EVALUATION OF OHCHR SUPPORT TO NATIONAL HUMAN RIGHTS INSTITUTIONS

Final Report

Review Team

Francesca Jessup, International Consultant
Koffi Kounte, International Consultant
October, 2015

Evaluation of OHCHR Support to National Human Rights Institutions

Table of Contents

Acronyms and Abbreviations

Executive Summary

I.   Intervention Background

II.   Evaluation Background, Purpose and Objectives of the Evaluation

III.   Main Findings

IV. Conclusions

V. Recommendations

VI. Annexes

6.1   Terms of Reference

6.2   Proposed Evaluation Logic Model/Results Matrix

6.3   Methodological Framework for Evaluation

6.4 Interviews

6.5 Documents Consulted

Acronyms and Abbreviations

CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CERD	Convention on the Elimination of all Forms of Racial Discrimination
CESC	Covenant on Economic, Social and Cultural Rights
CRPD	Convention on the Rights of Persons with Disabilities
CCPR	Covenant on Civil and Political Rights
CICIG	International Commission Against Impunity in Guatemala
CSOs	Civil Society Organizations
ETC	Equal treatment Commission
EU	European Union
FMLN	Farabundo Marti National Liberation Front
FOTCD	Field Operations and Technical Cooperation Division
GEAs	Global Expected Achievements
HC	Humanitarian Coordinator
CT	Country Team
HRA	Human Rights Advisor
HRCSPD	Human Rights Council and Special Procedures Division
IACHR	Inter-American Court of Human Rights
ICC	International Coordinating Committee of NHRIs
ICESCR	International Covenant on Economic, Social & Cultural Rights
ICRC	International Committee of the Red Cross
IPMS	Indigenous Peoples and Minorities Section
IOs	International Organizations
ISs	International Standards
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
LogFrame	Logical Framework
MINUGUA	Mission of the United Nations in Guatemala
MINUSMA	United Nations Mission in Mali
MRs	Minority Rights
NGO	Non-Governmental Organization
NHRI	National Human Rights Institute
NIs	National Institutions
NPM	National Preventive Mechanism
OECD-DAC	Development Assistance Committee of the Organization for Economic Cooperation and Development
OHCHR	United Nations Office of the High Commissioner for Human Rights
PDDH	Procuraduria para la Defensa de Los Derechos Humanos de El Salvador
PDH	Procurador de los Derechos Humanos de Guatemala
PPMES	Policy, Planning, Monitoring and Evaluation Systems
PSMS	Programme Support and Management Services
RBM	Results-Based Management
ROE	Regional office for Europe
ROCA	Regional Office for Central America (Panama)
ROME	Regional Office for the Middle East
ROSA	Regional office for South America (Santiago)

SG	Secretary General
UNDAF	United Nations Development Assistance Framework
UNEG	United Nations Evaluation Group
UNFPA	United Nations Population Fund
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children Fund
UNCTs	UN Country Teams
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UPR	Universal Periodic Review
WARO	West Africa Regional Office
WG	Working Group

EVALUATION OF OHCHR SUPPORT TO NATIONAL HUMAN RIGHTS INSTITUTIONS

Executive Summary

Background and Context

1. National human rights institutions (NHRIs) constitute a fundamental pillar of national human rights protection systems, and are seen as a key mechanism to contribute to the application of international human rights standards. The UN Vienna World Conference on Human Rights and the adoption by the UN General Assembly of the Paris Principles (A/RES/48/134)[1] in 1993, set the stage for numerous resolutions adopted over the years by a wide range of international bodies that have increasingly called upon States to establish and strengthen NHRIs to help fulfil obligations under the core human rights treaties.

2. There has been a striking growth of NHRIs globally, from only ten in the early 1990s, to 80 in 2000, increasing to 108 accredited institutions by 2016. They are now robust stakeholders in the UN Human Rights Council's Universal Periodic Review (UPR), report to treaty bodies, participate in the follow-up to treaty body recommendations, and play a growing role in the special procedures process. Since 1993, NHRIs have had an International Coordinating Committee of NHRIs (ICC), which coordinates their activities and has established an accreditation process and periodic peer assessment to review and ensure the NHRIs compliance with the Paris Principles.

3. Support for the establishment and strengthening of NHRIs as Paris Principle-compliant national institutions has been an important element of OHCHR's country engagement strategy as well as a mandated activity provided for by UN General Assembly and UN Human Rights Council resolutions. Of the OHCHR's 11 Global Expected Accomplishments (GEAs), which translate the Office's mandate in programmatic terms, GEA 1 makes specific reference to NHRIs, seeking "Increased compliance of national legislation, policies, programmes and institutions, including the judiciary and National Human Rights Institutions (NHRIs), with international human rights standards."[2] Other GEAs are directly relevant to support for NHRIs.

4. OHCHR has developed a wide range of forms of effective support for NHRIs, covering four principal areas: 1) support to establish NHRIs; 2) monitoring and advice to promote increased compliance with the Paris Principles and NHRI capacity-building to work effectively and independently; 3) facilitating interaction between NHRIs and the international human rights system; 4) and strengthening partnerships, with UN agencies and programmes on the ground, with the ICC, and with regional mechanisms.

5. Support to NHRIs engages much of the OHCHR institutional architecture. The OHCHR Headquarters (HQ) focal point specifically designated to provide support to NHRIs is the *National Institutions and Regional Mechanisms Section* (NIRMS), under the *Field Operations and Technical Cooperation Division* (FOTCD). The OHCHR, through NIRMS, also serves as the Secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). Also from Headquarters, NHRIs receive support, through NIRMS, from the Human Rights Council and Special Procedures Division;

---

[1] The *Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights Human Rights,* known as the "Paris Principles", adopted in 1991, established the broad normative standards for institutions. Embedded in national constitutions or other national legal frameworks, NHRIs can exercise a broad range of responsibilities, among them, monitoring the existing human rights situation; providing recommendations to governments regarding proposed legislation relating to human rights, carrying out human rights education and advocacy, and depending on their specific conformation, the hearing of complaints and their transmission to competent authorities.

[2] Annex 1. OHCHR's Global Expected Accomplishments and Indicators. *OHCHR Thematic Expected Accomplishments (2014-2017).*

the Human Rights Treaty Division; and the Research and Right to Development Division. At the country and regional level, support is also provided to NHRIs by the OHCHR Field Presences, comprised of 14 stand-alone offices, 13 Human Rights Components in Peace Missions, 12 Regional Human Rights Offices/Centers, and 27 Human Rights Advisors in UNCT/UNDG Regional Centers.

6. The OHCHR has sought to establish a comprehensive approach to support for NHRIs at a global, regional and national level. To strengthen this approach, an independent evaluation was seen to be an important tool to analyse the effectiveness and impact of OHCHR's activities in this area. The objectives of the evaluation were: 1) To identify evidence of the contribution of OHCHRs support to NHRIs in improving "the enjoyments of rights at national level"; 2) To produce lessons learned and good practices, illustrating successful and unsuccessful strategies in results achievement with regard to support to NHRIs, including the area of gender equality); and 3) To produce clear and actionable recommendations identifying future structural and policy actions the OHCHR can take to implement them.

