



OHCHR

Evaluation of the Programmes supported by the Human Rights Advisors (HRAs)

Final Report

Volume I, Main Text

Submitted by Monika Zabel and Elizabeth Gibbons

New York, February 2016

Evaluation of the Support Provided by OHCHR Human Rights Advisors (HRAs), Final Report, February 2016

Disclaimer

This report is commissioned by the Office of the High Commissioner for Human Rights (OHCHR) in Geneva. The opinions expressed in this report are those of the authors and do not necessarily represent the views of the OHCHR Headquarters.

Acknowledgments

Thank you to all people who have contributed to this evaluation - all partners interviewed at OHCHR HQ including the HRAs present, during the country visits and at UNDOCO in New York – with documentation, information and with their time and enthusiasm. All these elements were equally important to compile this report.

Monika Zabel and Elizabeth Gibbons
New York, December 2015

The Evaluation Team

OHCHR has recruited an evaluation team composed of two independent, external senior consultants to conduct this evaluation.

Dr Monika Zabel, Team Leader, a Senior Evaluation Specialist and Policy Advisor with 20 years of experience in leading complex evaluations. Her clients include the United Nations System (Evaluability Study of Delivery as One UN in selected countries, MDG-Fund Evaluations under different thematic windows, mainstreaming gender and trade in country programmes, regional and global programmes and Multi-donor trust fund initiatives), the European Commission and bilateral and multilateral donors. She is responsible for leading the evaluation from start to finish in accordance with the timelines agreed upon and in a high-quality manner.

Ms Elizabeth Gibbons, Team Member, a Senior Human Rights Specialist with 20+ years of experience in the United Nations system, (including as Country Representative and UNCT member) responsible for human rights advocacy, programmes, HRBA mainstreaming, treaty body interaction, human rights research and analysis. Ms Gibbons was also a founding member of the Action 2 Task Force, which led to the creation of the UNDG Human Rights Mechanism, and to the deployment of HRAs with Standard TOR. She is responsible for supporting the Team Leader, particularly in the phases of data collection, review and report writing.

List of Abbreviations

ADR	Alternative Dispute Resolution
APF	Asia-Pacific Forum for National Human Rights Institutions
APRI	Asia-Pacific Regional Development Initiative (or AP Regional Initiative)
APT	Association for the Prevention of Torture
AWID	Association for Women's Rights in Development
CCA	Common Country Assessment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DOCO	UN Development Operations Coordination Office
EA	Expected Accomplishment
ESCR	Economic, Social and Cultural Rights
FGD	Focus Group Discussion
GEM	Gender Equality Mainstreaming
GWG	Gender Working Group
HC	High Commissioner
HQ	Headquarters
HR	Human Rights
HRBA	Human Rights-Based Approach
HRTJS	Human Rights and Transitional Justice Section of UNMIT
HRWG	Human Rights Working Group
ICC	International Coordinating Committee of National Human Rights Institutions
IOI	International Ombudsman Institute

IR	Inception Report
IT	Information Technology
JO	Job Opening
KM	Knowledge Management
MDG	Millennium Development Goal
MIC	Middle Income Country
NEFP	Network of Evaluation Focal Points
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institution
OHCHR	UN Office of High Commission for Human Rights
PAF	Project Activity Framework
PPMES	Policy, Planning, Monitoring and Evaluation Services
PRSP	Poverty Reduction Strategy Paper(s)
PSC	Project Steering Committee
SRSG	Special Representative of the Secretary General
SWOT	Strength Weaknesses Opportunities and Threats
TA	Technical Assistance
ToR	Terms of Reference
UN	United Nations
UN SG	United Nations Secretary General
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNDOCO	UN Development Operations Coordination Office

UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UNMIT	United Nations Integrated Mission in East Timor
UNWOMEN	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review of the Human Rights Council
US \$	United States Dollars
WG	Working Group

Table of Contents

List of Abbreviations.....	4
Executive Summary	8
Background and Context.....	8
Evaluation Background	10
Conclusions and Recommendations	13
Points for Reconsideration of HRA Deployment Options	20
I Introduction	22
1.1 Intervention Background.....	22
1.2 Evaluation Background.....	26
1.3 Methodology and Approach.....	28
II Main Findings by evaluation criteria.....	32
2.1 Relevance	33
2.2 Effectiveness.....	37
2.3 Impact Prospects.....	51
2.4 Potential Sustainability	55
2.5 Gender Equality Mainstreaming.....	63
III Conclusions and Recommendations	64
3.1 Key Conclusions and Recommendations.....	64
3.2 Other Conclusions and Recommendations	66
3.3 Points for Reconsideration of HRA Deployment Options.....	72
Volume II Annexes	74
Terms of Reference.....	74
List of Stakeholders interviewed.....	74
List of Literature studied	74
Data collection tools including surveys	74

Executive Summary

Background and Context

Institutional Background

Encouraging respect for human rights is one of the main purposes and principles of the United Nations, as enshrined in Article 1 of the UN Charter.¹ With the Millennium Declaration of 2000, UN Member States rededicated themselves to the Charter and to “.....respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion”².

Spurred by the Millennium Declaration and the Secretary General’s UN Reform agenda, UN agencies worked to improve the UN’s impact and coherence on human rights; in 2003, under the aegis of the UN Development Group (UNDG), they adopted the “UN Common Understanding on a Human Rights-based Approach to Development Cooperation”³, which was subsequently integrated into the CCA/UNDAF guidelines; in 2007, these guidelines recognized the human rights-based approach (HRBA) as one of the five core principles for UN common programming. In 2004, UN coherence on human rights common programming was enhanced by the creation of “Action 2”, an interagency programme launched by 21 heads of UN agencies, chaired by OHCHR, with the aim of providing a coordinated response to the human rights and HRBA capacity building needs of UN Country Teams (UNCTs). It was under the umbrella of “Action 2” that the Human Rights Advisors were first deployed within a Resident Coordinator’s office to “pursue human rights activities, engage national actors in human rights work, through coordinated work of the UN Country Team (or exceptionally the Peace Mission)”⁴.

The “Action 2” interagency task-force laid the ground work for a coherent approach to strengthening the Human Rights/HRBA capacity of the RC and UNCT. It was an interagency, joint programme on human rights mainstreaming with a budget of US\$ 9 million that, while supporting UNDG’s efforts to mainstream human rights in UN programme operations, was not formally linked to UNDG. The establishment of the UNDG-Human Rights Mainstreaming Mechanism (HRM), chaired by the Deputy High Commissioner for Human Rights, institutionalized this important function within UNDG. The UNDG-HRM worked to carry forward the May 2008 decisions of the UN Policy Committee, by which the Secretary General reaffirmed the centrality of human rights in the development work of the United Nations, and established the roles and responsibilities of the Resident Coordinators⁵.

¹ This chapter has been developed based on documents provided by OHCHR, some of which, though marked *Confidential*, contain essential background information to the evolution of the HRA programme between 2006 and 2014. The documents are not cited due to confidentiality concerns but the Evaluation Team will be able to demonstrate sources if asked by OHCHR.

² Millennium Declaration UNGA 55/2, September 2000, para 4

³ The UN Common Understanding : Available at: <http://hrbportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies#sthash.151UrWLC.dpuf>

⁴ SMT Approved Version OHCHR’s Policy on Human Rights Advisors, 2006, page 1

⁵ Among those responsibilities were: Coordinating the work of the UNCTs in mainstreaming human rights into operational activities for development at country level; promoting international human rights standards and principles and advocating for human rights as a common UN value in dialogue with national actors; facilitating

Human Rights Advisers (HRAs) were one of the ways in which the RCs were to be supported in meeting the responsibilities decided by the SG, and were called upon to work closely with UNCTs on capacity-building and mainstreaming human rights into their work. OHCHR's Policy on Human Rights Advisors (2006) stipulated that "there should be an agreement with the Resident Coordinator on the minimum operations conditions" for HRA deployment to a UNCT, including that s/he should be assigned for two years, there would be cost sharing (although the Policy does not specify which costs were to be shared) including that the HRA be provided a local operating budget, at least one national support staff, some consultancy funds and/or a national officer.⁶

In 2010, based on lessons from the deployment of HRAs since 2006, OHCHR issued "Revised OHCHR Policy on Human Rights Advisors (HRAs): Standard Operational Framework" (23 December 2010). The revised policy called for RC/UNCT commitment and support, consideration of country needs and situation; the standard TOR of the HRA were revised so that they more precisely detailed the HRA's role in supporting the UNCT's HR theme group, UPR reporting and, upon request the capacity support needs of a more extensive list of national actors, with whom, as a condition of deployment, the HRA was to maintain direct contact. The HRAs operated under the Revised Policy Standard Operational Framework of December 2010, by which "the Multi-donor Trust Fund established under the UNDG- HRM should increasingly be expected to provide funding for the first two years of HRA operation.....the HRA should be supported by the RCO with at least one national staff and one national officer and the UNCT should provide a local budget to fund activities.....".⁷ HRAs deployed under the 2006, 2008 and 2010 Generic TOR are known as "1st Generation", and have been deployed under policies and generic TOR by which their salaries were not among the elements for cost-sharing with the UNCT.⁸

By 2012, the deployment of HRAs had been fully integrated into the work of the UNDG through the UNDG Human Rights Mainstreaming (HRM) mechanism, which issued the *UNDG Strategy for the Deployment of Human Rights Advisers to Resident Coordinators and UN Country Teams* in January of that year.

To enhance the HRA deployment and support, the 2012 UNDG strategy developed updated standard TORs for HRA, specified the support needs from wider UNDG members; established key criteria for deployment, and resource mobilization under the new MDTF. The new strategy called for additional extra-budgetary resources to be mobilized under the MDTF established for the UNDG HRM, and has introduced a new concept of cost-sharing for those HRAs: "*The standard operating assumption is that the MDTF will cover 100% the first year and 50% the second year, with the UNCT bearing the full cost of HRA operation by the third year.*" Thus, under the 2012 UNDG strategy, for the first time, cost-sharing now systematically covers the HRAs salary. The 12 HRAs deployed under this UNDG strategy are known as 2nd generation HRAs, and the MDTF assures their salaries for a maximum of 18 months, with the

access to knowledge and expertise on human rights, ensuring close interaction between UNCTs and OHCHR; acting as interlocutors for the HCHR, as appropriate. UN Policy Committee Meeting 20 May 2008, Decision 2008/18

⁶ SMT Approved Version: OHCHR's Policy on Human Rights Advisors (2006), page 1-2

⁷ *Revised OHCHR Policy on Human Rights Advisors (Standard Operational Framework)*; 23 December 2010, p. 3.

⁸ Some of the Action 2 HRAs - among the 1st Generation HRAs - also had cost-sharing arrangements after the A2 funds expired during some period.

remaining 18 months of a 3 year deployment to be covered by the RC/UNCT. Under the 2012 UNDG strategy, OHCHR retains overall responsibility, oversight and management of the HRA recruitment and deployment.

Evaluation Background

It is with this history of the HRA programme's evolution and institutionalization within UNDG, the distinctions between 1st and 2nd Generation HRAs' TOR and operational frameworks, and the current UN context of reinforced emphasis on and more elaborate guidance for meeting human rights responsibilities of the UNRC System, that OHCHR's Policy, Planning, Monitoring and Evaluation Services (PPMES) has commissioned the "Evaluation of programmes supported by Human Rights Advisers".

The Terms of Reference of the Evaluation state as objectives:

- To identify the effects of the support of HRAs to UNRCs and UNCTs interventions, in the enjoyment of rights at national level;
- To produce useful lessons learned and good practices that illustrate successful and unsuccessful strategies in the achievement of results by UNRCs and UNCTs supported by HRAs, including in the area of gender equality; and that can help identify areas where policy or structural changes are required;
- To produce clear and actionable recommendations identifying concrete actions and responsibilities for OHCHR to undertake towards the achievement of results and improvement of the enjoyment of rights.⁹

The evaluation takes both, a summative and a formative approach, in that it looks at results achieved or not achieved so far (summative) with a view to inform HRAs and other field presence's work in the future (formative). This approach therefore increases OHCHR's accountability and learning, as per OHCHR's Evaluation Policy.

In course of the desk phase in Geneva and beyond, the ToR evolved and the technical content of the evaluation was enriched and enlarged.

The following aspects were amended in mutual agreement:

- The evaluation criterion of sustainability was added to the list of criteria and questions;
- The scope of coverage of the country visits was enlarged; from originally four countries foreseen as sample size, now six countries where HRA are deployed have been visited;¹⁰
- In addition to country visits, a global survey was introduced as evaluation instrument. It was directed to HRAs and to RCs in the 21 countries where HRA are deployed. In each country, two

⁹ The Evaluation Reference Group suggested "focusing much more on the rationale for the UNDG strategy, making concrete recommendations and actions for OHCHR and UNDG, particularly on strengthening the UNDG strategy, system-wide ownership of HRAs and accountability of RC/UNCT for results and support". However the evaluation is commissioned by OHCHR and is not a Joint Evaluation with UNDG and/or the UNCTs and/or RCs, so it would be going beyond mandate and ToR;

¹⁰ One of the HRA is covering three countries in the region, in which two countries are staffed with HROs

parallel questionnaires with relevant questions addressed respectively to the HRA and to the RC managing the UN country team, were circulated and analysed.¹¹

The evaluation focuses on four of the OECD/DAC criteria and pays special attention to the theme of gender (equality) mainstreaming under all four criteria.

- **Relevance** - the extent to which the objectives of the UNRCs and UNCTs programmes supported by HRAs are consistent with stakeholders' (both duty bearers and right-holders) requirements, country needs, human rights mandate and thematic priorities of the Office, and its comparative advantage;
- **Effectiveness** – the extent to which the UNRCs and UNCTs planned results and targets supported by HRAs have been achieved, at outcome and output levels; the extent to which HRBA is mainstreamed across the UNDAF.
- **Impact prospects** – the extent to which the strategic orientation of UNRCs and UNCTs interventions supported by HRAs points toward making a significant contribution to broader, long-term, sustainable changes on human rights issues;
- **Sustainability**¹² – whether the benefits of an activity are likely to continue after donor funding has been withdrawn / the HRA has finished the deployment or support to the programme; the financial sustainability of the funding mechanism per se.
- **Gender equality mainstreaming**¹³ - the degree to which gender has been mainstreamed in all the activities of the UNRCs and UNCTs supported by HRAs, and the degree to which the results obtained have contributed to the goal of gender equality. To the extent possible, the Evaluation will look at how the HRBA principle of non-discrimination, beyond gender discrimination, has been mainstreamed in the UNCT's work supported by HRAs.

The intention of the evaluation is to generate findings, conclusions and recommendations about the work of HRAs at the global level, including all the regions covered by the Office: Africa, Asia - Pacific, Middle East and Northern Africa, Europe and Central Asia, and Americas. At present there are HRA based in 21 countries, of which one (Caucasus) has a coverage of three countries, with a national HR officer based in a 22nd country.

The sample taken for the six field visits (29% of all countries with HRA) targeted a mix of geographical regions, deployment models (i.e. prior and after 2012), international and national staff members, as well as HRAs with a team of national experts and/or support staff and HRAs with no support staff.

A global survey was conducted covering all countries in which HRA are working, and had targeted a response rate of 75% or beyond. The survey rendered a response rate of 71% (15 of 21 countries) for

¹¹, The survey was circulated to 23 RCS as one of the HRAs is covering 3 countries; in the case of HRAs the survey was circulated to 21 HRAs plus one national officer who is working on his/her own in a country team under the supervision of an international HRA located in another country (Southern Caucasus).

¹² As a result of the mission to Geneva performed by the TL the criterion Sustainability was added to the evaluation criteria. The information gathered in Geneva disclosed that the current system of financing the HRAs positions through a Multi donor trust fund (MDTF) may not be sustainable; another sustainability related aspect touched on the fact that there are entry strategies for HRAs available, but no explicit exit strategies, i.e. the moment when the support to programmes provided by HRAs is sustainable and the HRA could move to another country or position. Financial, Social and Political Sustainability are analysed.

¹³ Gender Equality Mainstreaming was listed in the ToR as a theme for this evaluation. Questions were suggested under the DAC criteria for analysis. However, promotion of gender equality is neither a duty in any of the four iterations of HRAs Generic Terms of Reference, nor does it appear among the Expected Accomplishments of the OHCHR 2014-2017 Management Plan.

the HRAs and of 52% (11 of 21 countries) for the RC. The survey has clearly broadened the coverage of the information considered in the evaluation and added to the credibility of the conclusions drawn and recommendations made.

The selection of countries for the sample set out in the ToR was validated and revised during the inception phase by the Team Leader in consultation with the evaluation manager, the reference group of the evaluation, the HRAs participating in the Annual Head of Field Presences Meeting, and the geographical section chiefs at FOTCD. The final suggestions were made by the M&E unit of PPMES. The chosen countries included Tanzania and Zambia (Pilot Mission), East Timor, Paraguay, Southern Caucasus, and The former Yugoslav Republic of Macedonia.

The population of these shortlisted countries reflects a coverage of the following HRA situations in country:

- single HRA without support staff
- HRA with support staff and/or small and larger HRA units
- country and regional HRA
- international and (at least one example of) national HRA
- First and second generation of ToRs for HRA (the latter deployed through the UNDG HRM after 2012).
- HRA advisor as phasing out strategy of a peace keeping mission and as entry strategy in a country not covered before by an HR presence.

According to the sample size finally taken, the selected UNRCs and UNCTs programmes supported by HRAs have been evaluated and lessons extracted with the aim of extending them to other countries. The sample included three HRA presences which were established under the new UNDG-HRM mechanisms.

The evaluation has applied, to the extent possible a mixed-methods approach - quantitative and qualitative, with rigorous triangulation of information.

Desk Reviews (informal, for general background, including of the human rights situation in the countries being visited; and formal, on OHCHR's and external documents such as reports, evaluations, legislation adopted, etc.);

Individual Interviews, in person or virtually with stakeholders identified in the analysis;

Group discussions either in person or virtually with stakeholders identified in the analysis;

Direct observation, through field trips to OHCHR's Human Rights Advisers locations;

Secondary data analysis of existing data sets, particularly monitoring information contained in OHCHR's Performance Monitoring System (PMS) and available in-country statistical information, when relevant.

The evaluation methodology includes a mission to Geneva (OHCHR headquarters) for stakeholder interviews that has been performed by the TL in early June 2015, and a number of country missions where OHCHR's HRAs are located, for desk reviews, direct observation and face to face interviews with stakeholders. The evaluation follows the UNEG Standards¹⁴ and Norms¹⁵ for Evaluation in the UN System, including the UNEG Handbook "Integrating Human Rights and Gender Equality in Evaluation – Towards UNEG Guidance"¹⁶;

¹⁴ <http://www.unevaluation.org/document/download/561>

¹⁵ <http://www.unevaluation.org/document/download/562>

¹⁶ <http://www.unevaluation.org/document/download/1294>

Global Survey A global survey with two templates was designed and disseminated, one for RCs and one for HRAs.

Conclusions and Recommendations

Key conclusions

Several of the assumptions, under which the HRAs are currently working, do not hold true. In some cases, the reality observed is in fact in direct opposite to the assumption.

1. In the practice observed in the field the HRA's first reporting line is mostly OHCHR HQ and not the RC. The required processes for a reporting structure to function have not been put in place.

