which would jeopardise the independence of the Commission and that is a convincing argument for keeping the projects separate.

II.4.2 Assessment of the activities

The *National Human Rights Action Plan* is one of the key elements of the HURISTMON project. The project is designed to increase public awareness and strengthen the national capacities of key governance institutions through a broad-based, participatory, consultative, nation-wide human rights planning exercise to protect and promote human rights and to develop an NHRAP. Therefore, a baseline study, including a situation analysis of prevailing conditions on human rights and a capacity assessment of national institutions at both central and local levels was conducted at the beginning of the project (2001). This formed the basis for part of the planning exercise. It was the first time that such an effort was undertaken in Mongolia and, in spite of some weaknesses, it continues to serve as an important point of reference on human rights in Mongolia.

A National Coordinating Committee (NCC) is the main supervisory body on the NHRAP. The NCC was established with the intention of guaranteeing effective involvement of the government and civil society in the development of the NHRAP. Problems faced during the development of the baseline study were identified as the lack of a proper methodology for conducting such studies nation-wide, lack of expertise and direct and indirect obstacles caused by government institutions, especially in local areas (sometimes a strong tendency to hide information).

Parliament reviewed the draft NHRAP in October 2002 and sent it back for various reasons related to the presentation of issues within the document and probably due to an underestimation on the part of the government of the need to have a strong presentation in the run-up to and during the Parliamentary debate on the Plan. All the national stakeholders and the HURISTMON project team are expecting that the NHRAP in its revised and shortened version will be approved by the Parliament in the very near future.

Looking at the history of the establishment of the *National Human Rights Commission*, one can say that the project did not have an easy start. One of the main objectives of the Technical Cooperation project signed in May 1998 was to assist in the establishment of a National Human Rights Commission. However, the project did not achieve a final result, as the Commission was only established in February 2001. The Commission, comprising three independent Commissioners and staff, is generally seen as functioning well, even within the constraints of limited resources.

The Annual Human Rights Status Reports by the NHRCM play a crucial role in determining the current situation on the enjoyment of human rights by the Mongolian people. Human rights education and training is a crucial part of the Commission's work, although a focused strategy for this activity still seems to be lacking.

Although the Law on the NHRCM puts serious limitations on its mandate to deal with individual complaints, the Commission has developed the practice that it will deal with all cases of very serious allegations of violations of human rights.

The Commission is reaching out to local communities through a network of local human rights UNVs who were given powers to act as intermediaries for complaints to the NHRCM.

Both the HURISTMON and the NHRCM projects have a strong component of *human rights education* and awareness activities, including human rights trainings for various government agencies and non-governmental organisations and local authorities, radio and TV programmes for the general public, public posters, producing training materials and training of trainers on human rights and various professional groups.

Both programmes are involved in public awareness, human rights education and capacity-building exercises without a clear division of labour. HURISTMON is implementing activities, which are actually much more important for the NHRCM than for the HURISTMON programme. For instance, only HURISTMON is now dealing with police issues, whereas a substantial number of individual complaints at the NHRCM desk are about police behaviour. Another example is the network of local human rights experts, which are now part of the HURISTMON project, although they simultaneously form the national outreach capacity of the NHRCM. A closer link with the NHRCM project seems logical as well, also for reasons of longer-term sustainability.

Activities to assist the NHRCM in developing its capacity to conduct high-quality human rights oriented legislative analysis, in particular with regard to Mongolia's international human rights obligations, has been given high priority. Trainings on CEDAW, CAT and ICSECR and the UN-treaty bodies reporting process for relevant officials and NGOs were conducted with the involvement of the project's international advisor.

Administration of justice is not a key area for the two UNDP/OHCHR programmes which are presently being implemented. One of the main reasons is that other donors are actively involved in this area. The HURISTMON project team makes efforts to coordinate its police-related activities with the other donors' projects, securing the complementarity of the work.

In the 1990s, OHCHR TC activities focused strongly on improving administration of justice in Mongolia. The sustainability of some of the projects in this areas is doubtful. Actually, the impact

of some of these projects from the 1990s is hardly noticeable, if at all. The two current OHCHR projects do not make use of the results of these past projects and actually started anew.

Mongolia is a party to more than 30 international human rights treaties and conventions. According to the Constitution of Mongolia, the international treaties to which Mongolia is a party become effective as domestic legislation after ratification or accession. There has not been a single instance of a judge invoking an international treaty in Mongolian court practice. Trainings on the application of international norms in the Mongolian legal order seem to have very limited impact. An important reason for this situation is that no official translations of these treaties exist in Mongolian.

II.4.3 Overall assessment of OHCHR in Mongolia.

The two projects have obtained *considerable achievements*. A lot of valuable activities have been undertaken, addressing many different target groups within the framework of HURISTMON. Through the project on the NHRCM, a considerable number of activities in the area of capacity-building for this new institution, raising awareness on human rights among the public, human rights education, training, policy research and complaint handling were carried out.

A main *problem* of *a broadly designed programme* like HURISTMON is that, in view of the relatively limited resources, it lacks a clear focus. Without a clear strategy with regard to the main groups to be targeted there is a risk that the impact of the various activities remains limited.

A concern related to both programmes is their *short-term nature*. If both programmes are aimed at institution-building, in particular the NHRCM project, the OHCHR should consider a longer-term involvement than what is contemplated at the moment. Institution-building cannot be done in one or two years, certainly not if the institutions are completely new for a country. A longer-term involvement, perhaps with lower annual disbursements, might substantially contribute to a successful outcome of the programmes. It has to be noted, however, that the NHRCM project is planned for five years, whereby the bottleneck is the funding. OHCHR committed funding for the first two year and UNDP was to provide the funding for the last three years. So far UNDP has not been able to mobilise the necessary funds.

The short-term nature of the programmes also leads to doubts about the *longer-term sustainability* of the various activities undertaken so far. For instance: having a NHRAP is in principle a considerable achievement, but its implementation is probably even more important. To mention another example: the NHRCM would lose most of its outreach capacity all over the country, if HURISTMON were to finish at the end of this year, as the network of local human rights experts is completely dependent upon HURISTMON funding and it is highly unlikely that the costs will be taken over by the local governments.

An issue is the *local ownership* of the various activities, undertaken in the context of both programmes. The NHRCM seems to be seen as a truly Mongolian product, but the NHRAP is often considered as highly UN-driven, even though all efforts seem to have been made to secure local ownership.

HURISTMON is achieving its main aim, i.e. the adoption of an NHRAP. However, there are concerns about the process of its adoption and, in particular, about the local ownership of the whole exercise, which is reflected, in particular, in the government's efforts to avoid any new commitment which may have financial implications. A further issue is the involvement of local NGOs and other local expertise. The evaluators have the impression that, in particular, HURISTMON could have benefited more from actively involving local partners in a transparent way.

Having two substantive assistance programmes on closely-related topics at the same time has also demonstrated some of the risks of lack of clarity in the division of tasks among the two. This

can easily lead to duplication and even competition, although in this case it is not regarded as a serious problem.

Representatives of the various UN agencies in Mongolia are in principle open to apply a *rights-based approach* in their development programming. A lot of efforts still have to be undertaken to explain what difference it makes in comparison with the previous, more service-oriented approach applied by the UN. The UNDAF, which is geared to incorporating the rights-based approach into the work of all members of the UN family, is clearly having only a very limited impact, probably also due to a lack of monitoring of its follow-up. There was a clear desire for OHCHR to offer pragmatic, practical advice on how to implement a rights-based approach into the work of the various agencies.

The seemingly complete lack of a rights-based approach in the drafting of the PRSP document (drafted by the World Bank and the Mongolian government) was a missed chance to promote rights-based approach (RBA) programming and, therefore, to promote human rights in Mongolia.

Last, but certainly not least, the country-based human rights advisor has been very valuable to the project. The added value of the work of the advisor is recognised and acknowledged widely.

Lessons

- The two Mongolia projects have obtained considerable achievements in reaching different target groups, with activities ranging from awareness building to research and complaint handling.
- In view of the limited resources the HURISTMON project needs to establish priorities and a stronger focus in order to be more effective.
- Long-term sustainability is a concern, in view of the short-term nature of the programmes.
- The local ownership of the NHRAP may be negatively affected by the lack of financial commitment on the part of the government and the procedure of adoption by Parliament
- Implementation of two closely related project may give rise to duplication and competition but this has not materialised.
- The CCA/UNDAF has had little effect on rights-based development programming, probably partly due to a lack of pragmatic advice on how to go about such an approach.
- The lack of RBA in the PRSP document is a missed opportunity.
- A country-based human rights advisor is very valuable for the development and implementation of the activities.

II.5 Comparison of the findings

A comparison of the finding and analyses of the four country studies leads to the following observations and lessons.

Relevance and effectiveness

- Activities as planned were deemed relevant in all four countries. However, OHCHR activities in BiH and Mongolia are assessed as effective: concrete evidence of achievements is available. Activities in Guatemala and Malawi were not deemed effective, due to a lack of evidence of achievements.

Vision, mission, strategy and project cycle management

- (Explicit, written) vision, mission and strategy was found to be weak with regard to all countries. Activities in BiH and Mongolia were reported to be more successful, due to the focus on specific issues and projects, although the overall strategic approach in one of the two projects in Mongolia was deemed to be too broad.
- Strategies in BiH (although not always in writing and documented) and Mongolia seemed to be more geared to generating ownership through participatory methodologies than in the other two countries.
- Local circumstances in BiH and Mongolia provided opportunities for establishing effective alliances among various groups of actors (government, NGOs, international agencies, including UN, various donors), whereas such opportunities did not seem to exist in Guatemala and Malawi. It may also be that they have not been pursued with the same vigour as in BiH and Mongolia.
- The use of project cycle management and the use of project cycle management tools (needs assessment, stakeholder analysis, goal/ result orientation, evaluation using indicators) was found to be weak in all country activities, with the exception of a few projects in BiH and the baseline study (needs assessment) in Mongolia.

Gender policy

- With the exception of BiH , which has an explicit gender mainstreaming policy, none of the country activities reviewed are equally targeting men and women in design and implementation or ensuring participation of women and their inclusion among the beneficiaries.

Sustainability, ownership and partner selection

- The sustainability of all projects is assessed as low. In the countries where there are achievements (BiH and Mongolia), this is due to short-term planning and short-term funding, in the other two countries it is because there are no real achievements to build on.
- Sustainability, participation and ownership were not used as criteria for engaging in the country projects/ activities.

Coordination and cooperation with the UN family

- Coordination and cooperation between OHCHR and other UN agencies was not the "standard mode of operation" found in the countries under review.
- The CCA/UNDAF process had started in all the countries reviewed, but the current added value was assessed as low. Interlocutors from the review missions expressed their difficulties regarding how the theoretical added value of mainstreaming and rights-based approach may be given a concrete meaning in the CCA/UNDAF programming process.

- In the countries where UNDP and OHCHR are cooperating, among others within the framework of HURIST, the effectiveness of development programming through the integration of human rights principles and standards seems enhanced. Human rights activities become more effective due to greater ownership as a result of participatory programming.

Administration, organisation and staff involvement

- Staff changes at headquarters in Geneva and in the country concerned, stop-go funding and other managerial and administrative issues did have a significant impact on the effectiveness and efficiency of the activities regarding Guatemala and Malawi,
- The commitment, efforts and determination of staff in the BiH and Mongolia situation were found to make a real contribution to the success of the project. The "added value" of staff performance is difficult to calculate and foresee, but can be strongly influenced by managerial practices, both in Geneva and in the country concerned.

III.   Findings from the thematic studies: OHCHR TC activities regarding the themes concerned

III.1. Administration of justice

III.1.1 Scope of the theme

TC activities in the area of administration of justice (AJ) include training courses for judges, lawyers, prosecutors and prison officials, as well as law enforcement officers. The training is intended to familiarise participants with international human rights standards relevant for the administration of justice and facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society. Teaching trainers to include this information in their own training activities is also included.

Courses for judges, lawyers, magistrates and prosecutors cover topics such as: international systems of human rights protection; the independence of judges and lawyers; human rights standards applicable in criminal investigations, arrest and pre-trial detention; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights under a state of emergency. Training courses for law enforcement officials address not only the issues of relevant standards and principles, such as the code of conduct for the police in democracies, but also directly relevant issues like the use of force and firearms by law enforcement agencies; protection against torture; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status and the rights of the accused.

Documentation on AJ projects in twenty countries or regions has been reviewed for the purpose of this assessment.[9] The projects covered topics such as support for introducing human rights in universities; training of legal professionals; law drafting/ designing of legal systems; police training and monitoring of training; drafting police standing orders; training prison staff and draft standing orders for prison staff; and providing documentation and technical assistance to documentation centres.

III.1.2 Mandate and strategy

In 1993 the Commission on Human Rights formulated a general perspective and guidelines for the Technical Cooperation programme under the voluntary funds established in 1987.
Technical Cooperation must:[10]
   a)   be aimed at ensuring the rule of law and enabling the development of the necessary mechanisms to meet international human rights standards;
   b)   be aimed at the creation or strengthening of national and regional institutions as a first priority; and
   c)   consist of expert services, fellowships and scholarships, training courses and seminars.

In addition, the services rendered must be practical and the OHCHR must become a focal point and clearinghouse for interagency coordination. Also, special interest was expressed in assistance in the drafting of laws and model projects for protection and the independence of the judiciary. Inter-agency cooperation with UNDP was also stressed.

The mandate allows for a wide range of TC activities, a range so wide that a policy and a strategy are needed if the mandate is to be used in a coherent and non-coincidental way.

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[9] Countries/regions: Azerbaijan, Argentina, Andean region, Armenia, Bolivia, Bosnia (2), Burundi, Cambodia, East Timor, El Salvador, Guatemala (2), Malawi, Moldova, Mongolia, Namibia, Nepal, Palestine and South Africa.
[10] Commission of Human Rights resolution 1993/87, March 1993.

No more detailed policy or strategy on the aim and the content of technical cooperation was developed afterwards with regard to the administration of justice sector, or regarding the relationship between the various themes covered by the programme.[11] The OHCHR does not have such a general policy and a strategy in the field of the administration of justice. The various covenants and the general policy will allow for implementation strategies in the different institutions, policy areas and laws related to the theme of the administration of justice.

An analysis of the needs assessment and formats for the needs assessments and the other project documents in the manual does not point to an explicit policy regarding VFTC in general or the AJ sector in general. If the ambition of institutional change voiced by the Commission on Human Rights in 1993 is to be taken seriously, policy and strategy are needed.

Pragmatic approaches were developed mainly at project level, allowing for specificity for the country concerned. By virtue of the UN Decade for Human Rights Education a general education strategy for human rights was developed and it was possible to produce a series of training manuals for teaching human rights in parts of the AJ sector, including a methodology.

The assessment of documents has not revealed a framework of reference which is a strategic framework with regard to the theme of administration of justice. The field of the administration of justice is large and involves a lot of variety. Questions regarding where and how to approach this sector, which parts of which institutions can be "targeted" best, under what conditions and in what way, would, if addressed properly, allow for a more reasoned choice of projects and project goals. Even if such an exercise were done as a limited exercise, it would allow for a greater awareness of options and choices.

III.1.3 Critical issues

Specifying goals and outcomes
The evaluation reports of the various country projects only reported activities and not outputs or outcomes. A reason for this was that outputs and outcomes were not specified in most project plans.

Goal attainment has a direct bearing on the issue of essential criteria for engaging projects, addressed above. In developing criteria, differences between monitoring the human rights situation and technical assistance will become visible and the essential criteria for engaging projects to monitor the human rights situation might very well differ from those regarding assistance in the administration of justice sector. For instance, in certain circumstance the main reason for monitoring may be the level or magnitude of human rights violations, whereas the reasons for providing assistance may be the chances of success. Post-conflict states, for example, will score high on chances of success for assistance, as the old AJ institutions have broken down and the willingness to cooperate in changing these institutions will be higher than otherwise.

Until now, the question of project outcomes has been excluded from project planning and execution. Obviously it has been left to the government of the country asking for technical cooperation. The government is the party which has requested assistance and bears the primary responsibility for change, change of institutions, change of laws and change of behaviour and for the proper internal use of the assistance rendered. The position is a legitimate one. On the other hand OHCHR has to make its own choices and set its own priorities, given the scarcity of resources and the number of requests for TC. From this perspective, OHCHR has its own interest in goal attainment. For this reason it must formulate its conditions and goals and would be wise to

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[11] See the report of the UNHCHR to the Commission on Human Rights 1999, E/CN.4/2000/105, the reports of the Secretary General to the Commission on Human Rights 2000, 2001and, especially 2002, E/CN.4/2003/112, p. 4: "there is a need for OHCHR to develop a more strategic approach to technical cooperation".

select its own goals within and for projects. OHCHR is then in a better position to negotiate with a country asking for TC on conditions allowing for success. Moreover, countries could be asked by OHCHR to stay involved in and to account for the continuation of the activities started in the projects.

Essential criteria for engaging projects
When we look at the twenty country projects the first question is of course: why these? For some, the selection seems obvious: post-conflict societies in which there is a great need for institution building as well as the setting and implementing of HR standards. But even there one wonders why South Africa, with its numerous resources, receives the assistance it does in the field of AJ, and not Rwanda or Mozambique. These criteria should be clearly formulated and, while this will not solve the problem, they are useful nevertheless.

Policy documents and needs assessments do not contain essential criteria for engaging projects into a country or for choices of projects. Such criteria are absent for the AJ sector as well. As decisions to start a project tend to be political in nature and consist of requests or pressure from states on the High Commissioner of Human Rights (HCHR), an initiative from the Secretary General of the UN, or a visit by the HCHR, it is imperative that such criteria be developed. They allow for an additional set of arguments and criteria to be taken on board in the considerations and negotiations involved in initiating a project.

Conditions for governments
Human rights compliant behaviour of states requires action by governments. It is they who are responsible and hopefully powerful enough to enforce human rights conventions and national law. OHCHR projects assist governments and institutions responsible for the AJ sector. In many cases OHCHR can require initiatives from governments and AJ institutions to implement measures that create human rights compliant behaviour (respect, protect, fulfil). Only by binding governments and AJ institutions to initiatives and follow-up activities that create this conformity can OHCHR projects become sustainable. Such conditionality is not suitable for all projects, but for many it will be worth considering.

From activities to results
An overview of the evaluations of the projects makes clear that they are focused on the activities carried out much less than on effects or results. The reported and assessed institutional effects in the AJ sector are minimal. A stronger orientation towards HR goals stated in terms of change of behaviour or change of institutions would challenge OHCHR staff and consultants to concentrate on those developments and tie them into cooperation with other institutions.

Mainstreaming strategies
OHCHR is developing strategies to support other UN agencies, for instance via UN country teams, and to cooperate with other organisations outside the UN. HURIST, the joint human rights strengthening programme of UNDP and OHCHR, is an example of such cooperation. HURIST includes AJ activities, notably the UNDP Asia and Pacific Access to Justice and Human Rights initiative. However, mainstreaming, a policy line partially connected with HURIST, does not seem to have had a practical meaning in the field of AJ. That is to say, the evaluations of the projects do not mention activities geared towards mainstreaming in relation to AJ.

The breadth and depth of UNDP projects all over the world and the relationship of many of its spearheads and themes with human rights, not only in the AJ field, explain this aspect of UNDP mainstreaming. If this observation is correct, the question of the added value of the OHCHR in this field becomes an urgent one. Mainstreaming has had no visible effects on project activities in the field of AJ. HURIST seems to be more oriented toward mainstreaming within the UNDP than towards mainstreaming between the two agencies.

III.1.4 Overall assessment

Absence of an OHCHR overview of the AJ sector
Looking at the content of the projects**,** there is a strong concentration on teaching and learning. This is how TC activities in the field of administration of justice grew in the past. To search for an OHCHR document describing the sector of the administration of justice, selecting primary areas of interest and a rationale for that selection, is to search in vain. If such a description and analysis existed, it would be possible to make a more balanced choice of projects and provide more well-founded advice to the High Commissioner on assistance to a particular country.

Even without such an overview, one notices the absence of administration of justice projects involving the improvement or creation of internal, external or mixed *accountability systems* for police and prison systems. These are either lacking or non-functioning in many countries. Advising on such systems, based on experience elsewhere in the world, is a vital activity for compliance with HR law.

From drafting of laws to assistance in policy development and from general HR to specific problems
Drafting of laws should be considered as part of a policy process directed at solving problems. If OHCHR approaches it as such, room will be created to assist in or to teach ways in which problems relevant for governments and HR can be dealt with, among other things, with the help of law and the drafting of laws. There are a number of laws that are HR relevant.

Drafting, advising and teaching law drafting are activities close to the heart of OHCHR work. The further development of expertise in this field is therefore worthwhile.

Reconsider assisting universities and law schools.
Assistance to universities and law schools covers a broad field and requires long-term investment. If effectiveness is to be increased here, strategies will have to be designed and more efforts will be needed. If not, this sector should be reconsidered.

Train the trainers, develop curricula
Direct training by OHCHR is of no use and should be abandoned. Train the trainer activities and development of curricula have a much higher chance of sustainability. The development of curricula has the same potential for sustainability. This assistance can be effective, especially if conditions for the implementation of training in curriculum development are part of the contract with the government and if follow-up within the organisation is guaranteed. Agreed and contracted follow-up activities (preferably longer term) from OHCHR, after the initial training or assistance with curricula, allowing for feedback on the training and its quality, helps to engender commitment.

Put training into a wider perspective: getting under the skin again
Requests for assistance in the field of training are interesting mainly because they provide access to an organisation. Knowledge of HR law is a primary and central condition for compliance with these laws. As such it is of vital importance, but it is no more than a primary condition. If changing police conduct is the goal, as some of the evaluations indicated, much more has to be done. Institutional development is the next concern. Efforts have to become directed towards changing the culture and structure of the police and prison system, the quality and training of police and prison leadership, the improvement of operational practice, the selection and training of police officers and prison staff and the improvement of systems of accountability. If the behaviour of the police and in prisons is to be changed, support for the institutional development of the police is unavoidable.

This requires the availability of a methodology and expertise to analyse and to design and assist in the AJ sector. The schemes suggested here are initial efforts to consider the issue from this perspective. The training of Palestinian detention centre staff (part of the civil police) allowed for a

much wider range of activities, including management of the centres, which has changed the way detainees are dealt with in a positive manner[12].

For the legal professions the same perspective is relevant. Here more specific attention must be paid to the high visibility and vulnerability of judges, prosecutors and lawyers.

Methodology
Methodology is a key word. It is a means of professionalising OHCHR work further and it enhances efficiency through standardisation. In this respect, the training series of the OHCHR is a good step, but it is also only a first step. Further development of methodologies is needed.

Training manuals
The main observations regarding the manuals are: the approach does not take into account the national law of the country; the orientation should not be enhancing human rights knowledge, but increasing police professionalism, including human rights compliant behaviour; the material needs to be adapted each time for use in the local situation and must take into account the fact that in many countries police officers cannot digest complicated legal texts, due to having completed only very basic education.

For the proper use of the training material and its adaptation to the local situation, specialised expertise it vital. The creation of a pool of specialised experts in the fields of police training and another for prison staff could create better conditions for effective training.

One has to bear in mind that every achievement creates a new expectation and suggests new goals. This is what happens here. The whole training series, and especially the manuals for parts of the administration of justice sector, form a foundation and a body of knowledge that helps in creating the primary condition for change: that people know the norms they are expected to comply with. The manuals are comprehensive and accessible and can be adapted to local needs.

Getting under the skin of the institutions
Exploring experiences of activities that have an impact on AJ institutions, describing them and experimenting with them is an important means of finding ways to make the OHCHR AJ work more sustainable.

Lessons

- There is a strong focus on teaching and learning; a strategy document selecting primary areas of interest and criteria for selection is missing.
- OHCHR's expertise in drafting legislation and in teaching the drafting of legislation, as well as providing advice on AJ issues, needs to be developed further.
- Assistance to universities and law schools needs to be reconsidered.
- Training the trainers instead of providing trainers enhances sustainability.
- Development of methodology is the key to professionalising and enhancing activities through standardisation.
- Training materials need to take local legislation and practice into account; specialised local expertise is therefore essential.