Main Findings

Effectiveness

7. There is much reported information that points to OHCHR's contribution to progress in these areas, and the institution has made strides since 2008 to reflect this by employing a results-based framework to underpin planning, implementation, monitoring, and evaluation, as reflected by the global evidence from the Performance Monitoring System (PMS). In the years covered by this evaluation, 2008-2014, 16 NHRIs have newly achieved "A" status with the ICC[3]. Nine of these 16 countries where the NHRIs have recently been awarded an "A" status accreditation have an OHCHR field presence.

8. The global findings in 2013 on the achievement of planned results relating to the improved compliance with international standards of new or existing NHRIs (Indicator 1.1), as registered by the OHCHR Performance Monitoring System (PMS), revealed that the planned global target of 41 countries, out of 57 countries reporting, was achieved. For 24.5 % of the individual countries, planned results were not achieved or were not achievable within the two-year programming cycle, with a global level of achievement of 66 %. It is important to interpret these results with caution, given the extreme complexity and highly fluid nature of the larger human rights context in many of these countries and the number of factors well beyond the control of a well-designed intervention. However, it is clear that results warrant deeper analysis to unpack at different levels the contributing factors, including of the adequacy of the established target levels or possibly the need to develop indicators that reflect critically important intermediate steps or benchmarks in the path towards achieving these goals. Work with NHRIs is a long-term investment in national human rights infrastructure, it is important that a limited data set doesn't mask incremental progress.

9. The PMS results framework is an important effort to underpin with technical rigor the greater institutional commitment to build a results culture. At present, the system has only been in place since the programme cycle 2010 and over time, it will become an indispensable tool of support. It is at present, however, still a work in progress, presenting external reviewers with considerable difficulties to accessing data, challenging an effective interpretation of cumulative results at the global level. Further, it is important to ensure a system that overtime permits the OHCHR to clearly communicate results and continuing challenges beyond the institution itself.

10. In the mission countries visited, presented as case studies in the body of the main report, the support to NHRIs provided examples of the full gamut of different forms and modes of support provided by the OHCHR, reflecting the distinct human rights situations, the differing levels of institutionalization of NHRI, and forms of engagement with NHRIs from different areas of OHCHR institutional architecture. The Latin

American NHRIs, which were among the first to be established, received consistent and sustained strategic and technical support from Country or Regional offices to strengthen their capacity to carry out their core protection mandate, and engage with some of the most relevant and thorny issues, such as social conflict, gender violence; social protest issues; racial discrimination; LGBT issues; transitional justice and key political support. The high quality of well-calibrated support received reflects the importance of proximity, access, and field offices that are finely tuned to often swiftly changing realities on the ground. Numerous instances of the sharing of best practices within the region has been a highly useful strategy. The increasing use of quantitative and qualitative indicators to enhance the measurement and implementation of human rights is an important area of progress. It also underscored that in some cases, skills-building is more effective through direct field cooperation, and that consistent OHCHR political support on key high profile issues to bolster the NHRI's independent stance can be an important form of capacity building.

11. In the case of the NHRIs visited in Africa and the Middle East, where the NHRIs were much younger or in the process of being established, OHCHR/NIRMS has played an important role in providing support in the area of legal frameworks and support for draft laws to help ensure that NHRI have the legal characteristics to become Paris Principle compliant. Many of these institutions have generated high expectations from a range of national stakeholders inside and outside government regarding their future contributions. Thus far, they have depended on a relationship with NIRMS for the initial set-up phase, but would benefit from access to more sustained support and local level expertise in the form of focal points located in the region. There is a need to ensure that new NHRIs are not "orphaned" at a critical point in the needed capacity building process. At present there is no staff specialized on NHRI issues at the regional level and in the peacekeeping components.

12. OHCHR has also provided support to the increasing engagement of NHRIs with international human rights mechanisms. With respect to contributions by NHRIs to the Universal Periodic Review UPR, by 2012, there was a 40 % increase over the same period in the first cycle of the UPR in number of written contributions from "A" status institutions. With respect to treaty bodies, there has also been an increase in NHRI engagement, a process strongly supported by the OHCHR. In 2010, HR treaty bodies examined 127 countries of which 80 had NHRIs; of the 80 NHRIs, 49 interacted with treaty bodies by submitting reports. The OHCHR reported a 10% increase in the participation of NHRIs over the years 2009-2012.

13. In 2014, the GA adopted resolution 68/268 on strengthening the human rights treaty body system, reflecting a number of recommendations put forward by OHCHR. In order to strengthen the system, the GA approved a significant capacity building programme to "support States parties in building their capacity to implement their treaty obligations". In response to this mandate, the OHCHR's Human Rights Treaties Division (HRTD), has established a pioneer "Treaty Body Capacity Building Programme" with an team operating across OHCHR headquarters and the field.

14. While the Programme supports strengthening States' parties' capacity building, it seeks to ensure engagement with NHRIs (and CSOs) in state engagement with the Treaty Bodies through highlighting the important role that NHRIs can play in that process, through its advocacy for governmental institutional frameworks for reporting and follow-up, through the tools developed to enhance State party reporting under each treaty, and in the elaboration of training methodologies and corresponding training session plans. HRTD also has a form of institutionalized communication with NHRIs as their weekly updates are shared with NHRIs through the NIRMs portal.

15. Advances in other areas of OHCHR's work have contributed to strengthen results for NHRIs. One important area has been the development by OHCHR of a conceptual and methodological framework[4] for human rights indicators to adopt a structured and consistent approach for translating universal human rights standards into indicators that are useful at country level. An increasing number of initiatives, promoted or supported by NHRIs in collaboration with other stakeholders, have drawn upon OHCHR's

---

[4] This framework is outlined in the 2012 publication *Human Rights Indicators: A Guide to Measurement and Implementation.*

framework for developing the use of indicators to promote and monitor human rights, using them for a range of objectives including reporting and following-up on recommendations from the international human rights mechanisms, to monitor national development plans, national human rights action plan and to support policy makers. The OHCHR provided support on indicators in Ecuador, Kenya, Mexico, Nepal, Portugal and the United Kingdom.

16. The role of partners, the ICC (International Coordinating Committee for National Human Rights Institutions), regional networks and the UNDP have all contributed in specific and distinct ways to results in OHCHR's support activities for NHRIs. The institutional relationship with the ICC provides an important strategic platform and unique international space for NHRIs, enhancing the role of the ICC in its efforts to promote greater collaboration and coordination amongst NHRIs and regional groups. It further deepens the engagement of NHRIs with UN mechanisms and bodies. The OHCHR's institutional relationship with the ICC is an important and complex one, and covering it comprehensively goes beyond the scope of this study. However, over the years, questions have been raised by internal and external stakeholders regarding the rigorousness of the accreditation process, on the crucial issue of ensuring the independence of many NHRIs, and the need for greater attention to effectiveness.

17. This has led to changes in accreditation processes, but significant concerns remain. In order to guarantee the integrity and sustainability of the important OHCHR-ICC relationship, it is crucial to establish mechanisms for technical scrutiny that ensure a credible process. Some stakeholders have suggested that this challenge can be best resolved by formally integrating into the process the voice of other stakeholders from the human rights protection sector through the submission of supplementary reports, for example from CSOs. Others have suggested a more profound change in the process, suggesting that the accreditation process be transferred to an external panel or working Group on NHRIs, which would receive technical assistance from NIRMS in its role as Secretariat. Other stakeholders have argued that an independent panel, in addition to the institutional challenges involved, might well be subject to the same pressures and subjectivities as the existing accreditation process. While specific technical proposals to respond to this challenge this issue falls outside the purview of this study, the evaluation team feels that addressing this issue in a concrete and timely manner it is a matter of urgency, and that the full range of options should be considered.