The RC cannot fulfill his/her role as the HRA's first reporting officer as OHCHR HQ has *de facto* assumed that role by making frequent requests of the HRA, by establishing the HRAs' AWP based on the EAs of the OHCHR 2014-2017 Management Plan, which may or may not be relevant to the UNCT, and by requiring monthly reports against that workplan.

The RC has difficulty accessing OHCHR's e-Pas system for the HRA's performance evaluation and there is no established communication mechanism between the RC and OHCHR, to smooth out any differences between the 1st and 2nd reporting relationships of the HRA.

There is a predominance of the OHCHR agenda in the HRAs' time-use and annual workplan, and the frequency with which the HRAs mention reporting to or responding to requests by OHCHR-Geneva, rather than supporting the RC/UNCT.

2. After three years of implementation, the MDTF co-financing model is not sustainable. In addition, the two generations of HRA are living in different realities.

The HRA's performance, achievement of results and the overall satisfaction of the RC and UNCT, are not the deciding factors in fulfilling the RC/UNCT commitment to contribute to the HRAs salary for the second 18 months of a three year deployment.

Although the majority of RC and UNCTs expressed satisfaction with the HRAs' contribution they are not in the position (either not able or not willing) to contribute to HRA salaries. In that sense, the UN system might not be living up to "Rights up Front", at least not in monetary terms.

In reality for the second year, in the majority of cases (9 of 11), only ad hoc and last minute solutions could be found, often after a time-intensive but inefficient fundraising pursuit, leaving the HRA in-country in a state of insecurity about his/her situation and future. So far, none of the countries had found a solution for covering the HRA's salary in the third year.

In consideration of the absence of means by which the RC can directly supervise the HRA deployed to his/her office, the pre-eminence of OHCHR processes and priorities in the HRA's work, and the unsustainability of the MDTF modality for financing the second 18 months of HRA deployment, four options offer possible solutions.

Key recommendations

Based on the key conclusions drawn from the country visits and the survey, the evaluators suggest the four following alternative models of deployment. Different alternatives could be applied in parallel, in a transparent way:

1. In cases where the 2nd generation MDTF model is to continue, reforms in communication between OHCHR and the RC should ensure that *de jure* supervision of the HRA by the RC is also the *de facto* supervision, with the HRA's AWP priorities being established by the RC on the basis of UNCT requirements, in dialogue with OHCHR-Geneva as and when required. Controlling the HRA's work priorities, instead of simply being informed of them, will likely enhance the RC's stake in the continuation of the HRA's contribution and therefore more in finding the requisite funding. Where OHCHR does not need to have any say on the AWP priorities, secondment of the HRA to the RCO and UNDP should be considered, and with it delegation of responsibility for financing the HRA salary once MDTF funding expires.
2. In cases where OHCHR wants 2nd generation HRAs to implement its Management Plan/EAs in priority, with support to RC/UNCT priorities being of secondary importance, OHCHR should assume both, the direct supervision and the salary for the HRAs, once the MDTF funding expires.
3. In countries where (in the cases observed 1st generation) HRAs are deployed, and enjoy a small support staff, their presence should be treated as a *de facto* OHCHR office, and *de jure* supervision should shift to OHCHR, which continues to support the presence through its own extra-budgetary resources. OHCHR Offices should be established and provided the authority and resources needed to carry out the mandate.
4. In cases where deployment of an HRA is needed for a short duration (less than six months) to meet a specific need, the supervision and the funding for that deployment will depend on the expected services, and on which agency is requesting them i.e.: to assist with mainstreaming HRBA in a new UNDAF the supervision should be by RC and financing by RC/UNCT.

Other conclusions

RELEVANCE:

- 1 **HRA have been successful in mainstreaming HRBA into UNDAFs.**

In all six countries visited, since the HRA's deployment, Human Rights mainstreaming has either remained constant or has improved over two subsequent periods of UNDAF/Ps.

2 Gender mainstreaming is not explicitly mentioned in the HRA's generic ToR, the OHCHR Expected Accomplishments or in most of the AWP.

HRAs are contributing indirectly to gender equality by working on the anti-discrimination topic. Gender mainstreaming is not explicit in their generic TOR, the OHCHR Expected Accomplishments or (with one exception) their AWP and also the generic ToR for HRAs. Gender mainstreaming is a particular technique that requires a set of trained skills that cannot be performed when not being in possession of these skills.

EFFECTIVENESS:

3 HRA have contributed to various Expected Achievement of the OHCHR Management Plan 2014 -2017.

3a Human Rights mainstreaming, EA11, has not been the HRA's main contribution to programmes supported

The expectation that the HRA's primary contribution would be to EA11, human rights mainstreaming, was not born out in evidence collected in country visits or the survey, nor by a detailed analysis of HRBA results in 2 cycles of UNDAFs. Moreover, the RC/UNCT requests for this mainstreaming service are neither constant (as it peaks during years of UNDAF preparation) nor time-consuming for the HRA.

3b HRAs' contribution to State Engagement with Human Rights Mechanisms including Special Rapporteurs, EA6, and Civil Society Engagement with Human Rights Mechanisms, EA7, is HRAs most important, intensive, appreciated and time-consuming task.

Evaluator's evidence was that HRAs do this work in their own right and not in support of UNCT although the agenda of the latter may receive indirect benefit.

This is contrary to expectations of the HRAs generic TOR and of OHCHR staff interviewed in Geneva, by which the HRAs' principal contribution is to Human Rights/HRBA mainstreaming (EA11) within the UNCT. Evidence from both the survey and the country interviews reveal that the HRAs' most important tasks are related to EA6 and EA7.

The assumption under the Evaluation's TOR that the HRA carried out this treaty body work indirectly by "advising the UNRC and UNCT in strengthening national capacities for engagement in international human rights mechanisms" does not hold true, as the country visits revealed that in fact, this much appreciated contribution is carried out directly by the HRA, in support of the OHCHR priorities EA6 and EA7, rather than through or jointly with the UNCT members.

3c Non-discrimination, EA4, is also a task prominently supported by HRAs.

Non discrimination is an EA supported in all countries visited. Within this broad topic, in some countries there is no consensus between RC/UNCT and HRA on the selection of topics and to what degree and in which manner they should be addressed.

4 To be effective in pursuing their HR/HRBA role within the UNCT, HRAs need the support and appreciation of the RC.

In cases when a HRA operates against agreed priorities of the UNDAF/P structure s/he risks losses in effectiveness and can undermine a joint position of UNCT in its external relations in country.

This situation is more likely when the RC supervising the HRA is not the same RC who requested his/her deployment and who had signed a workplan as part of the request.

5 The deployment process of the HRA is too time consuming. In some cases the HRA arrives when the requesting RC has already left the country.

The time span of up to 24 months between request of RC/UNCT and deployment of HRA is jeopardizing efficiency and effectiveness of the deployment process, and of the HRA's work in country. The topics for which s/he has been called and that are laid out in the workplan might have changed or become obsolete, and the enthusiasm as well as the felt accountability of a new RC are not the same as in case of the requesting one. The lengthy deployment process can also affect the credibility of the UN system with MDTF donors.

6 The human and efficiency implications on the second generation HRAs of job insecurity, and the indignity of fund-raising for his/her own salary, has been underestimated or not considered.

From a human resources development perspective, mixing roles – the competent HR specialist and the fundraiser for a service (which service might fully be appreciated in

the future and the value of which is not yet evident) should be avoided, not to jeopardize the reputation of the colleague, or the UN mandate which s/he serves.

This situation can divert the HRA from their core tasks of providing HR advice, to a fundraising function for their own salaries. This has had also effects on the relationship between HRA and RC upon his/her arrival.

IMPACT PROSPECTS

- 7 Evidence of HR results and impact prospects were only found in countries where 1st (an exception is East Timor) generation HRA had been deployed and present for several years.**

This is reflecting the long-term investment of time and trust needed to positively impact on the enjoyment of human rights, and thus the need for a medium term planning horizon. Positive examples were mainly found in situations where the HRA was not operating alone but supported by a small team of HR officer/s and/or administrative staff.

- 8 The broad and deep HRA knowledge and work of an HRA is unique and can rarely be found anywhere else in the UNCT.**

The assumption that HRAs can build the capacity of UNCTs to carry out human rights work and integrate HRBA independent of the HRAs support to its programmes does not hold true. In all but one country, interviews with UNCT members and national authorities recognized the HRA for providing a unique service, whose specialized knowledge of how to leverage the international human rights machinery in support of agency mandates and national policy development was not available anywhere else in the UN system. Individual agencies have HR capacity relevant to their mandate which is not comprehensive, like OHCHR's (i.e. children, workers, women, PWD)

SUSTAINABILITY

- 9 There is no inbuilt mechanism to assume accountability and financial liability in cases where the RC/UNCT cannot live up to their commitment.**

There is no inbuilt mechanism for defining an entity or agency to assume accountability and financial liability in case the RC/UNCT's commitment to contribute

50% of year 2 and 100% of year 3 of the HRA's salary cannot be fulfilled in the country where HRA is deployed. The assumption that RC/UNCT are in the position to fulfil their financial obligations vis-a-vis the HRA was wrong. The risk of the absence of a financial liability mechanism had likely not been duly assessed before the second generation HRAs were deployed.

The absence of a mechanism or UN entity to assume the financial liability and accountability when the MDTF support expires leads to a situation that after 18 months, the liability is, *de facto*, assumed by the HRA, whose assignment risks coming to an abrupt end for lack of funds.

CONCLUSION	RECOMMENDATION
RELEVANCE	
HRA have been successful in mainstreaming HRBA into UNDAF	
Gender mainstreaming is not explicitly mentioned in the HRA's generic ToR, the OHCHR Expected Accomplishments or most of the AWP.	<p>In country situations, in which there is no representation of UN WOMEN and/or UNFPA, the HRA should have the skills and competency to carry out the gender equality mainstreaming of the UNDAF, in the same way it is done with the HRBA.</p> <p>Gender-mainstreaming should also be reflected in the AWP in particular in those countries where no other UN entity is competently assuming the responsibility for it; in this cases the HRA should be expected to perform not only HRBA mainstreaming but also gender equality mainstreaming (GEM). In country situations where one of the other competent agencies is present, GEM should be performed by their gender specialist.</p>
Effectiveness	
Human Rights Based Approach mainstreaming, EA11, has not been the HRA's main contribution to programmes supported.	<p>OHCHR to decide on the main direction the HRA shall follow, and the principal contribution the HRA should make.</p> <p>Four possible deployment models are proposed to address the different contributions expected from an HRA.</p>
HRAs' contribution to EA6 and EA7 is his/her most important, intensive, appreciated and time-consuming task. EA4, Non-discrimination is also a task prominently supported by the HRA.	<p>A long term deployment (3-5 years) is recommended if HRA is to effectively contribute to these EAs and thus to be able to contribute to impact prospects and sustainable results.</p>

<p>To be effective in pursuing their HR/HRBA mandate within the UNCT, HRAs need the support and ownership of the RC. RC, in turn, needs respect of the Institution (HRA and OHCHR HQ) and processes in place to live up to his/her ToR.</p>	<p>The indicated reporting lines (first and second reporting line) should be respected. Different expectations regarding the workplan of the HRA should be addressed and solved prior to a potential situation of escalation. This agreed workplan can then be uploaded to OHCHR management system, so that HRAs have one common work plan. The work plan should also indicate the support expected and responsibilities of RCs, UNCT members and OHCHR Geneva.</p>
<p>Communication processes between RC and OHCHR are not working smoothly. Currently only the communication channel between HRA and OHCHR HQ is working smoothly.</p>	<p>OHCHR-Geneva should establish a regular channel of communication with the RC before the HRA is deployed, which ensures the participation of all relevant parties, and in a regular form (frequency to be defined) after deployment that enables a two way communication. Communication channels between the RC and OHCHR established and improved (see next recommendation). Characteristics of this regular RC/OHCHR channel of communication should be: easy to handle, inbuilt into a process (at certain predictable milestone dates, for example in the preparation of the annual workplan, all moments where the performance of the HRA is assessed), and take account of UNDG-HRWG's role.</p>
<p>The interface and communication process between DOCO and OHCHR can be improved and sped up.</p>	<p>Information about the substance and the current funding status of HRAs of the second generation needs to be exchanged on a more frequent basis to detect issues and bottlenecks such as funding mechanism.</p>
<p>The deployment process of the HRA is too time consuming. In some cases the HRA arrives when the requesting RC has already left the country.</p>	<p>The deployment process needs to be streamlined and sped up. Bottlenecks in the HRA recruitment and deployment process need to be identified and addressed proactively, shortening completion of the process within 6 months. In case the requesting RC has departed before the HRA's deployment, the deployment should not proceed unless the incoming RC reconfirms his/her commitment to host an HRA.</p>
<p>The human and efficiency implications on the second generation HRAs of job insecurity, and the indignity of fund-raising for his/her own salary, has been underestimated or not considered.</p>	<p>The recruitment process, the financial management and the human implications of the HRA deployment, in particular of the second generation HRAs, should be revisited in the light of human resource management policy. Clear alternatives for those cases in which obligations for HRA salary support are not fulfilled have to be defined and implemented. Timely and transparent communication to the HRA regarding his/her possible reassignment should be incentivized and formalized as early warning. In any situation, the person assuming the HRA role needs to have a planning horizon.</p>

Impact Prospects	
<p>Evidence of HR results and impact prospects were only found in countries where 1st (an exception is East Timor) generation HRA had been deployed and present for several years.</p>	<p>Determine the services expected from the HRA and identify the duration of assignment, supervision and source of salary for the full period accordingly.</p> <p>Four deployment models are suggested. See Strategic recommendations. For services rendering results with impact prospects, a longer-term deployment (3-5 years) is recommended.</p>
<p>The specialised knowledge and work of an HRA is unique and cannot be found anywhere else in the UNCT.</p>	<p>Recognize that an HRA deployment of any length cannot be expected to result in a UNCT with full capacity to carry on the HRA's specialised work.</p> <p>Given evidence from country visits with both national and UN stakeholders stating UNCT member agencies cannot replace HRAs, OHCHR, UNDOCO and the RC/UNCT in question should decide how important continuation of the HRAs contribution is to their mutual goals and secure the needed resources in consequence of that importance.</p>
Sustainability	
<p>After three years of implementation, the MDTF co-financing model is not sustainable.</p>	<p>In the light of the first experience with the co-financing scheme, in which contributions were either not provided or found in ad hoc solutions, the whole model needs to be thoroughly analysed and revised.</p> <p>A contribution has to be evidenced before the HRA would be deployed. Willingness and readiness to contribute has to be demonstrated prior to a deployment. A suggested option for future co-financing schemes is to start from the outset, for example, with a 35% contribution of the RCO/UNCT of the country requesting support of a HRA.</p>
<p>There is no inbuilt mechanism to assume accountability and financial liability in cases where the RC/UNCT cannot live up to their commitment; In the current situation the responsibility for acquisition of funds to finance the HRA's salary is partly in the hands of the HRA him/herself.</p>	<p>Clarify the accountability structure between UNDG and OHCHR and assign liability for financing the HRAs salary after the MDTF support expires according to the deployment model selected (see Strategic Recommendation).</p> <p>Such liability should be assigned and mutually agreed prior to the HRAs deployment, avoiding the situation in which it is the HRA who assumes the <i>de facto</i> liability.</p> <p>Outsourcing this liability to the 2nd generation HRA him/herself is not an acceptable management practice and should be avoided.</p>

Points for Reconsideration of HRA Deployment Options

The situation encountered by the evaluation team, and the conclusions drawn on the evidence found, call for an over-arching strategic analysis; the evaluation's main recommendation is to carry out a human rights advice positioning exercise, in which one or several clusters of HR advice should be

examined and translated into different types of HRA deployment and forms of thematic support to UNCT/RCO provided.

As all knowledge about processes is available in the involved organisations (OHCHR, UNHRM, DOCO) the strategic analysis should be performed in-house with the support and moderation of a knowledgeable and experienced external and unbiased mediator.

While this evaluation can indicate the suggested themes that need review, the institution/s involved will need to take the final decisions on positioning and /or clustering of HR advice. All possible alternatives for decisions have several interdependent variables, for example short term deployment < 3 years will have a lower likeliness to achieving results with impact prospects.

This evaluation report can also serve as in input to a suggested future holistic evaluation to analyse OHCHR's positioning with its different forms of services provided.

The whole process of HRA deployment should be revisited, also in the wider context of other forms of OHCHR country presence and the concept of Regional Offices, and thoroughly and honestly analysed. In particular, the following themes should be examined:

- **Expectations** - what service should an HRA deliver, and for whom
- **Primary focus of HR advice**- internal (RC/UNCT) or external (national state and civil society partners) services provided,
- **Time horizon** – HR advice for short (<2 years) or medium/long term (3 to 5 years) duration,
- **Financial model and financial responsibility** – OHCHR Extra Budgetary or other sources; is the MDTF model, as it stands, feasible? Or shall OHCHR assume the financial responsibility?
- **Financial liability** for deployment – if a co-financing model remains the modality of choice, which party will be liable for assuring financial commitments are met?
- **Human resource development** – what impact do actions and situations, emanating from the HRA model decided upon, trigger on the people deployed? What do short term planning horizon and uncertainty about the hierarchy of communication lines mean for the motivation and job identification of HRA and her/his career planning, or for the planning of the HRA's partner and children?
- **Communication:** Which communication channels need to be established and/or introduced to make the intended information flow feasible and convenient; which instruments, like reporting requirements, need to be streamlined?
- **Selection process:** What are the interpersonal skills essential to achieving results, with internal and external partners (power distance, frustration tolerance, stress resistance, empathy, team working)? How can these skills be assessed as part of a selection process, either for a roster or an open job announcement?

I Introduction

1.1 Intervention Background

Encouraging respect for human rights is one of the main purposes and principles of the United Nations, as enshrined in Article 1 of the UN Charter.¹⁷ All UN agencies, funds and programmes are governed by the Charter, and have human rights as central to the UN's value system. With the Millennium Declaration of 2000, UN Member States rededicated themselves to the Charter and to ".....respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character"¹⁸.

Spurred by the Millennium Declaration and the Secretary General's UN Reform agenda, UN agencies worked to improve the UN's impact and coherence on human rights; in 2003, under the aegis of the UN Development Group (UNDG), they adopted the "UN Common Understanding on a Human Rights-based Approach to Development Cooperation"¹⁹, which was subsequently integrated into the CCA/UNDAF guidelines; in 2007, these recognized the human rights-based approach (HRBA) as one of the five core principles for UN common programming. In 2004, UN coherence on human rights common programming was enhanced by the creation of "Action 2", an interagency programme launched by 21 heads of UN agencies, chaired by OHCHR, with the aim of providing a coordinated response to the human rights and HRBA capacity building needs of UN Country Teams (UNCTs). It was under the umbrella of "Action 2" that the Human Rights Advisors were first deployed within a Resident Coordinator's office to "pursue human rights activities, engage national actors in human rights work, through coordinated work of the UN Country Team (or exceptionally the Peace Mission)"²⁰. While the UN Resident Coordinator remained the recognised representative of the High Commissioner of Human Rights, the HRA was called upon to "support the RC in the conduct of this role".²¹

The "Action 2" interagency task-force laid the ground work for a coherent approach to strengthening the Human Rights/HRBA capacity of the RC and UNCT. It was an interagency, joint programme on human rights mainstreaming with a budget of US\$ 9 million that, while supporting UNDG's efforts to mainstream human rights in UN programme operations, was not formally linked to UNDG. The

¹⁷ This chapter has been developed based on documents provided by OHCHR, some of which, though marked *Confidential*, contain essential background information to the evolution of the HRA programme between 2006 and 2014. The documents are not cited due to confidentiality concerns but the Evaluation Team will be able to demonstrate sources if asked by OHCHR.