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[12] Observation by the author, during an evaluation of the Palestinian police for the Dutch government.

III.2. Human Rights Education

III.2.1 Scope of the theme

During the past 10 years the United Nations in general and OHCHR in particular have functioned as a major catalyst in the process of developing a framework for the institutionalisation of human rights education. With regard to human rights education, norms have been developed, cooperative frameworks amongst actors have been stimulated and projects have been implemented at the international, regional and national level.

Human rights education is considered to promote values, beliefs and attitudes that encourage individuals to uphold their own rights and those of others. In essence this contributes to the long-term prevention of human rights abuses and represents an important investment in the endeavour to achieve a just society in which all human rights of all people are valued and respected. It can be said that human rights education lies at the centre of firstly promoting and secondly protecting human rights.

III.2.2 Mandate and strategy

The OHCHR mandate regarding human rights education is mainly established by the Decade for Human Rights Education (1995-2004) and its International Plan of Action. The High Commissioner for Human Rights has the mandate to coordinate and implement the plan of action. In determining the vision, mission and strategy of the OHCHR in terms of human rights education, the definition of human rights education and the activities stipulated in the plan of action are central for evaluating OHCHR policy in the area.

Human rights education is defined as "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the moulding of attitudes."[13] Furthermore, the International Plan of Action for the United Nations Decade for Human Rights Education (1995-2004) stipulates different areas in which activities should be undertaken. Specified are assessing needs, strengthening international, regional, national and local human rights education capacity, development of educational material, strengthening the role of the media and dissemination of the Universal Declaration of Human Rights.

The human rights education activities can be divided into two categories, those mainly executed at the international level and those at the national level. At the international level this involves the development of human rights educational and training material, and facilitates information-sharing through international or regional seminars. These activities are directly implemented by the OHCHR in cooperation with other UN agencies and NGOs and with the aid of international or regional consultants.

The Technical Cooperation programme of the OHCHR currently translates this mandate into the following activities:
1. Developing human rights education and training materials;
2. Facilitating information-sharing, through international and regional seminars and workshops and the development of educational resources;
3. Supporting local efforts for human rights education through the Assisting Communities Together (ACT) project, which provides financial assistance to human rights grass-roots initiatives.
4. Supporting national efforts for human rights education.[14]

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[13] International Plan of Action for the United Nations Decade for Human Rights Education (1995-2004), para. 2.
[14] See Terms of Reference for this review.

As already mentioned in the Mid-term Evaluation of OHCHR's Project in Support of the UN Decade for Human Rights Education (1995-2004)[15], there is a need within the project design of human rights educational materials to include explicitly the dissemination intentions and criteria for assessing results.

Only if the dissemination of materials and assessment of their use are included in the project cycle, can conclusions be drawn regarding the impact and contribution of the materials to the promotion and protection of human rights.

III.2.3 Critical issues

Strategy
OHCHR makes a clear distinction between the three types of human rights education: addressing public awareness, training of professional groups and education for the schooling sector. With regard to awareness raising and the training of professional groups, activities are planned on a short-term basis, compared to human rights education for the schooling sector, where commitment is longer term. In terms of awareness raising, the target group is the least well defined and, with regard to the schooling system, the age groups and the methodology used for the various age groups is defined the best.

At present OHCHR engages in all three under the name of human rights education. However, all three areas require different types of activities, different methods of evaluation and are probably most effective at different stages of political stability. Public awareness activities are most likely to be more effective than education for the schooling sector for countries in conflict or recently coming out of conflict. For countries recently emerging from conflict it is probably important to engage in professional training as a means for them to learn human rights techniques which were not applied in times of conflict. The experience of Eastern Europe shows that post-communist countries fare well in human rights education for the schooling sector.

At present it is not clear how the three different human rights education activities build upon one another and form synergies. Currently, the different human rights education activities have no specific long-term strategy. When a project is finished, it is not clear what follow-up can/ will be undertaken. An in-house focused strategy would contribute to clarifying OHCHR's in-country human rights education strategy, making it clear to governments what the OHCHR's contribution in the area of human rights education might be.

Development and distribution of materials

The mid-term evaluation of the Decade for Human Rights Education recommended that there is more need for strategic thinking with regard to project design, for example that not only human rights education material be produced but that thought should also be given to its use and distribution. Material produced should include a pilot phase, to find out how it works.[16]

For example, the recently published *ABC: Teaching Human Rights* is a very valuable publication because of its content. However, it is unclear how the publication will be disseminated. The foreword states that the publication is a practical contribution by the OHCHR to the Decade for Human Rights Education and it is 'hoped' that those using it will be agents of change. Therefore, the production of human rights education and training material needs to be more specifically linked to objectives of dissemination, i.e. which target groups the material is meant for, a plan for

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[15] Clarence Dias and Magda Seydegart, *Preventing crisis: the crisis of prevention / mid-term evaluation of OHCHR's project in support of the UN Decade for Human Rights Education (1995-204),* Project GLO/95/AH/16/Rev.1, Feb. 2000, p. 30 - 31.
[16] *Ibid.*

how these target groups will be reached and how the effective use of the materials will be assessed.

Focus
Various project evaluations mention the need for focus-oriented human rights education activities.

An example of a successful approach is Russia. In this case the start of the human rights education project was small and focused and was only slowly expanded into the regions and new areas. In other words, small-scale, focus-oriented activities are faring well. In light of the scarce funding, small-scale activities are also to be recommended.

Long-term planning
Human rights education is a long-term commitment. There is a need for thinking about the long-term effects of the activities and for follow-up initiatives. For example, with regard to the Russian project, it was made clear that three years is a short time when addressing human rights education in the schooling sector.

Also, in training professional groups, courses might need to be repeated over time as a means to have greater impact. One-off courses do not provide sustainability. For example, if trainers are trained, but they do not have the possibility of applying what they have learned within the project, their knowledge will slowly decline, the impact is then low and in a year's time the trainers would need to be trained again. On the other hand, if trainers are coached while training others, they receive the feedback essential for developing best practice, especially if this is undertaken jointly with all trainers to enhance exchange. This is a method applied in the Russian activities with the teachers.

Broad-based participation
Many of the documents which provide OHCHR with the mandate to engage in human rights education mention the need to address human rights education with broad-based participation.

The mid-term evaluation of the Decade for Human Rights Education recommended with regard to this point that there is the need to develop partnership and networks, that is the mobilisation of resources toward human rights education.[17]

An important lesson from evaluations is that early participation by all implementing agencies makes the agencies' commitment clear and provides local stakeholders with project ownership from the beginning.

Project cycle management

From reviewing the various evaluation reports and the mid-year reviews it must be concluded that the reports vary greatly in terms of their approach. In general, there is strong reporting on the in-country human rights situation and on the activities implemented, but there is little analysis. This also makes it difficult to compare Technical Cooperation programme human rights education activities in different countries.

Monitoring is undertaken through various mid-year reports. These reports are oriented towards activities implemented and the quantity of people reached. There is no mention of the qualitative effect or of overall goals achieved. In part this is due to the fact that project design usually does not include indicators or strategies to measure impact. This also means that the lessons learnt usually refer to organisational matters, rather than issues regarding the effectiveness of specific human rights education activities in specific circumstances.

In terms of the evaluating the projects' impact, little can be said because indicators were not defined in the design of the project.

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[17] *Ibid.*

Resources for international coordination
Regarding the effective promotion and protection of human rights by means of awareness raising, training of professionals and human rights education for the schooling sector, the following can be said. At the international level the fact that the OHCHR was given the task to coordinate the Decade for Human Rights Education has provided the Office with a leading role to take initiatives in the area and ensure that international standards form the departure point for any type of activities undertaken under the auspices of the UN. The fact that it has not received extra funding for this role is to be regretted because, within the UN family, OHCHR has been able to develop and coordinate at the international level a variety of activities leading to synergetic efforts.

III.2.4 Overall assessment

Overall strategic approach
An overall strategy is needed to make explicit the goals of human rights education, making a clear distinction between the three components which make up human rights education. As defined in the international plan of action, these are: addressing public awareness, training of professional groups and education for the schooling sector. In this sense, finalisations of the paper, *Human Rights Education Programming*[18], which will include ideas and suggestions for the implementation of targeted human rights education programmes regarding (i) public awareness; (ii) the schooling sector; (iii) other priority groups is eagerly awaited.

Goal orientation
For all human rights education activities the overall goals should be the transfer of human rights knowledge and/or the moulding of attitudes, as defined in the International Plan of Action. Projects and evaluations have not taken note of the achievement of these goals. In most of the activities and projects designed there is no explicit formulation of what the overall goal of the project is or what the purpose of the activities should be. Further *focus* is required in this respect.

Long-term engagement
One-off general seminars at the national level are relatively weak, as this does not build sufficiently on the development of local expertise in the area of human rights education. Human rights education is a long-term process which requires the implementation of different activities. Projects in Argentina, Cambodia and especially in Russia have been more long-term and thus also more successful.

Cooperation and synergy with other actors
The OHCHR has not been alone in developing and implementing human rights education activities. Cooperation involving government, NGOs, human rights education experts and, to some extent intergovernmental organisations (IGOs), have brought about co-ownership of projects and this makes projects more sustainable, because the activities build on existing experience, organisational structures and contacts.

Broad-based cooperation between UN agencies, UNESCO and OHCHR at the international and regional level is still lacking, but in-country cooperation is by no means any more advanced.

OHCHR's comparative advantage in the field of human rights education in comparison to other UN agencies lies in stimulating cooperation. This capacity arises out of the fact that OHCHR also has the task to support human rights monitoring initiatives. As a result, OHCHR has a wide range of contacts with NGOs and is accustomed to sustaining dialogues with governments who do not take human rights seriously. However, OHCHR will need more resources to implement this role.

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[18] Guidelines for National Plans of Action for Human Rights Education, United Nations Decade for Human Rights Education, *The United Nations Decade for Human Rights Education 1994-2004, lessons for life*, HR/PUB/DECADE/1998/1, para. 9 (a), p. 34.

Specific methodologies for different target groups
As shown in the section on ACT, which mainly addresses awareness raising, the target groups vary from teachers to journalists to school children. From the information reviewed little is known about the methodologies used for the different groups. Ideally different target groups would require different methodologies as a means to be most effective.

Lessons

- An overall strategy is needed to make the goals and constituent components (raising public awareness, training of professional groups, education for the schooling sector) explicit.
- The overall strategy needs to include moulding of attitudes, in addition to transfer of knowledge.
- Project designs need to make the goals of the project clear.
- Human rights education projects need to be designed with a long-term perspective; activities require a long-term commitment in order to be effective.
- OHCHR needs to take the lead in building strategic alliances in human rights education, both at the international and national level.
- Specific methodologies need to be developed catering to the needs of different target groups.

III.3. National Human Rights Action Plans

III.3.1 Scope of the theme

The fundamental purpose of a human rights action plan is to improve the promotion and protection of human rights in a particular country. An NHRAP is meant to implement human rights improvements into the remit of public policy, with concrete, practically formulated goals of human rights improvements as practical goals. An NHRAP also is supposed to include programmes to ensure the achievement of these goals as well as strategies to engage all relevant sectors of government and society and allocate sufficient resources.

In the last three to four years, the OHCHR has assisted nine countries with NHRAPs in some shape or form.[19] It had been involved in other countries earlier as well. At present, it is actively carrying out NHRAP projects in Ecuador, Guatemala and Mongolia.

NHRAP assistance in the form of national projects undertaken by the OHCHR has varied in its forms and its results. The particular projects chosen for review in the thematic study of NHRAPs included Armenia, Guatemala, Indonesia, Latvia, Malawi, Mongolia and Palestine. The criteria for this selection were: diversity; enough information for assessment in a desk-study; and important lessons can be drawn.

Aside from providing assistance with national projects with specific NHRAPs elements, the OHCHR has also conducted a number of other NHRAP activities.

Regional and sub-regional workshops were conducted to try and identify the central and common purposes and principles of NHRAPs and formulate strategies for the development of comprehensive and effective NHRAPs. Also, a Compendium of all existing NHRAPs has been drawn up, as well as a compendium of the basic principles for the development of NHRAPs (adopted in Bangkok in 1999). The main elements of these compendiums have been incorporated into the Handbook on National Human Rights Plans of Action, published in August 2002.

III.3.2 Mandate and strategy

The basis for the NHRAP approach is the 1993 World Conference on Human Rights. The Vienna Declaration and Programme of Action states that priority should be given "to national and international action to promote democracy, development and human rights" and that "each State [should] consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights."[20]

The OHCHR (at that time still called the Centre for Human Rights) "should make available to states upon request assistance on specific human rights issues, including… the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights"[21]

The basic components of these plans would be to strengthen the institutions of human rights and democracy, the legal protection of human rights, train officials and others, broad-based education and public information aimed at promoting respect for human rights.[22] The World Conference on Human Rights further strongly recommended that states be helped in the task of building and

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[19] These are: Congo, Guinea Bissau, Mauritania, Mongolia, East Timor, Ecuador, Guatemala, Mexico and Macedonia. See: www.unhchr.ch.
[20] United Nations General Assembly, *Vienna Declaration and Programme of Action*, World Conference on Human Rights, 14-25 June 1993, UN Doc. A/Conf.157/23 of 12 July 1993, paragraphs 66 and 71.
[21] *Ibid*., paragraph 68.
[22] *Ibid.*

strengthening adequate structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law. Such a programme, to be coordinated by the Centre for Human Rights, should make available to states assistance for the implementation of plans of action for the promotion and protection of human rights.[23]

OHCHR's vision for NHRAPs, encapsulated in the Vienna Declaration and Programme of Action, is that NHRAPs are a means to promote democracy, development and human rights, through, inter alia, the strengthening of human rights institutions and democracy, the legal protection of human rights and human rights education.

However, OHCHR has not adequately identified its *own* role in NHRAP development. Nor has it defined/coordinated the role of other UN agencies in promoting NHRAPs (its mission) or identified the strategies by which it or other UN agencies will do this.

The Handbook highlights the value of an NHRAP and offers recommendations for its ideal content and structure. It describes country experiences and the variety of types of NHRAPs that exist. It suggests which actors/stakeholders should be considered and what their roles should be. In this sense the Handbook consists of OHCHR's recommendations on NHRAPs (i.e. describing what a NHRAP should be). In short, the Handbook describes how the countries should produce an NHRAP, but not what everybody involved in it (from the UN and country systems) should do. This has led to the "vagueness" identified in the HURIST mid-term evaluation (see below, III.3.3). The memorandum of understanding (MOU) between UNDP and OHCHR is a case in point. It is an agreement of cooperation among the two agencies *without defining* the division of tasks or techniques by which assistance (NHRAP or otherwise) will be delivered. An enormous flexibility and diversity in procedures results. This may work in some situations, but is a recipe for disaster in most.

OHCHR has little coherent vision and strategy with respect to its NHRAP activities to date. This is hardly surprising on several counts. The first is how its activities have been managed from the start. Work on developing the theme began in an ad hoc manner, principally by one staff member alone, with no prior experience in national human rights action planning, in a hurried fashion with little strategising or vision along the way. In brief, there was too little time and experience to treat the NHRAP mandate seriously. There was no time to learn, for example, from UNICEF, which already had models and experience with national development planning and plans of action on children's rights.

At present there still seems to be no vision, mission and strategy on how to place NHRAPs in the context of other national planning mechanisms, such as PRSP processes and, from the UN side, in the context of the CCA/UNDAF framework.

Addressing this shortcoming will take time to learn, requires sufficient human resources and expertise and, last but not least, working with other agencies to make the links or draw distinctions, study participatory planning techniques, etc. All in all a serious undertaking, which OHCHR was not prepared, or able, to meet.

III.3.3 Critical issues

Strategy and project cycle management

Stakeholder analyses and mechanisms for coordination are requirements for project design and management. Neither of these issues seem to have been assessed in OHCHR NHRAP projects in the past. The important indicator whether an "accurate assessment has been made of the host country's support of the project" is also sorely lacking in most projects.

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[23] *Ibid.*, paragraph 69.

The checklist in the Technical Cooperation Manual needs improvement from an NHRAP perspective. For instance, it offers no space to assess the political situation in the country. Furthermore, the checklist does not sufficiently impose an assessment of the resources available for the development and, more importantly, implementation of the plan. As Mongolia has demonstrated, even the best made NHRAP will fall very short of its goals if the resources to carry it out are not forthcoming.

The Technical Cooperation Manual does not provide for clear instruction for a project to be rejected in the event that (some of) these indicators and criteria are absent.[24] The mere request for assistance in the development of an NHRAP does not necessarily imply the political will to develop and implement it, as demonstrated in Guatemala. Moreover, the Manual does not prioritise the criteria, and yet questions of state resources and commitment, and the very impact the project may or may not have on the country, are arguably worth prioritising.

Cooperation and coordination with other UN bodies, including HURIST

OHCHR and UNDP have had an MOU since 1999. One of the most important joint programmes for the issue of NHRAPs is the HURIST programme, which was mentioned above. The HURIST experience in Mongolia, reported above, as well as in Lithuania (where OHCHR helped develop a Lithuanian NHRAP together with UNDP), demonstrates not only that there is cooperation between UN agencies in NHRAP activities, but that this cooperation can be fruitful and effective.

This being said, there can be, and are, power struggles between shared projects. Often, OHCHR staff share the facilities of UNDP. This raises questions such as "To whom should the staff member report?" and "Which entity gives him/her the administrative back-up?" It appears that more could be done to set up a more concrete policy on procedure in such cases.

A mid-term review of the HURIST programme (commissioned by both agencies) of August 2001 recognised positive achievements in the areas of the pilot projects in support of NHRAPs, but also addressed the lack of clarity in the forms of NHRAP assistance offered. It points out that the country projects involving NHRAPs demonstrate a myriad differences in terms of the extent to which the plan is developed and the role OHCHR plays in its development. For instance, in OHCHR's project in Indonesia, training on how to report to the treaty bodies was considered as "NHRAP assistance". Under the Lithuanian and Mongolian projects, full and very detailed plans were drafted with the help of UNDP. There are great discrepancies in the scope of plans undertaken. Some are more subject specific, while in other cases, such as in Palestine, all human rights issues in the country are addressed in the one single document.

Internal coordination and resources
At present there are insufficient resources to ensure that, for example, the Handbook (which is a very good tool) is put to good use and that lessons learned with every country experience are incorporated into future activities. There is a serious lack of NHRAP coordination and guidance within OHCHR. Due to time constraints and lack of procedural arrangements, the present Focal Point provides little assistance to the country desk officers and the desk officers share little information on NHRAP progress within their countries. Occasionally, there is cooperation and coordination, but only because relationships are such between the people involved that they voluntarily seek to share knowledge.

The NHRAP mandate is run in parallel with (although in fact completely separately to) the other thematic mandates of administration of justice, human rights education and national institutions. Yet if one reads the Vienna Declaration and Programme of Action, NHRAPs were originally

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[24] The Needs Assessment Mission, for instance, is to produce a report including the mission's analysis, its programme of work, and its recommendations for assistance in specific areas, but nowhere is it mentioned that the report should conclusively recommend whether the project should be undertaken at all. See sections C.VI, C.IX and C.X. of the *Technical cooperation manual*.

foreseen as the umbrella and the other themes as its components. For instance, an NHRAP should ideally provide and lay the groundwork for the establishment and strengthening of national human rights institutions, among other structures for the promotion and protection of human rights in the country. Human rights education should be an objective stipulated within the Plan, and the means by which it is to be delivered provided within its text. Human rights training for judges and police, among many other measures, should be stipulated within the Plan. Such would be a coherent Plan.

The NHRAP concept needs to be reconfigured from a framework of a series of isolated activities to a framework as to how to integrate human rights into national planning. The international organisational arrangements (role of Focal Point, role of desk officers) needs to be reconfigured accordingly. The role of the NHRAP Focal Point would be to provide a framework on how to coordinate all these inputs (administration of justice, human rights education, national institutions, etc.) which, in the case of most countries, would be required in the implementation phase of the NHRAP. During the development phase, the Focal Point would ensure that these themes are given adequate and appropriate attention in the drafting of the NHRAP

Sustainability
The sustainability of an NHRAP, and thus the very question of its viability, is at present not assessed prior to the commencement of an OHCHR initiative. OHCHR (together with the country) should consider, first and foremost, whether the development of an NHRAP is the best way to advance human rights in that country. It may well be that the substantial funds involved in the process of developing and implementing an NHRAP might be more effectively used to promote and protect human rights by other means, in light of the institutional, political and economic realities of a given country at a given time. Before giving the project the green light and committing NHRAP technical assistance, the political will of the government and its ability (financially and institutionally) to implement the NHRAP must be determined. If the commitments within the NHRAP prove too costly or difficult to implement, these are likely to be watered down upon adoption or simply never heeded. In conclusion, if there are serious doubts as to the NHRAP's sustainability, alternative approaches to protecting and promoting human rights in the country in question should be considered in its place and the development of an NHRAP postponed until conditions in the country are more propitious.

III.3.4 Overall assessment

Strategy
The OHCHR has had little coherent vision and strategy with respect to its NHRAP activities to date. This is hardly surprising given the ad hoc manner in which work began on the theme and the disproportionately poor funding it has received. The OHCHR will have to decide whether it will give the mandate greater priority and attention since, as it stands, work on the subject matter is patchy, very weak, without methodology and, ultimately, has little impact

Project cycle management
The evaluation of essential criteria for engaging projects should normally take place during the needs assessment/ stakeholder exercise and there already exists a checklist reminding the assessors of their importance. However, judging from most of the projects carried out, it appears that these exercises, or their results, were not taken seriously, since it is doubtful that these critical indicators were present from the outset. It is also possible that the evaluators were disinclined to reject a requested project, despite the absence of critical criteria, because the OHCHR does not feel itself to be in a position to refuse a country request for NHRAP (or other) assistance. In this case, there is an additional lesson to be learned: OHCHR has to say "no" when a project is unlikely to be sustainable or have any impact.

Sustainability

The sustainability of NHRAPs is one of the critical initial criteria to be assessed prior to the approval and commencement of a project. There are a number of other fundamental criteria. These include:

- the clear identification of stakeholders and their participation in the development and implementation process;
- a methodological approach to the development and implementation of the NHRAP;
- the commitment of the government and its preparedness to take ownership of the Plan; and
- a clear understanding and coordination of the roles and responsibilities of the relevant UN family of agencies in the NHRAP effort.

Cooperation with other actors
OHCHR and UNDP, its main partner in the areas of NHRAPs, are not clear on the division of labour between them and the coordination between VFTC and HURIST activities regarding:

- raising awareness and promoting the concept and benefits of NHRAPs;
- organising training workshops on NHRAPs;
- carrying out (or organising) a thorough needs assessment;
- assisting in the early organisation of (facilitating meetings between) civil society partners and governments;
- assisting with (but not necessarily conducting) baseline studies;
- ensuring the active participation of all stakeholders; and
- guiding and supporting the NHRAP drafting process.

The comparative advantage of UNDP is overseeing and assisting the implementation of the NHRAP, taking steps to fulfil the document's goals and recommendations. This being said, the OHCHR will effectively continue to have an implementation role in those parts of the Plan which converge with its specialised technical cooperation competencies, such as projects to assist in the administration of justice and national human rights institution building.

Improvement of the Handbook
The OHCHR's Handbook on National Human Rights Plans of Action has been a significant endeavour by the OHCHR in its NHRAP mandate and an important step forward. The Handbook is a 115-page document which is essentially an ABC-guide to developing and implementing an NHRAP. The guidelines are extremely detailed and thorough. But while the Handbook is strong on checklists, it is otherwise sorely lacking in the definition of methodologies, particularly in its section on monitoring and evaluating NHRAP objectives.

Lessons

- OHCHR needs a comprehensive strategy to ensure that NHRAPs again become the backbone of national human rights capacity building. It needs to establish how other themes can effectively be integrated into and synergised with NHRAP. [… OHCHR needs its own plan of action to achieve this …]
- OHCHR needs to develop and assess essential criteria for engaging projects before engaging in NHRAP activities.
- Essential criteria are sustainability, ownership and potential for impact.
- The division of labour between UNDP and OHCHR and the coordination between HURIST and VFTC (who does what regarding NHRAPs) needs to be clarified.
- The NHRAP Handbook needs revision from the methodological perspective, in particular regarding the monitoring and evaluation of NHRAP objectives.