18. Other key partners for the OHCHR are the principal regional networks of the NHRIs, including Asia Pacific Forum of NHRIs (APF), the Network of African National Human Rights Institutions, the Network of the Americas[5], and the European Network of NHRIs (ENNRI). The regional networks have been the natural partners for OHCHR and NIRMS, and OHCHR through its regional offices have both provided support, and partnered with networks in a range of strategic activities. With varying degrees of experience and institutionalization, these regional networks are consistently expanding their role and contribution. It is essential that the OHCHR, within the parameters of its mandate, tailors effective support to these key players, and develops more strategically attuned mechanisms to best leverage their role as partners. Some networks have expressed concern regarding the absence of adequate mechanisms at OHCHR HQ to channel input/feedback into the institution's strategic policy design and to improve delivery of technical expertise.

19. Another contribution to results has the deepening partnership with the UNDP, with whom a Memorandum of Understanding (MOU) was signed, initially in 1998 and then revised in 2013. Since 1998, UNDP has had a policy for the progressive promotion and application of a human rights-based approach to development programming, and a decade later, more than 94 Country Offices (COs) have reported activities to support diverse national human rights institutions. The partnership seeks to establish a framework of increased cooperation and enhance collaboration and coordination between the organizations, drawing on comparative advantages, complementary mandates and expertise. In all the countries in the Americas assessed by the evaluation team, there was evidence of progress in these partnerships and of integration of HRBA in the UN Development Assistance Frameworks (UNDAF), the

UNCT country strategy. In Guatemala, the UNCT received technical assistance from OHCHR Guatemala to integrate a rights focus in the UNDAF, including the indicators proposed by OHCHR to measure the UNDAF's effectiveness. In Ecuador, the UNCT identified the human rights gaps as central to the UNDAF 2014-2017, based on recommendations issued by the TBs, SP and UPR. The Human Rights Advisor provided technical support throughout this process. The UNDAFs of Chile, Peru, Uruguay and Brazil have also fully incorporated an HRBA mainstreaming in their elaboration process.

20. Efforts to build an effective tripartite partnership between OHCHR/UNDP/ICC have been deepening since 2010, in order to ensure coordinated engagement with NHRIs. The partnerships can point to a range of initiatives with respect to NHRIs in recent years. The joint project for capacity assessments (CAs), first piloted in 2009 largely in the Asia Pacific region, supported by the Asia Pacific Forum, UNDP, and the OHCHR, provided a new approach to strengthening NHRIs with a process of self-assessment facilitated by external experts. The methodology sought to incorporate "qualitative and quantitative elements in assessing current capacities, forecasting future capacity requirements, identifying capacity gaps and, most importantly, developing strategies to close those gaps in the most significant areas." A parallel initiative to the NHRI capacity assessment in the Asia Pacific Region has been underway in Africa with the Network of African National Human Rights Institutions. Most NHRIs in Africa have now carried out a gap analysis, which, with an understanding of capacity strengths and deficits, can seek support South-South cooperation through peer exchange.

21. The Fifth Annual Strategic UNDP-OHCHR-ICC Partnership Review Meeting held in June of 2015, agreed upon eight immediate and long term priority areas of collaboration, among them, finalizing the Global Principles of NHRI capacity development; supporting the role and capacity of NHRIs in relation to the implementation of the Sustainable Development Goals (SDGs); exploring the actual and potential role of NHRIs in assisting the SG in implementing the *Human Rights Up Front* initiative; and a joint protocol of engagement among the partners where NHRIs are at risk of reprisals.

22. Another actor with whom NHRIs engage in significant ways are civil society organizations (CSOs), a relationship which is often a key dynamic in the establishment and development of NHRIs. The chemistry between the two can be determinative: "Positive CSO/NHRI engagement is a feature of all NHRIs, which are perceived as legitimate, credible institutions – by government, by regional peers, and by the international community. Concomitantly, in cases where relations are strained or non-existent, NHRIs inevitably suffer a crisis of legitimacy." [6] While OHCHR Field Offices promoted activities and events that brought the two actors together, at present the Civil Society Unit at HQ that has just joined NIRMs does not have a specific policy to promote engagement between CSOs and NHRIs. Given the importance of the relationship between NHRIs and CSOs, and the evolving dynamics of engagement at different levels, such as through the ICC, the new inclusion of the Civil Society Unit in NIRMS offers an important opportunity to explore strategies for promoting and supporting effective engagement between NHRIs and CSOs.

Impact Orientation

23. Impact is often very challenging to ascertain as tracing causality is complex, particularly as one moves up the results chain in a realm such as the changes in the enjoyment of human rights. The highly dynamic environment, the wide range of contextual elements, and the multiplicity of actors involved in bringing about such shifts make it necessary to apply the notion of *contribution,* or *collaborative contribution* rather than *attribution*. In many cases, the impact of support to the NHRI can be contingent upon other country work OHCHR does to contribute to a more enabling environment. One element contributing to impact is

---

[6] P. 300. Renshaw, Catherine Shanahan. *National Human Rights Institutions and Civil Society Organizations: New Dynamics of Engagement at Domestic,Regional and International Levels*. Global Governanace 18 (2012).

if support to NHRIs is embedded in the context of wider country programmes providing strengthening and capacity-building to the range of institutions linked to rule of law and justice administration, whether through OHCHR field offices or other bilateral or multilateral development institutions. It is a paradox of NHRIs that often when the country most urgently needs a strong, functional independent body, NHRIs are often at their weakest.[7] In addition to the advantages for impact of support for NHRIs being part of wider integral efforts to support rule of law, this also underscores the need for NHRIs to have consistent support that spans both the establishment period as well as the ongoing capacity-building. Short-term training or one-off technical assistance activities can undermine impact especially in the case of fledgling NHRIs.

24. One important factor that often conditions and contributes to impact is linked the relevance of the interventions. In the case studies explored by the evaluation team the interventions were in large part relevant, with reference to the most pressing issues in the national context, relevant to the comparative advantages of the OHCHR, and relevant to the areas in which NHRIs most needed to enhance capacity to effectively carry out their mandate. Often the most relevant and critical support can have particular impact is not technical but rather political. Key strategic and timely political support is sometimes the most useful as was noted in a study of OHCHR in the field "Where the biggest weaknesses of an NHRI are in its high-level political independence and courage, these can be the most appropriate targets for strengthening. By gently yet consistently manifesting the expectation, privately and publicly, that an NHRI's role is to act independently, an international presence is sending the message that it will stand up for the integrity of the NHRI."[8]

Sustainability

25. Just as with the criteria of impact, it is challenging to determine the level of sustainability of OHCHR's efforts as this issue is highly context-dependent and numerous complex factors are at play. Further, the sustainability of OHCHR's efforts to support NHRIs is in many ways interdependent with, and contingent upon, advances in other realms of the OHCHR's country work. As noted earlier, it is difficult for NHRIs to make sustainable advances in many cases where other institutions related to rule of law remain weak, and consequently NHRIs tend to respond better to efforts that are carried out within a comprehensive programme of support to a range of national institutions key to the broader human rights situation such as those relating to the administration of justice. Among the factors that can contribute to sustainability is promoting effective partnerships with local actors, such as civil society, and international actors at a country level, such as the UNCTs, can both contribute to strengthening the national profile of NHRIs, as well as consolidating efforts to contribute to improving the human rights situation.