¹⁸ Millennium Declaration UNGA 55/2, September 2000, para 4

¹⁹ The UN Common Understanding : Available at: <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies#sthash.151UrWLC.dpuf>

²⁰ SMT Approved Version" OHCHR's Policy on Human Rights Advisors, 2006, page 1

²¹ Human Rights Adviser: Generic Terms of Reference, October 2006, p. 1

establishment of the UNDG-Human Rights Mainstreaming Mechanism (HRM), chaired by the Deputy High Commissioner for Human Rights, institutionalized this important function within UNDG, and was supported by high-level representatives from participating UN agencies. The UNDG-HRM worked to carry forward the May 2008 decisions of the UN Policy Committee, by which the Secretary General reaffirmed the centrality of human rights in the development work of the United Nations, and established the roles and responsibilities of the Resident Coordinators²².

Human Rights Advisers (HRAs) were one of the ways in which the RCs were to be supported in meeting the responsibilities decided by the SG, and were called upon to work closely with UNCTs on capacity-building and mainstreaming human rights into their work, and in supporting national authorities upon request. As outlined in the SMT Approved Version: OHCHR's Policy on Human Rights Advisors (2006) the 'minimum operating conditions' for HRA deployment to a UNCT were that s/he should be assigned for two years, there would be cost sharing (although the Policy does not specify which costs were to be shared) with the declared expectation that the HRA be provided a local operating budget, at least on national support staff, some consultancy funds and/or a national officer.²³

In 2010, based on an internal stock-taking report, and lessons from the deployment of HRAs since 2006, OHCHR issued "Revised OHCHR Policy on Human Rights Advisors (HRAs): Standard Operational Framework" (23 December 2010). According to the Minutes of Senior Management Team Meeting No. 102, of 7 December 2010, one purpose of the policy change was to secure UNDG ownership of the HRA programme, which would facilitate deployment and encourage cost-sharing opportunities. The UNDG-HRM had established a multi-donor trust fund (MDTF) in which several of the Action 2 donors expressed interest in supporting, and which aimed to support both the first 2 years of HRA deployment and aspects of the HRM's work-plan. The revised policy called for RC/UNCT commitment and support, consideration of country needs and situation i.e. strategic opportunities for the UN system to make an impact (i.e. the UPR process and follow-up recommendations by other UN human rights mechanisms); priority human rights concerns and the UN's added value vis a vis other actors. The standard TOR of the HRA were revised in 2010 so that they more precisely detailed the duties which HRAs had been performing since 2006, including, for example the HRA's role in supporting the UNCT's HR theme group, UPR reporting and the capacity support needs of a more extensive list of national actors. An important update was made in the 2010 TOR to reflect the 2008 SG Policy Decision with regard to the reporting lines, i.e. RC as the first reporting officer and OHCHR as the second reporting officer – previously in 2006 TOR it was "dual (parallel) reporting".

²² Among those responsibilities were: Coordinating the work of the UNCTs in mainstreaming human rights into operational activities for development at country level; promoting international human rights standards and principles and advocating for human rights as a common UN value in dialogue with national actors; facilitating access to knowledge and expertise on human rights, ensuring close interaction between UNCTs and OHCHR; acting as interlocutors for the HCHR, as appropriate. UN Policy Committee Meeting 20 May 2008, Decision 2008/18

²³ SMT Approved Version: OHCHR's Policy on Human Rights Advisors (2006), page 2

The HRA operated under the Revised Policy Standard Operational Framework of December 2010, by which “the Multi-donor Trust Fund established under the UNDG- HRM should increasingly be expected to provide funding for the first two years of HRA operation.....the HRA should be supported by the RCO with at least one national staff and one national officer and the UNCT should provide a local budget to fund activities.....”²⁴

HRA s deployed under the 2006, 2008 and 2010 Generic TOR are known as “1st Generation”, and have been deployed under policies and generic TOR by which their salaries were not among the elements for cost-sharing with the UNCT.²⁵

By 2012, the deployment of HRAs had been fully integrated into the work of the UNDG through the UNDG Human Rights Mainstreaming (HRM) mechanism, which issued the *UNDG Strategy for the Development of Human Rights Advisers to Resident Coordinators and UN Country Teams* in January of that year. The strategy detailed the lessons learned of the previous six years of HRA deployment as “one of the most effective tools for mainstreaming human rights....”²⁶ Notwithstanding the reported success, the strategy identified ongoing concerns such as (a) need for interagency agreed TOR and a pool of available funding, as well an interagency roster of qualified candidates to address the delay between RC/UNCT request and HRA deployment; (b) need for a better understanding by both RCs and national actors of the scope of HRAs role; (c) need for strengthened accountability and communication between the RC as 1st reporting officer and OHCHR as 2nd reporting officer, to avoid competing expectations of the HRA (in particular regarding the extent to which they may represent the High Commissioner); and the need for additional local support to enable the HRA to perform to expectations.

To address these concerns and enhance the HRA deployment and support, the 2012 UNDG strategy developed updated standard TORs for HRA, specified the support needs from wider UNDG members; established key criteria for deployment, including favourable national environment and programming opportunities, country needs and capacity gaps and full commitment from the RC/UNCT; strengthened regional HRA support capacity under the Regional UNDG Teams, and resource mobilization under the new MDTF. The expected results arising from the UNDG decision to endorse the strategy were “strengthened policy coherence and clarity on human rights advisers’ deployment by OHCHR at the request of RC/UNCT; [and] enhanced support to human rights advisers by UNDG agencies”.²⁷ The new strategy called for additional extra-budgetary resources to be mobilized under the MDTF established for the UNDG HRM with a view to deploying 20 HRAs by 2013. It also introduced a new concept of cost-sharing for those 20 HRAs (see text box).

²⁴ *Revised OHCHR Policy on Human Rights Advisers (Standard Operational Framework)*; 23 December 2010, p. 3.

²⁵ Some of the Action 2 HRAs - among the 1st Generation HRAs - also had cost-sharing arrangements after the A2 funds expired during some period.

²⁶ *UNDG Strategy for the Development of Human Rights Advisers to Resident Coordinators and UN Country Teams*, January 2012, page 2.

²⁷ UNDG Meeting Decision Sheet, 3 February 2012.

“Taking into account the strategic value of HRA deployment...the MDTF will be used to fund new requests for HRA deployment on a decreasing scale, allowing time for the UNCT to cost-share and eventually fully finance the post. The standard operating assumption is that the MDTF will cover 100% the first year and 50% the second year, with the UNCT bearing the full cost of HRA operation by the third year.”

Thus, under the 2012 UNDG strategy, cost-sharing now covers the HRAs salary (with no mention of the local costs which the UNCT had been expected to cover under previous deployments). The 12 HRAs deployed under this UNDG strategy are known as 2nd generation HRAs, and the MDTF assures their salaries for a maximum of 18 months, with the remaining 18 months of a 3 year deployment to be covered by the RC/UNCT.

Although under the 2012 UNDG strategy, OHCHR retains overall responsibility, oversight and management of the HRA recruitment and deployment (with standard TOR further clarifying the criteria for deployment and role of the HRA in supporting the RC and UNCT in meeting their human rights responsibilities), as in the past, 2nd generation HRAs are to be assigned to the RCs office and not be accredited representatives of OHCHR. Notably, subsequent to the adoption of the UNDG strategy, the HRAs are considered a resource for the UNCT, and “to convey the views and advice of OHCHR”.²⁸ The UNDG strategy notwithstanding, in interviews with HRAs conducted in June 2015, they reported perceiving their role, when interacting with national counterparts, as representing UNDG.²⁹

Subsequent to the 2012 UNDG Strategy, in December 2013, the UN-SG issued the “Rights Up Front (RuF) initiative, which renews the commitment of the UN to its responsibilities for preventing and responding to serious violations of international human rights and humanitarian law.³⁰ The January 2014 updated RuF *Detailed Action Plan*, called on OHCHR to “regularly share with the UNCT....a summary analysis of principal human rights concerns and risks of serious violation;” and on the UNCTs to reflect these concerns in their CCAs and UNDAFs, as well as develop a strategy to address potential or actual serious violations.³¹ HRAs were among the resources specified as available to RCs and UNCTs in implementing the RuF initiative.³² Further guidance to the RC system was approved by UNDG on 26 June 2015, Guidance on Human Rights for Resident Coordinators and UN Country Teams. This comprehensive

²⁸ *UNDG Strategy for the Development of Human Rights Advisers to Resident Coordinators and UN Country Teams*, January 2012 page 7

²⁹ *Draft report on Interviews with UNDG-HRWG HRAs* 17 June 2015, page 8

³⁰ See “Rights up Front” Summary at : <http://www.un.org/sg/rightsupfront/doc/RuFAP-summary-General-Assembly.shtml>

³¹ *Ibid*, paras 6 & 7

³² *Ibid*, para 9.2

guide elaborates on all the UN's human rights responsibilities, and the role of the RC/UNCT in meeting those responsibilities in country, and how these may be met, including by the deployment of an HRA.³³

1.2 Evaluation Background

It is with this history of the HRA programme's evolution and institutionalization within UNDG, the distinctions between 1st and 2nd Generation HRAs' TOR and operational frameworks, and the current UN context of reinforced emphasis on and more elaborate guidance for meeting human rights responsibilities of the UNRC System, that OHCHR's Policy, Planning, Monitoring and Evaluation Services (PPMES) has commissioned the "Evaluation of programmes supported by Human Rights Advisers".

The programmes supported by HRAs are evaluated for the following reasons:

- The issue has been proposed by the Network of Evaluation Focal Points (NEFP), and included in the OHCHR Management Plan 2014 – 17; besides, there have been requests of specific situations under which HRAs are operating to be evaluated;
- FOTCD and RRDD have proposed the evaluation to gather information that could serve (1) to strengthen this type of deployment and its purposes; (2) find ways to better support the deployed HRAs and (3) provide inputs to better implement the 2012 UNDG Strategy³⁴;
- HRAs have been working since a maximum of ten years (HRA Sri Lanka), several of which producing clear planning and monitoring documents that can be used to evaluate the programmes;
- OHCHR has been increasingly using the format of HRAs in these last ten years, and although the financial investment might have been small overall, they now represent about 32% (21 out of 66) of OHCHR field presences and they involve not only cross-divisional but also cross-agency work;
- An actual issue perceived in course of the desk and field phase of the evaluation was the financial sustainability of the 2012 UNDG Strategy; since 2012, 11 HRAs have been deployed following this mode and the first ones passing the 18 and 24 months' threshold;
- With the 2008 Policy Committee decision which defined for the first time RC's roles and responsibilities on human rights, HRAs are positioned to support RCs/UNCTs in fulfilling their HR responsibilities³⁵;
- Outcomes of this evaluation could be very useful for existing and new HRAs in the areas in which most of their results within the OHCHR Management Plan 2014 to 2017 are focused, e.g. Expected

³³ *The United National System and Human Rights: Guidelines and Information for the Resident Coordinator System*, 26 June 2015, paras 23, 63.

³⁴ Comment of the Reference Group (RG) to the Inception Report (IR) of 20 August 2015.

³⁵ *ibid*

Accomplishment 11 (EA 11), in which a HRBA and the right to development are increasingly mainstreamed.

The main purpose of the evaluation is to assess the contribution of HRAs interventions in support to UNRCs and UNCTs on the achievement of institutional, legislative or behavioural changes on human rights issues.

The Terms of Reference of the Evaluation also state as objectives:

- To identify the effects of the support of HRAs to UNRCs and UNCTs interventions, in the enjoyment of rights at national level;
- To produce useful lessons learned and good practices that illustrate successful and unsuccessful strategies in the achievement of results by UNRCs and UNCTs supported by HRAs, including in the area of gender equality; and that can help identify areas where policy or structural changes are required;
- To produce clear and actionable recommendations identifying concrete actions and responsibilities for OHCHR to undertake towards the achievement of results and improvement of the enjoyment of rights.³⁶

The evaluation will take both, a summative and a formative approach, in that it will look at results achieved or not achieved so far (summative) with a view to inform HRAs and other field presence's work in the future (formative). This approach will therefore increase OHCHR's accountability and learning, as per OHCHR's Evaluation Policy.

³⁶ RG suggested "to focus much more on the rationale for the UNDG strategy, making concrete recommendations and actions for OHCHR and UNDG, particularly on strengthening the UNDG strategy, system-wide ownership of HRAs and accountability of RC/UNCT for results and support". However the evaluation is commissioned by OHCHR and is not a Joint Evaluation with UNDG and/or the UNCTs and/or RCs, so it would be going beyond mandate and ToR;

1.3 Methodology and Approach

This chapter describes the methodology chosen and the approach applied for this evaluation.

In course of the desk phase in Geneva and beyond the ToR evolved and the technical content of the evaluation was enriched and enlarged.

The following aspects were amended in mutual agreement:

- The evaluation criterion of sustainability was added to the list of criteria and questions;
- The scope of coverage of the country visits has been enlarged; from originally four countries foreseen as sample size, now six countries where HRA are deployed have been visited;³⁷
- In addition to country visits, a global survey has been introduced as evaluation instrument. It was directed to HRAs and to RCs in the 21 countries where HRA are deployed. In each country two parallel questionnaires with relevant questions to the HRA and to the RC, managing the UN country team, respectively, have been circulated and analysed.³⁸

Evaluation Criteria and Evaluation Questions

The evaluation will focus on four of the OECD/DAC criteria and will pay special attention to the theme of gender (equality) mainstreaming under all four criteria.

- **Relevance** - the extent to which the objectives of the UNRCs and UNCTs programmes supported by HRAs are consistent with stakeholders' (both duty bearers and right-holders) requirements, country needs, human rights mandate and thematic priorities of the Office, and its comparative advantage;
- **Effectiveness** – the extent to which the UNRCs and UNCTs planned results and targets supported by HRAs have been achieved, at outcome and output levels; the extent to which HRBA is mainstreamed across the UNDAF.
- **Impact prospects** – the extent to which the strategic orientation of UNRCs and UNCTs interventions supported by HRAs points toward making a significant contribution to broader, long-term, sustainable changes on human rights issues;
- **Sustainability**³⁹ – whether the benefits of an activity are likely to continue after donor funding has been withdrawn / the HRA has finished the deployment or support to the programme; the financial sustainability of the funding mechanism per se.

³⁷ One of the HRA is covering three countries in the region, in which two countries are staffed with HROs

³⁸ The survey was circulated to 23 RCS as one of the HRAs is covering 3 countries; in the case of HRAS the survey was circulated to 21 HRAs plus one national officer who is working on his/her own in a country team under the supervision of an international HRA located in another country (Southern Caucasus).

³⁹ As a result of the mission to Geneva performed by the TL the criterion Sustainability has been added to the evaluation criteria. The information gathered in Geneva disclosed that the current system of financing the HRAs positions through a Multi donor trust fund (MDTF) may not be sustainable; another sustainability related aspect touches on the fact that there are entry

- **Gender equality mainstreaming⁴⁰** - the degree to which gender has been mainstreamed in all the activities of the UNRCs and UNCTs supported by HRAs, and the degree to which the results obtained have contributed to the goal of gender equality. To the extent possible, the Evaluation will look at how the HRBA principle of non-discrimination, beyond gender discrimination, has been mainstreamed in the UNCT's work supported by HRAs.

Evaluation questions and sub-questions are elaborated in Volume II.

Scope and Coverage of the Evaluation

The intention of the evaluation is to generate findings, conclusions and recommendations about the work of HRAs at the global level, including all the regions covered by the Office: Africa, Asia - Pacific, Middle East and Northern Africa, Europe and Central Asia, and Americas. At present there are HRA based in 21 countries, of which one (Caucasus) has a coverage of three countries, with a national HR officer based in a 22th country.

The sample taken for the six field visit (29% of all countries with HRA) targeted a mix of geographical regions, the deployment model, i.e. prior and after 2012, the inclusion of international and national staff members and the fact, if the HRA has a team of national experts and/or support staff or not.

A global survey has been conducted covering all countries in which HRA are working, and had targeted a response rate of 75% or beyond. The survey rendered a response rate of 71% (15 of 21 countries) for the HRAs and of 52% (11 of 21 countries) for the RC. The survey has clearly broadened the coverage of the information considered in the evaluation and added to the credibility of the conclusions drawn and recommendations made.

The selection of countries for the sample set out in the ToR was validated and revised during the inception phase by the TL in consultation with the evaluation manager, the reference group of the evaluation, the HRAs participating in the Annual Head of Field Presences Meeting and the geographical managers at FOTCD. The final suggestions were made by the M&E unit of PPMES. The chosen countries include Tanzania and Zambia (Pilot Mission), East Timor, Paraguay, Southern Caucasus, and The Former Yugoslav Republic of Macedonia.

The population of these shortlisted countries reflects a coverage of the following HRA situations in country:

- single HRA without support staff
- HRA with support staff and/or small and larger HRA units

strategies for HRAs available, but no explicit exit strategies, i.e. the moment when the support to programmes provided by HRAs is sustainable and the HRA could move to another country or position. Financial, Social and Political Sustainability are analysed.

⁴⁰ Gender Equality Mainstreaming was listed in the ToR as a theme for this evaluation. Questions were suggested under the DAC criteria for analysis. However, promotion of gender equality is neither a duty in any of the four iterations of HRAs Generic Terms of Reference, nor does it appear among the Expected Accomplishments of the OHCHR 2014-2017 Management Plan.

- country and regional HRA
- international and (at least one example of) national HRA
- First and second generation of ToRs for HRA (the latter deployed through the UNDG HRM after 2012).
- HRA advisor as phasing out strategy of a peace keeping mission and as entry strategy in a country not covered before by an HR presence.

According to the sample size finally taken, the selected UNRCs and UNCTs programmes supported by HRAs have been evaluated and lessons extracted with the aim of extending them to other countries. The sample included three HRA presences which were established under the new UNDG-HRM mechanisms.

Evaluation Instruments

The evaluation has applied, to the extent possible a mixed-methods approach - quantitative and qualitative, with rigorous triangulation of information.

Desk Reviews (informal, for general background, including of the human rights situation in the countries being visited; and formal, on OHCHR's and external documents such as reports, evaluations, legislation adopted, etc.);

Individual Interviews, either in person or virtually, with stakeholders identified in the analysis;

Group discussions, either in person or virtually, with stakeholders identified in the analysis;

Direct observation, through field trips to OHCHR's Human Rights Advisers locations;

Secondary data analysis of existing data sets, particularly monitoring information contained in OHCHR's Performance Monitoring System (PMS) and available in-country statistical information, when relevant.

The evaluation methodology includes a mission to Geneva (OHCHR headquarters) for stakeholder interviews that has been performed by the TL in early June 2015 and a number of country missions where OHCHR's HRAs are located, for desk reviews, direct observation and face to face interviews with stakeholders. The evaluation will follow the UNEG Standards⁴¹ and Norms⁴² for Evaluation in the UN System, including the UNEG Handbook "Integrating Human Rights and Gender Equality in Evaluation – Towards UNEG Guidance"⁴³;

Global Survey A global survey with two templates was designed and disseminated, one for RCs and one for HRAs.