III.4. National Human Rights Institutions

III.4.1 Scope of the theme

OHCHR plays a major role in encouraging and assisting the creation of independent national human rights institutions. The purpose of such bodies – often called national human rights commissions – is to advise governments and parliaments on international human rights obligations and on human rights protection needs in the country. All national human rights institutions have the role of promoting awareness of human rights and many have responsibility for receiving complaints from individuals about violations of their rights. An important component of the Technical Cooperation Programme of OHCHR is to facilitate the establishment and to strengthen independent national human rights institutions for the promotion and protection of human rights in conformity with United Nations standards. The Office aims to offer best practice advice based on its extensive experience in helping to establish national institutions. The Office provides guidance and practical training to existing institutions, based on United Nations standards, to ensure that national institutions are genuinely independent and effective.

III.4.2 Mandate and strategy

OHCHR has, since the early 1990s, been actively promoting the establishment and strengthening of independent national human rights institutions. In 1991, a detailed set of principles on the structure and functioning of such institutions ("The Paris Principles") were developed at a meeting of representatives of national institutions, held under United Nations auspices. These principles, subsequently endorsed by the Commission of Human Rights and the General Assembly, have become the foundation and reference point for United Nations activities in this area.

Apart from confirming the mandate of national institutions to promote and protect human rights, the Paris Principles adopted by the General Assembly in 1993 defined the international standards for national human rights institutions. According to the Paris Principles, a national institution shall have, among others, responsibilities such as submitting recommendations and proposals to official national bodies; promoting ratification of, reporting under and conformity with international human rights standards; assisting in human rights research and teaching; and receiving individual complaints.

The Paris Principles also included detailed guidelines on the composition of national institutions and the appointment of members; on guarantees of independence and pluralism; and on methods of operation.[25] National institutions are official but independent bodies established to advance the protection and promotion of human rights. National institutions are part of a structure of government, but they are not subject to direction from government or from the legislature.

There is an International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) which liaises among the institutions and with the UN, accredits national institutions that comply with the Paris Principles and organises an international workshop every two or three years.[26] The ICC was established by the representatives of the national institutions themselves in 1993 at their second international workshop. The existence and role of the ICC, of assisting governments and national institutions in close cooperation with OHCHR, was endorsed by the UN Commission on Human Rights in 1998. The ICC rules of procedures were ratified in Rabat in 2000.

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[25] See United Nations. Centre for Human Rights; 1995. *National human rights institutions. A handbook on the establishment and strengthening of national institutions for the promotion and protection of human rights.* Geneva.

[26] See also Chris Sidoti: *Technical assistance for national human rights institutions.* Commissioned by the Danish Institute for Human Rights, April 2003.

III.4.3 Critical issues

Strategic orientation
Since the adoption of the Paris Principles, there has been a tendency within the UN to take for granted the rationale for expanding NIs as a key area of support, based on positive experiences in different transitional situations. However, the weak documentation as regards positive impact renders it quite relevant to ask questions about the performance of national institutions in relation to the assumptions made about their promotional and protective roles. What is the value added of NI compared to other institutional initiatives? What core roles of NI are relevant under what circumstances?

OHCHR documentation lacks in-house policy statements and strategy documents. This may partly be due to organisational culture.

Nature of assistance
OHCHR has acquired great expertise in contributing to the establishment of national institutions.

During 2002, OHCHR provided information, advice or material support to 23 national institutions, of which nine were in the Asia Pacific region, five in the Americas and Caribbean region, five in the Africa region and four in the Europe and Central Asia region. Advisory missions were undertaken to Afghanistan, Gabon, Japan, Montenegro, Palestine, Serbia, East Timor and the United Kingdom.

A regional framework of support has become operational in four regions, with the Asia-Pacific Forum of National Human Rights Institutions playing a particularly important role in the absence of a regional treaty and regional treaty mechanisms.

The technical assistance to regional networks implied as regards the national institutions that the doors were opened to more national human rights institutions creating a supportive environment for such institutions. In the Asia context, the workshops of national institutions were useful in creating of links with NGOs, UN treaty bodies and special procedures. The meetings of national institutions also provided a forum for discussions on economic, social and cultural rights and as regards gender.

In the Southern African context, where documentation was also available, the regional office provided technical assistance to pre-existing Southern African Human Rights Commissions. This support was instrumental in strengthening the independent status of national human rights institutions vis-à-vis governments, but it is remarkable that the regional office was completely unknown in Malawi, where needs for support for an ailing national institution would have been pertinent. There is a need for more elaborate and in-depth assessment of regional support to address explicitly the issue of whether the resources spent could have been better utilised at the national level.

Effectiveness
At the country level, the effectiveness of the national institutions established are mostly clearly demonstrated in terms of their promotional roles and in terms of legislative monitoring and advice, while the effectiveness in complaints handling and in monitoring human rights violations is not well documented.

Documentation of an emerging success story as regards promotion of human rights values, local and decentralised human rights work, including relevant cooperation with civil society, and advocacy and complaints handling is available in the case of the National Human Rights Commission of Mongolia. Lessons learnt from such experience could furnish inputs for reflections about best practice for supporting national institutions.

The effectiveness of national institutions in dealing with gender discrimination and in integrating civil and political rights with economic, social and cultural rights is weakly documented and cannot be positively confirmed.

The effectiveness of national institutions in mediation, conflict adjudication or reconciliation is not well documented and cannot be positively confirmed.

Project cycle management framework and tools
As mentioned above, the main instrument of planning and evaluation is the Technical Cooperation Manual. A common framework of assessment has therefore been created, but as also concluded with regard to NHRAPs, it seems only to be used sparsely. With regard to NIs this is in about half of the evaluations, reviews and monitoring reports available. While the manual provides up-to-date advice on most important aspects of project cycle management, there is insufficient attention being paid to these recommendations in defining the terms of reference for the missions or in the missions themselves.

Problems of implementation
The most recent (2003) general evaluation of the NI programme observes that the capacity of country desks to engage in issues relating to national institutions must be further developed.[27] Some desk officers interviewed for this study called for guidance material on capacity development for NIs regarding management, complaints handling, monitoring and human rights impact assessment from the NI Team in order to improve their capacity to deal with the implementation of support for national institutions.

With respect to in-country implementation of support, coordination and cooperation with UNDP is a consistent concern, as became clear from South Africa, Uganda, Latvia, Armenia and El Salvador. In some of the cases, delayed disbursement of funding from OHCHR was the major problem, while in other cases coordination was rendered difficult due to different conceptual perspectives. In reviewing the implementation procedures for national institutions, there is therefore a well-documented need to look into the procedures of cooperation between OHCHR and UNDP as they manifest themselves, not at the policy level, but at the level of implementation procedures in the countries receiving assistance.

III.4.4 Overall assessment

Explicit strategic orientation
A number of the core roles and objectives of national institutions can be identified on the basis of project documents from the two last National Institutions Projects.[28] In reflecting on strategy objectives and means, national protection systems and the role of national institutions in preventing human rights abuse is one area where clarification is needed, but also the role of national institutions in protecting vulnerable groups could be a concern to be clarified.

Enhancing the role of NIs in relation to treaty bodies and also better informing the treaty bodies of the NIs' work and reconciliation in post-conflict situations are mentioned with less consistency, but are "runners up". The OHCHR's strategic orientation regarding these roles of NIs in different contexts, especially the latter ones, needs to be made more explicit.

Project cycle management and evaluation
The Technical Cooperation Manual pays insufficient attention to the importance of indicators. As a result, few reports based their analyses on a review of indicators. In this sense, there is a need for further thinking in a new revision of the Manual, not least because the introduction of common

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[27] Pillai, R.V. (Vasu) and Leonard Joy. *Strengthening national human rights institutions GLO/01/RB4. Evaluation report.* March 2003.
[28] GLO/01/RB4 and GLO/03/HC/07.

indicators, for instance with respect to monitoring human rights situations or with respect to complaints handling, can be a means to mainstreaming the work of national institutions.

Also, some of the evaluations point to insufficient stakeholder assessment (Armenia, Mongolia and South Africa), while others could have benefited from better stakeholder appraisal (Malawi). This is an area where the Technical Cooperation Manual is not explicit, although the guidelines for needs assessment recommend broad consultation with government and civil society. However, the concept of stakeholders as social forces ready to support or to constrain a given project and its ambitions should become an explicit concern of the Manual.

Sustainability
In terms of sustainability, there is some evidence in the evaluations that some of the institutions supported are simply too under-funded to fulfil their mandate. This is the case as regards some activities in Rwanda generally and in Guatemala as regards monitoring. The sustainability of the NI is one dimension which was also emphasised with considerable concern in the Mongolian country study. It was demonstrated how government support for the NI decreased from an initial comparatively high level in the clear expectation that international support would continue. The Malawi country study also indicates how the support of OHCHR was unsustainable. There seem therefore to be good reasons to reflect on the need for longer term support and to consider how this may be financed.

Integration of NIs in UN country strategies
NIs, vested as they are with a mandate of protection as well as of promotion, but also as the main vehicles for ensuring national ownership of the strategy, have the potential to become central players in the development of a country human rights strategy, as recommended recently by Dr. Mukesh Kapila.[29] The integrated programming approach with a country human rights development strategy would then become quite an important tool for defining priorities and for coordinating work with other UN agencies..

The importance of retaining a strong human rights focus is made all the stronger when the CCA/UNDAF process is assessed. There seems to be some risk that human rights issues get less attention when looking at the CCA/UNDAF guidelines.

Lessons

- The strategic orientation with regard to NIs needs to become more explicit.
- The project cycle management instructions need to put more emphasis on the use of stakeholder analysis and of indicators.
- Underfunding of NIs is a real constraint and may inhibit the fulfilment of their mandate and the sustainability of the project. Financing strategies need to be developed before, not just during, the project.
- A revision of the now dated UN Handbook on National Human Rights Institutions is warranted
- NIs need to be integrated into a country human rights strategy.

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[29] Dr. Mukesh Kapila, *Enhancing OHCHR effectiveness to strengthen human rights at country level,* Memorandum to the High Commissioner, 5 February 2003.

III.5 Comparison of the findings

A comparison of the findings and analyses of the four themes leads to the following observations and lessons.

Vision, mission and strategy and project cycle management

- With regard to all four themes reviewed, the development of vision, mission and strategies have lagged behind the development of project activities.
- Activities within the framework of the four themes have been very output-oriented (that is in terms of products, such as trainings and materials) and have therefore had very little in terms of a long-term strategy in mind, with the exception of the theme of national human rights institutions.
- The use of project cycle management and the use of project cycle management tools (needs assessment, stakeholder analysis, goal/ result orientation, evaluation using indicators) was found to be weak in all thematic studies.

Synergetic effects

- Although the development of National Human Rights Action Plans could have provided the overall, comprehensive, strategic framework for building national capacities in the field of human rights, encompassing the other three themes reviewed, NHRAP has not played such a role.
- Very little to no evidence was found of synergetic effects between themes and between themes and country projects.

Sustainability

- In view of the lack of strategic approach and the use of project cycle management tools, project designs are usually weak in focus and priority setting and not aiming for long-term sustainability. Monitoring and evaluation and the use of indicators are the particularly weak aspects.
- Sustainability, participation and ownership were not used as criteria for engaging in theme projects/ activities.

Development of methodologies

- With regard to administration of justice and human rights education, it was found that very few methodologies have been developed catering to the needs of different target groups.

Coordination and cooperation with UN agencies

- Very little to no evidence was found of coordination and cooperation taking place on the various themes with other UN agencies, with the exception of the NHRAPs with UNDP within the framework of HURIST and to some extent with UNESCO on human rights education.

Administration and organisation.

- Understaffing, under-funding and lack of coordination has influenced the use of available expertise and had negative impacts on synergetic effects regarding the various themes.

IV.   General policies and priorities regarding TC

IV.1. Potential differences in prevailing values between recipient countries and OHCHR

The Technical Cooperation Manual (TCM) for the Voluntary Fund states in its Guiding Principles that the programmes approach to technical cooperation must be based on respect for the country's choices, national programmes and strategies and should avoid donor-driven development programmes. On the other hand, the programme has its own professional responsibility and needs to communicate what it sees as the most effective way of providing assistance and is in conformity with international human rights standards.[30] The Manual also stresses that the technical cooperation programme will apply international norms and standards which are universal, indivisible, interdependent and inter-related and need to be treated with no functional distinction or hierarchy towards the various sets of rights.[31]

Thus at the broad programme level there is the acknowledgement that there may be differences in values between the recipient countries and OHCHR, in which case the programme has to respect the country's choices, provided these can be reconciled with the professional responsibility of the programme and the principles enshrined in the international standards.

In addition to different perceptions of human rights, other factors may hinder the effectiveness of the programme. Such factors can relate to a lack of ownership, political and economic considerations and a legacy of the past, which is illustrated below. The gender issue, which is addressed separately below, is an obvious area where there are differences in aspirations between OHCHR and recipient countries: the reports on Mongolia, Bosnia Herzegovina and the Russian Federation refer to these.

In the country studies in this global review there are ample findings that point to a lack of ownership. The BiH study describes a case relating to the *Rights-based Municipal Assessment Programme* (RMAP). A senior local official described how he had assisted the pilot phase of the project in the collection of data, merely because he felt that he had to fulfil his responsibility. Another illustration is the treaty body reporting described in the BiH study where the OHCHR office in BiH noted that there was neither the interest nor the capacity in the government to fulfil its treaty monitoring responsibilities. The Deputy Foreign Minister confirmed that there had been a new interest in the government in human rights standards (particularly European human rights standards and mechanisms) since BiH had applied for membership of the Council of Europe (CoE). Now that the country is a full member of the CoE, it is considering how it will apply for EU membership over the next decade.[32] The fulfilment of reporting obligations is therefore not due to a convergence of values, but is a result of political and economic interests.

In the Russian Federation human rights activities tend to be identified as forms of political activism. This attitude, inherited from the country's Soviet past, makes many adults cautious about human rights involvement. The Russia case study describes how difficulties arise in the teaching of human rights in the schooling sector. Teachers often have difficulty in teaching about civil and political rights because these concepts were alien and considered ideologically inappropriate during the former Soviet Union. Teachers who were educated during the Soviet period need somehow to educate themselves. Even then problems due to differences in values remain with parents and alternative strategies have to be found. Teachers involved with the project have suggested it would be appropriate for parents to join their children in human rights education. Parents, it has been stated, are often afraid that once their children are educated in civil rights they will become involved in civil activities which they consider dangerous for their

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[30] Guiding Principle 2, *Technical cooperation manual*, Voluntary Fund for the Technical Cooperation in the field of Human Rights, at A.-4.
[31] Guiding Principles 8, *Technical cooperation manual*, A.-6.
[32] A. Phillips, Bosnia Herzegovina, Country Study, concept July 10 2003, p.11.

children. Sociological data on the Russian parents' values claim that fewer than ten percent of respondents consider civil responsibility as being an important quality for their children.[33]

Guatemala is another case in point. The global review team found that the assessment and efforts of the project and the UN often seem to focus mainly on internal dialogue consultations with a select group of government officials and civil society leaders, while little attention has been paid to the Guatemalan public and, maybe even more importantly, the hostile attitude of the media towards the issue of human rights and human rights defenders in the discussion. Some media promote the idea that the human rights community is defending criminals, which stimulates public tolerance or support for practices like extra-judicial killings of suspected criminals by the police. Greater efforts could be made to analyse existing public surveys, or to create surveys to ascertain what the public thinks, in order to better serve Guatemalans' needs and gain their confidence and support. Hence, UNESCO has a veiled human rights approach and implements its human rights education programme under the banner of "Culture of Peace" and its education programme seeks to counter the militaristic tendencies of Guatemala's public education system.

Differences in values are relevant to drafting legislation and the application of human rights law by the courts, as well as when it comes to implementing human rights law by a country's government and via its institutions. In addition, these differences are highly relevant when it comes to accepting human rights as part of a society's broader culture, in awareness raising or other educational activities. As such these differences in values, and especially a negative evaluation of human rights law, may hinder both the implementation of human rights law and the acceptance of related values. Whereas Technical Cooperation programmes seek increasingly not only to simply transfer knowledge or raise awareness, but aim to have an impact on the actual implementation of rights obligations. Therefore the question of differences in values will be at the heart of the programme. This will hold even more for target groups with specific professional cultures. The armed forces and the police are examples of organisations with cultures which are often not very receptive to human rights.

Last but not least, the following should be noted. Value differences do not only refer to matters of principle. For example, effectively dealing with child labour has to take into account the economic pulling factors of that type of labour. In order to ban child labour, the strategy cannot just address the issue that child labour is forbidden, it also has to address the issues of alternative sources of income.

The needs assessment or evaluation forms contained in the Technical Cooperation Manual do not specifically refer to or ask for an assessment of dilemmas of differences in values.
Other than the general approach of the Guiding Principles, there are no strong incentives or tools, in the form of guidelines or description of best practice, to include discrepancies in values in the programme thinking. Such discrepancies may point to risks for the proper implementation of the project and therefore need to be included explicitly in the assessment. In the country studies, there is no evidence that assessment of risk analysis related to value difference and other impeding factors was included in the project preparation and design.

The overall conclusion here is that the issue of value differences and the need to deal with these differences and other factors have a direct bearing on the effectiveness of strategies and mechanisms to promote and protect human rights. It is therefore the case that rights-based approaches, which provide for such strategies and mechanisms, are more effective than approaches that do not have the built-in strategies to deal with value differences.

More specifically, the following can be said. Differences in values can concern the whole range of human rights. There are no indications that different perceptions of human rights between

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[33] V. Petukhov, *Life strategies of modern Russians*. (in Russian). http://www.e-xecutive.ru/analytics/article_1423/, referred to in Yelena L. Rusakova and Hilde Hey, *HRE in Russia, case study for the Global Review*, at 16.

OHCHR and a country have resulted in projects in such countries being rejected, although the case of China, which has not been the subject of this review, could provide examples of where it has led to long negotiations on the design and implementation of a project.

Potential obstacles for the implementation of international human rights norms need to be identified and addressed at the level of the design of strategies for a country project. Needs assessments, baseline studies, project proposals and evaluations should reflect the awareness of cultural specificities and methodologies. The collection of best practice should include ways to deal with the cultural element. There is little evidence that this is a systematic practice yet in the OHCHR TC projects.

The instruments developed by HURIST and approaches such as rights-based programming allow for the inclusion of the issue of differences in values into programme and project management.

The Technical Cooperation Manual can be updated on the basis of lessons drawn from the HURIST and RBP approaches, even if these lessons are just steps in a development and will not provide a blue-print for an approach.

Lessons

- The TC programme needs to balance the upholding of international human standards, which are universal, indivisible, interdependent and inter-related, and the State's perception of human rights.
- Other relevant factors affecting effectiveness of projects include ownership, political and economic priorities and the country's legacy from the past, but also the TC programme's professional standards.
- All relevant factors need to be addressed in needs assessment and project design, since these factors have a bearing on the effectiveness of the project's strategies and mechanisms.
- The TC programmes may benefit from the experience gained by HURIST and the rights-based approaches with regard to including the issue of differences in values.

IV.2. The extent to which recommendations of human rights treaty bodies and special procedures[34] are taken into account in the design of TC activities.

The influence of special procedures and treaty bodies on TC activities can become visible at a general programme level and in specific projects. In terms of the general programme level, it is useful to bear in mind that the basis on which the Technical Cooperation programme is initiated is formed by decisions of the Commission on Human Rights. The Commission gave the overall direction to the programme and played an important role in directing parts of the programme, such as regarding the creation of independent national human rights institutions, for example.

On several occasions the Commission on Human Rights and others have emphasised the contributions that UN treaty bodies and special procedures could make to the direction of the Technical Cooperation programme. It is beyond doubt that special rapporteurs and treaty bodies have information and views that are relevant for the design of strategies for the promotion and protection of human rights on a global level, such as in relation to strategies on the themes that are the subject of this global review, as well as for the design of projects for specific countries.

The country and thematic studies for this global review do not provide information on strong and consistent links between the treaty bodies and special-procedure-based mechanisms and the Technical Cooperation programme.

With regard to the themes, the following can be said. Although administration of justice is of course a theme which features quite prominently in the work of the treaty bodies and the special procedure-based mechanisms, it must be concluded that recommendations have not been used to the full extent of their possibilities in the design of the theme's strategies and activities. Also, in carrying out the programme, no references were found to recommendations from the treaty bodies and special procedures.

No substantial guidance for the theme of human rights education on incorporating recommendations from treaty bodies or special procedure-based mechanisms into the Technical Cooperation programme was found either.

Also with regard to NHRAPs, the conclusion was that there is no clear evidence of any reference to the conclusions and recommendations of the treaty bodies and special procedures in the development of a national plan. It must be noted, however, that UN special rapporteurs and treaty bodies have rarely reported on NHRAPs or made concrete recommendations in relation to them.

Various treaty bodies, such as the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Rights of the Child (CRC) have taken note of the potential role played by national institutions within their field. However, again no documentation was available on whether and to what extent recommendations from these bodies have been taken into account in the design of strategies and projects.

Findings regarding the countries included in the review were the following.
The BiH country team had the support of the special rapporteur for BiH in one of its tasks and that connection will have had some impact on the team's activities in the field. Nevertheless, effects on the activities within the country or exchanges of information relevant to the TC activities were

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[34] Since the review does not really go into the substance of the processes and procedures of the treaty bodies and special procedures, these have been taken together for the purpose of this review. It should be noted, of course, that the treaty body output and the recommendations of special procedures are of a very different nature. The work of the treaty bodies is grounded in the treaties, based on the consent of states parties. *"Special procedures"* are the mandates (thematic and country specific) for special rapporteurs, special representatives or other independent experts or working groups created by the UN intergovernmental machinery (GA, Human Rights Commission).

not reported. In the case of Guatemala, three special rapporteurs visited the country and the project facilitated their visits. However, the recommendations of the rapporteurs do not seem to have been included in the (re-)design of project activities. Regarding Malawi, no evidence was found that treaty body recommendations on Malawi played a role in the Technical Cooperation programme. With regard to Mongolia, it was found that the recommendations of the Commission on Human Rights are used as benchmarks for the monitoring work of the National Human Rights Commission, but no evidence was found of recommendations from treaty bodies or special procedures being taken into account in the design of the project strategy and activities.

In looking at the inclusion of recommendations from treaty bodies one has to bear in mind, of course, the poor track record of the countries regarding reporting to the treaty bodies, so little material may be available.

Whereas there is little or no documentation on taking the recommendations of treaty bodies or special procedures into account in the design of Technical Cooperation activities, it can be observed that the Technical Cooperation activities do pay ample attention to treaty body reporting and to the relevance of special procedures for the promotion and protection of human rights in a country. All thematic and country reports report on awareness building and training activities regarding treaty body reporting and the relevance of special procedures.

The relationship between OHCHR Technical Cooperation programmes and treaty bodies and special procedures seems to be a one-way street: emphasis on treaty body reporting and the role and relevance of the special procedures in Technical Cooperation activities, but no or hardly any attention to recommendations in the design and implementation of Technical Cooperation activities on relevant thematic issues or countries.

Reference to treaty body and special procedures reports and recommendations has a specific importance in relation to NHRAPs, national human rights institutions and the CCA/UNDAF. Since the treaty bodies and special procedures specifically consider the human rights situation in the country (as reported by the government) and highlight measures for its improvement, the findings and recommendations of these bodies would greatly serve (particularly in tandem with the findings of baseline studies) to inform the OHCHR and the other designers of the plans for Technical Cooperation of the principal concerns the plan should take on board, and even the means by which to tackle them. Therefore, in the future there should be more states reporting on their NHRAP and NI activities. This, in turn, should result in conclusions and recommendations formulated by treaty bodies and special procedures mechanisms. What may be happening, however, is that states do not feel the need to report extensively (if at all) on the situation of human rights and/or their NHRAP and NI activities since OHCHR, UNDP and/or other UN bodies are already present, informed and involved. At the same time, treaty bodies may be inclined not to give priority to the consideration of NHRAPs and NIs in which other UN experts have been involved.