26. The deepening partnerships with UNDP and the tripartite relationship with UNDP-OHCHR-ICC can contribute to the sustainability of support efforts with the synergy derived from more coordinated, and broader-scale, consensus-based forms of strategic support. Productive engagement with CSOs can also help build a nexus of support for NHRIs such that strengthened or new-found capacities endure over time. How effective these latter partnerships are depend on a variety of factors, very importantly the NHRI's independence and commitment to competence, as this conditions legitimacy in the eyes of civil society.

27. The increasingly active engagement of NHRIs with international human rights mechanisms establishes a set of increasingly multidimensional international relationships that can better position them on the domestic level. Growing experience in follow-up of UPR recommendations with inter-institutional partners, and increasing space for a voice on international platforms further contributes to the sustainability of capacity-building efforts and can bolster an independent voice.

---

[7] P. 304. Renshaw, Catherine Shanahan. (2012) *National Human Rights Institutions and Civil Society Organizations: New Dynamics of Engagement at Domestic, Regional and International Levels.* Global Governance 18 (2012).

[8] *Mahony, Liam and Roger Nash (2012). Influence on the Ground: Understanding and strengthening the protection impact of United Nations human rights field presences. Fieldview Solutions.*

28. Another area that enhances sustainability has been the development by OHCHR of a conceptual and methodological framework[9] for human rights indicators to adopt a structured and consistent approach for translating universal human rights standards into indicators that are useful at country level. Work by OHCHR field offices with NHRIs, integrating this over time in both public and private entities is a long-term contribution to establishing a consensus-based, permanent methodological yardstick to frame the analysis of the national human rights discussion.

Gender mainstreaming

29. OHCHR HQ, through the Women's Rights and Gender Section's (WRGS) has over the last years developed a range of policies to more effectively integrate a gender perspective in all OHCHR policies programmes and relevant processes including planning, programming and monitoring. The OMP for 2014-2017 underscored the commitment to increased monitoring of the achievement of accomplishments focusing on women's rights and gender equality, and to providing support and gender expertise to the Divisions and Field presences. Support to NHRIs has taken place predominantly in the area of technical advice on women's human rights; capacity-building; and research and knowledge sharing. A review of the forms of support made available to NHRIs show an important commitment to this theme at the field level, where there are now gender focal points in many offices. While there is evidence of an increasingly consistent effort to integrate gender perspective in country strategy design and monitor its effectiveness, it is still not entirely systematic or consistent.

Conclusions and Recommendations

30. Any review of current OHCHR documentation of support to NHRIs over recent years demonstrates an extensive range of activities carried out at a global level to support these institutions. While the results from the Performance Monitoring System (PMS) are mixed, there is evidence of solid progress in a number of complex contexts, and also advances in cases where change will only be registered overtime. OHCHR work with NHRIs has made important strides in support for increased compliance by NHRIs with the Paris Principles, in their increasing engagement with international human rights mechanisms; in deepening partnerships with the UN agencies and country teams on the ground; in partnering with regional networks; with the increasing use of new methodologies of human rights indicators; and with the on-going provision of legal advice, capacity building and institutional strengthening.

31. However, some internal stakeholders have raised the issue as to whether support to NHRIs from the OHCHR should continue to be a priority, reflecting both ongoing and historical institutional ambivalence due to the lack of independence of many NHRIs. The evaluation team has concluded that support to NHRIs should certainly continue to be an area of OHCHR activity. However, even while clear progress towards results can be identified, an analysis of the more global strategic and institutional approach to NHRIs suggest that there are areas in which OHCHR still faces challenges in achieving the fully consistent and comprehensive approach to NHRIs that the institution seeks.

32. OHCHR's principal strengths in their support for NHRIs lies in the quality of technical support for capacity building and well-tuned political accompaniment where there is a field presence; in the tools and methodologies developed to support NHRIs; in the strong thematic relevance of their interventions; in the development and expansion of the use of human rights indicators; and in progress made in gender mainstreaming in their support. The principal weakness detected lies in the absence of a robust, proactive strategic institutional interlocutor at OHCHR that can contribute to shaping the institutional policy debate on NHRIs, consolidate lessons learned, strategically link different institutional services, participate in shaping support strategies in key thematic areas and interact strategically and systematically with regional networks. This in turn contributes to other challenges the institution faces such as the need to

---

[9] This framework is outlined in the 2012 publication *Human Rights Indicators: A Guide to Measurement and Implementation.*

improve and consolidate more effective relationships with regional networks; the lack of consistent, continual support throughout the various phases of the NHRIs development process; and the need for specific training on NHRIs in regional offices where there is no field presence. An additional ongoing challenge, shared with the ICC, is the unresolved issue of the compromised credibility of the accreditation process.

33. NIRMS at present offers a wide menu of important services, in the form of specialized technical advice and assistance, principally for the establishment of NHRIs; institutional liaison with international and external stakeholders; training seminars and conferences; and ICC Secretariat management. It is however, primarily a platform of services, rather than a node for strategic policy analysis, global policy dialogue on NHRIs, and knowledge generator for the distillation of best practices. Whether this is a function of institutional mandate or its interpretation, there is a need for a more proactive, dynamic strategic counterpart for NHRIs at OHCHR. NIRMS also needs to ensure at a strategic level, consistent support for the complete process of strengthening NHRIs – a first establishment phase, and then a critically important second phase for the training and the transfer of competencies. A more focused and comprehensive approach with a more clearly articulated strategic vision at the HQ level might permit more sustained, coordinated contributions from other sections and units at HQ. Even though NHRIs have been designated "partners" from a goal perspective, rather than as a specific focus area, this does not preclude a more consolidated approach guided by a small, agile, "centre of excellence", with consistent leadership, supervision and policy support at higher levels.

34. It is challenging to make specific policy recommendations with respect to particular units or departments given OHCHR's intended reorganization, the details of which are not fully available. However, evidently the reorganization will feature eight decentralized regional hubs, designed to strengthen impact and respond to the institutions increasing mandate and responsibilities. This decentralization process would seem to offer the opportunity for enhanced support to NHRIs, as NHRIs seem to flourish most in the close presence of field and regional offices that are acutely politically attuned to NHRIs insertion in the broader human rights context and can maintain a relationship over time. It is key that regional hubs be equipped with a full toolbox of technical expertise on NHRIs covering the complete cycle of support from initial establishment to the strengthening of more mature and institutionalized NHRIs. It is equally important that this technical expertise is combined with the capacity to participate in shaping support strategies in key thematic areas and interact strategically with regional networks and serve as a link with a strategic node at HQ.

Recommendations

On OHCHR's strategic direction with regard to support to NHRIs

> 1. OHCHR should continue to provide robust support to NHRIs, with consistent emphasis on the critical criteria of independence as a key goal, in order that NHRIs play an increasingly effective role in a global context of expanding human rights violations, shrinking democratic space and increased pressure and reprisals against human rights defenders.