⁴¹ <http://www.unevaluation.org/document/download/561>

⁴² <http://www.unevaluation.org/document/download/562>

⁴³ <http://www.unevaluation.org/document/download/1294>

Table 1 Summary of the tools applied

Issue	Data collection tool and sources	Sample	Procedure for analysis	Comments
At HQ level				
Role and changes of profile of HRA;	Stakeholder Interview HQ; HRAs present at the annual meeting in Geneva; Managers and staff of the functional units at OHCHR HQ.	Random sampling suggested for the days of interviews in Geneva.	Individual and group Interviews	Semi structured interviews with HRA; Managers and staff of functional units.
	Performance Monitoring System (PMS)	Countries to be visited by the evaluators	Document analysis; follow up on projects indicated in the reports for triangulation should time allow.	
At country level				
Cooperation between RC and HRA; Integration of HRA and UNCT. Mainstreaming HR into UNDAF and other country documents Monitoring systems at country level	Field visits; Direct observation	Chosen countries for field visits, random sampling;	Interviews with both groups, HRAs operating under pre-2012 and post-2012 TOR; Document analysis; Review of End of Cycle, End of Year and annual work plans (AWPs);	Semi structured interviews with UNCT, RC, and HRA. Interviews with national partners.
	Stakeholder Interviews	Same as above	Interviews with UNCT, RC, HRA. Interviews with national partners.	
At global level				
	Global survey	HRAs and RCs in countries with deployed HRAs, anticipated coverage > 75 %	Tabulations of quantitative and qualitative of responses; summary analysis of major findings; triangulation with stakeholder interviews	

II Main Findings by evaluation criteria

In the reporting against evaluation criteria the cutting line between criteria is not always straight forward. One theme can be covered by more than one criterion; examples are provided in table 2 below. The evaluators have reported under one criterion, and most of the information is related to this criterion, however, reference is made under other criteria covered where is applied.

Table 2 Evaluation Themes and Evaluation Criteria (examples of themes falling under more than one evaluation criteria)

Theme/Question	Relevance	Effectiveness	Impact Prospects	Sustainability
UNDAF – HRBA mainstreaming	HRBA mainstreamed; Coherence UNDAF and work plan HRA	Contribution of HRA to OHCHR on EA11,		
Institutional Strengthening		HRA facilitates platforms for State/CSO dialogue	Government pressurized to change law benefitting people with disabilities	People with disabilities enjoying their right
UN treaties and reporting		HRA working on OHCHR on EA 6 and EA 7	Treaties ratified and reported against	
Deployment Model second generation		Time span between request and deployment of HRA	Time of HRA in country and contribution to impact prospects	Financial sustainability of the funding mechanism

2.1 Relevance

Integrating human rights into the United Nations Development Assistance Framework (UNDAF)

Under the generic terms of reference for Human Rights Advisers (HRA), starting with the very first generation, deployed under the 'Action 2' programme, the top task in the scope of work was to advise the RC and UNCT on "building national capacities for the promotion and protection of human rights, including through UN development cooperation programmes"⁴⁴; this principal duty was amplified in 2010 and yet again for the 2nd generation HRA in 2012. Their responsibilities further shifted towards supporting the RC and UNCT, by "integrating human rights into their programme and activities, in particular UNDAF....including by building UNCT capacities to apply a human rights based approach"⁴⁵. The priority which all standard TOR assigned to HRAs' contribution to the UNDAF, now known as the - United Nations Development Assistance Partnership (UNDAP), underlies the importance of examining their contribution, and the UNDAF/Ps themselves, as part of this Evaluation.

For the six countries visited, where possible, the evaluators compared previous and current UNDAPs to see if their HR/HRBA content differed following the deployment of an HRA. For Tanzania and The Former Yugoslav Republic of Macedonia the UNDAP narrative text was not available to the evaluation team at the time of the mission, so analysis of the results matrices formed the basis of the assessment in those two countries.

The table 3 below assesses the previous and current/new UNDAP's in the countries visited by the Evaluation team, using criteria of the UN Common Understanding,⁴⁶

- All programmes of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the Universal Declaration of Human Rights and other international human rights instruments.
- Human rights standards contained in, and principles derived from, the Universal Declaration of Human Rights and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
- Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and/or of 'rights-holders' to claim their rights.

⁴⁴ Human Rights Advisors (HRA): Generic Terms of Reference, October 2006, page 1;

⁴⁵ Human Rights Advisors to the UN Resident Coordinator/Country Team: Standard Terms of Reference, revised 2010, Annex to Revised OHCHR Policy on Human Rights Advisors (Standard Operational Framework, 23 December 2010. Page 5, and Human Rights Advisors to the UN Resident Coordinator/Country Team: Standard Terms of Reference, Annex to: UNDG Strategy for the Deployment of Human Rights Advisors to Resident Coordinators and UN Country Teams: UNDG Human Rights Mainstreaming Mechanism, January 2012, page 11;

⁴⁶ See <http://hrbaportal.org/the-human-rights-based-approach-to-development-cooperation-towards-a-common-understanding-among-un-agencies>.

Table 3 UNDAF and Human Rights Based Approach: Comparison between the previous and the current UNDAF, with and without HRA present

	Little or none	Some	Strong or significant
East Timor HRA Deployed 2013			
Furthering HR as over-arching purpose of UNDAF's development cooperation			
Application of HRBA in narrative or result matrices			
Support to use of Human Rights mechanisms			
Strengthens capacities of duty-bearers and rights holders			
Georgia* HRA Deployed 2006			
Furthering HR as over-arching purpose of UNDAF's development cooperation			
Application of HRBA in narrative or result matrices			
Support to use of Human Rights mechanisms			
Strengthens capacities of duty-bearers and rights holders			
The former Yugoslav Republic of Macedonia HRA Deployed 2007			
Furthering HR as over-arching purpose of UNDAF's development cooperation			
Application of HRBA in narrative or result matrices			
Support to use of Human Rights mechanisms			
Strengthens capacities of duty-bearers and rights holders			

* HRA signed UNDAF on behalf of OHCHR

UN Common Understanding: Evidence in the UNDAF – with and without HRA presence

	Little or none	Some	Strong or significant
Paraguay HRA Deployed 2010		UNDAF 2007-2014⁴⁷	UNDAF 2015-2019
Furthering HR as over-arching purpose of UNDAF's development cooperation			
Application of HRBA in narrative or result matrices			
Support to use of Human Rights mechanisms			
Strengthens capacities of duty-bearers and rights holders			
Tanzania HRA Deployed 2014		UNDAF 2011 – 2015	UNDAF 2016 – 2020
Furthering HR as over-arching purpose of UNDAF's development cooperation			
Application of HRBA in narrative or result matrices			
Support to use of Human Rights mechanisms			
Strengthens capacities of duty-bearers and rights holders			
Zambia HRA Deployed 2014		UNDAF 2011-2015	UNDAF 2016-2020
Furthering HR as over-arching purpose of UNDAF's development cooperation			
Application of HRBA in narrative or result matrices			
Support to use of Human Rights mechanisms			
Strengthens capacities of duty-bearers and rights holders			

⁴⁷ The 2007-2011 UNDAF was exceptionally extended by three years; see *Extension of Country Programmes: Note of the Administrator* DP/2013/15 of 1 April 2013

Interviews in all the countries visited show evidence of HRAs' engagement in the UNDAF/P preparation and capacity development of the UNCT. In terms of the actual document itself three of six UN Development Assistance Programmes are showing evidence that the presence of an HRA resulted in an improvement in human rights promotion and application of HRBA in the UNDAF; in the remaining four cases the degree of Human Rights mainstreaming as reflected in the document has improved and two became worse. The analysis also revealed that in two of the six countries visited the UNDAF did not include support to human right mechanisms, (i.e. reporting and implementing recommendations of the Universal Periodic Review, or of Special Rapporteurs) a key responsibility under the HRAs generic TOR, and a key result area (EA6) in the OHCHR 2014-2017 Management Plan. While the UNDAF is the product of many other processes and documents, including country studies, UN Common Country Assessment, individual agency plans and analyses, it represents, in the end, the common plan of the whole UN system, and as such should be considered encompassing OHCHR priorities, along with those of other UN agencies.

The relevance of these supported UNDAFs in terms of the needs and issues on HR in the countries and the interventions of HRA are discussed under coordination and coherence in chapter 2.2, Effectiveness.

2.2 Effectiveness

For easier reference to the expected accomplishments cited in this chapter, table 4 below provides an overview of the EAs targeted in OHCHR’s Management Plan 2014 – 2017.

Table 4 OHCHR Expected Accomplishments (EAs)

OHCHR Support Aims	
EA 1	Duty-bearers ensure compliance of laws, policies and institutions with international human rights standards.
EA 2	Duty-bearers ratify international and regional human rights treaties , and review their reservations.
EA 3	Duty bearers ensure the functioning and compliance of protection systems and accountability mechanisms to monitor, investigate and redress human rights violations.
EA 4	Duty-bearers ensure that compliant national legislation, policies, programmes and institutions in place to combat discrimination .
EA 5	Rights-holders use national protection systems and participate in public processes, especially women and groups subject to discrimination.
EA 6	Duty-bearers uphold their obligations by supporting State engagement with the international human rights mechanisms .
EA 7	Civil society engagement with international human rights mechanisms
EA 8	Development of international/regional human rights laws and institutions .
EA 9	Enhanced coherence among international human rights mechanisms
EA 10	Increased responsiveness of the international community to critical human rights situations and issues
EA 11	Human Rights mainstreamed within the UN

Source: OHCHR Management Plan 2014-2017

Results supported by HRAs in human rights-mainstreaming in the UNDAF

When looking for evidence of human rights strengthening and HRBA in the UNDAF Outcomes/Outputs, the evaluators also recognized that the absence of such evidence may not always be within the HRAs control. Explicit mention of human rights realization, or of HRBA principles in the UNDAF, may depend on the national context, the RC and the composition of the UNCT, as well as the access provided to the HRA in the design and negotiation of the document, both within the UNCT and in dialogue with national authorities. Indeed, in the HRA survey responses to Question 10 (Q10), 4 of 15 (27%)of HRAs cited support of HRBA mainstreaming and UNDAF development as among the services the UNCT requested of them, and 27% stated that this effort clearly contributed to the UNDAF incorporation of HR/HRBA (Q20).

Yet 27% also cited influencing the UNDAF was among the services provided that did not lead to expected results (Q21). For example, (1) offers to train the UNCT in HRBA prior to UNDAF design were refused, or if accepted, (2) did not show an effect once the UNDAF results were finalized, or, (3) the HRA provided detailed comments on UNDAF drafts, they were not taken into account. Although 3 of 11 RCs

cited the HRAs support to the UNDAF as an example of HRA contribution to results (Q12), not one of the 11 RCs responding to the RC survey mentioned support to UNDAF preparation as one of the services s/he requests from the HRA (Q7), and only one mentioned that as a support requested by the UNCT (Q8).

This finding is surprising, given that the first human rights responsibility listed in the 2014 RC Job Description is to coordinate the UN country team “in mainstreaming international human rights norms and standards into a country’s operations activities for development.”⁴⁸

Table 5 Survey question: Is HRBA mainstreaming in UNDAF a requested service of HRA?

HRBA + UNDAF development mentioned:	By HRA-self	By RC-self	By RC-UNCT
1. As contribution/service requested of HRA	27%	0%	9%
2. As successful contribution	27%	27%	
3. As unsuccessful	27%		

HRA survey: N=15; RC survey: N=11

The influence of the HRA on the UNDAF, and the evidence of HR/HRBA mainstreaming in the document, varied considerably among the countries visited. In Paraguay, members of the UNCT considered the HRA’s contribution as decisive⁴⁹ to the development of the 2015-2019 UNDAF⁵⁰’s architecture in which the three outcome areas are (1) Civil and Political Rights (2) Economic Social and Cultural Rights, and (3) Environmental Rights. This is an improvement over the 2007-2014 UNDAF, whose outcome areas were Governance, Poverty and Environment, as is the integration of the principle of non-discrimination, the promotion of which is an overarching purpose of the UNDAF. As such, all indicators are to be disaggregated to monitor results by excluded groups.

However, support to treaty-body reporting and implementation of recommendations is not explicit in the new 2015-2019 UNDAF for Paraguay, unlike in the previous one. This is a surprising omission, since Paraguay, with the support of the HRA, has spearheaded SIMORE⁵¹, a very innovative and valued mechanism for monitoring the status of recommendations, which is being replicated world-wide.⁵² However, the HRA attributes the omission to timing: the text of the 2015-2019 UNDAF was completed

⁴⁸ UNDG; *The United Nations System and Human Rights: Guidelines and Information for the Resident Coordinator System*, 25 May 2015 Draft, para 15, page 11.

⁴⁹ Interview UNCT –P, 7/10/15

⁵⁰ UNDAF Paraguay 2015-2019.

⁵¹ SIMORE= Sistema de Monitoreo de Recomendaciones is an online tool developed over three years by seven inter-institutional thematic working groups, from all three branches of state, in which all the treaty body recommendations have been inputted and against which responsible institutions have been identified as accountable for implementation. The tool went live in June 2014 and is constantly updated by the seven thematic groups who meet every three months to assign responsibilities. It has been/is being used to complete treaty body reports, most notably the UPR being submitted in 2015.

⁵² See “Promoting international cooperation to support national human rights follow-up systems and processes”, Human Rights Council A/HRC/30/L.26 of 24/09/2015, proposed by Paraguay and adopted. Ministry of Foreign Affairs, General Unit of Human Rights Newsletter, September 2015, announcing it is providing technical assistance to 13 Caribbean countries, and 9 Lusophone countries.

before SIMORE was officially launched in 2014⁵³. It is noteworthy that the 2015-2019 UNDP designates OHCHR as leader for one output and contributing financially to 8 of 10 results.

In Zambia, UNCT members and the RCO planning team considered⁵⁴ that HRA expertise and commitment to supporting the UNCT to internalize HRBA and to ensure its mainstreaming was an added value: “The HRA reviewed the drafts, provided correct language and ensured the Plan was consistent with international norms and treaties”. According to interviewees, the HRA’s contribution was key to the resulting rights-based 2016-2021 Draft UNDP⁵⁵; evaluators’ review of the draft document reveals a strong emphasis on equality and non-discrimination, on disaggregated indicators, on strengthening the capacity of rights holders to claim their rights and duty bearers to be accountable and on all residents to live a life of dignity. For example, in Pillar 2, environmentally sustainable and inclusive economic development, the two outcomes focus on the poorest and on empowering participation of vulnerable groups.

- **Outcome 2.1:** By 2021, productive sectors expand income earning opportunities that are decent and sustainable, especially for youths and women in the poorest area
- **Outcome 2.2:** By 2021, women, youth and other vulnerable groups are empowered to participate in economic opportunities that are decent and promote sustainable livelihoods.⁵⁶

The 2011-2015 UNDAF, developed several years before the HRA’s deployment, scarcely made mention of any HRBA principles, nor indeed were human rights and their promotion – the first criterion of the UN Common Understanding - seen as a fundamental purpose of UN collaboration; this although the result matrices did refer to the relevant international instruments, and provided for support to treaty body reporting and implementation of recommendations.

In other countries the HRA was not able to fully engage with the process of UNDP development, according to one HRA the RC did not offer an opportunity⁵⁷, or because the HRA him/herself was unable to seize the opportunities offered due to competing demands. In another country, the HRA was absent⁵⁸ during the critical period in which the UNDP 2016-2020 results matrices were discussed and finalized. HRBA mainstreaming was not uniform across UNDP II outcome areas, with some showing no application of HRBA principles at all.⁵⁹ Comparison between Tanzania’s UNDP I (2011-2015)⁶⁰ and UNDP II (being finalized in 3rd QTR 2015) show a relative downgrading of fulfillment of human rights and this country’s treaty obligations from the overarching purpose of UNDP I, to an output in the Democratic Governance programme of UNDP II.

In East Timor, the 2009-2014 UNDAF had as its ‘cornerstone’ consolidating peace and stability. The

⁵³ 19 November 2015 Email from Paraguay HRA

⁵⁴ field visit interviews

⁵⁵ Zambia-2016-2021 Draft UNDP

⁵⁶ *ibid*, page 17

⁵⁷ HRA 2015 mid-year review report

⁵⁸ field visit interviews

⁵⁹ UNDP II Draft results matrices, Sept. 2015

⁶⁰ United Nations Tanzania Development Assistance Plan July 2011-June 2015

realization of human rights was not a central focus of UN Cooperation, and while ‘vulnerable groups’ were given priority, the human rights principle of equality and non-discrimination did not guide development assistance, and generally there was little evidence of HRBA integrated across outcomes. The HRA had previously served with the UN Peacekeeping Mission and was first deployed in 2013; the contribution provided by the HRA and the team to the UNCT and the results generated by the work were positively commented by the RC as well as by some of the interviewed UNCT agencies. Good knowledge about culture and language are considered a special asset the HRA brings as part of the skill set that facilitates the dialogue with the national partners. The 2015-2019 UNDAF has been guided by the five principles of “The New Deal”, which guide the country’s transition to sustainable development, none of which address the realization of human rights.⁶¹ Nonetheless, the governance sector in the UNDAF indicates as its outcome “State institutions are more responsive, inclusive, accountable and decentralized for improved service delivery and realization of rights, particularly of the most excluded groups”.⁶² It supports accountability, (including by support to human rights mechanisms), citizen participation and oversight of public policy.

In Georgia, a HRA was deployed for the first time in 2006 and was succeeded in 2011 by a second HRA. Therefore they were able to contribute to both, the 2011-2015 UNDAF and the new 2016-2020 UN Partnership for Sustainable Development (UNPSD). Both documents show strong evidence of support to the realization of human rights and HRBA mainstreaming, but the UNPSD is notably improved with the integration of UPR recommendations across outcomes/outputs, and a stronger application of HRBA, particularly the principle of accountability. It is also noteworthy that out of the six countries visited, in Georgia only the HRA signed the UNDAF/UNPSD on behalf of OHCHR. This is not OHCHR policy and might have been an exceptional case.⁶³ Though not the standard process, it is an indicator that the HRA is recognized by his peers as a de facto office.

In all six countries visited by the Evaluation Team, the HRAs were providing HRBA capacity development and advice to the UNCT, advising on and sometimes shaping of the UNDAF outcomes and outputs, trying to ensure that the UN’s development programme supported treaty body reporting and implementation of treaty-body recommendations. Most RC/UNCTs interviewed considered the HRA’s contribution to the UNDAF to be relevant and appreciated.

However, the HRA’s support to HRBA mainstreaming is only prominent during the year of UNDAF preparation; the HRA support is not always either sought or accepted by the RC/UNCT, and does not always result in a more rights-focused UN programme of assistance.

⁶¹ United Nations Development Assistance Framework for the Democratic Republic of Timor-Leste 2015-2019: Supporting Equitable and Sustainable Development in a Rising Young Nation. Dili, July 2015, page 22

⁶² East Timor UNDAF: Draft results Matrices submitted to Government 31 July 2015, Governance Sector.

⁶³ The directions on UNDAF signature in places with HRAs is that the RC signs on behalf of OHCHR when OHCHR signature is required by the UNCT for various reasons as non-resident agency.