Reporting on NHRAP and NI should focus on the role these instruments play in the implementation of the treaty concerned. Submission of such information and its consideration by the treaty bodies is a useful undertaking, since NHRAP and NI constitute important means for implementing the obligations of human rights treaties.

Another issue of a more technical nature is that the Technical Cooperation Manual does not refer explicitly to paying attention to reports and recommendations from treaty bodies and special procedure mechanisms – neither in the sections on needs assessment (missions), standard content and format of project documents nor in relation to terms of reference and the checklist for the project formulation mission or elsewhere.[35]

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[35] *Technical cooperation manual*, sections X.çl. and II, section X.IΞ.

In view of the fact that project documents have been found to refer too little to the reports and recommendations of treaty bodies and special procedures, it is useful to include specific references in the project document.

The findings and conclusions of the global review on the issue of taking into account reports and recommendations from the treaty bodies and special procedures are largely in conformity with the findings and recommendation of Mukesh Kapila on this issue, in his recent report to the High Commissioner. He advised giving the findings and recommendations of the treaty bodies and special procedures a central role in the work of the Technical Cooperation programme. This advice implies an approach in which the statutory role of the Office to service the UN Human Rights Commission, treaty bodies and special procedures will also include a country-centred follow-up of their recommendations in relation to the design of Technical Cooperation strategies and activities. Such an approach ties OHCHR work much closer to these bodies and may be advantageous for both. This is both a strength and a complication. Its strength is the coverage and relationship of the authority as well as the massive expertise of the Commission and the special procedures in TC work.

Since the Technical Cooperation programme takes as a starting point the international norms as adopted within the framework of the United Nations, it would benefit the consistency and credibility of the system as a whole if the interpretation of these norms by the supervisory organs were to play a leading role in the programme. On the other hand, the activities undertaken within the framework of the Technical Cooperation programme could benefit the work of the treaty bodies and special procedures.

Lessons

- Under TC programmes much attention is paid to reporting under human rights treaties and to the relevance of special procedures.
- The recommendations of these organs are, however, not used to their full potential in designing and implementing TC programmes and activities.
- Consistency, credibility of the programme and effective use of expertise require inclusion of the reports and recommendations of these organs in the design and implementation of TC programmes and activities.

IV.3. The balance between different categories of rights addressed by the programme

As referred to in IV.1 above, the Technical Cooperation Manual stresses that the Technical Cooperation programme will apply international norms and standards which are universal, indivisible, interdependent and inter-related and need to be treated with no functional distinction or hierarchy towards the various sets of rights.[36] Therefore, from a theoretical perspective and as a matter of principle there is acknowledgement that the various categories of rights are on an equal footing.

The term 'balance' as such does not appear in the Technical Cooperation Manual, and one might conclude that balance is not an issue. The issue is rather to *ensure the equal enjoyment of* rights irrespective of race, colour, gender, religion or social origin, as is the common perspective in the international human rights standards, and to take special measures when the circumstances so warrant, with the purpose of ensuring full and equal enjoyment of rights.

From this perspective it is even more important to look at whether the Technical Cooperation programme pays attention to ensuring the rights of vulnerable groups in terms of programme thinking, as well as in the design of strategies and implementation of activities.

The approach of the Manual does stimulate more emphasis on social, economic and cultural rights, as well as the rights of vulnerable groups, whereas in the past attention was predominantly given to civil and political rights. Social and economic rights and gender are mentioned as points for attention in parts of the Technical Cooperation Manual. They figure in the sections of the Manual on needs assessment (missions), standard content and format of project documents and terms of reference and the checklist for the project formulation mission.[37] By emphasising these rights, the balance is sought in the *aim to be achieved*, that is the equal enjoyment of rights, irrespective of status etc.

The training materials developed for the various themes more or less follow the same approach as the Technical Cooperation Manual and are comprehensive. It is clear from the content that civil and political rights prevail in the training materials for the theme of administration of justice.

The country studies provide information on the extent to which the approach promoted in the Technical Cooperation Manual permeates the Technical Cooperation projects.

In Bosnia Herzegovina the Poverty Reduction Strategy to which OHCHR contributed, as well as the Rights-based Municipal Assessment Programme, covers the whole spectrum of rights. The OHCHR involvement with regard to the PRSP process included bringing the full spectrum of rights into the process, based on the OHCHR approach of integrating human rights into poverty reduction strategies. This approach includes a multi-dimensional definition of poverty, human rights procedural prerequisites, such as participation, transparency and access to information, as well as the human rights dimensions of security and democracy.

In the most recent Guatemalan project there was new emphasis on the national and international bodies for the promotion and protection of the rights of indigenous peoples, discrimination, economic, social and cultural rights and, in general, the promotion of a more integrated vision and understanding of the indivisibility, interrelatedness and interdependence of human rights. Regarding human rights education activities in Guatemala, the project has increasingly focused its workshops and seminars on the rights of indigenous people, and this theme overlaps with the theme of administration of justice, as the project integrates indigenous rights into its training for judges.

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[36] Guiding Principle 8, *Technical cooperation manual*, A.-6.
[37] *Technical cooperation manual*, sections X.çI. and II, section X.IΞ.

In Malawi the focus was mainly on political and civil rights. The focus there has been on facilitation of a process of strategic planning by the Malawi Human Rights Commission, human rights training workshops for national human rights institutions, judicial and prison officers, and facilitation of the process of establishing institutions and rules for alternative dispute resolution. There is an urgent need for a shift in emphasis towards economic, social and cultural rights in this country in combination with rights approaches to poverty and underdevelopment. In Mongolia the different categories of rights have been addressed in the educational activities and in the work of the MNCHR.

The Russia education project covers a number of rights, including the rights of the child. Social and economic rights are included. However, the conclusions from the Russia case study was also that it is "…not recommendable that emphasis lies on the teaching of all rights equally. For example, in Russia civil and political rights are more problematic in terms of comprehension, therefore projects do well to give priority to these rights, without forgetting the rest."

The message that more attention should be paid to social and economic rights and to vulnerable groups has been understood in the projects. At the project level the issue is not so much balance, rather attention has to be paid to which categories and groups are most vulnerable in order to strive for full enjoyment of rights: the issues are therefore prioritisation and planning.

Looking at the history of country projects, the rights of different categories of vulnerable groups are now being taken into account more than in the past and implemented in traditional ways – via legal means and training – as well as via new strategies and practices. So, the area of rights that are covered in the projects has increased.

UN-wide priorities can and do play a role in OHCHR prioritisation and planning. A concrete example is the cooperation within the framework of HURIST with UNDP, where the re-orientation of the programme did involve seeking compromises in the priorities for the issues covered by the programme. Different UN agencies may have different views on which vulnerable groups have priority.

Lessons

- The issue may be less about achieving balance in addressing categories of rights and more about *ensuring equal enjoyment of rights* by all.
- By emphasising the economic, social and cultural rights and the rights of vulnerable groups, as well as the human rights procedural prerequisites, such as participation, transparency and access to information, balance is sought in the goals to be achieved.
- The availability of comprehensive training materials appears to have positively influenced the increased attention to economic, social and cultural rights.
- Prioritisation and planning are essential issues in this respect.

IV.4. Integration of gender perspectives into the Technical Cooperation programme

On the programme level gender is a point for attention in the Technical Cooperation Manual. It is included in the Guiding Principles as principle 4 – women's rights. Furthermore, the sections of the Manual on needs assessment (missions), standard content and format of project documents and terms of reference, as well as the checklist for the project formulation mission require specific attention to women's rights and gender issues.[38] In this way, OHCHR has communicated its policy and UN policy to include gender issues in projects. All evaluations contain observations on the gender issue. So information is fed back to OHCHR staff.

On the level of the themes, attention to gender can be summarised as follows. The training materials developed for the various themes more or less follow the same approach as the Technical Cooperation Manual and are comprehensive.

Apart from that, it should be mentioned that the thematic report on national institutions drew attention to the necessity of strengthening the gender focus in technical assistance to national institutions in a number of contexts, as found in reviews in Rwanda and South Africa. The report also noted that the country study in Mongolia, on the other hand, demonstrates how the National Human Rights Commission of Mongolia used the annual status report on human rights in the country to draw attention to the plight of vulnerable groups and to gender. Such a focus implied greater prospects for advocacy for civil society groups. Attention and guidance are clearly warranted at the project level with regard to the theme. The report concluded that the effectiveness of NIs in dealing with gender discrimination is weakly documented and cannot be positively confirmed.

Gender is one of the difficult issues for changing behaviour in the field of administration of justice, but, as concluded in the administration of justice report, the gender issue can be effectively integrated into training in practical ways.

Looking at the country projects, the Guatemalan project does not have gender issues as a specific element in its strategy. It does address the issue through its relations with women's NGOs, especially in relation to indigenous women.

For Malawi, the conclusion has to be the same: there is no specific attention to women's rights and gender issues.

The two Mongolian Technical Cooperation projects have developed activities addressing gender issues. Both programmes, for instance, have undertaken trainings on CEDAW and HURISTMON paid attention to the delicate situation of disabled women. The gender component was, for instance, quite strong in the first draft NHRAP, submitted to parliament, including the demand that thirty percent of the members of parliament (MPs) should be women. Precisely this issue was criticised by a number of MPs, indicating that Mongolia still has some way to go in the direction of true gender equality.

The BiH project has an explicit gender component. This component was present in all advice being offered on the Poverty Reduction Strategy Plan and the design of the Rights-based Municipal Assessment Programme. Apart from that, there was the National Plan of Action Against Trafficking of Human Beings, which was established due to the pioneering work of OHCHR. Although gender concerns had not been included under the Dayton Agreement, they were seen as central to the work of OHCHR in BiH.

Last but not least, OHCHR had set itself the goal that gender should be mainstreamed into the work of the international community in BiH within one year. This was largely achieved. NGOs

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[38] *Technical cooperation manual*, sections X.çI. and II, section X.IΞ.

have now taken a leading role and today there is a new gender law before Parliament, two new but small gender centres in Sarajevo and Banja Luka and a real local ownership of this issue.

Reviewing the Technical Cooperation projects, the conclusion is that gender components are usually included, but in different ways.

Much seems to depend on the creativity of OHCHR staff on a national level and on perseverance and acceptance in the field. Especially where resistance against gender issues within countries plays a role, the quality of OHCHR staff is a decisive factor in getting gender issues on to the project agenda and keeping them there.

Another handicap is the absence of tools and practice apart from the training manuals. There is no set of instruments or best practice available nor an exchange of experiences or best practice within the OHCHR in the field of gender that can help staff in the field. The availability of such instruments and practices and the exchange of experiences amongst staff, for instance by mail or internet, would help to accumulate and document experience within OHCHR. The issue of learning from experiences and exchanging them and moulding them into practice comes up in relation to gender issues here, but it is clear that the observation has a wider impact. Exchange of experiences and the building of a body of knowledge regarding the practicalities of human rights work and the way to include human rights in practical and effective strategies, actions and instruments should be a major concern of OHCHR management. Only then can value be added and only then can a relatively small organisation like OHCHR make a difference.

Lessons

- There is no evidence of a gender mainstreaming strategy in the projects, with the exception of BiH.
- Projects would benefit from tools, exchange of experiences and overviews of best practice.
- Building a body of knowledge on experiences of effective strategies, actions and instruments is a valuable tool not only for gender, but also for other rights issues.

IV.5. OHCHR integration of theme and country approaches and synergetic effects

The Technical Cooperation programme has as its main aim to build national capacity in countries so that they can become increasingly independent from external assistance. Programme activities need to be carried out in support of national development objectives through national programmes.[39]

From this perspective it makes sense for promoting NHRAPs and promoting national human rights institutions as part of the country projects to form the backbone of the OHCHR Technical Cooperation strategy.

NHRAPs were originally foreseen as the umbrella and the other themes as its components. For instance, an NHRAP should ideally provide and lay the groundwork for the establishment and strengthening of national human rights institutions, among other structures for the promotion and protection of human rights in the country. Human rights education should be an objective stipulated within the plan, and the means by which it is to be delivered provided within its text. Human rights training for judges and police, the administration of justice theme, among many other measures, should be stipulated within the plan as well. This would form a coherent plan.

According to this logic, the NHRAP would be a management and planning tool to coordinate the expertise and potential guidance for national human rights institutions, administration of justice, human rights education and other issues, even the drawing up of reports and follow-up of the recommendations of the treaty bodies and special procedures, into one service package of OHCHR inputs in an NHRAP. At present, the NHRAP theme (or mandate) does not fulfil that role. It is run in parallel with and in fact completely separately to the other thematic mandates of administration of justice, human rights education and national institutions. It was beyond the scope of this global review to investigate whether this is one of the reasons why the NHRAP theme approach within the framework of the Technical Cooperation programme has implicitly been toned down since the HURIST programme gained more momentum. We will, however, return to this issue in chapter VI, when addressing the Technical Cooperation activities in relation to the overall UN country strategies.

The situation with the other themes appears to be the same. All themes run separately from the other thematic areas and there is little or no management or planning across the themes focused on the country-based programming.

The expansion of *national institutions* and the continued support for NI work at national, regional and international levels means that considerable and valuable experience has been gained within OHCHR. The technical assistance to regional networks of national institutions implied that the doors were opened to other national human rights institutions, creating a supportive environment for their independent relationships with governments. Positive results from networking in the Asian and the Southern African context were also reported, also with a view to coordination. So *within* the thematic area of national human rights institutions there appears to be coordinated planning and programming for the international and (sub-)regional levels. The bottleneck remains the internal coordination and joint programming focusing on country-based programming.

The same holds more or less true for the thematic area of national human rights institutions as for the thematic area of *human rights education* and the implementation of grass-roots human rights education activities. Within the framework of the Decade for Human Rights Education and Assisting Communities Together there is coordination and programming but not with a view to country-based programming. There are cases where there are country projects and where the governments of such countries have requested assistance in the area of human rights education, but the OHCHR has not engaged in such initiatives, examples being El Salvador and Malawi.

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[39] *Technical cooperation manual*, Principle 1.

The administration of justice theme differs from the other themes in the sense that it cannot be identified through a programme of specific administration of justice activities, a set of procedures, a unit or team (Focal Point) or a set of especially produced materials, such as a Handbook or guidelines. The administration of justice theme can be identified mainly through the fact that there are individual experts within OHCHR who can assist in the design and implementation of administration of justice projects and the fact that a variety of activities under the heading of the theme are taking place in country projects.

Two out of the four country projects in the global review, Guatemala and Malawi, illustrate the points made above.

With regard to the Guatemala project, there seemed to be no effective integrated strategising, management and implementation from a thematic and country perspective regarding the pursuit of efforts to generate a National Human Rights Action Plan or to implement a strategy of stimulating human rights education.

With regard to Malawi, the focus has been mainly on investing in the process of capacity building for the Malawi Human Rights Commission. The role of this Commission regarding issues in the area of administration of justice were included in activities implemented through the Commission, but the implementation of the NHRAP and human rights education, also included in the project plan, were not properly guided.

Bosnia and Herzegovina is not an appropriate illustration, since the activities there were not supposed to be guided under the four thematic areas that are the focus of this review.

Mongolia is also a different case, since the main impetus for the NHRAP came from the HURISTMON project. There is also the Technical Cooperation project, with the main aim of assisting in the establishment of a National Human Rights Commission. In terms of coordination and generating synergetic effects, the HURISTMON project and the project on the establishment of a National Human Rights Commission turned out to be successful. Each project appeared to add value to the other project whereby the sum of the two projects seemed to be more than the individual components.

In view of the observations above, the question arises as to what are the core elements of the designation of "theme" or "thematic area".

With the de facto disappearance within the office of OHCHR of the thematic focal points for the administration of justice and NHRAP themes, these elements of country programming and guidance seem to have been lost for these two themes. With regard to the other themes under review, human rights education and national human rights institutions, the added value of the human rights education (HRE) and NI teams within the office of the OHCHR in terms of country programming remains unclear.

In brief, there is reason to look critically at the concept of "themes". The themes under review are different in character and therefore require individual approaches to combining them with country projects. The NHRAPs are envisaged as a management tool, a way to manage such projects by country counterparts, not the UN family. National institutions are a core element in national capacity building, human rights education and administration of justice deal with matters of content rather than programming or organisation.

This means that themes can mainly be defined as the content and methodologies of OHCHR work. In other words, themes are a way to organise expertise, documentation, practice and discussion.

In view of the lack of effective integration of theme and country approaches, and thereby the lack of synergetic effects, the integrated programming approach within a Country Human Rights

Development Strategy, as proposed in the Kapila report, gains even more importance. The approach recommended in the Kapila report connects the NHRAPs and the national institutions and integrates these in country programming. This could be seen as a means to ensure that national institutions become central players in the development of a Country Human Rights Strategy, vested as they are with a mandate of promotion as well as of protection, and also as the main vehicles for ensuring national ownership of such a strategy.

Lessons

- A NHRAP should constitute the backbone of a TC strategy and the basis and framework for the infrastructure of human rights promotion and protection.
- At present NHRAPs are run parallel to other themes and do not fulfil the key role that they should have.
- Little evidence was found in the country and thematic studies of synergetic effects between themes and between themes and countries.
- The concept of "themes" needs revision in view of their character as a management tool (NHRAPs) and a core element in capacity building (NIs), and in relation to the issue of content and a way of organising expertise, documentation, practice and discussion (HRE and AJ).
- In view of the lack of synergetic effects, the country programming approach gains even more importance.

V. Ensuring the effectiveness and efficiency of the VFTC programme

V.1. Involvement of local partners and encouragement of ownership

Involvement of local partners in the design and implementation of projects helps to ensure local ownership and input of local expertise, which in turn helps to enhance effectiveness and efficiency and long-term sustainability and impact.

The Technical Cooperation Manual recognises in its Guiding Principles the importance of local partnerships. It is stressed that capacity building for human rights requires active partnership among governments, civil society and human rights organisations, in particular in the design and implementation of Technical Cooperation projects.[40] Participation is not limited to the traditional stakeholders, the government and human rights groups, but a wider group of (potential) stakeholders, including the media, is recognised as potential partners.

The Technical Cooperation Manual provides for a series of project cycle management tools in the sections on needs assessment (missions), standard content and format of project documents and terms of reference and checklist for the project formulation mission, through which identification and involvement of local partners can be ensured.[41] The format for the terms of reference for the needs assessment requires a broad consultation of all relevant groups and sectors in society; the format for a project document requires a description of the capacity and commitment of the host country to provide inputs and support necessary for operation; and the format for the terms of reference for the evaluation contains reference to local participation in the design and implementation of projects.

It should be noted that the approach of these sections of the Manual is rather the identification of all kinds of groups, and they do not explicitly require identification of them as stakeholders, the nature of their interest in the issue(s) at stake and the strategies that are called for to secure their involvement as partners.

In its Guiding Principles the Technical Cooperation Manual is clear on the point of principle: participation is desirable from the point of view of ownership and sustainability. The Manual is not very explicit in identifying the consequences for the strategic design and implementation of activities. The Manual does not address the issue of access to decision-making by partners and the exercise of power in general, nor does it state participation as one of the essential criteria for engaging projects.

In comparison, the OHCHR/UNDP HURIST programme also includes local participation in its approach, both in the baseline study and in the design of plans and activities. However, the HURIST programme still seems to struggle, like the VFTC, with the management and facilitation of participatory processes and the application of tools for participatory planning and decision-making. Drawing lessons from previous experiences regarding the design and implementation of participatory processes and including the lessons learnt in a revised HURIST programme document was one of the areas of recommendation in the HURIST mid-term review.[42].

The findings of the theme and country studies on the issue of participation and ownership are the following.

As regards participation relating to the establishment of the national institutions within the respective countries, in which ownership is a strong indicator for participation, there were no indications of lack of ownership nationally. It appears that the technical assistance coordination

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[40] *Technical cooperation manual*, principle 3 – participation – A.-5.
[41] *Technical cooperation manual*, sections X.çI. and II, section X.IΞ.
[42] Patricia Feeney, Leonard Joy, HURIST, *The mid-term review*, August 2001, at 67, http://www.undp.org/governance/hurist.htm.

has managed in most, if not all, cases to consult broadly with state and civil society groups and to establish successful cooperation during initial phases. At the country level, the effectiveness of the national institutions established is most clearly demonstrated in terms of their promotional roles and in terms of legislative monitoring and advice, while the effectiveness in complaints handling and in monitoring human rights violations is not well established.

National Human Rights Action Plans differ in their success in involving local partners. The Guatemalan example is one where local involvement was low and ownership was not realised due to the political situation in the country. The Indonesian project did not have a proper focus and organisation and, although there was some participation, it failed. Mongolia is an example of broad local participation (but not necessarily ownership). The same can be said for Malawi where a second start succeeded in getting the plan off the ground mainly as a local initiative.

In the field of human rights education the picture differs. The mid-term review of the programme urges more broad-based participation, as does the evaluation of a South African project. At the same time, projects in Mexico and Croatia show a broad and intense participation of local organisations and NGOs. Broad participation should be the norm.

In the field of the administration of justice, generally speaking the projects are directed at participation by local partners in the projects. The train the trainer approaches, in particular, require such an approach. It was not possible to establish levels of ownership in this area due to lack of information.

When looking at the country reports, in the Guatemalan country project, OHCHR Geneva designed most of the project. The Geneva-driven approach (as was seen) has limited the involvement of local partners and has not helped to establish ownership of activities in Guatemala. Project attempts to assist the creation of an NHRAP may have been misguided from the start and have had few results because of too narrow consultations and participation of local partners. The impact of trainings could be leveraged by cooperation with pre-existing networked institutions like the PDH, Universities, USAID's Justice Centres and COPREDEH. Leveraging the Project's impact might also be achieved by cooperating with or "outsourcing" activities to competent national actors. For example, it is not clear why the project, with its limited staff, is trying to write or adapt human and indigenous rights manuals when there are qualified research institutions in Guatemala that could, under OHCHR supervision, do the same.

OHCHR has been a critical partner of the Malawi Human Rights Commission, providing it with support of many types, including advice, training and facilitation of attachment of commissioners to other national human rights institutions. Thus, OHCHR was instrumental in establishing this national institution but its support, unfortunately, has been erratic and inadequate to enable this institution to address its structural and operational shortcomings. NGOs have mostly been left out of the execution, let alone planning, of the activities that have been implemented since the project got underway in 1996. What was remarkable was that even some of the country's major NGOs, such as the Public Affairs Committee and the Malawi Human Rights Resource Centre, did not know of the current activities of the OHCHR office in Malawi. The OHCHR has not engaged with local actors to advocate or facilitate state reporting and follow-up action on the relevant treaty bodies in relation to the three reports that have been submitted.

In Bosnia and Herzegovina one of the major strengths of the work has been in selecting partners and judging when to engage and support them. Confidence and trust built up through legal work, and the knowledge that the Head of Office and her small team are highly capable and committed, has helped this process. Participation has been seen as a tool towards a product, but also as a developing process leading to a local and sustained ownership. Included in this has been the accountability to stakeholders, though this may not have been systematically monitored and measured to meet Technical Cooperation programming norms. Systematic involvement of local partners has been a trait of the implementation and less of the design of projects, with the exception of the work done on trafficking, where input from NGOs, IGOs and government

agencies was used to plan and help create the working group and the national plan and to get the government to sign and ratify appropriate international standards.

In Mongolia a strong example of local ownership was noted in one of the basic components of the development of an NHRAP: the development of the baseline study. This is interesting to observe, as both the development of the NHRAP and the baseline study are the result of one and the same UN programme (HURISTMON). However, where the NHRAP is generally seen as strongly UN-driven, the baseline study is usually considered as a purely Mongolian exercise, guided by the NHRCM, and involving a devoted group of UNVs, which resulted in the first ever nation-wide mapping of the human rights situation in Mongolia. It became a cornerstone for the development of the NHRAP. The baseline study seems also to have a high status in the human rights community (NGOs) in Mongolia, which often use it as a reliable framework of reference about the human rights situation in the country. The strong involvement of the local UNVs might be one of the possible explanations for this at first sight somewhat paradoxical dichotomy.