> 2. OHCHR should review the role of NIRMS in order to ensure that it has the capacity to serve as a vital and proactive strategic interlocutor that can contribute to strategic policy analysis and planning; participate in the evolving policy dialogue on NHRIs with internal and external stakeholders on the principal challenges they face; deepen the engagement with key partners, and serve as a knowledge generator, derived from the distillation of best practices and lessons learned.

> 3. OHCHR should ensure that this strengthened strategic capacity in NIRMS is bolstered and reinforced by the consistent leadership, supervision and policy support at higher levels in the institution.

On OHCHR's engagement at the regional level

4. In line with recommendation 2 and in light of the decentralization process, OHCHR should conduct an analysis of which services related to NHRI support can be effectively devolved to regional hubs, in order to allow NIRMS to sharpen their focus on strengthening their capacity for systematic strategic analysis and policy dialogue.

5. OHCHR should provide specific training comprising the full toolbox of support for NHRIs for staff focal points in regional OHCHR offices or future regional hubs, where this technical expertise is currently unavailable. This could include training in all aspects of the full cycle of support, from establishment of NHRIs, to ongoing capacity-building and compliance with the Paris Principles; facilitating interaction between NHRIs and the international human rights system; and strengthening partnerships with regional mechanisms and UNCT programmes on the ground. Staff training should include specific reference to situations when NHRIs are under threat or are embedded in conflict situations.

6. OHCHR should explore and identify the most appropriate options for an effective proactive dialogue mechanism at the level of the regional hubs (with pertinent information channelled to NIRMS) for obtaining feedback and engaging more effectively with regional networks regarding OHCHR's strategic approach, and the strengths, weaknesses and nature of the support it provides to NHRIs. Among the options to be considered might be a steering group with periodic meetings, but inputs need to be sought from the regional networks themselves. While the UNDP-OHCHR-ICC partnership is a mechanism contributing to this engagement, OHCHR needs its own proactive internal mechanism to reinforce its own bilateral dialogue with regional networks.

On Partnerships

7. OHCHR should continue to pursue polices to deepen and reinforce engagement with the partnership with UNDP globally and UNCTs at the field level, in line with the *Memorandum of Understanding* (MOU)*,* to promote the integration of human rights and development perspectives in each others work, drawing on the comparative advantages of their mandates. In order to ensure complementarity in support to NHRIs, it is essential that the most effective division of labour be agreed upon between OHCHR and UNDP in accordance with their mandates, whether at the field level where both offices are present or via UNDP Country Office consultation with OHCHR regional hubs.

8. In order to assess the partnership's concrete progress globally with respect to NHRIs, and to serve as a platform for feedback, to generate lessons learned, and to derive inputs for future strategy, OHCHR should promote the institution of the annual review meetings as originally envisaged in the revised UNDP-OHCHR MOU.

9. The OHCHR should undertake a concerted effort to improve knowledge management in the partnership with respect to NHRIs, to enhance collaborative development of knowledge products and foster communities of practice.

10. In line with decision taken at the 2015 UNDP-ICC-OHCHR Partnership Meeting, the OHCHR should work with partners to formalise a protocol of engagement in cases of reprisals and other acts of intimidation against NHRIs.

On the relationship with the ICC

11. The ICC, and OHCHR/NIRMS as Secretariat and observer on the SCA, need, as a matter of urgency, to generate a range of proposals that effectively increase the rigor of the accreditation process. This evaluation recommends consideration of the entire range of possible routes to effectively confront this issue, in particular (i) the formal inclusion of information and reports from outside stakeholders such as CSOs for consideration by the Sub-Committee on Accreditation: and (ii) the possible advantages of a transfer of the accreditation process to an external panel of experts instead of the existing peer review process (see main report for possible attributes).

Additional Aspects

12. Given that the Paris Principles explicitly articulate a role for NHRI/CSO cooperation, NIRMS and its civil society unit should explore strategies to contribute to supporting and promoting productive NHRI/CSO engagement, making use of lessons learned from such entities as the Asia Pacific Forum (APF) and its longstanding policy of engagement with CSOs.

13. OHCHR should continue to promote the increasing development and use of human rights indicators as a very significant contribution to the work of NHRIs and governments, and facilitate its use as a key instrument to underpin the increasing integration of HRBA in policymaking. The peer-to-peer sharing of expertise in this area between NHRIs is a strategy that should be prioritized and given further impetus.

14. OHCHR should consolidate the important advances made in gender mainstreaming in programming at the field level to insure its systematic integration in all work with NHRIs. While clear progress has been made, it is not entirely systematic, and the gender section can contribute to identifying the relevant strategic gaps in order to make it more comprehensive, including recommendations for staff training.

EVALUATION OF OHCHR SUPPORT TO NATIONAL HUMAN RIGHTS INSTITUTIONS

I. Intervention Background

National human rights institutions (NHRIs) constitute a fundamental pillar of national human rights protection systems, and are seen as a key mechanism to contribute to the application of international human rights standards. The *Principles relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights,* known as the "Paris Principles"[10], adopted in 1991, established the broad normative standards for the "status, structure, mandate, composition, power and methods of operation"[11] of these institutions. Embedded in national constitutions or other national legal frameworks, these institutions can exercise a broad range of responsibilities, among them, monitoring the existing human rights situation; providing recommendations to governments regarding proposed legislation relating to human rights, carrying out human rights education and advocacy, and depending on their specific conformation, the hearing of complaints and their transmission to competent authorities.

The UN Vienna World Conference on Human Rights and the adoption by the UN General Assembly of the Paris Principles (A/RES/48/134) in 1993, set the stage for numerous resolutions adopted over the years by a wide range of international bodies that have increasingly called upon States to establish and strengthen NHRIs to help fulfill obligations under the core human rights treaties. There has been a striking growth of NHRIs globally, from only ten in the early 1990s, to 80 in 2000, increasing to 106 accredited institutions in 2014. Regional patterns show growth of NHRIs beginning in the Americas in the early 1990s, in Africa in the mid-90s and in the Asia Pacific in the late 1990s, and a steady growth pattern in Europe from the mid-1990s[12]. The global spread of human rights norms and transnational human rights networks have spurred what some have referred to as the growing if uneven effort to increasingly "embed international norms in local structures".

In 2006, the Commission for Human Rights (resolution 2005/74) formally invited NHRIs to participate in all its agenda items, and indeed the cooperation of national human rights institutions with international and regional mechanisms is a key requirement of the Paris Principles. They are now robust stakeholders in the Human Rights Council's Universal Periodic Review UPR), report to treaty bodies, participate in the follow-up to treaty body recommendations, and play a growing role in the special procedures process.

Since 1993, NHRIs have had an International Coordinating Committee of NHRIs (ICC), which coordinates their activities and has established an accreditation process and periodic peer assessment to review and ensure the NHRIs compliance with the Paris Principles. Four principal

---

[10] The Paris Principles set out six main criteria that NHRIs are required to meet: 1) Mandate and competence: a broad mandate, based on universal human rights norms and standards; 2) Autonomy from Government; 3) Independence guaranteed by statute or Constitution; 4) Pluralism; 5) Adequate resources; and 6) Adequate powers of Investigation.