Coordination and communication mechanisms between the HRA and the RC /UNCT

Both the survey and the country visits revealed a wide array of strategies and mechanisms by which the HRA coordinates with and support the RC and UNCT, from one-on-one briefings of the RC to participation in UNCT meetings, to leadership of UN working groups, to meeting with UN colleagues at both representational and technical levels. The survey findings are captured in the table below:

Table 6 Coordination Mechanisms within the UNCTs applied

Coordination Mechanism or Strategy	Mentioned by HRA N=15	Mentioned by RC N=11
Meeting the RC	Once/week or more: 80% (Q18)	Frequently: 91% (Q13)
Meeting UNCT Representatives	Once/week or more: 47% (Q18)	Frequently: 36% (Q9)
Meeting UNCT technical staff	Once/week or more: 73% (Q18)	
UNCT participation	Always: 80% (Q16)	Frequently: 82% (Q10)
Leadership/participation in UN Theme Groups/Working Groups	Yes: 80% (Q 17) of which <ul style="list-style-type: none"> • HRWG 25% • HR/GEWG 33% • GEWG 8% • Others 33% 	Yes: 74% (Q11)

HRWG = Human Rights Working Group⁶⁴; GEWG= Gender Equality Working Group; HR=Human Rights

The RCs and HRAs who responded to the survey have similar perceptions both about the use of different mechanisms, and frequency of use by different UN stakeholders, which is an indicator of coordination and communication, if not of effectiveness. In the field visits, the Evaluation Team observed that HRAs engage and coordinate with their UN colleagues through several different mechanisms, but they are most effective in contributing to UNCT priorities, and in getting the UNCT to support OHCHR priorities, when they have the support of the RC.

In a country with a HRA recently deployed, the HRA chaired the Human Rights Working Group (HRWG), but participation was reported as limited, with only between 3 and 6 agencies represented⁶⁵; one UN agency felt that the HRA had actively pre-selected the issues which the group would work on. As a consequence the results of the HRWG were described by one UNCT member as “not tangible”. There

⁶⁴ Not to be confused with the UNDG-HRWG

⁶⁵ Field visit interviews. Attendance at regular meetings 3-6 participants according to interview with HRA and UN agencies.

was no evidence found of effectiveness of this coordination mechanism and indeed, the HRWG was removed as a formal programme management support structure for the new UNDP, commencing in 2016⁶⁶. In another country with a second generation HRA recently deployed, no HRWG existed⁶⁷ but the HRA routinely participated in the UNCT meetings, and the HRA's inputs were valued.⁶⁸ However, prioritizing an anti-discrimination agenda, which did not coincide with UNCT priorities, contributed to a breakdown in the HRA's communication with the RC and coordination with key UNCT members, undermining HRA's effectiveness.⁶⁹

In two other of the visited countries, the HRA provides HR briefings and participates in all UNCT meetings and co-leads the GE/HRWG; one of the respective RCs commented that the HRA was a 'effective resource in bringing together human rights issues for the UN'; in the other case the RC valued the HRA's advice that allowed the UN to tackle human rights issues in coherence, and also the RC's weekly one-on-one meeting with the human rights advisor.⁷⁰ In both countries the HRAs were seen as dynamic drivers of the WGs, leading to concrete results, i.e. a joint UN food security programme and a briefing paper for the UNCT on the deteriorating situation of gender equality, which serves as a baseline for measuring change. In the latter case the RC views the HRA and other participants in the WG as the 'gender warriors' for the UN, and important custodians of the UN values of equality and non-discrimination. In these countries, the coordination mechanisms used by the HRA were judged as highly effective and efficient, and valued by UN interviewees, in particular by the RCs who relied on the HRAs contribution. "I am a hugely 'satisfied customer'." declared one of the concerned RCs. Another recorded practice is that the HRA is regularly briefing the UNCT and is participating in the UNCT meetings whenever HRA relevant topics are on the agenda. Another HRA of the first generation is always invited to UNCT meetings and is also participating whenever possible. As UNCT meetings are called in not regularly and often at short notice, so they do not always coincide with the planning and travel schedule of the HRA.

Dual reporting requirements and supervision

In the 1st generation HRA, HRA has dual and parallel reporting requirements, i.e. (1) to the Office of the High Commissioner for Human Rights in respect of overall policies, priorities and procedures with regard to the human rights situation in his/her country of assignment and (2) to the Resident Coordinator (RC) in terms of day-to-day work and priorities, as well as relations with government, civil society and UN system partners.⁷¹ The most recent ToR for 2nd generation HRA⁷² have changed the emphasis, RC becomes the first, OHCHR HQ the second reporting line. RC as 1st reporting line in terms of day-to-day

⁶⁶ Draft management structures for supporting new UNDP, (as per diagram provided by RCO).

⁶⁷ Field visit interview

⁶⁸ Field visit interview

⁶⁹ Field visit interviews

⁷⁰ Field visit interviews

⁷¹ Human Rights Advisors (HRA): Generic Terms of Reference, October 2006

⁷² HRA Standard Terms of Reference, Annex to: UNDG Strategy for the Deployment of Human Rights Advisors to Resident Coordinators and UN Country Teams: UNDG Human Rights Mainstreaming Mechanism, January 2012.

work and relations with government; CSO and UN systems partners and OHCHR as 2nd reporting line, for guidance and functional support.

In the documents, it is stated that the UNRC is the local representative/interlocutor of the High Commissioner for Human Rights and the HRA will therefore be required to support the RC in the conduct of this role.⁷³

In the working reality of a HRA, and that was confirmed by all HRAs interviewed, the focus of reporting is towards OHCHR HQ. In several countries visited, there is no formalized reporting between HRA and RC at all. Reporting has more the quality of “informing”, and this more as a formality, as no approval is suggested or waited for. One of the interviewed RCs, clearly said that although very appreciative of the HRA’s contribution, he/she did not appreciate simply being ‘informed’ of what the HRA, ostensibly under the RC’s supervision, planned to do.

The reporting requirements towards the HRAs from OHCHR side, in contrast, are frequent and, as perceived by half of the HRAs, rather heavy. Some openly expressed that they do not have time for timely monthly reporting, or monthly reporting at all. The Programme Monitoring System alone requires regular input, in form of monthly reports, six months and end of the year reports. Non-staff members of OHCHR have no access to the online reporting system, but can use a word-supported function to retrieve documents directed to the second reporting line of the HRA, OHCHR.

Evaluators have found no evidence of an established and formalized communication line between the RC and OHCHR. The survey for RCs revealed that only one of 11 (or 9%) responding RCs has a frequent dialogue with OHCHR HQ on UNCT work on HR and HRA support. Five RCs responded “sometimes” and another five RCs assessed their dialogue with OHCHR HQ only as “rarely”⁷⁴. This makes the dialogue between RC and OHCHR almost a missing link in a communication triangle.

The main reporting lines between the RC and HRA consist of regular (verbal) debriefing with the RC (10 out of 11 RC responses). Only one RC, the same who characterized the dialogue with OHCHR HQ as frequent, mentioned also informal debriefings with OHCHR as one form of feedback provision.⁷⁵

Annual Workplans, end of year report and monthly report are the requested reporting requirement from OHCHR for their staff members. Input must be provided online. As 1st Reporting Officer, the RC is responsible for completing the HRA’s annual performance review, and yet their access to the OHCHR system for such reviews, the ‘e-Pas (electronic performance assessment system)’, is not automatic, as the RC is supposed to enter confidential information in the OHCHR system, but from an outside agency (generally UNDP), thus access has to be given on individual basis.

When comparing the communication links between the two managers responsible for the HRA, RC and 2nd line manager at OHCHR, the survey confirms that the most frequent communication is with the OHCHR HQ: 71% of the HRA have contact with OHCHR HQ or field presences, either daily or 2-3 times a

⁷³ See 1 and 2

⁷⁴ Survey for RCs, Question 14

⁷⁵ Survey for RCs, Question 13

week followed by UNCT Programme officers (67%), RC and Governmental Officials, both 60% respectively and CSOs(53%).⁷⁶

Coordination and coherence between the HRAs Annual Work-plan and UNDAF priorities

The generic TOR for HRA in 2006, as in 2012, called for the HRA to “advise and support the RC/UNCT in applying HRBA and in promoting human rights”. An underlying assumption is that this means supporting human rights through the UNDAF, and not through a stand-alone HRA programme. Since development of the UNDAF/P is an intensive process between national authorities and the UN country and its constituent agencies, the resulting mutually-agreed development outcomes can be considered priorities of both.

In all countries visited, the evaluators found that the OHCHR 2014-2017 Management Plan and its eleven distinct “Expected Accomplishments”, rather than the UNDAF, were given priority in the HRAs annual workplan and in the human rights programme where s/he devoted the most time. The coherence between the HRAs AWP (derived from the thematic priorities and expected accomplishments [EA] of OHCHR’s 2014-2017 Management Plan), and the priorities of the RC/UNCT and national partners (as expressed through the UNDAP), varied across the six countries visited by the Evaluation Team. In case of the second generation of HRAs the country note and the annual work plan were in most of the cases developed by OHCHR before the HRA’s deployment. In addition, the requesting RC was not always the same RC who received the HRA, and did not share the priorities of his/her predecessor rendering the OHCHR workplan obsolete.

Thus, for example in Tanzania, OHCHR’s management plan, and consequently an expected result in the HRA’s annual work plan-AWP), includes “EA1 the justice system investigates and prosecutes crimes against persons with albinism”, and EA 4 “A national policy to prevent and protect against attacks and discrimination against persons with albinism is in place.”⁷⁷ With this impetus from OHCHR HQ emphasizing EA4 on combatting discrimination, the HRA focused attention on advocacy for People With Albinism (PWA), and successfully involved the RC office. The HRA did achieve uptake of the PWA issue with some of the UNCT agencies⁷⁸ and some of the national partners, including NHRI⁷⁹ (although discrimination against PWA is not explicitly included in the National Human Rights Action Plan (NHRAP) 2013-2017⁸⁰). Although the HRA successfully made PWA a priority, there is no evidence that this was the most relevant human rights priority either for the UNCT or of the national counterparts. In fact, the only mention of PWA in the result matrices of UNDAP II is under the Governance Output “Government has enhanced capacity to craft evidence-based policies, programmes and budgets to meet the need to

⁷⁶ Survey for HRAs, response rate 15 or 100% of participating HRAs.

⁷⁷ OHCHR 2014-2017 Management Plan, Annex 28: Tanzania

⁷⁸ Field visit interviews.

⁷⁹ Field visit interviews

⁸⁰ Field visit interviews

women, children, the poor and other marginalized groups”, where PWA are included in the indicator for disaggregated data.⁸¹

In another country, OHCHR’s EA4 (Combatting Discrimination) is prominent in the country’s OHCHR Management Plan and in the HRAs 2015 AWP; although the grounds of discrimination are not specified in either, the HRA has focused much of the HRA’s work on combatting discrimination on the basis of sexual orientation. Indeed, in the 2015 *Proposed Work Strategy for International Human Rights Adviser*, which the HRA proposed to the RC, discrimination against the LGBTI community was the top issue under the area of ‘countering discrimination’. A proxy indicator of the priority the HRA attached to addressing discrimination on the basis of sexual orientation, is that 25% of all in-country visits scheduled for the Evaluation Team were with LGBTI civic organizations.

Yet members of the UNCT stressed that for the national partners, LGBTI is a very sensitive and very difficult topic⁸² and the HRA’s insistence in prioritizing this issue has risked undermining the UNDAF/P’s demand-driven cooperation, “with an OHCHR/Geneva’s supply-driven agenda” .⁸³ Indeed, the 2011-2015 UNDAF/P makes no mention of discrimination, and while the new 2016-2021 UNDAF/P has mainstreamed combatting discrimination across all outcome areas, discrimination on grounds of sexual orientation is not mentioned. Therefore, as the programmes supported by the HRA focusing on LGBTI issues were not relevant to the UNCT or national actors, they were not effective in achieving anticipated results.

In Paraguay, in contrast, interviews with all national actors (State and CSO) both validated the choice of UNDAF priorities in the areas of civil and political rights, economic, social and cultural rights, and right to a clean environment, and virtually without exception, expressed great enthusiasm for the contributions of the HRA/U to those national programmes the UNDAF supports directly⁸⁴. Among the expected accomplishments in the OHCHR Management Plan⁸⁵ and HRA’s workplan are:

- EA1 Supporting duty-bearers to uphold HR obligations - Policies, particularly of the National Secretary for the human rights of people with disabilities, the National Institute for Indigenous Issues and the Ministry of Education increasingly respect, protect and guarantee human rights standards.
- EA5 Support to rights holders to claim their rights - Civil society supports participatory mechanisms to enhance equality and counter discrimination, particularly against indigenous peoples, women, persons with disabilities and LGBTI persons.

EA1 and EA5 find echo in the 2015-2018 UNDAF, which specifies that all three thematic areas are to be guided by human rights principles and focus on groups subject to discrimination and exclusion. The UNDAF area of Political and Civil Rights calls for support to the capacity of the state to fulfill its

⁸¹ UNDAF II HRBA Evidence Results and M&E Matrix and CBF v.9; *Democratic Governance* tab.

⁸² field visit interviews

⁸³ field visit interviews

⁸⁴ Paraguay: field visit interviews

⁸⁵ OHCHR’s 2014-2017 Management Plan, Annex 57.

obligations and for support to citizen participation, including for the purpose of eliminating discrimination; the UNDAF area of Economic, Social and Cultural Rights include the reduction of poverty through the guarantee of human rights.⁸⁶

The HRA in Paraguay ensures effectiveness by responding to UNCT requests for support, convening state and civil society actors to come together to prepare plans of action for rights realization that all can own, and finding entry points for introducing HR/HRBA in UN and state processes. In addition to HRA's help in UNCT planning, the HRA has provided ad hoc assistance upon request on sensitive issues for UNICEF, on preparation of a manual for UN Women on the Treaty Body (TB) recommendations related to women for advocacy on legal reform, on contributing to the design of a joint interagency SDG Fund project on food security to which HRA will provide technical assistance, and by engaging UNCT members in the visits of Special Rapporteurs (SP). PAHO expressed particular appreciation for the recent visit of the SR on the Right to Health. The UNCT also indicated that it benefited from the work carried out by HRA on behalf of OHCHR i.e. SIMORE⁸⁷, top-to-bottom HRBA training of staff of Secretariat for Social Action (SAS), UPR preparation, and the just approved national disability plan. "The HRA is filling gaps that other UNCT members would not work on, but from which all of us benefit".⁸⁸

The 2015 AWP for the HRA in The former Yugoslav Republic of Macedonia calls for the HRA to ensure the new UNDAF has incorporated the recommendations of human rights mechanisms, and the SG's guidance note on racial discrimination and protection of minorities, strengthening the States capacity to meet its international human rights obligations, and participation of CSOs in treaty-body reporting and implementation of recommendations. None of these OHCHR priorities are explicitly reflected in the 2010-2015 UNDAF,⁸⁹ whose three outcome areas were: Social Inclusion; Local Governance and Territorial Development; Environmental Protection, although under the Outcome 2.3 "National and local level institutions and non-governmental actors promote inter-ethnic dialogue and social cohesion" could incorporate CSO participation and non-discrimination. For the new country UNPSD 2016-2020, civil society participation in decision making and monitoring is reflected⁹⁰ as is a call for support to realising the rights of different excluded and discriminated groups of (.....) society⁹¹, and the reduction of discrimination and adherence to human rights standards. The human rights approach is also reflected in the outputs for gender equality.⁹²

However, none of the indicators for these outputs include compliance with treaty body reporting and State implementation of recommendations, meaning that neither the old nor the new UNDAF for this

⁸⁶ Marco de Cooperacion para el Desarrollo entre La Republica del Paraguay y las Organizaciones de las Naciones Unidas 2015-2019, pp 8, 10, 12

⁸⁷ SIMORE= Sistema de Monitoreo de Recomendaciones. See footnote #5 and <http://www.mre.gov.py/mdhpy/Buscador/Home>

⁸⁸ field visit interviews; UN women's advocacy manual; SIMORE website; National plan for people with disabilities.

⁸⁹ United Nations Development Assistance Framework 2010-2015 [for FYR of The former Yugoslav Republic of Macedonia]

⁹⁰ See in Output 2.2, and outputs 3.2, 3.3, 3.4 and 3.5

⁹¹ Output 3.8

⁹² Outputs 5.1, 5.2, and 5.3

country have considered as relevant the priorities in the HRAs AWP and EA6 in OHCHR's 2014-2017 Management Plan.⁹³

Nevertheless, although the HRA thematic priorities fall outside of the UNDAF for the country, the RC and members of the UNCT interviewed confirmed the effectiveness of HRA's contribution to their work. UNFPA stated that it consults the HRA 'on a daily basis' and found that the HRAs help in compiling a paper on the government's international obligations proved crucial in persuading the Ministry of Health to change its policy on providing post-rape services; UNHCR appreciated the HRA's help in integrating international obligations into UNHCR's advocacy strategy when dealing with unacceptable conditions for the refugees, and highlighted that using treaty-body mechanisms for policy leverage was a new strategy to them, and that the HRA had been very effective helping the RC and UNCT to applying it.

The RC, UN Women and UNFPA⁹⁴ confirmed the support of the HRA in facilitating the UNCT's confidential input to three treaty body reports (CAT, CCPR and CERD) and in supporting the visit of the Assistant Secretary General for Human Rights. Similarly, interviews with CSO partners also revealed deep appreciation for the workshops on treaty-body reporting, which the HRA organised with support of OHCHR HQ in Geneva, in which 19 CSO participated⁹⁵. A number of NGOs⁹⁶ noted how helpful the HRA had been in training CSOs in preparing shadow reports to the UPR, and that one of the NGOs is now able to replicate the training for its constituents. Another NGO learned how to use the report to the CESCR Committee to advance their cause in getting a National Partner to recognise sexual orientation as grounds for discrimination.⁹⁷ Interviews with the NHRI and independent Commission for Prevention and Protection from Discrimination also commented on the relevance of the HRAs support to their mandate.⁹⁸

In Georgia, likely reflecting the long-term presence of an HRA, the Expected Accomplishments detailed in OHCHR's 2014-2017 Management Plan (Annex 74) are precisely echoed in the 2011-2015 UNDAF⁹⁹ with almost a one-to-one correspondence, with EA1 (Justice sector improved compliance with international human rights standards), EA6 (integrated follow-up to recommendations of human rights mechanisms) and EA5 (increased use of national protections systems by women and persons living with disabilities, minorities) incorporated into the Democratic Development Thematic area, Outcome 2.1 "Enhanced protection and promotion of human rights, access to justice and gender equity with particular focus on the rights of minorities, marginalized and vulnerable groups". EA7 (Increased engagement incorporated under Outcome 2.4). Independent civil society and free media participate effectively in democratic processes". It should be noted that EA5 for Georgia specifies increased use of

⁹³ OHCHR 2014-2017 Management Plan, Annex 70

⁹⁴ field visit interviews

⁹⁵ HRA- Mid-Year Review 2015

⁹⁶ field visit interviews

⁹⁷ field visit interview

⁹⁸ field visit interviews

⁹⁹ United Nations Country Team in Georgia: United Nations Development Assistance Framework 2011-2015, Democratic Development pp. 21-24 and 38-43.

national protection systems for the LGBTI community; while UNDAF outcomes 1.3 and 2.4 provide for particular attention to vulnerable groups, these do not mention the LGBTI community in particular. In the upcoming 2016-2020 UNDAF¹⁰⁰, the OHCHR expected accomplishments are similarly reflected in the Democratic Governance area, particularly Outcome 1.1 and Outcome 1.2, ensuring full coherence with the HRA's AWP and the Outcomes and Outputs of the UN community's programme of cooperation.