In preparing the Russian project, a broad-based consultation was organised by OHCHR with Russian human rights experts, government officials, UN agencies and educational institutions. This proved beneficial for the formulation of activities and provided broad support on the part of different organisations facilitating project implementation. Following this meeting, a tender for regional participants was announced. An important advantage of this project lies in its reliance on regional initiatives and total responsiveness to specific regional needs. The project is a Russian-made project drawing extensively on local expertise. Working to create synergies, as the case of Russia has shown, also allows for projects to be more sustainable. As a means to create synergies, in the Russian case the choice was made to work with and through existing organisations, both NGOs and educational institutions. This has created sustainability because the activities build on existing experience, organisational structures and contacts. Under very difficult circumstances the OHCHR has been able to maintain access to both government and NGOs, and kept a dialogue going to seek human rights protection and promotion. In this project ownership was created, among other things, through participation.

Lessons

- Broad participation in the various stages of the project (identification, design, inception, implementation, consolidation) by various groups of stakeholders will enhance ownership, which is crucial for ensuring effectiveness and efficiency.
- Participation of local partners and ownership are recognised by OHCHR both as a matter of principle as well as a matter of strategy, ensuring the effectiveness and efficiency of a project.
- Broad participation of local partners and ownership seem at present to be neither a political nor a pragmatic criteria for engaging projects.
- Needs assessments alone is not sufficient but should be complemented by strategic stakeholder analyses in the design and inception phase of a project, in order to be able to design a viable project strategy.
- Not all stakeholders need to be involved to the same extent, in the same manner, in all stages of the project. Stakeholders (government, NGOs, professional groups, media, UN agencies, etc.) have different interests, bring different expertise and have different kinds of influence on the outcomes of a project.
- The stronger the influence of a stakeholder on the potential outcome of a project, the more reason to involve the stakeholder in the design of the project.
- There is little evidence that partners in a project are selected on the basis of clear criteria related to the role they can play in the project. The use of stakeholder analyses will help to overcome this problem.
- National institutions can be key partners in the implementation of a project. However, only if such a role is accepted by a wide group of stakeholders in the project. Part of a project strategy therefore needs to be geared towards the acceptance by stakeholders of that role. Creating such acceptance needs to be part of the inception phase.

- There is a need for greater participation of all the implementing agencies and beneficiaries in all parts of the project cycle, including identification. Involvement of ministries and institutions in the preparation and design of projects is a must.

V.2. Programme and project management: vision, mission and strategy of the TC programme

The vision, mission and strategy of the Technical Cooperation programme determine in part the successes of the programme as a whole and also of its projects. As such these are essential issues in ensuring the effectiveness and efficiency of the programme.

The Technical Cooperation programme was not in fact originally based on a well-designed strategic concept. According to an insider, the TC programme has grown out of practical needs and requests from governments to the UN rather than being the product of a designed policy and connected strategy, as was the case with the creation of other UN agencies[43]. Its rule of law character was a result of questions from governments asking for assistance in establishing institutions especially in this field. The OHCHR and its predecessors were the only agencies that offered this kind of assistance and it has continued to do so till today. In a sense this was an organic approach, reacting to and fitting into needs and requests formulated by states. No more detailed policy or strategy on the aim and content of technical cooperation was developed subsequently, neither on the general and programme level nor regarding the relationship between the various themes covered by the programme.[44] Practical approaches were developed mainly at project level, allowing for specificity for each country. This pragmatism has advantages in a fast-changing and uncertain environment, but its shortcomings have become clear in the theme and country evaluations.

These shortcomings are illustrated by the following concerns.

With regard to the themes, the conclusion is invariably that there is little coherent vision, mission and overall explicit strategy in relation to the theme, including the inter-dependence and inter-connection of themes and the consequences for an effective and efficient organisation of the activities under the theme.

Other concerns expressed and shortcoming identified are the following.

With regard to NHRAPs it was found that little was left of the central strategic orientation of the theme, in relation to building capacities for human rights, accorded to it by the 1993 World Conference on Human Rights. That strategic orientation was the idea that the NHRAP forms the backbone of the more specific tasks of strengthening institutions of human rights and democracy, human rights education, the legal protection of human rights, the administration of justice, etc.

Work on developing the theme began in an ad hoc manner. The resources allocated to the development of the overall strategy, to OHCHR's mission and to provide assistance and guidance to OHCHR staff, staff of other UN agencies and states interested in developing NHRAPs were totally insufficient in view of the task ahead.

OHCHR failed to identify its own role adequately, nor did it define and coordinate the role of other UN agencies in promoting NHRAPs and assisting in their implementation. Furthermore, it did not identify the strategies by means of which it or the other agencies would carry out these tasks, with the exception of concluding the memorandum of understanding with the UNDP and the subsequent development of the HURIST programme. However, it remained unclear what the arrangement with UNDP meant for the Technical Cooperation programme and how OHCHR meant to create synergy between the HURIST programme and the TC programme, leaving the matter largely to ad hoc arrangements.

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[43] C. Mokhiber, "The United Nations Programme of Technical Cooperation in the field of human rights", in: G. Alfredsson et al (eds) *International human rights monitoring mechanisms*, 2001London, Kluwer, p. 417.
[44] See the report of the UNHCHR to the Commission on Human Rights 1999, E/CN.4/2000/105, the reports of the SG to the Commission on Human Rights 2000, 2001and, especially 2002, E/CN.4/2003/112, p. 4: "there is a need for OHCHR to develop a more strategic approach to technical cooperation".

The findings in the Malawi and Mongolia country studies indicate that the initiatives for developing NHRAPs only became effective within the framework of the HURIST programme and not the TC programme. The Guatemala study reported that the TC project attempts to assist in the creation of an NHRAP appeared to be misguided from the start and have had few results.

These shortcomings of a strategic nature are *mutatis mutandis* also reported in relation to the other themes.

Regarding the national human rights institutions, the major shortcoming reported is the lack of in-house policy statements and strategy documents which seek to spell out how and with what means *national institutions* may contribute to the objectives of the promotion and protection of human rights. Documents indicating a strong ownership of policy, i.e. a vision spelling out the choices made and reflections clarifying learning processes are absent. The synergy with the other themes, including the "human rights capacity building backbone NHRAPs" is therefore unclear. Here, lack of resources or other capacity related factors may also partly explain the lack of explicit strategy formulation.

The Malawi and Mongolia studies do indicate that the OHCHR interventions with regard to establishing national institutions were effective. In the case of Malawi the established institution did not function very effectively and synergetic effects with other parts of the programme could hardly be established. In the case of Mongolia synergetic effects were reported between the NHRAP and the NI.

The lack of a strategy stating the overall goals is also reported to be a concern for human rights education. Furthermore, a strategy is not only needed which states the overall goals of human rights education, but also how the three components of human rights education (raising awareness, training for professional groups and human rights education for the schooling sector) are inter-linked and are to be assessed in terms of effectiveness. At present desk officers are not provided with a clear concept of the main components of human rights education and this certainly does not facilitate country human rights education efforts becoming more focus oriented. Furthermore, within the area of human rights education many documents have been produced which facilitate the OHCHR in determining the direction of the activities. However, this output-oriented strategy needs to be complemented with a target audience oriented ("marketing") strategy, as well as a strategy for how to create strategic alliances regarding human rights education. Such strategic alliances need to be identified and established at the international level, within and without the UN family, as well as at the national level. The latter point brings us back to the importance of the NHRAPs as a framework for building synergetic effects between the themes at national level.

Finally, the experiences of cooperation with UNDP within the framework of HURIST bring the question to the fore as to what OHCHR sees as its role, core competence and added value in alliances with other actors, especially those in the UN family, in the field of human rights capacity building at the national level.

Lessons

- Development of vision, mission and strategy with regard to the Technical Cooperation programme has lagged behind the actual developments of project activities.
- The advantages of flexibility inherent in this situation have been overtaken by disadvantages which affect the effectiveness and efficiency of the TC programme.
- The lack of overall strategy seems to be most damaging with regard to the theme of NHRAPs, as it affects the very nature of the theme.
- The lack of an overall strategy becomes visible with regard to the other themes mainly in the lack of synergetic effects between the themes.

- Apart from the lack of synergetic effects due to the lack of strategy, the theme of human rights education needs strategy development regarding targeting audiences as well as establishing alliances at both international and national level.
- The HURIST experience illustrates that OHCHR needs to identify its core competence, role and added value in alliances with other actors.

V.3. Management, organisation and communication

Management, organisation and communication issues that influenced the activities under the Technical Cooperation programme in relation to the OHCHR in Geneva were very much linked to the lack of resources with regard to the themes and have been addressed earlier, especially in section V.2. The issues that were found in the relationship between the OHCHR office in Geneva and the country or regional projects are addressed below.

Guidance
At times OHCHR Geneva is not as experienced as it should be as the facilitating office in supporting those who do difficult work under bad conditions. It is, in some projects, part of the burden and it should not be that way.

Guidelines and policies for country projects are reported to be unclear or absent in a number of projects. This provides a lot of room for local management of projects, an advantage in fast-changing situations, but at the same time it leaves local projects on their own when looking for strategic management. Related to these comments, but on a more technical level, is the lack of formats for reporting and reviews mentioned in some of the evaluations.

The capacity to support field operations falls short. In the BiH project, for instance, staff sought guidance and support from Geneva which they were unable to get. In Guatemala, rigid application of the project design enforced by Geneva is reported to have inhibited the project's ability to seize opportunities like that of seeking greater cooperation with the new PDH elected by civil society.

Local management within the countries receives mixed messages. They are perceived as only loosely linked to if not independent from OHCHR Geneva and there is much in favour of relatively autonomous offices or officers in the field. However, a condition for such a practice is a clear mandate, including a division of responsibilities, preferably a common culture which fits and supports the official mandatory relationship, a reporting structure and support from the central level. These conditions are not met within OHCHR. Where local management is insufficient, Geneva hardly ever corrects this, if indeed they notice it at all.

Financial relationships
The question of uncertain and undelivered funding is a great obstacle to the planning and execution of activities. It reduces the credibility of the OHCHR when it cannot follow through on commitments made to its beneficiaries. Insecurity of funding is a major source of uncertainty for continuity on the project level. The extent to and the conditions under which local project staff can take initiatives for funding their own projects is unclear.

Financial administration is too slow, causing a lot of frustration.

Procedures and delays
Past experience with the NI theme indicates that OHCHR procedures and delays have constrained cooperation with other agencies. Given the importance of the coordination in most continents, the regulation of these issues seems to be quite important if they have not already been dealt with. In terms of implementation, problems were identified within OHCHR and at the country level.

Under-staffing or overburdening was a problem raised from different projects. On the project level, projects tend not to limit their ambitions and goals to the available funds and capacity but to exceed them, building too wide a set of goals and insecurity into the project. On the theme level, servicing and development fail because of lack of capacity

Human resource capacity building

A staff development programme for offices situated in changing, post-conflict environments is lacking. The programme should identify how staff may be trained to adapt their skills to those required for longer-term development programmes. This may be simplified and helped by introducing other staff to complement and support existing personnel.

Visibility

There are repeated comments regarding the lack of visibility and knowledge about OHCHR projects. The first observation we made was the frequency with which comments were made regarding the lack of visibility of the OHCHR project in the country. Many respondents where country projects were running made this comment. Low visibility of projects says nothing about their quality. Visibility and communication, both at OHCHR level and at project level, is essential for ideological reasons, such as HR awareness, as well as for more mundane reasons. Exposure and communication are essential for fundraising.

Lessons

- The major management, organisational and administrative issues affecting the Technical Cooperation programme are understaffing and insecurity of continuation/ disbursement of funding.
- Lack of guidance from the OHCHR Geneva is reported in most countries. It may not necessarily be explained by a negative attitude towards servicing and guidance of staff, but rather by under-staffing and the difficulties of communicating "at a distance".
- Long delays and bureaucratic procedures have a high "nuisance value" and also affect the achievement of TC activities.
- Communication with, from and on the projects (content, style, frequency) deserves attention from OHCHR Geneva.

V.4. TC activities viewed in relation to the overall UN country strategy

Background

CCA/UNDAF is a comprehensive coordinating tool known throughout the UN family.
The introduction of the CCA and UNDAF planning tools are key elements in the reform of operational activities launched in 1997.

CCA/UNDAF is specifically intended to represent a common planning and coordination tool for the entire UN system in each country, to take place under the auspices of the United Nations Country Team (UNCT). A recent external evaluation of the CCA/UNDAF process was positive yet cautious, warning that "there are strong possibilities that the promise [of an improvement in the sense of UN collective identity at the country level] may fail to materialise and that the reform may lose sense of direction and founder unless key obstacles are addressed immediately."[45]

In September of 2000 the UN General Assembly adopted the Millennium Declaration, which was intended to direct UN activities and deliver reform for the new millennium. Of relevance is the fact that the Millennium Declaration stipulates the resolve of states to "strengthen the capacity of all countries to implement the principles and practices of democracy and respect for human rights."[46]
Another ambition is to "ensure greater policy coherence and better cooperation between the United Nations [and] its agencies… with a view to achieving a fully coordinated approach to the problems of peace and development."[47]

In September 2002, the UN Secretary General delivered his Agenda for Further Change.[48] The Agenda stresses two points of particular relevance to the OHCHR's role and the Technical Cooperation (TC) Programme:
- the need to support human rights at the country level[49]
- the need to clarify roles and responsibilities; clarification, it is stressed, is especially needed in the delivery of technical cooperation.

The lead principles in determining these roles and responsibilities are:
  a. Lead responsibility for a given issue or activity should rest with the entity best equipped substantively to assume it.
  b. Entities in the lead on a given issue or activity should work in close collaboration with the rest of the United Nations rather than attempt to duplicate expertise available elsewhere in the organisation.
  c. More systematic efforts should be made to draw on the vast reservoir of knowledge and expertise that exists outside the United Nations system.
  d. Technical cooperation should be delivered to the maximum extent possible by the entities that have an established field presence.[50]

In response to the UN Secretary General's call, CCA and UNDAF guidelines were issued in April 1999 and revised in 2002, containing measures to reinforce the effectiveness of CCA and UNDAF.

Strong emphasis has been placed on UNDAF as the instrument for providing the United Nations system response to national priorities and needs within the framework of the Millennium

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[45] Assessment of UNDAF (March 2001) as cited in the external evaluation by William O'Neill and Vegard Bye, *From high principles to operational practice*, March 2002, p. 10.
[46] United Nations General Assembly, United Nations Millennium Declaration, Resolution A/RES/55/2 adopted at the 55th session of the General Assembly on 8 September 2000, paragraph 25.
[47] *Ibid.*, paragraph 30.
[48] United Nations General Assembly, *Strengthening of the United Nations: an agenda for future change*, Report of the Secretary General, UN Doc. A/57/387 of 9 September 2002.
[49] *Ibid.*, paragraph 50.
[50] *Ibid.*, paragraph 51.

Development Goals and the other commitments, goals and targets of declarations and programmes of action adopted at international conferences. The role of UNDAF as the instrument for assisting in the implementation of the human rights conventions is also stressed. As a result, it should now be possible to conceive a harmonised, integrated process of programming for the United Nations system at the country level, *e.g.* within the UN Country Team structure.[51]

CCA/UNDAF: the relevance to TC in the field of human rights

The CCA/ UNDAF approach as a programming process has four key components:
   a. Analysis of the development situation through the CCA and the closely linked Millennium Development Goals report (MDGR);
   b. Strategic planning for operational activities through the UNDAF, based on the findings of the CCA and the MDGR;
   c. Programming of assistance through individual, parallel or joint programmes and projects, linked directly and substantively with the collective commitments made in the UNDAF;
   d. Monitoring and evaluation, in particular through the outcome evaluation of the UNDAF complemented by reviews and evaluations of specific aspects of country programmes and projects.

As a comprehensive UN country programming approach the CCA/UNDAF is geared to address several of the problem areas that were identified in the previous chapters of this report with regard to the TC programme in relation to the other UN agencies:
   • the lack of a common assessment of the needs of a country among the UN family;
   • the lack of a common strategic approach to these needs;
   • the lack of cooperation and coordination to address these needs and to assess the impact of activities.

Furthermore, the CCA/UNDAF approach is guided by a quality support and assurance system, which includes methodology, addressing one of the other problematic areas endemic in the TC programme: the application of project cycle management methodology.[52]

A word of caution needs to be expressed as well. All Common Country Assessments have to contain indicators based on established CCA/MDG indicators, plus other indicators agreed upon at the country level. Indicators for rights-based development are mentioned in the indicator framework, but a limited number and not yet well-tested examples of rights-based indicators are given in the revised Guidelines.[53] The way in which human rights concerns are incorporated into the CCA/UNDAF process is therefore not yet very clear.

The CCA/UNDAF process is a tedious one and has not yet resulted in CCA/UNDAFs which incorporate a strong rights-based approach, addressing the major human rights issues as a common concern of the UN representation in the country concerned.

One of the major challenges for the CCA/UNDAF process is how to stimulate the UN agencies in a country to start using the same approaches. Any process that is geared to induce changes in institutional and human behaviour, as the CCA/UNDAF process tries to do, is likely to meet with criticism, suspicion and bureaucratic resistance. Introducing human rights mainstreaming and rights-based approaches into the process are novelties that are likely to meet with resistance of this kind. This is illustrated by the findings of the country studies within the framework of this global review. Furthermore, OHCHR is a relatively small player in terms of human and financial resources, both at international and national level. It may have difficulty in getting the interests it

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[51] United Nations, *Common country assessment and United Nations Development Assistance Framework: integrated guidelines*, 22 May 2002.
[52] Quality Support and Assurance System for the CCA and UNDAF Processes and Products, Revised as suggested by the UNDG Excom Regional Directors, 27 January 2003.
[53] See, for example, the topic 'International legal commitments for human rights'.

represents, that is the promotion and protection of human rights, sufficiently high on the agenda in the development of guidance for the CCA/UNDAF process at the international and national level. OHCHR therefore needs to have a clear strategy for how to engage in the process, both at the international and the national UNCT level.

Part of the answer may well lie in the recommendations made in the Kapila report.

The report by Mukesh Kapila, Special Adviser to the High Commissioner for Human Rights, contains three suggestions for UN human rights country-level work.

a. The standard mode of country-level delivery of services would be through the Office of the Resident Coordinator who would house an autonomous OHCHR Country Unit. The core task of the Unit would be to advise, assist and train the UN Country Team to integrate the human rights approach into programming through CCA/UNDAF and in cooperation with the World Bank PRSPs. Specific tasks would be to advise governments to accede to or to ratify international human rights instruments and build national capacity to meet its treaty body reporting obligations and better follow-up of the special procedures. Strengthening of national human rights institutions and working with selected target groups would be part of the tasks.
b. The integrated programming approach would be consultative and standardised, including an initial needs assessment and a Country Human Rights Development Strategy as part of UNDAF and PRSP from which will OHCHR would derive its own Country Action Plan.
c. A focused approach is envisaged, with priority countries for OHCHR being those that are in conflict and post-conflict situations, those in 'special circumstances' where human rights protection issues are particularly important and up to twenty other countries that are classified as low in the Human Development Index.

The Kapila report is based on the following basic principles[54]:
a. Country-based programming aiming at the creation of strong national protection systems, working with and through UN country teams and, where they exist, UN peace support missions;
b. In view of its limited size and resources OHCHR's major thrust needs to be directed towards the mobilisation of system-wide UN commitment and resources to the common cause of human rights, by working with and through others, supporting and encouraging them and not doing what can and should be done by other UN agencies
c. The statutory role of the Office to service the UN Human Rights Commission, treaty bodies and special procedures needs to be focused towards country-centred follow-up of their recommendations;
d. Development of an effective delivery of a predictable range of "products and services", implying prioritisation of a more limited standardised range of work in which the Office develops due expertise;
e. the country-centred approach requires a culture at headquarters in which managers and staff see themselves in a support role in relation to colleagues in the field.

All in all, the profile of OHCHR would become that of an expert facilitator type rather than that of a more typical project-implementing agency.

The findings of the theme and country studies are that the effectiveness and efficiency of OHCHR activities is lowest in those cases where these activities are implemented in isolation from other actors. The overarching conclusion of the theme and country studies is that more priority needs to be given to working with and through others.

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[54] Dr. Mukesh Kapila, *Enhancing OHCHR effectiveness to strengthen human rights at country level*, Memorandum to the High Commissioner, 5 February 2003, page 4/5, par. 18 – 21.

In this respect the findings from the theme and country studies support Dr. Kapila's approach that OHCHR's major thrust needs to be directed towards the mobilisation of UN commitment and resources. This is not just because of limited size and resources of OHCHR itself, but because such an approach **is more effective**, **due to** OHCHR's limited size and resources, as well as for the reason that an integrated, coordinated approach facilitates local participation, ownership and commitment better than isolated approaches.

In terms of mainstreaming human rights, the limited size and resources of OHCHR may well be a "blessing in disguise", since it forces OHCHR to follow a strategy of encouraging other UN agencies to work along the same lines as OHCHR, rather than to implement many programmes and projects on its own. The assessment of this review is that this strategic orientation recommended by Dr. Kapila gives guidance to a way out of OHCHR's basic problem that the organisation on its own does not have and will not have sufficient resources to do all that is needed to establish strong and effective national protection systems.

At the same time Dr. Kapila himself expresses a word of caution. In order to avoid stop-go programming, funding needs to be secured for several years of activities and country presence, rather than the often usual short-term (one-year) periods.

Dr. Kapila recommends a country team of two international and two local staff in conflict/ post-conflict countries and other countries in special circumstances, plus twenty other countries on UNDP's low Human Development Index. This recommendation, along with other recommendations on changes in the structure, will require additional resources.

OHCHR has not yet decided whether it wants to go ahead with the recommendations from the Kapila report and, if so, to what extent. Furthermore, since there is no clear decision about to what extent the Office wants to go along with the implementation of Dr. Kapila's recommendations, it is also not clear what level of resources is needed and whether the Office will be able to generate the resources from external donors or from other members of the UN family for setting up the country teams and other changes.

A well-considered process of in-house decision-making on the Kapila report and subsequent explanation is needed for external stakeholders about why a new direction and strategies for OHCHR are necessary and what will be the added value from an overall perspective for building strong national protection systems. Such a process may help to establish the willingness among other UN agencies and external donors to provide OHCHR with the necessary means to implement the new direction and strategies. [55]

An integrated programming approach with a Country Human Rights Development Strategy as input for the UNDAF, as recommended by Dr. Kapila, would become quite an important tool for defining priorities and for coordinating work with other UN agencies on human rights and would also give the direction for the OHCHR Country Action Plan which would, according to the Kapila report, define the role of OHCHR in this Country Human Rights Development Strategy.

The Kapila report provides for a theoretical framework on how to link OHCHR activities to the CCA/UNDAF process and thereby fills the present policy and strategy gap regarding CCA/UNDAF. As demonstrated by the findings of the country and theme studies, there is no documentation at headquarters on a policy and strategy regarding CCA/UNDAF and little practical experience in the countries that were part of the review of how to link OHCHR theme and country activities to the CCA/UNDAF process.

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[55] Dr. Mukesh Kapila, *Enhancing OHCHR effectiveness to strengthen human rights at country level*, Memorandum to the High Commissioner, 5 February 2003, page 6, par. 25.

The CCA/UNDAF process and the approach recommended in the Kapila report as to how to link OHCHR activities to the CCA/UNDAF process provide an opportunity to gradually bring a most needed coherency and methodologies to OHCHR TC activities.

First of all this is important for NHRAP development. NHRAPs are a national effort, but internationally assisted. The process of establishing an NHRAP can be very comprehensive, addressing many human rights concerns, touching upon many diverse institutions and actors, and requiring the involvement of the local community, the government, the UN specialised agencies and bodies as well others. NHRAP development and implementation requires the methodological and coordinated response embodied in the CCA/UNDAF.