[11] General Observations (as updated May 2013) *International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) - General Observations of the Sub-Committee on Accreditation.*

[12] OHCHR Survey.

regional networks of NHRIs have been established, including the Asia Pacific Forum of NHRIs (APF), the Network of African National Human Rights Institutions, the Iberomerican Federation of Ombudsmen (FIO)[13]; and the European Network of NHRIs (ENNRI).

Even as NHRIs increase in number, strength and in international stature, many still confront a wide range of challenges in becoming Paris-Principle compliant organizations, including the difficulties in ensuring independence as guaranteed by statute or constitution; genuine autonomy from government; pluralism in membership; a sufficiently broad mandate to protect and promote human rights, accessibility; and sufficient resources. Almost 33 % of NHRIs are not yet compliant with Paris Principles. Support for the establishment and strengthening of NHRIs as Paris Principle-compliant national institutions has been a key element of OHCHR's country engagement strategy as well as a mandated activity provided for by UN General Assembly and UN Human Rights Council resolutions.

Current efforts by OHCHR are focused at four major strategic objectives, namely (1) support to governments to establish or strengthen NHRIs; (2) monitoring and advice, through which OHCHR assesses compliance with the Paris Principles and strengthens the capacity of NHRIs to work effectively and independently; (3) assisting the interaction between NHRIs and the international human rights system; and (4) strengthening partnerships, especially with UN agencies and programmes on the ground, the ICC, regional organizations as well as regional coordinating bodies of NHRIs. Of the OHCHR's 11 Global Expected Accomplishments (GEAs), GEA 1, makes specific reference to NHRIs, seeking "Increased compliance of national legislation, policies, programmes and institutions, including the judiciary and National Human Rights Institutions (NHRIs), with international human rights standards."[14] Other GEAs are directly relevant to support for NHRIs.

Support to NHRIs engages much of the OHCHR institutional architecture. While OHCHR support for NHRIs involves a wide range of Headquarters departments, regional offices and field presences, the OHCHR Headquarters (HQ) focal point specifically designated to provide support to NHRIs is the *National Institutions and Regional Mechanisms Section* (NIRMS), one of the seven sections in the *Field Operations and Technical Cooperation Division* (FOTCD).

NIRMS is composed of 6 staff members (1P5, 1 P4, 2 P3, 1G6 and 1 G4). Additionally, up to 4 fellows are working for NIRMS at a given point of time. These fellows are seconded from a given NHRI and are assigned to NIRMS normally for a period of 6 to 12 months. At the beginning of 2015 NIRMS was merged with the civil society unit ,which adds one P4, one P3 and one G6 to the combined section. At this point the NIRMS and civil society functions are largely been carried out in a separate manner. NIRMS supports the establishment and strengthening of NHRIs through diverse forms of support [15] including: 1) funding of technical assistance and capacity-building projects for NHRIs and regional networks of NHRIs; 2) reviewing of draft laws concerning NHRIs and advice on compliance with the PPs; 2) provision of guidance notes, methodological tools, best practices and lessons learned on issues related to NHRIs; 3) facilitation of partnerships between NHRIs and UNCTs; 4) support for interaction of NHRIs

---

[13] There are also sub-regional peer networks independent from the FIO such as the Andean Council of Defensorias del Pueblo (CAPD).

[14] Annex 1. OHCHR's Global Expected Accomplishments and Indicators. *OHCHR Thematic Expected Accomplishments (2014-2017).*
[15] Often jointly with or through other OHCHR instances and UN agencies.

with the international human rights system, including treaty bodies, special procedures mechanisms, the HRC/UPR; and 5) support to regional and sub-regional networks on NHRIs.

The OHCHR through NIRMS also serves as the Secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and participates in the work of the Sub-Committee on Accreditation (SCA) as a permanent observer (a discussion of this role will appear later in the body of the report). NIRMS drafts the mandated Secretary-General and High Commissioner's reports to the General Assembly and the Human Rights Council on OHCHR NHRI-related activities. Also from Headquarters, NHRIs also receive support from the Human Rights Council and Special Procedures Division; the Human Rights Treaty Division; and the Research and Right to Development Division.

At the country and regional level, considerable support is also provided to NHRIs by the 66 OHCHR Field Presences and Human Rights Advisors, comprised of 14 stand-alone offices, 13 Human Rights Components in Peace Missions, 12 Regional Human Rights Offices/Centers, and 27 Human Rights Advisors in UNCT/UNDG Regional Centers.

II.   Evaluation Background, Purpose and Objectives of the Evaluation

The OHCHR has sought to establish a "strategic, coordinated and comprehensive" approach to support for NHRIs at a global, regional and national level, and this evaluation is seen as contribution to further strengthen this approach. Further, the organization's Senior Management has recommended that such an assessment be undertaken analysing the impact and relevance of OHCHR's activities in this area. In keeping with the organization's own evaluation objectives of both accountability and learning, this assessment will contribute both to results analysis, as well as deriving key lessons learned to inform future policy formulation.

As such, an independent evaluation was seen to be an important tool analysing the effectiveness and impact and of OHCHR's activities in this area. The objectives of the evaluation were: 1) To identify evidence of the contribution of OHCHRs support to NHRIs in improving "the enjoyments of rights at national level"; 2) To produce lessons learned and good practices, illustrating successful and unsuccessful strategies in results achievement with regard to support to NHRIs, including the area of gender equality); and 3) To produce clear and actionable recommendations identifying future structural and policy actions the OHCHR can take to implement them.

A Results-based Management approach has been progressively applied since the planning cycle of 2008-2009, with performance indicators increasingly available since 2010 through a *Performance Monitoring System* (PMS), and consequently an independent assessment was seen to have an adequate and improved toolkit for evaluation purposes (see analysis of evaluability).

The **purpose** of this evaluation according to the TORS is to assess the contribution of OHCHR's support to NHRIs on the achievement of institutional, legislative or behavioural changes on human rights issues, in terms of:

- **Effectiveness** – the degree to which planned results and targets related to NHRIs have been achieved, at outcome and output levels;

- **Impact orientation** – the extent to which the strategic orientation of OHCHR's support to NHRIs points toward making a significant contribution to broader, long-term, sustainable changes on human rights issues;

- **Sustainability** – the degree to which changes achieved in relation to NHRIs (establishment and/or working) last in time;

- **Gender equality mainstreaming** – the degree to which gender has been mainstreamed in all the activities of OHCHR in support of NHRIs, and the degree to which the results obtained in this area have contributed to the goal of gender equality.

The **objectives** of the evaluation are:

- To identify the existence of evidence to point to the impact of OHCHR's support to NHRIs in improving 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 in support of NHRIs, including in the area of gender equality; and that can help identify areas were policy or structural changes are required;

- To produce clear and actionable recommendations identifying concrete actions and responsibilities for OHCHR to undertake towards these ends.

This report is structured as follows - after this introduction, Chapter Two provides the evaluation background, and presents the purpose and objectives of the evaluation as detailed in the Terms of Reference. It introduces the approach and methodology developed by the evaluation team, as well as a discussion of limitations and challenges for the study encountered during the assessment. The study will then explore the main findings of the evaluation in the required areas (effectiveness, impact orientation, sustainability, and gender equality mainstreaming). The final three chapters present the conclusions, lessons learned, and recommendations generated by the study.