Finally, in East Timor, expected accomplishments detailed in Annex 65 of OHCHR's 2014-2017 Management Plan scarcely appeared in the (previous) 2009-2014 UNDAF; however, for the 2015-2019 UNDAF finalised this year, there is a much greater coherence between the UNDAF results and OHCHR's EAs. For example, EA1 calling for the integration of human rights standards in court proceedings is covered under Outcome 4.1 "Citizens access to effective and efficient justice system improved, particularly for women, children and disadvantaged groups". EA6, increased engagement with international human rights mechanisms, and EA5, increased use of protection mechanisms by women and groups vulnerable to discrimination, is covered under Outcome 4.2 "Public Sector oversight, accountability and transparency institutions, mechanisms and processes strengthened."

Thus, the coordination and coherence between the country priorities contained in the UNDAF/P and in OHCHR's 2014-2017 Management Plan (and hence the HRA's workplan) varied significantly among the six countries visited by the Evaluation team. In the six-country sample, the coherence was greater for Paraguay and Georgia, with 1st generation HRAs deployed for between 5-8 years and with small high profile teams in their units, than with the 2nd generation HRAs, with only one year's deployment; East Timor would seem to be an exception to this, effective 2016 when the new UNDAF begins. However, all HRAs visited prioritized OHCHR's EAs: "We work entirely in function of our OHCHR obligations and objectives"¹⁰¹ captures a sentiment variously expressed by most of the HRAs visited. The priority accorded to OHCHR's management plan means that some HRAs operate partially or entirely outside the UNDAF/P structure. HRAs are often called to provide strategic advice to RCs/UNCTs on HR challenges in the country – and to support them in identifying entry points – these will also involve addressing sensitive issues which are likely not to be reflected in UNDAF but nevertheless important.

In these cases where the HRA operated outside the UNDAF, the reaction of the RC/UNCT varied depending on whether HRAs activity has been requested by RC/UNCT from highly appreciative of the HRA's unique contribution¹⁰², to indifference¹⁰³ and even to hostility, whereby the HRA's pursuit of OHCHR's agenda was seen as undermining the UN's partnership with government¹⁰⁴.

Strategies in strengthening national capacities and UNCT for engagement with international human rights mechanisms

¹⁰⁰ United Nations Partnership for Sustainable Development (Framework Document), Georgia 2016-2020, 22 September 2015 Draft.

¹⁰¹ field visit interview

¹⁰² field visit interview

¹⁰³ field visit interview

¹⁰⁴ field visit interview

Support to UNCT and national capacity for treaty-body reporting is an HRA responsibility which appears across all three sets of generic TOR, and is also reflected in OHCHR's 2014-2017 Management Plan as Expected Accomplishment EA6 "State engagement with human rights mechanisms", and EA7 "Civil society engagement with human rights mechanisms".

In five of the countries visited, the support of the HRAs to treaty body reporting, implementation of the recommendations and hosting of Special Rapporteurs was one of the most frequently cited HRA contributions, by national partners and UNCT members alike. This is evidenced by the results of the HRA survey in which ten out of 15 responding HRAs reported that support to treaty body reporting was among the services requested by State actors; 50% of the responding HRA also confirmed that these services have been requested by civil society organisations (Q 10); support to treaty-body implementation is also among the services requested by OHCHR HQ in Geneva, with 73% of HRAs reporting they have provided information to OHCHR's Human Rights Treaty Division (HRTD).

Among the RCs, 7 out of 11, or 64%, indicated that, among the HRA interventions that contributed to results (Q12) were support to the UPR/treaty-bodies, National Human Rights Action Plans and visits of Special Rapporteurs.

In Paraguay, the RC and UNCT¹⁰⁵ members found the HRA's role effective in catalyzing internal action on UN input to treaty body reports, as well as in implementing their recommendations within UN programmes. UNCT members stated that they benefited indirectly from the interventions of HRA, such that counterparts were better trained, more accountable and could use SIMORE to implement treaty body recommendations relevant to their respective mandates. UNCT members also expressed appreciation for HRA's frequent support of visits of special rapporteurs, with one having just visited in October (health) and two more planned for November 2015 (SR on indigenous peoples and SR on the Rights of People with Disabilities). "The HRA has been key in bringing the best of the UNCT to the SR and vice versa."¹⁰⁶ Almost without exception, national state and non-state actors interviewed mentioned the importance of the HRA's contribution to SIMORE and capacity development for treaty body reporting¹⁰⁷; a Supreme Court Judge expressed particular appreciation for the HRAs inviting the Special Rapporteur for the Independence of Judges and Lawyers to launch Paraguay's human rights indicators for 'just justice' adopted by the Court system, with HRA support. The indicators will be disaggregated, which will allow Courts to identify who is being denied justice and at what stage of the process, as well as meet their UPR reporting obligations. Training in monitoring these indicators has begun and is planned for every level of judges and courts.¹⁰⁸ A coalition of organizations supporting disability rights cited the impending arrival of the Special Rapporteur on the Rights of People with Disabilities as a catalyst in their

¹⁰⁵ field visit interview

¹⁰⁶ field visit interview

¹⁰⁷ field visit interview.

¹⁰⁸ field visit interview, *Indicadores sobre el Derecho a un Juicio Justo del Poder Judicial De la República del Paraguay* available at:

<http://www.hchr.org.py/docs/publicaciones/024%20Indicadores%20sobre%20el%20derecho%20a%20un%20juicio%20justo.pdf>.

success getting the State to integrate the coalition’s comments in the final National Plan for People with Disabilities.¹⁰⁹ The Executive Director of CODEHUPY, a coalition of human rights NGOs, crystalized the assessment gleaned from all the interviews in Paraguay: “The HRA contributes something unique to the UN System, which is a global perspective on human rights, and a capacity to link both state and civil society to OHCHR-Geneva and relevant human rights mechanisms.”¹¹⁰

This echoes the appreciation for the HRA’s contribution in The former Yugoslav Republic of Macedonia, discussed above in section 2.1.2, whose continuous accompaniment of national actors in their use of human rights standards, principles and mechanisms was cited by virtually all interviewed by the Evaluation Team¹¹¹.

With Tanzania due to present its UPR report in 2016, the HRA has been engaged in supporting various stakeholders to prepare their input. The Coalition of Human Rights Defenders¹¹² appreciated the HRAs support to the development of a UPR shadow report. Among UNCT members, one member expressed specific appreciation for the HRA’s coordination of the UNCT’s input into the UPR and for explaining the UPR process to the NHRI, whose capacity is being strengthened under UNDAP’s governance programme.¹¹³ The day the Evaluation Team visited the NHRI, its senior members were in a workshop finalizing the government’s UPR; they made a general statement with respect to the HRA role: “There are many treaty-body recommendations, human rights standards, General Comments etc. We need access to the [OHCHR] network of support on these issues.”¹¹⁴

Evidence, drawn from both country visits and the survey, substantiates the HRAs’ significant and unique contribution to UN, CSO and state capacity development for engagement in international human rights mechanisms (EA6 and EA7), including in implementation of recommendations issued by treaty bodies, special procedures and UPR.

Time span between request for a HRA and the actual deployment

In course of the field visits an issue related to effectiveness was brought to the attention of the evaluators: the time between a request for a HRA and the deployment of HRA. In two cases of 2nd generation HRA deployments, as an analysis contributed by OHCHR HQ¹¹⁵ is showing, 16 months had passed and both RCs, who originally launched the request, were not in country any more when the HRAs were finally deployed.

¹⁰⁹ field visit interview

¹¹⁰ field visit interview

¹¹¹ field visit interview

¹¹² field visit interview

¹¹³ field visit interview

¹¹⁴ field visit interview

¹¹⁵ Draft overview list provided in November 2015

A positive influence of a departing RC on his/her successor could have, in the best case, served to put some convincing arguments to living up to the commitments made in the request to the successor in country. However, there was no felt effect, the 50% contribution to the second year of deployment have not been committed, and as the consequence, in one case, the deployment has been recently discontinued after a deployment period of 18 months only.

Overall the deployments of recent HRAs¹¹⁶ took between 9 (East Timor, via a fast track mechanism) and 24 (Philippines) months between request date and entry into duty. In 10 of the 13 cases it took between 13 and 18 months. The process, as currently practiced, is multifold and complex¹¹⁷. A common bottleneck in the process is observed between UNDG HRWG endorsement date and the HRA JO closing date to express interest – this alone takes in the majority of cases 10 to 12 months. Although there are distinct reasons in every case, the process as currently performed is not effective in the deployment of HRAs.

This time gap in deployment was also considered critical by a representative of DOCO¹¹⁸ for another reason, as donors contributing to the MDTF may express clear concerns if deployments take longer than expected.¹¹⁹

Lack of mechanism for financial accountability and liability by RC/UNCT

The MDTF mechanism is based on a number of assumptions of which several have not held true. One of the most serious is the lack of a mechanism in place for the financial accountability and liability of the RC's commitments. Such a mechanism would secure the situation of the HRA in case of changes of the requesting RC, either prior or in course of the deployment, and would also define a secured source of matching financing. In current practice, the HRA is carrying the risk to leaving the country of deployment earlier than expected due to lack of funding opportunities.

2.3 Impact Prospects

In all countries visited, the HRA's work supports institutional strengthening for engagement in treaty body reporting and the implementation of recommendations; as such it is, to varying degrees, orientated toward impact and improvements in the enjoyment of rights. Since such impact requires several years to realise, it is not surprising that 1st generation HRAs were able to demonstrate a more significant contribution toward impact than were 2nd generation HRAs.

¹¹⁶ The sample shared was composed of 2nd generation HRA deployments.

¹¹⁷ including UNDG-HRWG-RMC approval and endorsement, HRA JO for roster purposes, MDTF funds received (mandatory to launch vacancies), HRA JO closing date for roster to express interest, High Commissioners (HC) approval of the recommended candidate.

¹¹⁸ Phone interview November 2015

¹¹⁹ To comment in more detail it would require a more in-depth analysis of the financial flows of the MDTF and the conditions donors are engaging to the MDTF to comment in more detail.

In Georgia, the Senior HRA provided methodological support and advice to the “commission for studying dismissals of staff of public schools and educational resource centres on the grounds of political views.” The Commission was composed of a representative of the Public Defender (Human Rights Ombudsman) of Georgia and seven NGOs with human rights focus. As a result of the Commission’s operation, facts about the circumstances of dismissals of certain persons on the grounds of their political views were identified. Additionally, cases of illegalities underlying the actions of the Minister and other government agencies were disclosed during the period under reviews. Out of some 800 cases, it was determined that in 30 cases staff had been dismissed due to their political beliefs. The concrete impact for these persons is that they were offered employment at the Ministry's structures (schools and resource centres) and thus could return to their profession, while some 70 other cases which involved other violations of law were transferred to the Prosecutor's office for follow-up between early 2013 and early 2015.

Achieving impact is predicated on the HRA being able to prepare the ground with stakeholders in country, and also to build trust with the people involved. These processes, in this case the re-integration in the teaching cadre of the State, can take several years, until impact prospects and also impact, are visible and evidenced.

Another example, also from Georgia, is the country’s ratification of the International Convention on the Rights of Persons with Disabilities end of 2013, following a letter the HRA received in February from the head of the Parliamentary Committee on Legal Issues, requesting him and his team to support research on comparative models of addressing the issue of legal capacity of persons with psychological disabilities. This example also shows that the capacity of a small team around the HRA is important in the performance of such a research; access and good working relations with Universities and the Justice Academy, as well as to the Bar Association and the Young Layers Association have been surely a supporting factor. OHCHR, i.e. the staff members of the HR unit in Tbilisi, facilitated and contributed actively to the research and facilitated discussions on the amendments of the existing legislation.

The package of amendments prepared with OHCHR’s assistance was adopted by the Parliament later in the year. As a result, persons with psychological disabilities in Georgia will be now able to receive treatment in accordance to their individual situation. Previously members of this group were deemed to lack capacity to make independent decisions affecting their lives, whereas they are now able to enjoy their rights, including social and economic rights, such as the right to education and right to work, in accordance to the provisions of the International Convention on the Rights of Persons with Disabilities ratified by Georgia at the end of 2013. The assistance provided by OHCHR was also acknowledged by the Parliamentary Committee on Legal Issues and contributed further to reducing discrimination against persons with disabilities.

In Paraguay, where the HRA has been in place since 2010, orientation to impact can be found in the participatory process for developing a National Plan of Action for People with Disabilities, which both CSO and State considered increased their capacity, and the Plan's approval by a joint State/CSO act¹²⁰, such that it cannot be changed by a new government.

The Secretariat of Social Action (SAS) is responsible for providing state assistance for the eradication of poverty; in 2014, in recognition that human rights and extreme poverty are tightly linked by virtue of the multiple violations to rights of

equality and dignity experienced by people living in poverty, the Secretariat embarked on an institution-wide training in the HRBA to poverty reduction, spearheaded by 28 staff trainers who transferred knowledge, skills and attitudes that transformed SAS's approach to social assistance, as they were able to see how and where discrimination was occurring. This led to a policy change whereby minor indigenous mothers, who had been excluded due to being under 18, were given access to social grants whenever a grandmother could be present at grant disbursement¹²¹. In The Former Yugoslav Republic of Macedonia, the HRA's training of CSOs in the UPR reporting process increased the confidence of the one particular NGO, which both replicated the training to its own constituents, and chaired the NGO coalition (developed after the HRAs training), charged with preparing the shadow report. The imminent submission of that report will contribute to the next UPR's recommendations, and the Government's obligations to improve the enjoyment of rights¹²². The HRA also provided support to the process of ratifying the CRPD in December 2011, as well as training for the implementation of its provisions and technical assistance to the development of a discrimination complaints mechanism accessible to rural people, so that they too could enjoy their rights.¹²³ The HRA supported the drafting of a law needed for the NHRI to get to 'A' status, and advocacy for an obsolete law to be withdrawn, and for parliament to vote the resources needed to secure the NHRI's financial independence.¹²⁴ The HRA in Tanzania has only

SIMORE A good practice for improving the enjoyment of rights.

SIMORE, an online tool for treaty body reporting and recommendation follow-up, has put Paraguay's HR obligations front and center; open access to SIMORE allows CSOs to monitor what the state is doing, and the Ministry of Foreign Affairs to monitor how different ministries are implementing recommendations, which will lead to the increased enjoyment of rights. SIMORE is also used to advocate with Congress for budgetary allocations and new laws. It was used to prepare the UPR Mid-term Report, the report to CERD, is being used as a resource by media, CSO, and in assessing the human rights dimension in the design of public policies, and by the Executive to prepare the next UPR, due this year. Since Paraguay is a member of the Human Right Council (HRC), its government is keen to set an example of TB follow-up, hence the President of PY will shortly issue a decree requiring that all ministries give priority to inputting their follow-up actions into SIMORE. In addition, Paraguay introduced as its 1st resolution at the HRC "Promoting International Cooperation to Support National Human Rights Follow-up Systems and Processes" (A/HRC/30/L.26) which was approved and which has resulted in improving PY's international standing and requests from various governments for TA in adapting SIMORE (Jamaica, Kyrgyzstan, Fiji). Having presented SIMORE on the international stage, the Government has a strong incentive to demonstrate its effectiveness in promoting follow-up of TB recommendations and the resultant enjoyment of rights.

Source: SIMORE documentation of experience, 2014 publication, SIMORE Operators Manual; Ministry of Foreign Affairs Human Rights Unit Newsletter of September 2015.

¹²⁰ Paraguay: Acta de 01 octubre de 2015, approving the National Plan of Action for People with Disabilities

¹²¹ field visit interview.

¹²² field visit interview

¹²³ field visit interview

¹²⁴ field visit interview

been deployed for a year so assessing impact prospects is a little premature, however, an NGO focused on ending atrocities against people with albinism stated that thanks to the convening power of the HRA, both the NHRI and the police are more active in prosecuting cases, three of which were revived wholly due to the HRA's intervention¹²⁵. For those individuals and their families, successful prosecution of stalled cases will have an impact on their long-term enjoyment of rights, and if the cases create precedents, on the rights of all people with albinism in Tanzania.

From the HRA survey, impact prospects can be imputed from the trainings HRAs provided (Q23), from their assessment of sustainability of their own results (Q24) and evidence of sustainability of results achieved in the past (Q25). 100% of HRAs reported providing specific Human Rights and HRBA training (Q23) to a vast array of national actors with power to affect people's enjoyment of their rights, among them the police and security apparatus, judges and lawyers, parliamentarians, local authorities, NHRI staff, psychiatric hospital staff and journalists. Providing such human rights training is a necessary if not sufficient condition for improving the enjoyment of rights, yet the HRAs' choice of institutions and constituents to be trained is evidence of impact prospects (with the proviso that the training is internalised, and the institutions within which the trained operate are open to change).

Among the interventions that promise sustainability for results (Q24), or ensured sustainability for past results (Q25), HRAs cited the embedding of HRBA and human rights in UNDAF outcomes, the existence of an NHRAP and other state mechanisms for treaty body follow-up, independent capacity of CSOs to contribute to the reporting process, the existence of state/CSO consultative platforms, and of networks of human rights organisations. One HRA cited increased capacity of judges: "through training of more than 300 lower court and intermediary court judges [who are] now able to articulate human rights issues in courts and render judgements based on human rights" (Q25, record 14). The 11 RCs surveyed reported similar HRA contributions to sustainable results (Q12), with 3 mentioning contributions the UNCT/UNDAF, 3 legislative reform, 3 capacity development of NHRI, State and CSOs in UPR preparation, and 2 mentioning contributions to the NHRAP. In their country visits, the Evaluation Team encountered examples of each of these forms of sustaining HRA results; although it was not always possible to find documentary evidence that the existence of these human rights resources actually had an impact on the enjoyment of rights, circumstantial evidence of impact prospects was convincing.

Interventions supported by all first generation HRAs and the majority of HRAs visited demonstrated strategic vision, and aimed at transforming the human rights infrastructure over time, be it through legal reform, institutional reform, civil society empowerment, or catalysing joint state/CSO development of national plans. A major mechanism to contribute to impact (prospects) is support to state and CSO engagement with human rights instruments, and to the implementation of recommendations.

¹²⁵ field visit interview

2.4 Potential Sustainability

Sustainability of Results

Experiences collected during the country visits performed show several examples of results achieved in the field of potential or actual institutional sustainability.

The HRA in Paraguay has consistently employed strategies which ensure sustainability of the contributions, even in absence of any OHCHR presence.¹²⁶ Since the HRA has had very little funds at disposal, the HRA's initiatives have largely been supported through the budgets of state institutions who pay for much of the HRBA training received, and salary of the staff trainers who are responsible for replicating the training throughout the institution (for example in the armed forces training institutes, which have a long-term plan for all military personnel in all services and locations to receive HRBA training)¹²⁷.

Tailored training manuals have been developed for the Secretariat of Social Action (SAS), the application of which among 300 staff resulted in establishing new operating procedures and protocols for interacting with rights-holders (for example with indigenous people), with a long-term business plan to ensure every one of 900 employees is trained. In the words of the SAS minister¹²⁸, the HRA has contributed to transformative change, which will not flounder with any change of minister, as across the whole institution beneficiaries are now seen as rights-holders. Another example of sustainability is that the Ministry of Foreign Affairs IT section manages the SIMORE website, and Ministries are using SIMORE to demonstrate why they need their budgets increased; additionally the UN Human Rights Council has approved a resolution¹²⁹, upon Paraguay's initiative, to encourage all countries to adopt a SIMORE-type mechanism, which gives the government an incentive to maintain SIMORE.