Furthermore, the CCA/UNDAF stipulates critical success factors, benchmarks and quality criteria, whereas the present NHRAP Handbook does not. CCA/UNDAF further emphasises, and sets guidelines for, inter-agency coordination in country projects, offering clarity in the manner in which the family of UN agencies can coordinate their input. The UNDAF guidelines also stress the need to consult the findings of human rights treaty bodies and special procedures mechanisms in formulating projects and vice versa. As noted in section II.5 above, this does not seem to occur currently.

There is little evidence (i.e. in project reports, project evaluations and interviews) of NHRAP activities undertaken under the auspices of a common, coordinated tool, such as CCA/UNDAF. It is therefore safe to say that, to date, there has been little to no programming of NHRAP assistance linked directly and substantively with the collective commitments made in the CCA/UNDAF. Some projects, reportedly, have paid special attention to the priorities set out in the UNDAF. The project to strengthen national capacity in the field of human rights in Guatemala, for example, drew from UNDAF in choosing to focus on strengthening the promotion and protection of the rights of indigenous peoples, improving the human rights capacity of the judiciary, developing the capacity of national human rights institutions, promoting participatory human rights policy/strategic planning, etc.[56] However, the planning and design of the project involved little inter-agency coordination and involvement.

The CCA/UNDAF process and the approach recommended in the Kapila report is also quite relevant for another key element in the OHCHR overall approach to building national human rights protection systems and the promotion of and assistance in the establishment of national human rights institutions. The role of national institutions could become a central element in the development of an OHCHR Country Human Rights Action Plan, vested as they are with a mandate of protection as well as of promotion, but also as the main vehicles for ensuring national ownership of the strategy.

However, as stated above, OHCHR policy and strategy on participation in the CCA/UNDAF processes, as well as its practical experience of being involved in the process, seems to be rather weak so far. Some of the UNDAFs reviewed in the research on human rights education have little or no human rights language and no translation of human rights norms into developmental strategies or *vice versa*. In terms of the mainstreaming of human rights, this is essential. OHCHR has been active in facilitating training for UN staff involved in CCA/UNDAF processes. For example, the Southern African Regional Office has undertaken workshops and seminars in cooperation with UNDP to support CCA/UNDAF processes[57]. The fact that OHCHR needs to engage in training of UN staff involved in CCA/UNDAF processes may be an indicator of the rather feeble state of human rights in this respect.

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[56] *See* www.unhchr.ch/html/menu2/laguaII.htm.
[57] A report of the evaluation of joint OHCHR/UNDP project *Strengthening national and regional capacities in human rights, democracy and rule of law in Southern Africa,* June 2001.

The role of OHCHR as a body with expertise in and an advocate of human rights also presents a challenge and an opportunity to become effective in mainstreaming human rights in the work of other agencies, in which it has largely failed until now, if one looks at the findings of the review.

This review has only been able to assess some of the OHCHR experience in contributing to CCA/UNDAF processes and that assessment has only been patchy, that is within the framework of the theme (desk) studies and four country studies. A more elaborate stocktaking of experiences with the CCA/UNDAF process should yield more information on (a) the extent to which OHCHR has succeeded in inserting human rights issues into the CCA/UNDAF process (b) how far a rights-based UNDAF goes in influencing the programming of the individual agencies and, at a later stage, (c) to what extent the new approach has an impact on the enjoyment of rights by vulnerable groups.

Lessons

- As a comprehensive UN programming approach, the CCA/UNDAF process addresses TC programme problem areas like lack of common country assessment from a rights perspective, lack of a common strategic approach and lack of cooperation and coordination among the UN agencies. Furthermore, CCA/UNDAF has the advantage of an overall methodology guidance according to UN agreed standards. From that perspective OHCHR has more to gain than to lose when engaging in this process.
- From the perspective of the findings of the theme and country studies, the recommendations of the Kapila report on delivery of services at the country level, a Country Human Rights Development Strategy, an OHCHR Country Action Plan and a focused approach on priority countries, provide a clear, although theoretical, strategic and policy framework on how to link OHCHR activities to the CCA/UNDAF process and thereby fills the present policy and strategy gap regarding CCA/UNDAF.
- The Kapila report contains a *strategic orientation* for OHCHR to become an expert organisation, rather than an implementing agency. The actual implementation of the direction of the report will depend on the extent to which OHCHR will be able to develop a viable strategy to involve other members of the UN family and to generate the necessary resources.
- The CCA/UNDAF process provides an opportunity and a challenge for OHCHR to become effective in mainstreaming human rights in the work of other agencies and in service delivery. However, OHCHR needs to have a clear strategy on how and with what to engage in the CCA/UNDAF process, in order to ensure that its concepts and approaches are valued and integrated.
- Systematic stocktaking of experiences with the CCA/UNDAF process from an OHCHR perspective is needed to assess (a) the extent to which OHCHR has been able to influence these processes, (b) the extent to which a rights-based UNDAF influences the programming of UN agencies in the field and, at a later stage, (c) the impact of UNDAF on the level of rights enjoyment by vulnerable groups

VI. Overall conclusions and recommendations

VI.1. From development of human rights to managing human rights development

OHCHR is a relatively young organisation within the family of UN agencies. In the first years of its existence the emphasis was on developing the expertise in various fields of human rights: *development of human rights*.

The country and theme studies have yielded ample evidence that OHCHR's added value and role as the UN expert organisation in the field of human rights is recognised, acknowledged and valued by governments and NGOs as well as other members of the UN family.

The challenge for OHCHR is not so much the further development of its expertise, although that will remain an issue that deserves continuous attention, as in any other expert organisation. The challenge is rather how to effectively respond to growing expectations inside and outside the organisation, while OHCHR resources will remain limited in relation to the growing ambitions and expectations. This means that OHCHR will have to revert to *managing human rights development*, being extremely selective in what it does and considering carefully how to promote others to work along the same lines as OHCHR.

A serious concern arising from the findings of the theme and country reports is that very little evidence was found that projects and activities started a process that continued even after the project or the series of activities were completed. That means that there is a low level of sustainability in many of the projects which negatively affects the long-term impact of the projects. This low level of sustainability is due to a variety of reasons but the most important factors are:
  a. lack of strategic project management (see below VI.3.1)
  b. related to this, short-term planning and budgeting (one-year and two-year project cycles rather than longer periods)
  c. lack of ensuring local participation and ownership which negatively affect long-term sustainability.

From that perspective, the major challenges ahead for OHCHR are to:
- identify the role and added value of the OHCHR in relation to the other members of the UN family;
- improve the level of strategic programming, aiming for sustainability and long-term impact;
- make the most effective use of the limited resources.

VI.2. Role and added value of OHCHR in relation to the overall UN country strategy

The role of OHCHR as a body with expertise in and an advocate of human rights presents challenges and opportunities.

OHCHR has, in relationships with other UN agencies, added value and comparative advantages which become apparent in:
- a strong overall UN human rights mandate;
- a vast resource base, which includes the treaty bodies, special procedures, international and national NGOs and the academic world;
- expertise in promoting and protecting human rights through monitoring and technical cooperation.

OHCHR has limited field presence, which means that it very often has to work through the representation of other, larger UN agencies. In terms of mainstreaming human rights, this may well be a "blessing in disguise", since it forces OHCHR to follow a strategy of encouraging other UN agencies to work along the same lines as OHCHR, rather than to implement many programmes and projects on its own.

Recommendations

    a. The basic features of the CCA/UNDAF may help to address TC programme problem areas like a lack of strategic country assessment and lack of cooperation and coordination among the UN agencies and provides and overall methodological guidance;

    b. The CCA/UNDAF process provides an opportunity and a challenge for OHCHR to become effective in mainstreaming human rights in the work of other agencies and in service delivery. When guided by the Kapila report on delivery of services at the country level, a Country Human Rights Development Strategy and a focused approach on priority countries, OHCHR has more to gain than to lose when engaging in this process;

    c. OHCHR needs to design a clear strategy on how and with what to engage in the CCA/UNDAF process, in order to ensure that its concepts and approaches are valued and integrated. Part of that strategy needs to be:
- to offer its expertise to other actors and not necessarily implements activities itself;
- to monitor mainstreaming and RBA in CCA/UNDAF processes;
- to develop a strong input with regard to rights-based indicators in the CCA/UNDAF indicator framework;
- to make its role and activities *visible and known*, not only among an audience of specialists, but also among (potential) beneficiaries;
- to generate understanding among other members of the UN family, as well as among external donors by explaining how OHCHR is going to be most effective for a variety of stakeholder by changing from implementing agency to expert organisation.

    d. To underpin its strategy OHCHR needs to evaluate its involvement in CCA/UNDAF processes and the extent to which rights-based UNDAFs influence UN agency programming, gather best practice on mainstreaming and rights-based approaches and establish a database of good practice in mainstreaming, RBA and effective cooperation between UN agencies.

    e. The cooperation within the framework of HURIST may provide examples of good practice.

VI.3. Ensuring effectiveness and efficiency

VI.3.1 Strategic project management and effective use of resources

The OHCHR projects were found to need improvement in areas relating to design and planning of the projects, criteria for selection of projects, project cycle management and use of assessment techniques.

OHCHR programmes and projects were found to be weak in effectively using the alliances and networks at the organisation's disposal. A positive exception to these findings is the programme of activities in Bosnia and Herzegovina where the availability of limited resources was turned into a value by effectively establishing strategic alliances. In this respect, OHCHR activities in BiH provide an example of good practice of how working with limited resources can be turned into an effective strategy to include other actors in OHCHR's activities, thereby rendering OHCHR's activities more effective.

OHCHR programmes and projects were also found to be weak in benefiting from or creating synergetic effects between components of the TC programme. All themes were found to be very much "stand alone" programmes, without substantial cross-cutting coordination and cooperation and synergetic effects between themes or between theme and country projects.

Recommendations

a. The vision, mission and strategy components were found to be an issue for improvement in all country and theme studies. Weak points were: an over-ambitious design in relation to limited resources; lack of priority setting; and lack of focus. Project designs need to be scrutinised more thoroughly on these aspects before being approved.

b. Little or no evidence was found of essential criteria, such as sustainability (long-term involvement of local stakeholders, long-term perspective and availability of funding), ownership and potential impact being assessed by indicators and used as essential criteria for engaging projects to decide whether or not to engage in a project. A scrutiny of these aspects needs to be part of the approval procedure for projects.

c. The TC programme needs to balance the upholding of international human rights standards, which are universal, indivisible, interdependent and inter-related, and the state's perception and priorities regarding human rights. All relevant factors relating to this balance need to be addressed in needs assessment and project design, since these factors have a bearing on the effectiveness of the strategies and mechanisms of the project. In the project approval stage there needs to be scrutiny of whether these factors have been assessed.

d. Little evidence was found of the use of project cycle management tools, even where the Technical Cooperation Manual provides for procedures and tools. The use of the procedure and tools needs to be enforced in the operational practice of TC.

e. Development of monitoring and evaluation procedures and practices, including development of indicators, has high priority, since little evidence was found in the projects of effective monitoring, evaluation and systematic assessment of effectiveness and impact according to established criteria.

f. At present NHRAPs are run parallel to other themes and do not fulfil the key role that they should have. An NHRAP can constitute the backbone of a TC strategy and form the basis and framework for the infrastructure of human rights promotion and protection. However, the *concept* of an NHRAP would be different from what it is at present: it would rather provide for a framework as to how to integrate human rights into national planning than a framework of a series of isolated activities.

g. The concept of "themes" needs revision in view of their character as a management tool (NHRAPs), core element in capacity building (NIs), or issue of content and method of organising expertise, documentation, practices and discussion (HRE and AJ).

h. In view of the lack of synergetic effects between themes and between theme and country projects, the country programming approach, as recommended in the Kapila report, gains even more importance.

VI.3.2. Management, organisation and communication

Management and organisation issues have influenced the achievement of the projects. The major management, organisational and administrative issues affecting the Technical Cooperation programme are understaffing and insecurity of continuation/ disbursement of funding.

Recommendations

a. Clearer project guidance by OHCHR Geneva is necessary in most projects. The lack of clarity may not necessarily be explained by a negative attitude towards servicing and guidance of staff, but rather by under-staffing and the difficulties of communicating "at a distance".

b. Long delays and bureaucratic procedures have a high "nuisance value", affect the achievement of TC activities and deserve serious attention from OHCHR management.

c. Communication with, from and on the projects (content, style, frequency) is reported to be lacking and also deserves attention from the OHCHR Geneva management.

d. Undelivered and uncertain funding has restricted project activities and needs to be addressed.

e. One-year programmes do not add to effective and efficient programming, a three-year minimum project cycle is advisable.

VI.3.3. Effective use of existing resources: including recommendations of treaty bodies and special procedures

A focal point in TC programmes is reporting to treaty bodies and cooperation with special procedures. However, the recommendations of these organs are not used to their full potential in the design and implementation of TC programmes and activities.

The expertise regarding the promotion and protection of human rights accumulated in the treaty bodies and special procedures represents a vast resource base. This resource base needs to be used in a far more effective and efficient way in the TC programmes.

Consistency and credibility of the programme, as well as effective use of expertise, require inclusion of the reports and recommendations of these organs in the design and implementation of TC programmes and activities.

Recommendations:

   a. Securing the follow-up of such recommendations needs to be explicitly included in the OHCHR theme and country analysis and the process of TC project design;
   b. Activities aiming at stimulating reporting to treaty bodies and follow-up to recommendations from these organs in TC activities are a mutually stimulating process. Both at international and national level procedures need to be geared at establishing links between activities which aim to stimulate reporting and activities which aim to include recommendations in TC project strategies and designs.
   c. Inclusion of recommendations of treaty bodies and special procedures and linking to activities aimed at stimulating reporting needs to be supported by collection and storage of accurate data for policies and programmes.

VI.4. Policies

VI.4.1 Rights of vulnerable groups

Ensuring the equal enjoyment of rights irrespective of race, colour, gender, religion or social origin, taking special measures for vulnerable groups when the circumstances so warrant, with the purpose of ensuring full and equal enjoyment of rights, is the common perspective in the international human rights standards. Although economic, social and cultural rights and the rights of vulnerable groups are more covered by TC projects than in the past, the picture is not yet consistent for all countries.

Recommendations
   a. Balancing (categories of) rights in terms of *ensuring equal enjoyment of rights* by all, requires clear prioritisation and planning in the TC project design and implementation;
   b. More emphasis on priority for these rights is needed in the needs assessment/ project design phase. Ensuring a rights-based approach in project design and implementation will enhance the prioritisation of the rights of vulnerable groups;
   c. "Best practice" examples of effective RBA approaches in design and implementation need to be collected and actively distributed among OHCHR headquarters and field staff;
   d. The availability of comprehensive training materials appears to have positively influenced the increased attention to economic, social and cultural rights. These materials need to be regularly updated with examples of "best practice".

VI.4.2 Gender

Reviewing the TC projects, the conclusion is that gender components are usually included. The approaches are usually topic or issue-oriented, rather than including explicit acknowledgement of

the roles of men and women in society. Projects were not found to be designed to combat gender-based discrimination and to target men and women equally in their implementation, ensuring participation of women and their inclusion among the beneficiaries.

Recommendations
    a. TC projects need improvement regarding the design and implementation of gender mainstreaming. Design and implementation need to be subject to regular review as part of regular TC evaluation.
    b. A body of knowledge on experiences of effective gender mainstreaming strategies and overviews of best practice needs to be developed in exchange with other relevant UN agencies. OHCHR itself can draw extensively on the material generated by reporting under CEDAW.
    c. Where resistance to gender issues within countries plays a role, the quality of OHCHR staff is a decisive factor in getting gender issues on to the project agenda and keeping them there. OHCHR needs to compile instruments and best practice available in the field of gender that can help staff in the field.

VI.4.3 Participation

Participation of local partners and ownership are recognised by OHCHR both as a matter of principle as well as a matter of strategy, ensuring the effectiveness and efficiency of a project. The design and implementation of the ownership and participation components in the projects was not found to be strong and needs improvement.

Recommendations

    a. Participation in projects by various groups of stakeholders, which will enhance effectiveness and efficiency, needs to cover all stages of the project cycle (identification, design, inception, implementation and consolidation) and not only the initial stages;
    b. Needs assessments alone is not sufficient but must be complemented by strategic stakeholder analyses in the design and inception phase of a project in order to be able to design a viable project strategy;
    c. There is little evidence that partners in a project are selected on the basis of clear criteria related to the role they can play in the project. The use of stakeholder analyses will help to overcome this problem.

Annex A: Terms of Reference

Global Review of the Technical Cooperation Program of the Office of the High Commissioner for the Human Rights (OHCHR)

1. Background Information

States recovering from conflict or lacking adequate resources or expertise need assistance to implement their human rights obligations. The Technical Cooperation Programme of the Office of the High Commissioner for Human Rights (OHCHR) supports countries in promoting and protecting all human rights at the national and regional level by incorporating international human rights standards in national laws, policies and practices and by building sustainable national capacities to implement these standards and ensure respect for human rights.

The Programme is carried out at the request of the concerned Government. Projects are formulated and implemented with the broadest possible participation of all elements of national societies, including civil society and national institutions, as well as parliament and the courts. The Programme is implemented in the context of the pursuit of national development objectives and national programmes and assistance coordinated by the United Nations system in support of these objectives. The Programme activities include: assistance for efforts to incorporate international human rights standards into national laws, policies and practices; advice on the establishment and functioning of independent national human rights institutions; advice to the judiciary, military, police and parliaments on international standards related to their work; advice on treaty reporting; support for national human rights action plans; and advice on human rights education.

2. The Global Review

2.1. Objectives

The objective of the review is to compile relevant "lessons learnt" in order to improve future interventions. There is a need for OHCHR to develop a more strategic approach to technical cooperation. To this end it is appropriate to assess past experiences and the impact of activities carried out, in order to make informed decisions on the establishment, at the programme level, of priorities, clear objectives and strategies for technical cooperation within a proper policy framework.

The review will assess the scope, nature and content of OHCHR technical cooperation activities including organisational and methodological aspects. The intention is not to provide a complete documentation of activities, or the use and result of OHCHR resources. The review is meant first and foremost as a contribution to understanding how activities can be best prepared and implemented, by extracting lessons from experience. The Purpose is also to review the effectiveness including cost-effectiveness of various forms of interventions.

As a "lessons learnt" evaluation, the emphasis is on accumulation of experience and self-critical learning, rather than on accountability. The review will focus on impact and achievement.

2.2. The scope

The review embraces activities defined as " Advisory Services and Technical Cooperation in the Field of Human Rights" (tc) in the language of the Commission on Human Rights. The technical cooperation activities take place as part of OHCHR´s seven larger field operations.

To avoid too broad scope, the review will consist of a combination of thematic and country studies. Based on these studies a synthesis report will pull together lessons learned across areas of intervention. The review should address the relevance, impact and effect of activities at the regional and sub-regional level on interventions at the national level.

The various studies should cover, but not necessarily be limited to, the following issues relevant for the observations and conclusions in the final synthesis report:

a. General Issues

- Are the current tc activities relevant to **OHCHR's general policies and priorities**:
    - o To which extent are recommendations from human rights treaty bodies and special procedures taken into account in the design of tc activities?
    - o Has there been a balance between different categories of rights addressed by the Programme? If there has been an imbalance, why is that, and how could it be addressed?
    - o How do tc activities integrate gender perspectives? (acknowledging the impact that the roles played by men and women in society have on respect for human rights; including efforts to fight gender-based discrimination; equally targeting men and women in the design and implementation; ensuring participation of women and their inclusion among beneficiaries)

b. Priority Issues

- **How are tc activities viewed in relation to the overall UN country strategy (UNDAF) in the context of the SG programme of reform**?
    - o To which extent are tc activities in the field of human rights coherent with other development activities? Have tc activities been viewed as an integral part of UN development assistance as a whole and as such been treated as a valuable complement to other programmes? Any interesting synergy effects that have been identified should be reported
    - o How is OHCHR's performance and efforts regarding donor and inter-agency coordination? Does OHCHR as part of the UN have an advantage over bi-lateral agencies and other UN agencies/departments when it comes to providing specific tc projects, often politically sensitive? The study should address how the various members of the international community work together (or fail to do so) in the field of human rights and what the effects are of such coordination on the realisation of human rights objectives in the country under study

- **How have OHCHR tc activities supported and built capacity for promotion and protection of human rights?**
    - o Which criteria have been used for selecting projects? Are certain combinations of activities better than others?
    - o What are the strengths, weaknesses, opportunities/achievements, threats /obstacles? What are the commonalities to successful and less successful activities: political context, implementing partners, external advisers?
    - o Which assessment methodology (appraisal, monitoring, review) has been applied (pre/post activity)? Which success criteria have been used, and what should relevant success criteria be? The difficulties of identifying meaningful indicators to assess specific project performances should be addressed. What kind of anticipated cause-and-effect relations are project documents explicitly or implicitly based on? In the light of available project documentation, a discussion of the problems of formalising such analysis would be useful.
    - o Which assessment of sustainability (economic, social, cultural) is relevant in connection with tc projects - and how is it measured?

c. Other Issues (in order of importance)

- How do tc activities address the political and cultural situation in the recipient country?
    - o How far does the tc programme acknowledge the possibility that prevailing values in the recipient country are different from those guiding OHCHR decisions? How far do such considerations enter into programme thinking?

    o   Are local partners involved in the design and implementation of the projects? How is ownership and local participation encouraged? To which extent do the partners in recipient countries participate in the formulation of applied assessment methodology? A discussion of the problems of combining sensitivity to local circumstances and demands with strategic thinking so as to sustain a degree of programme coherence is expected. The main purpose of this discussion is to understand the process whereby programme decisions have been made in relation to specific projects.

- What are the criteria for selecting implementing partners? The study should address the relationship between OHCHR, implementing partners, the government in question and other local partners (e.g. national human rights institutions and civil society), and how this relation has influenced the assistance.

- How have organisational, administrative and managerial issues influenced the achievements of the tc activities? How efficient is the Programme?

2.2.1. Thematic studies

The following major substantive areas of intervention have been identified as important with regard to documenting experience ("lessons learnt") relevant to design of future OHCHR technical cooperation activities.

2.2.1.1. National Human Rights Institutions

OHCHR plays a major role in encouraging and assisting the creation of independent national human rights institutions, such as a human rights commission, to help realize human rights in each country. The purpose of such bodies is to advise Governments and parliaments on international human rights obligations and on human rights protection needs in the country. All national institutions have the role of promoting awareness of human rights and many have responsibility for receiving complaints from individuals about violations of their rights. The Office can offer best practice advice based on its extensive experience in helping to establish national institutions. The Office provides guidance and practical training based on United Nations standards to ensure that national institutions are genuinely independent and effective.

2.2.1.2. National Human Rights Action Plans

The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights. The fundamental purpose of a human rights action plan is to improve the promotion and protection of human rights in a particular country. It does this by placing human rights improvements in the context of public policy, so that governments and communities can endorse human rights improvements as practical goals, devise programmes to ensure the achievement of those goals, engage all relevant sectors of government and society and allocate sufficient resources.

2.2.1.3. Human Rights Education

Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community. Human rights education constitutes an essential contribution to the long-term prevention of human rights abuses and represents an important investment in the endeavor to achieve a just society in which all human rights of all persons are valued and respected. The High Commissioner is the coordinator of the United Nations Decade for Human Rights Education 1995-2004.
OHCHR is working to promote human rights education by:

- Developing human rights education and training materials;
- Supporting national efforts for human rights education, in the context of its Technical
Cooperation programme;
- Facilitating information-sharing, through international and regional seminars and workshops and the development of educational resources;
- Supporting local efforts for human rights education through the Assisting Communities Together project, which provides financial assistance to human rights grass-roots initiatives.