2.1 Evaluation Approach, Methodology, and limitations

2.1.1 Approach and Methodology

Evaluation Framework and Scope of Study

The Logical Model proposed for the Evaluation (see Annex 2) provides the evaluation's understanding of the inputs, activities, outputs, outcomes and impact and their causal, sequential relationships for the area of study. It seeks to reflect the current *Theory of Change*[16] underpinning OHCHR's strategy to achieve results and provides precise performance indicators against which OHCHR's interventions in support to NHRIs will be assessed. The evaluation

---

[16] OHCHR's theory of change identifies the intermediate results that the organization seeks in order to contribute to achieve its long term goal, human rights for all. It has defined eleven results or expected accomplishments (based on an analysis of recurrent gaps identified through its work and by international human rights mechanisms) whose achievement would result in duty-bearers upholding their human rights obligations and rights holders effectively claiming their rights, ensuring the improved enjoyment of all rights by all (OMP 2014-2017).

methodology matrix specifies the principal evaluation questions to be answered and the indices and data sources that will contribute to the related findings.

Given the very broad scope of the study as detailed in the TORs and the fact that support to NHRIs contribute to a variety of Global Expected Accomplishments, the evaluation team determined it is important to establish clear parameters for the study. This evaluation assesses results within the EA1 focusing in the 1.1 indicator; "Increased compliance of national legislation, policies, programmes and institutions, including the judiciary and national human rights institutions (NHRIs), with international human rights standards" and analyse primarily indicator 1.1. Originally, in the inception report, the evaluators stated intention was to examine also GEA 3, 4 and 6, and 12 additional indicators also given the fact that OHCHR engagement with NHRIs crosses GEAs, but given the limitations of data, it was decided to limit the focus to a more manageable set of measurements.

The **temporal scope** of the assessment covers the achievements of expected accomplishments in the area of support to NHRI since the planning cycle 2008-2009, when a global level indicator on NHRs first appeared in the SMP, and covers four planning cycles in total: 2008-2009, 2010-2011, 2012-2013, and the first year of the programming cycle included in the Strategic Management Plan 2014-2017.

The study's **geographical scope** encompasses the examples of OHCHR's work in support of NHRIs at the global, regional, sub-regional and national level; including the regions covered by the Office, i.e. Africa, the Americas, Europe and Central Asia, Asia Pacific, and the Middle East and Northern Africa. The study reviews data on 24 countries where results on Indicator 1 have been planned during the biennium 2010-11 and 2012-13; 50 countries included in the Annual Report of the Secretary General to the General Assembly A/HRC/27/39, where OHCHR provides advice and/or assistance on the strengthening of human rights institutions during the period 2013 – 2014; 10 countries where During 2013 – 2014, OHCHR also provided assistance to activities aimed at the establishment of national human rights institutions: and 8 additional countries where NIRMS has also worked in support of NHRIs.

Data Collection and Methods

This evaluation employed a **mixed-methods** approach in order to obtain the most robust and reliable data as well as the most comprehensive analytical inputs to the study. The study combined qualitative and quantitative approaches (see section on limitations), using the full range of sources, including an extensive desk review[17] of all available relevant written information, face-to-face interviews with internal and external stakeholders, skype interviews and the PMS monitoring system. The evaluation also combines a global/institutional perspective analysis with a case-study approach using a predetermined set of individual countries.

---

[17] The team made use of a wide range of OHCHR institutional documents, both at headquarters and field level, including OHCHR Strategic Management plans; Annual Reports; departmental reports when available, toolkits and methodological material; Field Reports, studies and evaluations. Further, the team reviewed all relevant UN General Assembly material including all relevant Annual Reports from the UN High Commissioner; reports and studies from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), relevant documentation form the Human Rights Council, UPR reports; and relevant documentation from regional mechanisms and bodies. The case studies used relevant documentation from the NHRIs, project reports and evaluations from the UN Country Team offices when relevant, in additional to background documents and analysis regarding the human rights situation.

After an initial joint mission conducted at OCHCR headquarters in Geneva (March 2-6, 2015) for both scoping purposes and internal stakeholders interviews, the consultants conducted a second set of interviews with relevant stakeholders at the 2015 Annual meeting of the International Coordinating Committee for NHRIs (ICC) that began 11 March in Geneva. Beginning March 24, the team divided up to begin a series of selected case studies in areas of country and regional engagement, as well as to conduct a series of interviews by Skype for countries not visited. The Team Leader conducted missions to Norway; El Salvador, Guatemala and Chile; and Skype interviews were conducted with NHRI staff in Uruguay, Mexico and Albania. The second team member conducted missions to carry out case studies in Cote D'Ivoire, Mali; Senegal, and Lebanon. Telephone or Skype interviews were carried out with staff of NHRIs in Mauritania; Burundi, and Rwanda.

2.1.2 Limitations and Evaluability[18]

This study faced a number of challenges, related to its complex design, its global scope, the ambitiousness and breadth of its objectives, the large number of the internal stakeholders and different institutional/organizational levels involved, the nature of indicators and the data sets available, and the small size of the consultant team[19] for a study of these dimensions.

As pointed out earlier, OHCHR's global support to NHRIs is embedded in a highly complex institutional and strategic architecture. Throughout the five *Strategic Management Planning* (SMP) periods covered by the evaluation, OHCHR's work in support to NHRIs has been conceived of as a central component of the Expected Accomplishment 1, as well as an indispensable partner in a wide range of strategies. As it is conceived *as an end in itself well as a means to achieving other goals and objectives,* NHRIs support is transversal to much of OHCHR's work and other expected accomplishments, and involves a wide variety of different units/departments across the Organisation.

This transversality across GEAs as well as Thematic Priorities (introduced in 2010) has meant that this area of intervention's outcomes are often not clearly stated in the form of its own logic model. Support for NHRIs is a complex intervention for which there is an implicit rather than explicit results chain (activities – outputs – outcomes – impact). This evaluation devised/proposed a Logic Model in order to provide this results chain, one that is in full conformity with the current Theory of Change and with existing indicators. While support to NHRIs is a central component of the Expected Accomplishment 1 since the planning cycle of 2008, it is also included principally under the thematic category of "Widening the Democratic

---

[18] Analyzing "evaluability" refers to whether or not the proposed evaluation is methodologically feasible, affordable and likely to provide useful information. It refers to both data availability, as well as the degree to which the intervention design framework has adequately established clear and verifiable outcomes and indicators. Assessing evaluability takes into consideration what information has been captured by monitoring systems, such as whether data has been collected in a disaggregated manner, capturing the diversity of stakeholders. It looks at macro considerations such as whether or not the scope of the study is overambitious, and whether or not any steps need to be taken to improve evaluability". UNEG (2011). *Integrating Human Rights and Gender Equality in Evaluation: Towards UNEG Guidance.* Guidance Document – United Nations Evaluation Group. NY, NY.

[19] This latter point is not merely an issue of management of the workload and a more effective division of labour, but also the requirements of a strategic review which would have benefited by more shared analysis and joint processing of the mission findings and HQ interviews.

Space" and appears as such in all reporting. Initially, a management decision was taken to not include NHRIs as a "focus area" in WDS, but rather integrate NHRIs as a "partner" in a range of thematic areas. Subsequently, a new thematic EA was established under the democracy strategy to adequately capture work with NHRIs. All this makes tracing a consistent policy and its results much more challenging.