Sustainability of the HRA Position - Funding of the HRA positions in country

The question in the ToR is "To which extent is the newly introduced funding mechanism with MDTF enhancing or inhibiting the sustainability of the HRA system". The aspect of the sustainability of the results a HRA can achieve depends typically, among other factors, on a minimum period of contract duration. Based on the country case studies this minimum period is three to five years.

The first generation of HRA is funded by extra-budgetary resources, with an open-ended duration. There is no pre-determined duration for a first generation HRA position – the continued need of such position is revisited during OHCHR's strategic planning periods every four years and re-validated during the annual work and cost plan approvals. At no time are 1st generation HRAs expected to fund-raise for their salary, to sustain themselves in country from year 2 onwards.

¹²⁶ There was no evidence of UNCT contribution but only of their appreciation of OHCHR's initiatives, from which the UNCT members also benefited.

¹²⁷ field visit interview

¹²⁸ field visit interview

¹²⁹ "Promoting international cooperation to support national human rights follow-up systems and processes", Human Rights Council A/HRC/30/L.26 of 24/09/2015

In case a first generation HRA is replaced, the successor would have either a 2 year fixed-term contract, a continuing or permanent contract – this depends on the status of the concerned staff member. If an external person is selected, he/she would receive a 2 year fixed-term contract¹³⁰.

In the Revised OHCHR Policy on Human Rights Advisors of 23 December 2010 (still on the 1st Generation HRA) it states on p. 3 that “the standard period of assignment of the HRA should be two years. At least three months prior to the end of the two-year period, a decision on the termination or extension of the deployment should be taken jointly by the RC and OHCHR”.

In contrast, the HRAs of the second generation have only a secured funding of a maximum of 18 months. For the following 18 months it currently depends on the capacity of the RC and the UNCT to acquire cofunding and full funding, respectively, at country level¹³¹. There is no mention in the 2012 UNDG Strategy on the duration of 2nd Generation HRA, although the expectation of a 3-year deployment is clear from the way the MDTF funding is set up, with 100% UNCT coverage in 3rd year.

The box below shows the MDTF funding mechanism. The co-funding scheme has a decreasing financial incentive. HR mainstreaming as a joint task of all UN agencies and the HRA is a catalyst for this.

*First year- MDTF provides a 100% payment to OHCHR
Second year - 50% are funded through the MDTF
whereas the other 50% are expected to be acquired by
the RC and with contributions of UNCT agencies at
country level.
Third year - The third and final (and all following) years
would be financed by the RC and contributions of UNCT
in full. In absence of funding, the HRA assignment
would end.*

UNDG HRWG – MDTF Modality “HRA second generation” and its three year commitment

The deployment of HRAs is based on a number of conditions/assumptions:

1. The HRAs remain OHCHR staff members and may keep the (often long-term) employment contract they have with the agency¹³². Deployment might however coincide with a promotion, for example from P4 to P5.
2. A roster of professionals who can potentially assume the role of HRA has been established. This roster of candidates was established following the advertisement of a generic Vacancy Announcement for HRA positions at the P4 and P5 level and a subsequent selection process involving a written test and an interview testing for the demanded profile in terms of

¹³⁰ Information provided by PPMES in December 2015.

¹³¹ In principle, the HRWG approves deployment when there is guarantee of 2 years (18 months + 6 months commitment from UNCT).

¹³² Contracts are fixed term, continuing or permanent.

technical qualifications and interpersonal skills. Recruitment shall draw on this preselected pool of professionals, internal and external to OHCHR.¹³³

3. The main task of the HRA is focused on HR mainstreaming in the UN country programme, in close dialogue with the member agencies of the UNCT and working in close cooperation with the RC in the RCO.
4. RC is the first line of reporting whereas the relevant Section/ Branch Chief (depending on the level of the HRA) at the Field Operations and Technical Cooperation Division at OHCHR HQ is the second line of reporting.¹³⁴ In this setup the two line managers do not belong to the same UN agency nor sharing the same budget.
5. RC/ UNCT will contribute 50% of the cost for the HRA in the second year (and 100% in the third and following years).

After the introduction of the new mechanism in 2013, there was a positive take up of RCs expressing their interest and confirming their commitment in writing¹³⁵. The commitment made is at content level, i.e. "By signing this joint programme document, all signatories assume full responsibility to achieve results identified with each of them as shown in Table 1 and detailed in annual work plans". No reference could be found if, and how, a financial liability would be inbuilt in the contract, and by whom the liability would be assumed, in case readiness to pay the 50% of the cost for the HRA in the second year and 100% in the third year of deployment does not materialize at the level of the UNCT.¹³⁶

In course of the country visits evaluators found situations in which the deployment of the requested HRAs took long (up to 24 months) and, as a consequence, the RC who requested the HRA was already replaced, either by normal rotation or by (early) call for another position (examples of Tanzania and Zambia).

The analysis of HRA Fund proposals and decision on which ones to accept was followed by the deployment of 11 HRAs in course of 2014¹³⁷; the HRA in East Timor, formerly a member of the peace keeping mission, had assumed the HRA role from July 2013. OHCHR continues to support the deployment and extension of the HRA's contract in East Timor. At present 12 HRAs (of which two have a regional responsibility) are working under this new MDTF co-funding scheme. All HRA, i.e. first and second generation, remain on the staff list of OHCHR, thus their employer is OHCHR not the agency of the RC in country.

¹³³ A HRA roster has been established, providing a pool of experts interested in assuming a HRA position, following a testing according to a search profile.

¹³⁴ The two lines of reporting are comparable to a matrix organizational structure in private corporates, i.e. a company structure in which the reporting relationships are set up as a grid, or matrix, rather than in the traditional hierarchy. In other words, employees have dual reporting relationships - generally to both a functional manager (in this case the RC) and a product manager (in this case OHCHR HQ).

¹³⁵ HRM Fund Proposal Submission, Annexes 4 to 6.

¹³⁶ There is a reference to the cost sharing in the project proposal submitted to the UNDG which is signed by the RC and OHCHR. OHCHR has an exchange of communication where the RCs are requested to indicate their availability for the 50% cost-sharing. However, an exchange of communication is not a legal accountability and there are no legal consequences in case of non fulfilment of the commitment.

¹³⁷ Bangladesh, Dominican Republic, Jamaica, Malawi, Nigeria, Philippines, Sierra Leone, Tanzania and Zambia; plus regional HRA in Bangkok and Panama City. HRA in East Timor was recruited prior to that applying a fast track mechanism.

Three of the six HRAs visited in countries by the evaluators belong to this so-called 2nd generation of HRAs (coverage of 25%, 3 out of 12). The survey, disseminated in parallel to the field phase of the evaluation, had a response rate of 15 HRAs, of whom 8, or 53%, belong to the 2nd generation¹³⁸. 47% of the 1st generation HRA responded to the survey.

This evaluation coincides with most of the 2ⁿ generation HRA being between 12 and 18 months into their assignment at the duty station. At present (November 2015)¹³⁹, only two of the HRAs have partially or fully secured funding for the second year¹⁴⁰. In eight other cases the funds have been classified as committed¹⁴¹; no payment has been received as yet, even though for many 2nd generation HRAs, November 2015 marks 18 months at the duty station¹⁴².

Alternative solutions have been recorded. Bangladesh will receive the contribution through a direct transfer by UNDP, WHO and UNFPA. Sierra Leone's co-funding will be fully covered by The Peacebuilding Fund (PBF)¹⁴³ and a new HRA is about to be deployed. The work of the HRA in Zambia came to an end by end November after only 18 months, after 6 months extension funds had been advanced by HRWG UNDG for the second year. Meanwhile OHCHR is seeking for a new deployment for this staff member.¹⁴⁴

In several other countries the share of the 6 months' extension funds by the UNCT is also due, to cover months 19 to 24 of the deployment. The near future will show whether the UNCTs will be able to do so.

¹³⁸ Overall 12 of 21 HRAs or 57%.

¹³⁹ Status 18 November 2015, according to information received by OHCHR.

¹⁴⁰ For the HRA in Jamaica 95.000 or 102.000 USD have been received through contribution agreements; contributing agencies are UNDP, UNFPA and UNICEF. East Timor has received a contribution from the Embassy of Australia in Dili for the second year of placement, which ended already on 18 July 2015.

¹⁴¹ Commitment means both, a) RC/UNCT have committed to pay 50% of the second year salary of the HRA when requesting the deployment of a HRA and b) they have in several cases via email expressed their commitment upon follow up by OHCHR.

¹⁴² Overview list of status of co-funding provided by OHCHR, November 2015.

¹⁴³ More information about the PBF at <http://mptf.undp.org/factsheet/fund/PB000>.

¹⁴⁴ Telephone interview.

A RC summarized the efforts to secure co-funding for the HRA as following: "UNCT pursued a joint fundraising within the UN of HRA engagement. UNCT sees the value addition for a HRA position and have indicated the need for agencies to cover the 50% co-funding for the second year multi-year planning for such (HRA) positions in line with the UNDAFs; but since a number of agencies are themselves undergoing resource shortfalls UNCT is not able to fund/make a commitment for a longer term."

RC statement on fundraising

In reality, in the vast majority of cases UNCTs were not able to contribute the funds at the start of the second year as envisaged by the policy. Rather the MDTF share of funds had to be used to cover the first 6 months of the second year¹⁴⁵ with the hope that somehow UNCTs would manage to find a last minute solution for the second half of the second year (months 19 to 24).

The consequences of RC/UNCT not be able to deliver on their commitment could be (1) the termination of the HRA assignment in country after 18 months and for OHCHR to search for a new placement of the OHCHR staff member, or (2) a 100% cost coverage by OHCHR. OHCHR staff members not holding a permanent or continuing contract might face the situation of a non-renewal of their 2-years contract.

At present only one of the new generation HRAs, East Timor, is in the third year of deployment. The HRMTF had covered six months initially on a reimbursable basis, in view of the efforts locally made by the RC and the HRA for raising the funds for the third year. The funding period associated with the third year will end mid July 2016.

In all other cases no concrete commitment has been secured yet. The readiness at the country level of the RCs and the UNCT member agencies to contribute towards or pay in full the HRA's salary remains very limited even though most of the RCs expressed great appreciation for the work of the HRAs.¹⁴⁶ They confirmed that, were the UNCT able to secure the co-funding, they would certainly keep the HRA services. Three of the RCs interviewed and/or responding to the survey expressed pessimistic outlook: It would be complicated, almost impossible to raise the funds for full or partial coverage of the HRA salary. For countries that have currently an HRA of the first generation, the question of co-funding is theoretical. For example, the RC in Paraguay considers that both the RC and indeed the whole country team benefit from the expert contribution of the HRA, yet pointed out that Paraguay has a small country team is a middle-income country not favored by donors, such that

¹⁴⁵ Payment by MDTF with the understanding that RC/UNCT will assume 100% payment for the second six months (starting in months 19)

¹⁴⁶ Quote from RC survey, 2015.

the UNCT has not been able to gather funding for the mandatory UN security officer, let alone for an HRA.¹⁴⁷

In Georgia, too, all interviewed members of the UNCT and the RC as well expressed great satisfaction with the substantial work of the HRA. The HRA in Georgia belongs however to the first generation. In the imaginary case of need for co-financing, the RC responded that the RC's office would be in the position to contribute a modest amount, circumstances given. In the case of East Timor, all efforts have been made by RC and HRA, including repeated attempts to fundraise for the HRA's salary¹⁴⁸.

Whereas only two countries have so far¹⁴⁹ successfully raised resources for co-funding of the HRA's second year salary, 8 of the 11 RCs responding to the survey confirmed that they had made efforts to jointly fundraise. These efforts were diverse and in some cases also involved the HRA him/herself trying to fundraise for his/her own salary.

In the RC survey¹⁵⁰, six (of 11) RCs responded to the question "have you been able to secure the co-funding for the second and third year of funding"; four responded with no and two with yes; for the remaining five the question did not apply, as their HRA were not funded by the HRWG UNDG mechanism. Those who were not able to fund raise mentioned the following challenges:

- Agencies do not have the resources to cost share the HRAs funding for a third year;
- Agencies are cutting back their own staff so this is a difficult issue for them. No one seems to want to fund the post for the third year;
- Funding is a constant challenge since 50% for the second year currently comes from the UNRCs modest budget for coordination (at the expensed of a full time coordination officer);
- No budget allocations available with agencies.

These responses were mirrored in the interviews taken by the evaluators during their country visits. One RC exclaimed "The 'One Fund' has disappeared! The RCO is having to cancel all international posts and manage with interns. (.....) UNCT members are reluctant to fund the HRA as they all have unfunded mandates themselves, and the better resourced agencies have their own internal human rights capacity."¹⁵¹

In East Timor there was another example for acute shortage of funds in the RCO; a position typically assumed by a senior officer, the M&E officer, is now assumed by a UNV; at the same time, the same UNV is also assuming the role of the communication officer and is thus combining both roles in one junior position.

¹⁴⁷ field visit interview

¹⁴⁸ field visit interview

¹⁴⁹ Status mid November 2015

¹⁵⁰ Question 17 in RC survey

¹⁵¹ field visit interview

“The current deployment strategy of 2 years is not sustainable. In our case we have moved much forward in the human rights mainstreaming but it will return to very limited work when the HRA is no longer there. Even if capacity development activities, tools and materials and a structure have been initiated, two years do not create sustainability. UNDG may want to consider continuing cost sharing arrangements for at least another year, preferably totally 3 to 4 years.”

RC statement on sustainability and employment duration

Fundraising is nowadays a part of the standard job profile of many staff members working in international organizations in the field of development. They are competing for development projects or are bidding to implementing projects on behalf of other institutions (for example UNDP is implementing projects on behalf of the EU Delegation with funds of the European Commission). Examples are Joint Projects tendered and won in Georgia or in The former Yugoslav Republic of Macedonia, with OHCHR HRAs as partner, though not in the lead (single advisors or small units without the administrative capacity) or, a few years ago, responding to calls for proposals for funding by the Millennium Development Goal Fund (MDGF) in several thematic windows, of which one was on Human Rights. MDG-F was mainly sourced by the Spanish Development Cooperation. At country level, where no specialized donor relation units are in charge of the task, it is mainly the role of the RC or of the heads of individual UN organizations to lead on the fundraising.

The second generation HRAs have been confronted with the acute need to fundraise directly for their own salary, as in the majority of cases, the co-funding for the second year of the assignment, which should have been provided by a joint effort of UNCT and RC, were not delivered as planned. It has instead been advanced by the UNDG HRWG through the MDTF; this has temporarily covered the months 13 to 18 of co-funding, but funding from months 19 onwards is still needed. It has just postponed the key question, who is contributing?

Born out of urgency, the second generation HRA have been assigned an ad hoc task that has not been stipulated in the ToR: fundraising for his/her own salary. This does hardly allow a HRA time to establish her/his role in the country team, the Government, NHRI and the donor community as a high profile specialist who is in the position to provide policy advice. The topic of fund acquisition has to start right from the outset; within twelve months, ideally, the new funding source should be established to allow a smooth cash flow.

As emphasized by HRAs as well as by RCs and partners in country, 18 months is assessed as too short to show that the work of HRAs are leading to results. “The HRA doesn’t show immediate results due

to the nature of the work, so the UNCT may not see the value of [his/her] contribution for two or three years.”¹⁵² For donors, however, the HRA’s internal work with the UNCT is less visible than the work with partners/stakeholders in country.

It constitutes a “Catch 22”¹⁵³ that 2nd generation HRAs are put in a situation of insecure funding prospects, and thus an insecure deployment horizon, while on the other hand they are expected to provide sustainable results and contribute to interventions with impact prospects. As the employment horizon is not clear, HRAs might not be assigned to tasks with a medium to long term perspective. Protection work can generate immediate results for the HRA, but might not allow for results with a longer term perspective. Thus they also confront the risk of being reduced to working on ad hoc request issues at the margins of HR promotion and protection work. 1st generation HRAs enjoy a 3-5 year planning horizon, since they are allocated ‘in principle’ budgets in the OHCHR budget reviews and also are under no obligation to fund-raise for their own salaries, since these are covered under those budgets.

Recent experience has evidenced how difficult it is for the batch of HRAs in their second year of deployment to find unique, often ad hoc solutions in fundraising, even for RCs and established members of the country teams. This was confirmed in interviews as well as in the survey responses by RCs and by HRAs. In several cases a competition between own staff members and HRAs about scarce financial sources was stated - in which the HRA would be (only) “in addition”.¹⁵⁴ RCs comments include:

- “HRA's are extremely valuable. I work in a small UNCT; it would be impossible to have one (a HRA) without a significant financial contribution from OHCHR.”
- “The function is extremely useful, but local fundraising with agencies or development partners is not realistic. It needs a central funding mechanism.”
- “I am extremely pleased with the work of our HRA. I believe he/she needs faster and more effective support from OHCHR HQ, which has sometimes fallen short on promises made, for example on expert reviews of draft legislation. I would also feel more comfortable if the position could be funded 100-percent by OHCHR, as currently we spend a big share of our UN coordination budget on the HRA's salary (and previously this share was covered from the UNDP budget).”

¹⁵² field visit interview

¹⁵³ A situation in which a desired outcome or solution is impossible to attain because of a set of inherently contradictory rules or conditions.

¹⁵⁴ field visits interviews.

2.5 Gender Equality Mainstreaming

The Evaluation's TOR included the evaluation criterion gender equality mainstreaming. The evaluators included an assessment, to which extent the HRAs' are contributing to gender equality mainstreaming in the programmes they support. None of the generic terms of reference for the Human Rights Advisors from 2006, 2010 or 2012 included gender equality mainstreaming among the HRAs duties.¹⁵⁵ However, all include "cultural and gender sensitivity" among the qualifications for the HRA; this is a generic interpersonal skill to be applied for all staff positions, whereas gender equality mainstreaming requires a technical set of specific skills and competencies to be performed properly, alike HRBA mainstreaming skills and competencies.

Furthermore, OHCHR's 2014-2017 Strategic Management Plan does not include a specific thematic priority for gender equality, although this can be considered as encompassed under EA4 "Enhancing equality and countering discrimination"; consequently, none of the country profiles on OHCHR's expected contribution, annexed to the 2014-2017 Management Plan, include contributions to gender equality.¹⁵⁶

Although the Strategic Plan includes, among the Global Management Outputs or GMOs (which describe the improvements in internal efficiencies to which OHCHR commitments), GMO 3: "A gender perspective is effectively integrated into all OHCHR policies, programmes and relevant processes", only one of the six HRAs visited had included in her own Annual Work Plan (AWP) GMO 3¹⁵⁷ under the rubric *Global Management Outputs*. Thus, although most HRAs visited were contributing to some gender equality results, it is not clear what indicators are being used to assess this contribution. As indicated in other parts of this report, examples include HRAs helping UN Women to implement CEDAW recommendations (Paraguay) and UNFPA to protect sexual and reproductive rights (The former Yugoslav Republic of Macedonia), as well as preparing a human rights assessment of sexual and reproductive health, and contributing to a gender action plan (Zambia)¹⁵⁸. Since the HRAs are highly sensitized to discrimination (EA4), promotion of equality between men and women is a natural priority, despite not being an explicit responsibility in either the Expected Accomplishments of the OHCHR Management Plan or their own TOR.