2.2.1.4. Administration of Justice

The Programme provides training courses for judges, lawyers, prosecutors and prison officials, as well as law enforcement officers. Such courses are intended to familiarize participants with international human rights standards relevant for the administration of justice; facilitate examination of humane and effective techniques for the performance of penal and judicial functions in a democratic society; and teach trainers to include this information in their own training activities. Topics offered in courses for judges, lawyers, magistrates and prosecutors include: international systems of human rights protection; the independence of judges and lawyers; human rights standards applicable in criminal investigations, arrest and pre-trial detention; elements of a fair trial; juvenile justice; protection of the rights of women in the administration of justice; and human rights under a state of emergency.
Similarly, the training courses for law enforcement officials cover a variety of topics, including the following: relevant international human rights standards; the duties and principles of the code of conduct for the police in democracies; the use of force and firearms by law enforcement agencies; protection against torture and other inhuman treatment or punishment; effective methods of legal and ethical interviewing; human rights during arrest and pre-trial detention; and the legal status and the rights of the accused.

2.2.2. Country studies

The purpose of these studies is to provide an opportunity to assess how OHCHR tc assistance in different countries and under varying political and cultural circumstances has worked. The five countries included have been selected on the basis of geographical spread, type of intervention (Field Office, tc project, joint tc project with UNDP, tc project in support of DPKO/DPA mission), size, and timeframe:
The country studies should provide a holistic view of tc assistance in a particular country and
thereby provide insights into how such assistance function both at macro and micro levels. The studies should extract experiences from identification, planning, implementation and monitoring of tc activities and assess how the assistance has contributed to the promotion and protection of human rights. As such, these studies are valuable complementarities to the thematic studies focusing on more specialized aspects of the tc programme. They will also provide valuable background material for the final synthesis.
The country study should conclude with summary reflections on the experience of OHCHR tc assistance to date and include recommendations for the future

2.2.3. Synthesis Report

The synthesis report will discuss the relevance of OHCHR contribution to the promotion and
protection of all human rights. The report will identify key issues, facilitating factors and constraints in the tc programme. The synthesis will provide an overview of OHCHR tc activities: support to various objectives, distribution on countries and regions, target groups and types of activities. The report will identify lessons learnt and give recommendations for the future, bearing in mind the issues mentioned in section 2.2.
The review will be based on studies (Country studies and Thematic studies building on Desk studies and Country studies) and will gather results (observation, conclusions and recommendations) from the studies drawing them together in the final synthesis report.

Annex B: Recommendations from country and theme studies

I. Bosnia Herzegovina

International expert: Alan Phillips
National experts: Cedomir Radnic and Nedim Ademović

1. The OHCHR should review its procedures for documenting activities to see if these can be improved to assist the learning of lessons from evaluations.

2. A roundtable discussion should take place between the local OHCHR and OHCHR Geneva on fundraising planning, and the scope for promoting local fundraising and more program support.

3. Programs that support the government, NGOs and rights holders in reporting under all relevant human rights treaty monitoring bodies should seek to create synergies. Where possible they should interlink existing activities, be process rather than product orientated, advance the collection of accurate data for policies and programs, enhance human rights understanding and provide a resource for wider human rights education.

4. Consideration should be given to an overall regional analysis of state reports and treaty monitoring body recommendations on an article by article basis for each of the 6 major UN Human Rights Treaties, identifying practical experience and lessons that might be learned.

5. The OHCHR, COE and CoE should consider producing an advisory note on the comparative advantage for the government and human rights defenders of the different human rights standards, fora and mechanisms.

6. All projects and "Activities" should be monitored regularly and benefit from evaluations.

7. A staff development program should be considered in offices situated in changing, post-conflict environments. The program should identify how staff may be trained to adapt their skills to those required for longer-term development programs. This may be simplified and helped by introducing other staff members to complement and support existing personnel. Funds should be sought to enable local staff to work alongside international staff on micro projects to improve communications and enhance sustainability.

8. Substantial human rights information and education programs are often required after violent conflicts. A feasibility study should be undertaken with the government and civil society to explore this possibility as an important component of an exit strategy. This should be interlinked with other activities such as RMAP and the treaty body reporting.

9. Training in human rights (and the agreement to abide by its standards) should be provided to all UN staff, including the military, and be incorporated into strategies.

10. The OHCHR should seek ways of cooperating with the OSCE, CoE and UN agencies to provide a "map" of who is doing what, when and where to promote and protect human rights. This might be posted or interlinked on a range of websites.

11. The OHCHR should develop a global and country specific communications strategy in the context of its global and country strategy.

12. The OHCHR should promote a rights based approach in the UNDP annual country Human Development Report.

13. The OHCHR should consult NGOs on establishing a regular NGO human rights forum to strengthen their capacity by sharing information, providing mutual support and acting as a platform to consider and support new joint initiatives, such as new Technical Cooperation Programs.

14. A three year, rolling strategy should be prepared for the OHCHR BiH, including any appropriate exit strategy for "Activities" and the Office, while prioritising measures to enhance local sustainability.

15. The "Trafficking in Human Beings" "Activity" should be independently evaluated and there should be internal evaluations of the PRSP initiative that are shared within OHCHR.

16. Some priority should be given to projects that promote a working partnership between the OHCHR and UNDP or other UN agencies on a rights based approach to development.

17. Well planned National Plans of Action on specific human rights themes, supported by a strong local constituency should be used to promote specific human rights and a much wider understanding of human rights and their indivisibility.

18. Initiatives should be developed elsewhere by the OHCHR to see how strategically timed, well documented, high quality inputs on a rights based approach to development can positively influence the PRSP and thereby have a significant impact on funding allocated by donors, including the World Bank.

II. Guatemala

International expert: David Kupferschmidt
National expert: Jesus Acevedo

1. The Project needs to be redesigned taking into account how it will maximize those resources that definitely will be made available to it. The process of redesigning the Project should include the participation of civil society leaders, Project staff, and other donors. Project design should be preceded by a needs assessment and development of a clear and coherent strategy.

2. Geneva needs to reform its delivery of financing so that it becomes more predictable. One cannot plan a project's activities without knowing what the budget will be. The activities and mandate of the Project should be prioritized taking into account the Project's finances, technical and staff capacity, and Guatemala's human rights needs.

3. The Project should be granted greater autonomy, which will allow it to be more responsive to opportunities like the new PDH, who was elected in essence by civil society. Greater Project autonomy will encourage feelings of Project ownership by Project staff, and reduce fears that creativity and initiative will be punished by headquarters.

4. Until steady and predictable funding is assured, the Project should focus its efforts on leveraging its comparative advantages (primarily that of expertise in human rights and its power of human rights advocacy) via existing networks of NGOs, universities, government institutions (especially the PDH), other agencies of the United Nations (especially UNDP, UNICEF, UNESCO, and MINUGUA) and via cooperation with other donors.

5. The Project should develop a multi-year strategy that contains flexibility to adapt to changing circumstances, and takes into account its comparative advantages and the activities of other UN agencies in Guatemala. Ideally, the UN system in Guatemala would develop a human rights strategy that would be coordinated with the few other international and bilateral actors

who provide the bulk of the country's foreign human rights assistance. Coordination of a human rights strategy should be focused on those agencies having the greatest synergies, namely OHCHR, UNDP, UNICEF, UNESCO. This might result in a prioritized and focused approach, and a clear division of labor between agencies to effect long-term change in Guatemala's human rights situation, and would reduce the need for frequent coordination meetings. It would be recommended to include in such strategy planning the World Bank and Inter-American Development Bank. Their power of the purse often allows them to define the development agenda, and they held relatively greater influence with the government. It is not at all clear that these banks are committed to and engaged in the discussions in mainstreaming human rights into development programming.

6. The Project needs to carefully focus on how it and the UN system will or won't take over the activities of MINUGUA. The first issue to decide in this ambit is to define the process and mechanism for making these decisions. To be noted in this regard is that a number of interlocutors, generally from outside the UN, suggested that it would be a mistake to staff the future OHCHR presence in Guatemala with people from MINUGUA, that the OHCHR needs a fresh start free of what they termed MINUGUA's mixed legacy. Some interlocutors suggested that the OHCHR would be "contaminated" were it staffed with people who have worked for MINUGUA, which among many people in NGOs and the international community has proven to be something of a disappointment. Seeking employees for the future OHCHR presence from outside MINUGUA might also allow facilitate the decision-making process for the Project's future, as it would reduce the temptation for those who will inevitably be disbanded from MINUGUA to build themselves into proposals.

7. The Project should focus on its areas of comparative advantage, especially that of providing information and training on human rights. More consideration should be paid to what the public considers to be human rights issues, like public security, to bridge the current suspicion and hostility held by sectors of the public towards the human rights community and their international supporters like the UN.

8. A low-cost and high-impact activity for the Project would be for it to make public statements on the human rights situation in Guatemala. Indeed, it could function as the human rights spokesperson for the UNCT in Guatemala should the Resident Coordinator agree to it.

9. The UN system in Guatemala may wish to re-evaluate the degree of its cooperation with some government beneficiaries following an assessment of their degree of effectiveness and political will in preventing and combating human rights abuses. Criticisms alone are seeming to have little effect on government policies. In turn, the Project may wish to reconsider the effectiveness of its cooperation with COPREDEH and the School of Judicial Studies.

10. The OHCHR should be the first institution to react to new human rights opportunities and challenges. Now, those opportunities include the PDH and CICIACS. A challenge currently requiring an immediate response is helping to provide security for human rights defenders (who are likely to come under increasing threat if CICIACS proves to be effective). Human rights defenders in the interior are particularly vulnerable to threats and violence. Supporting Guatemalan human rights leaders is a first and basic step in preserving and enhancing Guatemalans' sustainable capacity to defend human rights. The Project's responsiveness will be aided by granting it greater autonomy from Geneva.

11. There should be a more systematized and logically ordered process of document production and distribution. For instance, in the age of the Internet, it is surprising that the Project does not have a living website where necessary documents can be found. Having such a website would allow other institutions to more easily identify and print human rights instruments and the tools – manuals and guidelines – that accompany them. Additionally, rather than making NGOs dependent on OHCHR staff and consultants for trainings, printed copies of training materials could be distributed or available via internet. Some efforts have been made to make

CDs containing human rights instruments; a step in the right direction. However, it should also be kept in mind that some NGOs, especially local organizations, may have little or no access to the Internet or, if they do have such access, may lack the equipment or funds to print them. In this case, some NGOs, universities and institutions like COPREDEH and PDH could also assist in the distribution of information. The printing and distribution of appropriate documents is one low-cost, long-term and de-centralized approach to raising consciousness and imparting knowledge about human rights.

12. In line with using the Internet and existing networks to distribute information, there should be a more systematic attempt to strengthen the capacity of Guatemalans to train each other. This implies intensive trainings of trainers in human rights of Guatemalans, rather than series of superficial workshops and seminars that merely give an introduction to human rights instruments. These introductions or "sensitizations" are all good and well, but at some point real expertise needs to be transmitted to Guatemalans. The OHCHR could certify Guatemalan trainers that reach a certain level of expertise in human rights. These certified OHCHR trainers could then exercise their skills via the networks that reach out into local areas.

13. The impact of trainings could be leveraged by cooperation with pre-existing networked institutions like the PDH, universities, USAID's Justice Centers, and COPREDEH. All of these institutions have regional offices. Universities in Guatemala only recently began to integrate human rights into their curriculum, and much remains to be done; the OHCHR could find great leverage by assisting the integration of human rights into university and law school curricula, and by training the teachers of human rights subjects. The Landivar University only recently started a human rights program. Students are an excellent group through which to create a long-term impact on Guatemala's human rights situations. Both PNUD and the European Union have programs of scholarships for indigenous students of law and other subjects; OHCHR should seek to add value to these programs.

14. Piggybacking on these networks will lend capacity to the networks, help to institutionalize the transmission of expertise within and from the networks, and will allow the Project to better radiate knowledge into the interior of the country, which remains relatively neglected by the urban-based human rights community. Toward this end, the Project may wish to consider expanding its reach by hiring UN Volunteers (with law degrees and expertise in human rights) who could be placed, for example, with local branches of universities or offices of the PDH. In addition, the Project itself and NGOs might benefit from establishing a competitive internship program for Guatemalan students of law and social sciences; this could simultaneously add to the Project's capacity (at low cost), while developing the skills and knowledge of Guatemalans. Mr. Ochaeta's presence in Alta Verapaz could also offer an opportunity to extend the Project's reach into the interior.

15. Leveraging the Project's impact might also be achieved by "outsourcing" activities to competent national actors. For example, it is not clear why the project, with its limited staff, is trying to write or adapt human and indigenous rights manuals when there exist qualified research institutions that could, under OHCHR supervision, do the same. One interlocutor suggested that the Institute of Penal Sciences and Comparative Law was competent to do this task. Such outsourcing would help to conserve the Project's energy and, possibly, financial resources.

16. The Project should seek a longer-term perspective, understanding that institutional, structural, and cultural changes take time. Longer-term contracts will give the project more continuity and allow necessary professional relationships to develop. If funding is uncertain, plans should be made according to what funds definitely will be available, along with contingency plans should more funds become available. However, a longer planning vision should not be indefinite, but should include an exit strategy. Workplans should be made every six months and be reviewed and approved in Geneva, which should trust its people in the field instead of imposing unrealistic cookie-cutter objectives on the Project.

17. The Project, as mentioned in previous evaluations, needs to focus and prioritize its efforts. This initiative should come from the in-country staff following discussions with other UN agencies in Guatemala, and following surveys of a broad range of NGOs. Given the importance that the UN is according human rights "mainstreaming", the UN system in Guatemala should sponsor a survey or focus groups of the public's concerns regarding human rights.

18. It might be useful for the UN system in Guatemala to provide a questionnaire to employees to ask them about the utility of the CCA/UNDAF documents, and seek suggestions for their improvement. Indeed, anonymous questionnaires could also shed light on the utility of other UN activities and their effectiveness. Anonymity is advised as some interlocutors remarked on the "culture of fear" within the UN that inhibits open discussion.

19. Project design should include a "coordination statement" which includes a list of related projects that are being performed or have been performed by other agencies in the countries. Taking this a step further, the statement could include related projects from all donors in Guatemala. To keep this from becoming too complex and repetitive a task, there could be a human rights coordination webpage on which all donors and NGOs' projects are listed, with descriptions of size, beneficiaries, activities, locations, *etc.* This tool would help to make coordination simpler and more effective, and the OHCHR might consider hiring a UN Volunteer to collect the information for such a website.

20. Greater efforts need to be made to address human rights problems at the local level. In this regard, again, it would be strategic to leverage existing networks that have a local presence.

21. Monthly reports should serve as impact statements of the Project, and should be limited to no more than five pages. Beyond a brief narrative of opportunities and challenges, these reports should adhere to the logframe format.

22. The Project should be allowed to solicit and receive funds locally from donors rather than only via Geneva.

III. Malawi

International expert: Bas de Gaay Fortman
National expert: Edge Kanyongolo

1. Based on the Memorandum of Understanding between the High Commissioner for Human Rights and the UNDP Administrator, the Malawi Office of the OHCHR that had been abandoned at the end of 1996, should be re-established. It should fall under the OHCHR in Geneva while at the same time serving as the focal point Human Rights and Mainstreaming within the UN Country Team. It should be placed at UNDP. It is recommended to appoint two persons of whom at least one should be a resident Malawian. The office should follow-up on the laudable HURIST work already started by the UNV seconded staff member during the past three years as well as re-establishing the Office as a liaison between Malawian institutions, both governmental and non-governmental, and the OHCHR, both in Geneva and in Pretoria (the Regional Office).

2. Beside assuming the role of principal coordinator in the interaction between Malawian human rights institutions and UN human rights institutions, including both OHCHR in Geneva and the southern African regional office based in Pretoria (South Africa), the Malawi Office, once re-established, should also be the focal point for mainstreaming

human rights into UNCT programs and coordination of human rights activities of the UNCT.

3. In HR related donor coordination, too, the Malawi Office of the OHCHR should take the lead.

4. In order to resolve the current problems paralyzing the Malawi Human Rights Commission, the OHCHR should send to Malawi as soon as practicable, a high level mission which must include the High Commissioner himself. This mission must take up issues related to the Malawi Human Rights Commission at the highest levels of government.

5. OHCHR projects in Malawi in the future must be based on demonstrable needs assessments while followed by impact assessments and independent evaluations. For the present, independent impact assessment must be undertaken of past and on-going projects, such as the one on alternative dispute resolution.

6. The OHCHR must provide immediate technical assistance to Malawi to assist in building the capacity of the government to prepare and submit state party reports to the relevant treaty bodies and that of civil society to prepare shadow or, if necessary, alternative reports.

7. The Inter-ministerial Committee on Human Rights and Democracy must become the focal point for state party reporting, while the preparation of these reports should be organized by designating particular institutions as the lead motivator in the process of lobbying the government to honor its reporting obligations under particular human rights instruments. Thus, the Malawi Economic Justice Network could lead the process on ICESCR reporting, UNICEF could continue to lead on the Convention on the Rights of the Child while the Inter-ministerial Committee and the Malawi Human Rights Commission could do so in relation to the reporting on ICCPR.

8. Rights-Based Program (RBP) training for UN officers in Malawi should be ESC rights focused and combined with facilitation of follow-up activities. An attempt should be made to include the International Financial Institutions (the World Bank and the International Monetary Fund) in these efforts. A first priority lies in equipping UNCT staff methodologically for rights approaches to poverty.

IV. Mongolia

International expert: Arie Bloed
National expert: Ichinnorov Manjaa

Assessment of Impact

1. The OHCHR should consider giving more central guidance to the development of a coherent system of evaluating impact, successes and failures in its TC programs.
2. It is recommended to consider the possibility of providing specialized training to project staff in designing surveys and in using the results of surveys for the development and adaptation of the work plans of the projects.

Discrepancy between OHCHR and Mongolian Values/Concerns

3. The OHCHR should seriously reflect about the question whether the adoption of NHRAPs is really the most effective way to promote human rights around the world and whether the substantial funds involved are most effectively used at the moment. In

further pursuing the adoption of NHRAPs, it should consider measures to enhance the local ownership and the political will to enter into new substantial commitments in order to avoid the adoption of documents which may have very limited impact on the improvement of the human rights situation in a country.

Involvement of Local Stakeholders

4. The NCC should be more actively involved in the design and implementation of all HURISTMON activities to the benefit of more local ownership and sustainability. The lessons learnt from HURISTMON-Phase I should be considered to the full extent when composing a new coordinating body for the actual implementation of the NHRAP after its adoption, guaranteeing that active, devoted and influential members will be selected.
5. Local expertise should be exploited to a greater extent in the development of strategies and the design and implementation of activities under the umbrella of the HURISTMON program.
6. The OHCHR policy to create local ownership in the development and adoption of NHRAPs seems to be proper, but its effectiveness requires much attention to its proper implementation in order to maximize true local ownership. The establishment of procedures and oversight bodies requires proper monitoring and, if need be, a flexible approach to ensure adaptations.

Sustainability

7. Sustainability should become a more important strategic component in the design of HURIST programs from the very beginning, even in case it would include only support for the development of a NHRAP.
8. The OHCHR should explore possibilities to secure continued support for the various activities, initiated under the HURISTMON program, in particular those at the *aimag* level. As the local human rights experts in the *aimags* also serve as the outreach posts for the NHRCM, such continued support could also be considered as part of the longer-term NHRCM project (see below).
9. The OHCHR should consider a longer-term strategic approach in order to secure the sustainability of new national human rights institutions in close cooperation and agreement with the governments concerned. A careful assessment of available UNDP-/-OHCHR resources should be considered prior to the launching of institution-building activities in general.
10. Although the NHRCM seems to have a more or less strategic approach towards the sustainability of its activities, UNDP-/-OHCHR should consider entering into negotiations with the government of Mongolia to conclude a more firm agreement on the state allocations for the NHRCM budget in the years to come in order to guarantee its longer-term sustainability.
11. UNDP/OHCHR could consider the transfer of the network of local human rights experts from the HURISTMON project to the NHRCM project together with the current funding and to explore possibilities to secure continued financial support for these local outreach activities of the NHRCM from the government or other donors.

Criteria for the Selection of Local Partners

12. It is recommended to follow public tenders as much as possible, also in case NGOs approach the project teams, for the sake of transparency and fairness, as it would offer all local partners, which are qualified and potentially interested, equal chances to get involved. It could potentially also benefit the outcome of the project, as even in a small country like Mongolia there is often more expertise available than many people sometimes tend to think.

Gender Component/Strategies of TC Programs

13. It is recommended that gender programming of both TC projects should be strengthened by developing a more strategic approach in this area in close cooperation with other (local and donor) partners in Mongolia.
14. The OHCHR should pay attention to the gender sensitivity of local staff and gender programming of UN/OHCHR TC programs, as in the Mongolian culture gender equality is still not considered as a key element of development programming.

Organizational and management issues

15. UNDP/OHCHR should consider a capacity-building component for the newly-hired local staff prior to the start or in the start-up phase of new TC programs, if the staff lacks the substantive knowledge and experience required for the implementation of the programs concerned.
16. The OHCHR should consider adapting the rules for small grants in such a way that local NGOs are no longer required to pre-finance part of the costs for the implementation of the small projects.

Impact of recommendations of human rights treaty bodies

17. The OHCHR should consider concrete steps to support the Mongolian government in establishing an effective system for reporting to the international human rights treaty bodies, *e.g.* by urging the setting up of an inter-ministerial working group for the coordination of all activities to be undertaken in this context, an effective monitoring system and by providing further training for the civil servants, who will be assigned the task of drafting the reports. Further training for NGOs to submit shadow reports should also be considered.
18. The OHCHR should consider the translation, publication and wide distribution of the recommendations of international human rights treaty bodies in Mongolian as a permanent part of its 'mainstreaming' activities in Mongolia. The systematic distribution of these recommendations should also be part of the 'mainstreaming' activities of the OHCHR within the UN family in Mongolia.
19. The recommendations of international human rights treaty bodies should be properly taken into account in the design of all related OHCHR TC programs.

Relations with Other UN Agencies: Mainstreaming

20. The OHCHR should consider the development of a more strategic approach in advancing RBA in the work of all other UN agencies, in particular also in relation to the financial institutions in the UN system. It might be advisable to explore the possibility of making more use of the practical experience of UNICEF in working with a rights-based approach over the past several years.
21. The OHCHR and the UNCT should consider the establishment of an effective mechanism to monitor that UNDAF with its RBA is indeed followed in the working plans of the various UN agencies in Mongolia.
22. The high-level advice, needed from the OHCHR for the promotion of RBA within the UNCT, should be reflected in the qualification requirements for OHCHR's representatives in the UNCT's in general: in particular, a high level of practical experience with human rights issues and a thorough knowledge of the mandates and ways of operation of other UN agencies would be most helpful.
23. The OHCHR should consider the establishment of a more structured internal coordination mechanism for the promotion of a RBA in the work of the other UN agencies (in the context of the UNCT).

24. The OHCHR should consider a timely involvement of other UN agencies in the design and development of its TC programs in order to fully exploit the available expertise and experience, to avoid duplication of efforts and to avoid inter-agency frictions (see also recommendation no. 23). Just informing and asking for comments from other agencies seems not to be an effective tool.

25. The OHCHR should consider ways to improve its practical advice to other UN agencies to promote RBA, for instance by establishing a database of good practices from other countries.

26. The OHCHR should continue to play a key role in promoting a rights-based approach in the work of the UN agencies in Mongolia and should intensify its efforts to do so.

Overall Conclusions

27. In relation to dynamics of the relationships between the various partners, it is recommended that UNDP, in view of its high prestige in Mongolian governmental circles, should play a leading role in strengthening the coordination among donors and intensify its efforts to bring them together effectively.

28. In regards to synergetic effects of coordination and cooperation, the OHCHR should seek a creative solution to save the HURISTMON created network of local human rights experts as valuable tools to achieve its mandate. One way of solving this issue could be that UNDP-/-OHCHR to consider transferring of the network of local human rights experts from the HURISTMON project to the NHRCM project with the current funding and to explore possibilities to secure continued financial support for the local outreach activities of the NHRCM. Another possibility could be to select a few pilot *aimags* and to strengthen the capacity of the local human rights experts in those regions as a model for the rest of the country.

29. In relevance of TC activities in view of the situation analysis, both TC programs should consider implementing their activities with a narrower focus to deal with specific human rights concerns and target groups, and to carefully consider where the impact of the programs could be most effective, also in light of the activities of other donors and other actors in the field.