¹⁵⁵ Human Rights Advisors (HRA): Generic Terms of Reference, October 2006; Human Rights Advisors to the UN Resident Coordinator/Country Team: Standard Terms of Reference, revised 2010, Annex to: Revised OHCHR Policy on Human Rights Advisors (Standard Operational Framework), 23 December 2010; Human Rights Advisors to the UN Resident Coordinator/Country Team: Standard Terms of Reference, Annex to: UNDG Strategy for the Deployment of Human Rights Advisors to Resident Coordinators and UN Country Teams: UNDG Human Rights Mainstreaming Mechanism, January 2012.

¹⁵⁶ OHCHR Management Plan 2014-2017: Working for Your Rights "The results to which we contribute" pp11 and country profiles # 65 (East Timor); #74 (Georgia); # 70 (The former Yugoslav Republic of Macedonia); # 57 (Paraguay); # 28 (Tanzania); # 33 (Zambia).

¹⁵⁷ Zambia AWP 2015, Country FP; page 5

¹⁵⁸ field visit interviews

III Conclusions and Recommendations

3.1 Key Conclusions and Recommendations

Key conclusions

Several of the assumptions, under which the HRAs are currently working, do not hold true. In some cases, the reality observed is in fact in direct opposite to the assumption.

1. In the practice observed in the field the HRA's first reporting line is mostly OHCHR HQ and not the RC. The required processes for a reporting structure to function have not been put in place.

The RC cannot fulfill his/her role as the HRA's first reporting officer as OHCHR HQ has *de facto* assumed that role by making frequent requests of the HRA, by establishing the HRAs' AWP based on the EAs of the OHCHR 2014-2017 Management Plan, which may or may not be relevant to the UNCT, and by requiring monthly reports against that workplan.

The RC has difficulty accessing OHCHR's e-Pas system for the HRA's performance evaluation and there is no established communication mechanism between the RC and OHCHR, to smooth out any differences between the 1st and 2nd reporting relationships of the HRA.

There is a predominance of the OHCHR agenda in the HRAs' time-use and annual workplan, and the frequency with which the HRAs mention reporting to or responding to requests by OHCHR-Geneva, rather than supporting the RC/UNCT.

2. After three years of implementation, the MDTF co-financing model is not sustainable. In addition, the two generations of HRA are living in different realities.

The HRA's performance, achievement of results and the overall satisfaction of the RC and UNCT, are not the deciding factors in fulfilling the RC/UNCT commitment to contribute to the HRAs salary for the second 18 months of a three year deployment.

Although the majority of RC and UNCTs expressed satisfaction with the HRAs' contribution they are not in the position (either not able or not willing) to contribute to HRA salaries. In that sense, the UN system might not be living up to "Rights up Front", at least not in monetary terms.

In reality for the second year, in the majority of cases (9 of 11), only ad hoc and last minute solutions could be found, often after a time-intensive but inefficient fundraising pursuit, leaving the HRA in-country in a state of insecurity about his/her situation and future. So far, none of the countries had found a solution for covering the HRA's salary in the third year.

In consideration of the absence of means by which the RC can directly supervise the HRA deployed to his/her office, the pre-eminence of OHCHR processes and priorities in the HRA's work, and the unsustainability of the MDTF modality for financing the second 18 months of HRA deployment, four options offer possible solutions.

Key recommendations

Based on the key conclusions drawn from the country visits and the survey, the evaluators suggest the four following alternative models of deployment. Different solutions could be applied in parallel, in a transparent way:

1. In cases where the 2nd generation MDTF model is to continue, reforms in communication between OHCHR and the RC should ensure that *de jure* supervision of the HRA by the RC is also the *de facto* supervision, with the HRA's AWP priorities being established by the RC on the basis of UNCT requirements, in dialogue with OHCHR-Geneva as and when required. Controlling the HRA's work priorities, instead of simply being informed of them, will likely enhance the RC's stake in the continuation of the HRA's contribution and therefore more in finding the requisite funding. Where OHCHR does not need to have any say on the AWP priorities, secondment of the HRA to the RCO and UNDP should be considered, and with it delegation of responsibility for financing the HRA salary once MDTF funding expires.
2. In cases where OHCHR wants 2nd generation HRAs to implement its Management Plan/EAs in priority, with support to RC/UNCT priorities being of secondary importance, OHCHR should assume both, the direct supervision and the salary for the HRAs, once the MDTF funding expires.
3. In countries where (in the cases observed 1st generation) HRAs are deployed, and enjoy a small support staff, their presence should be treated as a *de facto* OHCHR office, and *de jure* supervision should shift to OHCHR, which continues to support the presence through its own extra-budgetary resources. OHCHR Office should be established and provided the authority and resources needed to carry out the mandate.
4. In cases where deployment of an HRA is needed for a short duration (less than six months) to meet a specific need, the supervision and the funding for that deployment will depend on the expected services, and on which agency is requesting them i.e.: to assist with mainstreaming HRBA in a new UNDAF the supervision should be by RC and financing by RC/UNCT.

3.2 Other Conclusions and Recommendations

RELEVANCE:

1 HRA have been successful in mainstreaming HRBA into UNDAFs.

In all six countries visited, since the HRA's deployment, Human Rights mainstreaming has either remained constant or has improved over two subsequent periods of UNDAF/Ps.

2 Gender mainstreaming is not explicitly mentioned in the HRA's generic ToR, the OHCHR Expected Accomplishments or in most of the AWP.

HRAs are contributing indirectly to gender equality by working on the anti-discrimination topic. Gender mainstreaming is not explicit in their generic TOR, the OHCHR Expected Accomplishments or (with one exception) their AWP and also the generic ToR for HRAs. Gender mainstreaming is a particular technique that requires a set of trained skills that cannot be performed when not being in possession of these skills.

EFFECTIVENESS:

3 HRA have contributed to various Expected Achievement of the OHCHR Management Plan 2014 -2017.

3a Human Rights mainstreaming, EA11, has not been the HRA's main contribution to programmes supported

The expectation that the HRA's primary contribution would be to EA11, human rights mainstreaming, was not born out in evidence collected in country visits or the survey, nor by a detailed analysis of HRBA results in 2 cycles of UNDAFs. Moreover, the RC/UNCT requests for this mainstreaming service are neither constant (as it peaks during years of UNDAF preparation) nor time-consuming for the HRA.

3b HRAs' contribution to State Engagement with Human Rights Mechanisms including Special Rapporteurs, EA6, and Civil Society Engagement with Human Rights Mechanisms, EA7, is HRAs most important, intensive, appreciated and time-consuming task.

Evaluator's evidence was that HRAs do this work in their own right and not in support of UNCT although the agenda of the latter may receive indirect benefit.

This is contrary to expectations of the HRAs generic TOR and of OHCHR staff interviewed in Geneva, by which the HRAs' principal contribution is to Human Rights/HRBA mainstreaming (EA11) within the UNCT. Evidence from both the survey and the country interviews reveal that the HRAs' most important tasks are related to EA6 and EA7.

The assumption under the Evaluation's TOR that the HRA carried out this treaty body work indirectly by "advising the UNRC and UNCT in strengthening national capacities for engagement in international human rights mechanisms" does not hold true, as the country visits revealed that in fact, this much appreciated contribution is carried out directly by the HRA, in support of the OHCHR priorities EA6 and EA7, rather than through or jointly with the UNCT members.

3c Non-discrimination, EA4, is also a task prominently supported by HRAs.

Non discrimination is an EA supported in all countries visited. Within this broad topic, in some countries there is no consensus between RC/UNCT and HRA on the selection of topics and to what degree and in which manner they should be addressed.

4 To be effective in pursuing their HR/HRBA role within the UNCT, HRAs need the support and appreciation of the RC.

In cases when a HRA operates against agreed priorities of the UNDAF/P structure s/he risks losses in effectiveness and can undermine a joint position of UNCT in its external relations in country.

This situation is more likely when the RC supervising the HRA is not the same RC who requested his/her deployment and who had signed a workplan as part of the request.

5 The deployment process of the HRA is too time consuming. In some cases the HRA arrives when the requesting RC has already left the country.

The time span of up to 24 months between request of RC/UNCT and deployment of HRA is jeopardizing efficiency and effectiveness of the deployment process, and of the HRA's work in country. The topics for which s/he has been called and that are laid out in the workplan might have changed or become obsolete, and the enthusiasm as well as the felt accountability of a new RC are not the same as in case of the requesting one. The lengthy deployment process can also affect the credibility of the UN system with MDTF donors.

- 6 The human and efficiency implications on the second generation HRAs of job insecurity, and the indignity of fund-raising for his/her own salary, has been underestimated or not considered.**

From a human resources development perspective, mixing roles – the competent HR specialist and the fundraiser for a service (which service might fully be appreciated in the future and the value of which is not yet evident) should be avoided, not to jeopardize the reputation of the colleague, or the UN mandate which s/he serves.

This situation can divert the HRA from their core tasks of providing HR advice, to a fundraising function for their own salaries. This has had also effects on the relationship between HRA and RC upon his/her arrival.

IMPACT PROSPECTS

- 7 Evidence of HR results and impact prospects were only found in countries where 1st (an exception is East Timor) generation HRA had been deployed and present for several years.**

This is reflecting the long-term investment of time and trust needed to positively impact on the enjoyment of human rights, and thus the need for a medium term planning horizon. Positive examples were mainly found in situations where the HRA was not operating alone but supported by a small team of HR officer/s and/or administrative staff.

- 8 The broad and deep HRA knowledge and work of an HRA is unique and can rarely be found anywhere else in the UNCT.**

The assumption that HRAs can build the capacity of UNCTs to carry out human rights work and integrate HRBA independent of the HRAs support to its programmes does not hold true. In all but one country, interviews with UNCT members and national authorities, recognized the HRA for providing a unique service, whose specialized knowledge of how to leverage the international human rights machinery in support of agency mandates and national policy development was not available anywhere else in the UN system. Individual agencies have HR capacity relevant to their mandate which is not comprehensive, like OHCHR's (i.e. children, workers, women, PWD)

SUSTAINABILITY

9 There is no inbuilt mechanism to assume accountability and financial liability in cases where the RC/UNCT cannot live up to their commitment.

There is no inbuilt mechanism for defining an entity or agency to assume accountability and financial liability in case the RC/UNCT's commitment to contribute 50% of year 2 and 100% of year 3 of the HRA's salary cannot be fulfilled in the country where HRA is deployed. The assumption that RC/UNCT are in the position to fulfil their financial obligations vis-a-vis the HRA was wrong. The risk of the absence of a financial liability mechanism had likely not been duly assessed before the second generation HRAs were deployed.

The absence of a mechanism or UN entity to assume the financial liability and accountability when the MDTF support expires leads to a situation that after 18 months, the liability is, *de facto*, assumed by the HRA, whose assignment risks coming to an abrupt end for lack of funds.

Conclusions and Recommendations

CONCLUSION	RECOMMENDATION
RELEVANCE	
HRA have been successful in mainstreaming HRBA into UNDAF	
Gender mainstreaming is not explicitly mentioned in the HRA's generic ToR, the OHCHR Expected Accomplishments or most of the AWP's.	<p>In country situations, in which there is no representation of UN WOMEN and/or UNFPA, the HRA should have the skills and competency to carry out the gender equality mainstreaming of the UNDAF, in the same way it is done with the HRBA.</p> <p>Gender-mainstreaming should also be reflected in the AWP in particular in those countries where no other UN entity is competently assuming the responsibility for it; in this cases the HRA should be expected to perform not only HRBA mainstreaming but also gender equality mainstreaming (GEM). In country situations where one of the other competent agencies is present, GEM should be performed by their gender specialist.</p>
Effectiveness	
Human Rights Based Approach mainstreaming, EA11, has not been	OHCHR to decide on the main direction the HRA shall follow, and the principal contribution the HRA should make.

<p>the HRA's main contribution to programmes supported.</p>	<p>Four possible deployment models are proposed to address the different contributions expected from an HRA.</p>
<p>HRAs' contribution to EA6 and EA7 is his/her most important, intensive, appreciated and time-consuming task. EA4, Non-discrimination is also a task prominently supported by the HRA.</p>	<p>A long term deployment (3-5 years) is recommended if HRA is to effectively contribute to these EAs and thus to be able to contribute to impact prospects and sustainable results.</p>
<p>To be effective in pursuing their HR/HRBA mandate within the UNCT, HRAs need the support and ownership of the RC. RC, in turn, needs respect of the Institution (HRA and OHCHR HQ) and processes in place to live up to his/her ToR.</p>	<p>The indicated reporting lines (first and second reporting line) should be respected. Different expectations regarding the workplan of the HRA should be addressed and solved prior to a potential situation of escalation. This agreed workplan can then be uploaded to OHCHR management system, so that HRAs have one common work plan. The work plan should also indicate the support expected and responsibilities of RCs, UNCT members and OHCHR Geneva.</p>
<p>Communication processes between RC and OHCHR are not working smoothly. Currently only the communication channel between HRA and OHCHR HQ is working smoothly.</p>	<p>OHCHR-Geneva should establish a regular channel of communication with the RC before the HRA is deployed, which ensures the participation of all relevant parties, and in a regular form (frequency to be defined) after deployment that enables a two way communication. Communication channels between the RC and OHCHR established and improved (see next recommendation). Characteristics of this regular RC/OHCHR channel of communication should be: easy to handle, inbuilt into a process (at certain predictable milestone dates, for example in the preparation of the annual workplan, all moments where the performance of the HRA is assessed), and take account of UNDG-HRWG's role.</p>
<p>The interface and communication process between DOCO and OHCHR can be improved and sped up.</p>	<p>Information about the substance and the current funding status of HRAs of the second generation needs to be exchanged on a more frequent basis to detect issues and bottlenecks such as funding mechanism.</p>
<p>The deployment process of the HRA is too time consuming. In some cases the HRA arrives when the requesting RC has already left the country.</p>	<p>The deployment process needs to be streamlined and sped up. Bottlenecks in the HRA recruitment and deployment process need to be identified and addressed proactively, shortening completion of the process within 6 months. In case the requesting RC has departed before the HRA's deployment, the deployment should not proceed unless the incoming RC reconfirms his/her commitment to host an HRA.</p>

<p>The human and efficiency implications on the second generation HRAs of job insecurity, and the indignity of fund-raising for his/her own salary, has been underestimated or not considered.</p>	<p>The recruitment process, the financial management and the human implications of the HRA deployment, in particular of the second generation HRAs, should be revisited in the light of human resource management policy.</p> <p>Clear alternatives for those cases in which obligations for HRA salary support are not fulfilled have to be defined and implemented. Timely and transparent communication to the HRA regarding his/her possible reassignment should be incentivized and formalized as early warning. In any situation, the person assuming the HRA role needs to have a planning horizon.</p>
<p>Impact Prospects</p>	
<p>Evidence of HR results and impact prospects were only found in countries where 1st (an exception is East Timor) generation HRA had been deployed and present for several years.</p>	<p>Determine the services expected from the HRA and identify the duration of assignment, supervision and source of salary for the full period accordingly.</p> <p>Four deployment models are suggested. See Strategic recommendations. For services rendering results with impact prospects, a longer-term deployment (3-5 years) is recommended.</p>
<p>The specialised knowledge and work of an HRA is unique and cannot be found anywhere else in the UNCT.</p>	<p>Recognize that an HRA deployment of any length cannot be expected to result in a UNCT with full capacity to carry on the HRA's specialised work.</p> <p>Given evidence from country visits with both national and UN stakeholders stating UNCT member agencies cannot replace HRAs, OHCHR, UNDOCO and the RC/UNCT in question should decide how important continuation of the HRAs contribution is to their mutual goals and secure the needed resources in consequence of that importance.</p>
<p>Sustainability</p>	
<p>After three years of implementation, the MDTF co-financing model is not sustainable.</p>	<p>In the light of the first experience with the co-financing scheme, in which contributions were either not provided or found in ad hoc solutions, the whole model needs to be thoroughly analysed and revised.</p> <p>A contribution has to be evidenced before the HRA would be deployed. Willingness and readiness to contribute has to be demonstrated prior to a deployment. A suggested option for future co-financing schemes is to start from the outset, for example, with a 35% contribution of the RCO/UNCT of the country requesting support of a HRA.</p>

<p>There is no inbuilt mechanism to assume accountability and financial liability in cases where the RC/UNCT cannot live up to their commitment; In the current situation the responsibility for acquisition of funds to finance the HRA's salary is partly in the hands of the HRA him/herself.</p>	<p>Clarify the accountability structure between UNDG and OHCHR and assign liability for financing the HRAs salary after the MDTF support expires according to the deployment model selected (see Strategic Recommendation). Such liability should be assigned and mutually agreed prior to the HRAs deployment, avoiding the situation in which it is the HRA who assumes the <i>de facto</i> liability. Outsourcing this liability to the 2nd generation HRA him/herself is not an acceptable management practice and should be avoided.</p>
---	---

3.3 Points for Reconsideration of HRA Deployment Options

The situation encountered by the evaluation team, and the conclusions drawn on the evidence found, call for an over-arching strategic analysis; the evaluation's main recommendation is to carry out a human rights advice positioning exercise, in which one or several clusters of HR advice should be examined and translated into different types of HRA deployment and forms of thematic support to UNCT/RCO provided.

As all knowledge about processes is available in the involved organisations (OHCHR, UNHRM, DOCO) the strategic analysis should be performed in-house with the support and moderation of a knowledgeable and experienced external and unbiased mediator.

While this evaluation can indicate the suggested themes that need review, the institution/s involved will need to take the final decisions on positioning and /or clustering of HR advice. All possible alternatives for decisions have several interdependent variables, for example short term deployment < 3 years will have a lower likeliness to achieving results with impact prospects.

This evaluation report can also serve as in input to a suggested future holistic evaluation to analyse OHCHR's positioning with its different forms of services provided.

The whole process of HRA deployment should be revisited, also in the wider context of other forms of OHCHR country presence and the concept of Regional Offices, and thoroughly and honestly analysed. In particular, the following themes should be examined:

- **Expectations** - what service should an HRA deliver, and for whom
- **Primary focus of HR advice**- internal (RC/UNCT) or external (national state and civil society partners) services provided,
- **Time horizon** – HR advice for short (<2 years) or medium/long term (3 to 5 years) duration,
- **Financial model and financial responsibility** – OHCHR Extra Budgetary or other sources; is the MDTF model, as it stands, feasible? Or shall OHCHR assume the financial responsibility?

- **Financial liability** for deployment – if a co-financing model remains the modality of choice, which party will be liable for assuring financial commitments are met?
- **Human resource development** – what impact do actions and situations, emanating from the HRA model decided upon, trigger on the people deployed? What do short term planning horizon and uncertainty about the hierarchy of communication lines mean for the motivation and job identification of HRA and her/his career planning, or for the planning of the HRA’s partner and children?
- **Communication:** Which communication channels need to be established and/or introduced to make the intended information flow feasible and convenient; which instruments, like reporting requirements, need to be streamlined?
- **Selection process:** What are the interpersonal skills essential to achieving results, with internal and external partners (power distance, frustration tolerance, stress resistance, empathy, team working)? How can these skills be assessed as part of a selection process, either for a roster or an open job announcement?

Volume II Annexes

Due to their volume annexes are not attached to this report but are available from PPMES upon request.

Terms of Reference

List of Stakeholders interviewed

List of Literature studied

Data collection tools including surveys