30. In relation to effective implementation of both projects, it is recommended that the NHRCM project should take over some elements of the present HURISTMON project, in particular, the network of local human rights experts as the main outreach capacity of the NHRCM in the countryside. A similar transfer should take place in relation to police and other law enforcement activities, which are now almost exclusively implemented under the umbrella of HURISTMON, but which would be a valuable tool for the NHRCM to build up relations with the Mongolian law enforcement agencies, in particular the police. UNDP/OHCHR should enter into a more firm agreement with the government in order to secure the sustainability of the NHRCM after the end of the project. In order to avoid overlap and to secure a successful outcome of the activities, both TC projects should develop well-elaborated, detailed work plans, agreed upon by the project teams under the guidance of the UNDP leadership.

31. In order to enhance the chances of overall effectiveness of the OHCHR's TC activities, it is strongly recommended to consider a longer-term OHCHR involvement, as the implementation of, in particular, a NHRAP requires continued commitment, support and monitoring. In general, (too) short-term programs are not the most effective tools to enhance the institution-building capacity within a country.

32. The OHCHR should provide more central guidance for country TC programs in developing effective monitoring and reviewing methodologies and tools as well as assessment mechanisms to measure the outcome of their activities.

33. The HURISTMON project should develop a more strategic approach for selecting and cooperating with local partners and should enhance its transparency in selecting such partners.

34. The HURISTMON project also should develop a more strategic and transparent approach for the involvement of all local stakeholders in order to promote local ownership of the various HURISTMON activities**.**

Miscellaneous

35. Funds would be available, the OHCHR could consider to develop a new TC program or adding a new component to the NHRCM Project to support the Legal Standing Committee of the Parliament, aimed at raising awareness and understanding of human rights among parliamentarians in Mongolia (as a follow-up to the main recommendation of the evaluation mission of December 2000).
36. The OHCHR should consider how it can promote the realization of high-quality translations of international human rights instruments (treaties, declarations, codes of conduct, *etc.*) into Mongolian and their publication and wide distribution in the country in partnership with the Ministry of Justice and Home Affairs and the Ministry of Foreign Affairs in order to secure the practical implementation of such instruments in the judicial and law enforcement systems of Mongolia. Such translations should be published in the official state magazine.

V. Administration of Justice

Expert: Piet van Reenen

Strategy

1. Develop a general policy and a common strategy for the OHCHR TC program and assistance based on the mandate and get it approved.
2. Specify the general strategy to the field of the administration of justice and make explicit that one of the aims will be the assistance in changing institutions like the legal profession and the police and the prison system and in changing the behavior of officials in the institution.
3. Describe and analyze the field of the administration of justice and indicate areas of priority where methodologies and instruments have to be developed.
4. Specify the conditions under which Administration of Justice projects are engaged in.
5. Indicate the possible roles that the OHCHR can play varying from:

- developer of instruments and methodologies;
- support of others and training of others in applying these methods and instrument or forming a pool of external experts;
- application of instruments or advisory services in the field by the own staff;
- management of whole projects *via* field offices

and make a choice based on the availability of numbers and quality of staff.

6. Prepare for new roles by developing expertise and methodologies and by training staff.
7. Be aware that external expertise can be bound to the OHCHR and make use of its standards without being on the OHCHR's payroll.
8. Ask the head of office of Bosnia to design and propose new methods for the OHCHR's integrated intervention based on Bosnian and Croatian experiences.

Project preparation and formulation

9. Make an in-depth analysis of the institution that asks for help.
10. Prepare a plan together with the institution concerned.

11. Make sure that, dependent on the institution, a senior judge, the chief of the procuracy, a chief of the police or of the prison system, approves the project and will show interest throughout the project. Create a forum to report on progress.
12. If OHCHR projects are small, let UNDP or another UN agency present in the country carry out the management and commit the Res. Rep. To take care of OHCHR visibility and lobbying on the political level.
13. Design programs of which training is just a part, but where the professional and human rights performance of the institution is central.
14. Concentrate efforts and do not spread too wide.
15. Negotiate on the responsibilities, support and facilities required from the requesting country. Refrain if conditions are not met.

Instruments and activities

16. Look at the instruments that are fit for the new roles indicated before, next to the ones already available and develop these.

University training

17. University training can best be left to other parties.

Drafting of laws

18. Create a body of experts for this field, if not there yet.
19. Develop methodologies for the analysis and drafting of laws. Stimulate post-doc courses for such law drafting.
20. Develop methods for combining law drafting with analysis of problems and design of policies relevant for human rights and AJ.

Training of the legal profession

21. Analyze better how human rights compliant behavior of members of the legal profession can be strengthened.
22. Offer more comprehensive and measurable support than workshops.

Training of police and prison staff

23. Concentrate on strategic activities in the field of training: development of methods, organizing and creating expertise in the field of development of curricula; and organizing specific train the trainers courses.
24. Agree on training only if a relationship with the institution is guaranteed. Forms include:

- Adaptation of regular curriculum of police academy or prison training school;
- Adaptation of standing orders;
- Enforcement of new standing orders by supervising officers in the institution;
- Introduction of new styles of policing or new approaches to detention.

25. Connect human rights law to professional development of skills.

Management

26. Improve Geneva management of projects shortly.
27. Select and train field officers in the art of coordination with other agencies.

VI. Human Rights Education

Expert: Hilde Hey

A. Human Rights Education

1. There is a need to plan the dissemination of material and to assess its use, only then conclusions can be made about the materials' impact and ultimately the materials' contribution to the promotion and protection of human rights can be addressed.

2. The OHCHR should make explicit the aims and goals of the regional workshops and how the conclusions of the workshops will shape the OHCHR's human rights educational activities in the future.

3. From the two main documents, the international Plan of Action for the Decade on Human Rights Education and the guidelines for national actions plans for human rights education, which determine human rights education, the OHCHR should develop a focused in-house strategy, stating the overall goals of human rights education; the three components of human rights education (raising awareness, training for professional groups and human rights education for the schooling sector); how the different components are inter-linked; and the evaluation method for each component. An in-house strategy should also address the relevance of the different activities initiated at the international level (for example regional workshops on human rights education) and how these facilitate the development of activities at a more national level (for example ACT activities). Such an in-house strategy would provide desk officers with a clear concept of human rights education's main components and would facilitate to make in-country human rights education efforts more focus oriented.

4. It is rather astonishing that the international Plan of Action does not mention the need to undertake impact assessments of human rights educational projects. Only by addressing impact of human rights education activities on attitudes and on the transfer of human rights knowledge can the long-term lessons learnt be determined. Project design therefore needs to integrate both qualitative benchmarks and quantitative goals which can be evaluated throughout the project. The Russian human rights educational project would be an excellent case study to address impact assessment because the project is designed and implemented successfully. Such a study could draw very valuable insight into qualitative impact of specific human rights educational activities.

5. The human rights educational activities engaged in have shown that broad-based consultation at an early stage of project development has facilitated synergies between governments, NGOs, experts and to some extent IGOs. Such projects have been successful and are more likely to be sustainable than projects that have not had broad-based consultation. Furthermore, the possibility to build on existing institutions and their activities has had positive results. In initiating projects the OHCHR should continue to implement this method of work and aim to enhance the inclusion of in-country UN agencies.

6. In line with the Kapila report the OHCHR needs to focus its human rights educational activities at the national level, with activities undertaken at the regional and international level being functional for the activities at the national level. The Kapila report mentions three areas where human rights education could play a role. These are the training of UN Country Teams, building national capacity to meet Treaty Body reporting obligations and to work with selected target groups[58]. Focusing human rights educational activities towards national overall human rights and development strategies would on the whole make human rights education activities less *ad hoc* and more long-term oriented. This would require the main

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[58] Mukesh Kapila, Executive Summary, *Enhancing OHCHR effectiveness to strengthen human rights at country level*, February 2003, para. E4.

activities awareness raising, training for professional groups and human rights education for the schooling sector to be inter-linked and to build upon one another's achievements.

B. Russia

1. Overall it can be said that the human rights education activities for the schooling sector implemented in Russia by the OHCHR, through the Fulcrum Foundation, have been very successful. In general it can be said that a higher prestige of human rights as a learning subject among teachers, educators and administrators has been achieved. This would call for a wider spread of the project throughout Russia and a more intense implementation of all activities in the different regions. This would require stable funding for the activities which are very cost-effective.

2. The human rights educational activities engaged in have shown that broad-based consultation at an early stage of project development has facilitated synergies between governments, NGOs, experts and to some extent IGOs. Such projects have been successful and are more likely to be sustainable than projects that have not had broad-based consultation. Furthermore, the possibility to build on existing institutions and their activities has had positive results. This approach has facilitated building on existing regional experience and contributed to strengthening of existing local NGOs, schools and teacher training institutes structures, and regional networks. In initiating projects the OHCHR should continue to implement this method of work.

3. An impact evaluation survey by outside experts should be undertaken. The Russian project would be an ideal project to undertake an impact survey because the overall design and the implementation of the project have been very successful, thereby limiting confound factors. If an impact survey is to be held it should be undertaken jointly by international and Russian experts. An inventory should be made of the survey tools used thus far and the results achieved. A survey in the form of a quiz should be held amongst teachers who participated in the human rights courses and amongst teachers who have not participated, but who wish to participate in the future, as a means to measure transfer of knowledge. A survey should also be held at schools whose teachers have participated and amongst schools whose teachers have not participated, but wish to participate in the future. This would provide an indication of the extent to which human rights teaching has become integrated into the school curriculum and it would facilitate a measurement of student attitude and knowledge about human rights. *Furthermore, by using ethnographic tools the human rights school culture could be assessed.*

4. Internationally we know rather little about the human rights educational experience in Russia. This experience would not only be of interest to human rights educators active in other parts of the world, but also for the OHCHR itself when guiding other countries in preparing human rights educational projects. OHCHR would do well to encourage local partners to engage in international and regional inter-change.

5. The added value of the OHCHR may not lie in the content it can provide, it arises out of the nature of its work, which requires it to navigate between a government that might not take human rights serious and NGOs which accuse a government of human rights violations. Under very difficult circumstances the OHCHR has been able to maintain access to both governments and NGOs, and kept a dialogue going to seek human rights protection and promotion.

6. The main lessons learned from the Russian human rights education activities for the schooling system is the need to work with and obtain broad-based support for the activities to be implemented, develop a network between different organizations who can support one an other, and most importantly, work through and with existing initiatives. This type of approach is cost effective, encourages cooperation and enhances sustainability. Such an approach is especially recommendable for human rights educational activities in the schooling system, but could be applied to human rights education in particular and TC in general.

VII National Human Rights Action Plans

Expert: Corinne Packer

1.   NHRAP Education and Awareness-raising

Conduct workshops and assess their results

OHCHR experience has shown that NHRAP processes are doomed to fail if governments are not committed and do not take ownership of the project. Workshops are, and should continue to be, held regionally and sub-regionally as a means to educate governments and civil society as to the value of NHRAPs and the work involved in formulating and implementing them.

2.   NHRAP Needs Assessment and Project Formulation

Head the results of needs assessments/project formulation missions

There are a number of examples where OHCHR participated in the elaboration of an NHRAP only to have it sit on a shelf. Malawi is a good example of this. It is recommended that the OHCHR carefully determine whether certain indicators exist and criteria are met prior to committing to the NHRAP assistance. The Technical Cooperation Manual contains a "Project Checklist" which reminds individuals carrying out the mission of the most important indicators and criteria which must exist. For instance, it reminds us to check that there is the interest and involvement of local stakeholders. This checklist should be given much more serious attention in future needs assessment missions. If a significant number of criteria are lacking, then the project should not be undertaken.

Consider whether the country may not be ready for an NHRAP

Needs assessment exercises to date seem to be conducted primarily to identify the specific needs of a country in terms of technical cooperation assistance. They seem to also often describe the human rights situation in a country (since this helps OHCHR design its projects to suit the needs). However, needs assessment exercises all too often do not provide answers to the most important questions, such as whether the country is truly ready and able to undertake the commitments an NHRAP will necessarily create? Will the resulting Plan likely be implemented and sustained? In light of this, needs assessments missions should equally:

• assess the real need and sustainability of a NHRAP
   Does the country have too many other pressing problems (*e.g.* economic crisis) that are likely to overtake any effort to implement a plan?
• assess government commitment and ownership
   The government should demonstrate a keen interest in, and understanding of, the concept and purpose of a NHRAP and should be prepared to take ownership of the Plan. Government ministries or entities assisting in the formulation of the Plan must hold a degree of respect and credibility among civil society. These should also guarantee and encourage the free participation of civil society in the elaboration process.

- consider whether an alternative to a NHRAP is more suitable in light of the existing circumstances
  It may be that the situation in a country is such that a comprehensive NHRAP will be difficult to develop and implement. In this event, it is wiser not to portray and encourage such a Plan as an ideal means to protect and promote human rights in the country. Alternatives should be sought and encouraged (such as issue-specific plans of action, or even more general, short-duration NHRAPs).

Revise the existing Project Checklist in the Technical Cooperation Manual

Include:
- a prioritization of the indicators/criteria to be met
  It is unlikely that all countries will meet all the initial criteria indicated in the Project checklist. In this case, these should be prioritized so as to assist those conducting the assessment mission in determining whether an NHRAP project should be supported.
- an assessment of the political situation in the country and the Government's stability
  E.g., countries which are (still) politically unstable, where governments do not hold legitimacy or where leadership is likely to change relatively quickly do not make good candidates for NHRAP efforts.
- assurance that an NHRAP will not conflict with existing plans/policies
  Check whether other human rights policies or plans of action are in the process of being formulated or have already been adopted which may conflict with, or be sidelined by, a new OHCHR process to develop a NHRAP. This was the case in Guatemala. Moreover, consider whether the government seeks to use this new process as a means to derail other obligations it has undertaken in existing policies/plans?
- a check that OHCHR has enough staff or partnerships in the country to carry out and supervise NHRAP activities
  OHCHR's experience in Armenia demonstrates the need for OHCHR staff or a contact within the UNCT to generally follow NHRAP activities if these are mainly led from Geneva. OHCHR's experience in Mongolia (where an OHCHR/staff member was initially seconded to UNDP and then became a UNDP staff member maintaining contact with the OHCHR) illustrates this lesson in a positive way.

3.   NHRAP Activities and their Management

Act on your comparative advantage:

Act on your comparative advantage: training in, and facilitating the development of, NHRAPs Guatemala (as a negative experience) and Mongolia (as a more positive one) both demonstrate the importance of OHCHR tailoring its assistance to match its comparative advantage (bearing in mind its capacity and specialized knowledge). This means clarifying its roles and responsibilities with regard to NHRAP. OHCHR could envisage these roles and responsibilities to be as follows:

- raising awareness and promoting the concept and benefits of NHRAPs;
- organizing training workshops on NHRAPs;
- carrying out needs assessments (and evaluations of initial criteria, as described above);
- and assisting in the early organization of (facilitation of meetings between) civil society partners and governments.

With an appropriately funded and resourced Focal Point on NHRAPs, OHCHR could also consider extending its assistance activities to include:

- assisting with (but not necessarily conducting) baseline studies;
- ensuring the active participation of all stakeholders;
- and finally guiding and supporting the NHRAP drafting process.

Reconsider the relationship of field officers/UNCT with OHCHR Desk Officers

Under the current set-up, it is difficult for an OHCHR Country Desk Officer to offer any kind of substantive support on NHRAPs to the UNCT. Such an officer does not have any particularly specialized training in, or experience with, NHRAPs, nor does s/he have necessarily better knowledge of the human rights situation in the country or the key stakeholders than the staff in the field. Moreover, there is inadequate communication and identification of responsibilities between the Focal Point and Desk Officers in general.

One therefore questions:

- the need for the UNCT to report to OHCHR Desk Officers (who merely, and understandably, compile paperwork and take care of administrative matters such as contracts);
- and the ability of OHCHR Desk Officers to provide quality substantive assistance with NHRAPs.

If Country Desk Officers are maintained as the principal contacts on NHRAP activities, these should:

- be better informed of the existing resource materials and techniques by which to make the different stages run smoothly, particularly in coordinating the work of UN agencies involved;
- and have responsibilities to report to the Focal Point and seek its advice on NHRAP activities.

Reinvigorate the position of Focal Point on NHRAPs

OHCHR needs to have one individual knowledgeable of, and focused on, NHRAPs, capable of:

- offering quality advice to states and civil society;
- keeping up-to-date on the progress of OHCHR projects with a NHRAP component and national experiences;
- and compiling lessons learnt.

This person should be responsible for:

- raising awareness and training states and stakeholders on NHRAPs;
- revising and updating the Handbook when necessary;
- and conducting (or delegating and supervising) the activities which must take place in the field (*e.g.* conducting needs assessments/baseline studies and ensuring the participation of all stakeholders).

In order to do so, the Focal Point must have adequate funds and time to carry out the necessary tasks. The current Focal Point on NHRAPs lacks both and this has seriously crippled its ability to carry out the responsibilities. While staff person(s) in the Gaza Office and in Mongolia provided good NHRAP assistance with little input from OHCHR Geneva, this should not be left to chance competency in the future. The presence of a trained and dedicated Focal Point providing guidance/supervision would minimize this risk.

Ideally, reconfigure the NHRAP mandate and the work of the Focal Point

Reconfiguring the NHRAP theme as the umbrella under which all of OHCHR's other thematic assistance falls may bring order and structure to OHCHR's assistance. The Focal Point on NHRAPs would effectively coordinate the OHCHR assistance on the other themes so that it would fit into the stages of the development and implementation of the Plan. The Focal Point would also coordinate the involvement of other UN agencies in line with the CCA/UNDAF.

OHCHR assistance in the field: Finding the right balance

The most effective structure for delivering assistance with NHRAP activities should be adopted. Experience shows that deploying expert consultants for short/defined periods (such as in the case of Latvia) is not ideal since there is no follow-up. Depending on OHCHR staff persons present in the field is not the solution either, since these may not have the experience or knowledge in the subject matter. Moreover, offices in the field tend to suffer more from high staff turn-over. If NHRAP activities are mainly led from the field, there is a significant risk of institutional memory loss, rupturing of contacts and processes, *etc.* On the other hand, a Focal Point staff person sitting at OHCHR Geneva office may find it difficult to supervise and assist several projects at once and will lack the important personal contact with the stakeholders. A combination of a staff person in the field (preferably an expert employed as a consultant) and a Focal Point in Geneva (able to conduct training sessions, provide states with necessary materials, and maintain continuity and oversight of the projects) might be the best way forward.

4.   The NHRAP Handbook

Examine the use and utility of the Handbook

It will be important to see if the Handbook on NHRAPs is read and followed as a guide in future projects and if it is found to be effective in its recommendations. One should also examine its "user-friendliness" and consider ways in which to condense it without detriment to its contents.

Learn from, and carefully follow, guidelines in the NHRAP Handbook

The Handbook provides very welcome clarity and logic, not only to states but to OHCHR as well. If read and implemented as prescribed, OHCHR assistance with NHRAPs should become more structured and effective since it foresees some methodologies, offers a clear check-list of necessary measures, and makes practical recommendations.

Revise the Handbook to include advice on methodologies

The Handbook currently lacks important recommendations on methodologies for conducting baseline surveys, and evaluating and monitoring NHRAPs. It should be revised to include such suggestions.

5.   NHRAPs and the UN Human Rights Reporting Mechanisms

OHCHR should make better use of treaty body and special procedure mechanisms

In the best interests of the NHRAP, OHCHR, the Government and local stakeholders should consider the conclusions and recommendations of treaty bodies since these are formulated in direct reaction to the human rights situation in that country and are intended to promote and protect human rights in that country. These reports should be specifically considered when formulating and conducting baseline studies (since these flag problem areas), when seeking to identify local stakeholders (since some may be identified in these) and in drafting the NHRAP (since these indicate ways in which specific issues/problems could be addressed).

States should report on NHRAP activities to the treaty body mechanisms

States should be encouraged to report on their NHRAP activities, in particular their progress in the adoption and implementation of the NHRAP, since OHCHR and other UN agencies may no longer be closely involved in the country and unable to follow-up. Indeed, this would partially resolve the current problem of follow-up and monitoring by OHCHR (as witnessed with South

Africa). Given the absence of reporting responsibilities on the part of the country back to OHCHR, reporting to the treaty bodies would offer at least some opportunity for OHCHR to monitor and evaluate the impact of its projects. Reporting to the treaty bodies may also help the State resolve problems it encounters in implementing its NHRAP.

6.   Consideration of Evaluations

Consider carefully, and consistently, the findings and recommendations of independent project evaluations

The purpose of project evaluations is to get an unbiased opinion of projects underway. Their findings and recommendations offer the OHCHR Geneva some insight into the direction projects should take, including whether certain activities should be ended. The OHCHR should request in-depth feed-back by evaluators on NHRAP activities in national projects and then carefully consider the evaluator's findings and recommendations and adjust NHRAP (and continue or end) activities accordingly. OHCHR should not be afraid to end NHRAP activities which are not meeting expectations (*e.g.* have failed to fulfill the critical criteria for success).

Consider the next HURIST evaluation

A final independent evaluation of the HURIST program will be carried out towards the end of 2004. It is likely to include a further assessment of NHRAP activities as coordinated under the HURIST initiative. Its recommendations should be considered.

VIII. National Human Rights Action Institutions

Expert: Hans Otto Sano

1. A priority issue for future work in the NI Team must be to develop a policy and a strategy based on informed reflections on the role of national institutions in engendering human rights promotion and protection. Emerging success stories such as the National Human Rights Commission of Mongolia could together with other important experience that is already available in the Team furnish important inputs in such an analysis. It goes without saying that such a work is resource demanding and that continued ability to attract I resources internally as well as from external sources is vital if the current level of activity of the Team is to be maintained.

2. There is a need in more elaborate and in depth assessment of regional support to address explicitly the issue of whether the resources spent could have been better utilized at the national level.

3. The efforts currently to develop a concept of national protection systems implies that the strategic thinking around the role of national institutions in preventing abuse of human rights and in elaborating of the meaning of the mandate of protection should be developed. So far, there is no explicit elaboration of how national institutions contribute to the prevention of human rights violations.

    Strategic thinking could involve dimensions of

    *   Legislative protection.
    *   Accessibility to institutional advice.
    *   Investigative capacity of national institutions.
    *   Complaints handling.
    *   Monitoring.
    *   Advocacy of civil groups and their cooperation with national institutions.

- Conflict mediation and adjudication.

4. A revision of the now dated UN Handbook on National Human Rights Institutions may be an opportunity to clarify priorities and support mechanisms, not least chapters on monitoring and conflict adjudication are warranted.

5. In terms of sustainability, there seem to be good reasons to reflect about the need for longer term support and to consider how this may be financed.

6. In terms of implementation, one area of concern is the ability to continue to attract donor funding earmarked for national institutions. Under such a perspective, a strategy that elaborates on priorities and on the value added of national institutions work seems to be crucial. Within OHCHR, clearer division of labor between the NI Team, Geographic Teams and country work have been an area of concern; in-house coordination of policy was not conducive for arriving at a common understanding and ownership of policy. Guiding material to be used by geographic desks was demanded by some of the desk officers. Efforts to ensure better coordination have been undertaken during the last year. Whether these efforts have been effective in dealing with the problems of coordination that resulted from the arrangements established during the previous periods is an issue for assessment during the current project period, not least as the efforts of coordination have also implied a new division of labor between Geographic Teams and the NI Team.

7. The past experience indicates that OHCHR procedures and delays have constrained cooperation with the UNDP. Given the importance of the coordination in most continents, the regulation of these issues seems to be quite important if they have not already been dealt with.

8. The integrated programming approach with a Country Human Rights Development Strategy as suggested in the Kapila report year could be seen as a means to ensure that national institutions become central players in the elaboration of a Country Human Rights Strategy. Given such a role, the national institutions could also play important roles in mainstreaming human rights at the country level.

9. There seems to be a need to examine how human rights issues have been addressed so far in the CCA - UNDAF assessments made. The PRSP assessment will often render human rights dimensions obsolete. In this connection, national institutions could play important roles in developing national human rights strategies implying thus an important role in mainstreaming. However, it must also be realized that many institutions will not have resources readily available for such an exercise.