While there was considerable data available for the present study, it is important to analyse briefly some of the "Evaluability" challenges of the formal data sets.

UNEG's definition of "evaluability" covers three main dimensions. Firstly, it makes reference to **clear and verifiable outputs, outcomes and indicators.** A Results-Based Management Approach has been progressively adopted as a planning tool since 2008/09. The revised Results Framework, approved in 2014, establishes 11 Global Expected Accomplishments; 37 Indicators at the Global Level and 32 Indicators at the National Level, making a total of 69 indicators that represents a major challenge in terms of implementing a viable monitoring system. It is noteworthy that these indicators make reference to changes at the legal/institutional level (national and international) and, as such, they represent 'outcomes' to which the organisation contributes. For each indicator, the reporting system registers information detailing activities, and outputs, under a general category of "results".

The current Results Framework and Performance Monitoring System (PMS) suggest a highly ambitious undertaking, which over time, can be an indispensable tool of support. At this point in time, and for the purposes of this evaluation, it is still is a work in progress and extremely complex and challenging for an external analyst to utilize. As presently constituted and relatively new, the system does not yet easily communicate the nature of the OHCHR results and achievements.

Part of the difficulty is the design of the indicators for EA 1 themselves, which do not always capture the incremental and "process" aspect of progress in human rights. The mission experience suggest that this low level of achievement regarding established targets should not necessarily be seen as an effectiveness deficit on the part of the institution, but rather the use of indicators that fail to take into consideration the long cycles required to achieve the final goals. In order to capture more effectively the results of the OHCHR's support to NHRI, there may be a need to develop indicators that reflect critically important intermediate steps or benchmarks in the path towards achieving these goals.

Another critical dimension of evaluability relates to **data availability**. The monitoring reports made available to the Evaluation Team refer exclusively to the 1.1 Indicator, available since 2010. The fact that the reporting format has been modified during the planning cycles represents a major obstacle in trying to identify trends across the four planning cycle under consideration. The lack of information regarding outputs and outcomes in specific cases (blank spaces –or marked as n/a-) limits the possibility of building aggregated data regarding the level of achievements. The information available regarding activities and outputs is organised by country/regional office and not by indicator. There is limited information (as well as independent means of verification) in order to assess the levels of achievement regarding the outcomes.

Given these data limitations, this evaluation will be mainly based on the qualitative information gathered through in-depth, face-to face, interviews and document review.

The global scope of the study also presented a range of challenges. In addition to the need to process analytically a massive amount of written material (strategic planning documents, annual reports, General Assembly material, NHRI background material, Field Office reports) the sheer number of interviews, sometime eight or nine per day, made it extremely difficult to go into depth on key strategic issues. The missions in each country were generally 2-3 days in length, with only one hour allotted to interviews with the NHRIs (except in the case of Guatemala). This was a drawback in terms of being able to pursue important lines of analysis and strategic discussion. While the Skype interviews with individual NHRIs were in general useful, there was no way to independently verify or triangulate information on many of the themes.

A final challenge relates to the recent process still and under discussion and not officially defined regarding a major internal reorganization of OHCHR with what has been described broadly as a probable significant institutional decentralization to eight regional hubs. While the TORS for this study were developed previous to the announced reorganization process, which theoretically need not influence the evaluation particularly regarding the findings on results, this reorganization certainly has relevance for recommendations for future directions.

III.   Main Findings

Some General Comments

In examining the effectiveness, impact orientation, and sustainability regarding support to human rights institutions, one must proceed with caution with respect to generalizations, as the NHRIs, the contexts in which they operate, and the range of influences and factors affecting the enjoyment of rights in each country reflect very distinct realities and should resist easy categories or comparisons. While the goal to increasingly obtain global results is of crucial importance, de-contextualising them and decoupling them from the human rights situation on the ground makes a global analysis of results challenging. Without seeing the whole national panorama in which the NHRI is embedded makes it extremely difficult to determine the effect and impact of OHCHR support to an NHRI, other than its initial set-up or establishment, and makes it challenging to explore the causal processes which might have yielded results. This also makes much of the mass of descriptive information regarding "activities" carried out in support of NHRIs difficult to assess.

3.1 EFFECTIVENESS

This criterion measures the extent to which OHCHR support to NHRIs attained its objectives and what were the major factors influencing the achievement or non-achievement. This section will seek to respond to this broad question as well as the TORS specific questions. This section will examine results with respect to Global Expected Accomplishment 1 and the indicators noted in Section 2.1.1.

3.1.1 Global Findings

For a general sense of the global trends in EA 1 in the establishment and accreditation[20] status of NHRIs, the following table is illustrative. The table notes 16 new "A" Status accredited NHRIs (not necessarily 16 new countries) for the period under study, with the percentage of "A" status NHRIs remaining at 67 percent of the total over the five-year period[21]. Europe measured the largest advance in number of "A" status NHRIs, with an increase of 8, with 10 new NHRIs; followed by Africa with 4 new "A" status institutions and 7 new NHRIs; and the Americas and the Asia Pacific Region both gaining 2 new "A" status institutions, but with 2 and 5 new NHRIs, respectively. These regional patterns reflect the historical growth and hence degrees of institutionalization over time of many of these NHRIs.

While other factors also contributed to this an increase in "A" accreditation status, it clearly points to OHCHR's contribution to their establishment and strengthening in a significant number of cases[22], with NIRMS working with an average of 32 NHRIs a year on strengthening efforts. While this pattern is positive and consistent, it also indicates that more than one third of NHRIs are not Paris Principle compliant, which underscores the need for continued robust efforts towards their strengthening as well as a clear understanding of the principal challenges in order to best tailor support to the needs.

Table 1. Variations between 2008 and 2014 in the accreditations status of NHRIs (Total numbers by region; source ICC)

Regions/Total	By 2008	%	2014	%	Variation countries
Asia & Pacific					
A	13	68	15	63	+2
B	4	21	7	29	+3
C	2	11	2	8	0
Total	19	100	24	100	
Suspended	n/a		1		n/a
Africa					
A	14	67	18	64	+4
B	5	24	8	29	+3

---

[21] **Asia Pacific Region:** Malaysia: Human Rights Commission of Malaysia (SUHAKAM); Qatar: National Committee for Human Rights**; Africa Region** Burundi: Independent National Human Rights Commission of Burundi; Cameroon: National Commission on Human Rights and Freedoms**;** Mauritania: Commission Nationale des Droits de l'Homme**;** Nigeria: National Human Rights Commission of Nigeria**;** Sierra Leone: Human Rights Commission**; The Americas :** Haïti: Office du Protecteur du Citoyen (OPC)**; Europe:** Croatia: Ombudsman of the Republic of Croatia; Great Britain: Equality and Human Rights Commission**;** Leetonia: Ombudsman of the Republic of Leetonia**;** Scotland: Scottish Human Rights Commission**;** Serbia: Protector of Citizens of the Republic of Serbia**;** Ukraine: Ukrainian Parliament Commissioner for Human Rights.

[22] Nine of these 16 countries where the NHRIs have recently been awarded an 'A' status accreditation have an OHCHR field presence.

C	2	9	2	7	0
Total	21	100	28	100	
Suspended	n/a		1		n/a
Lapsed	n/a		1		n/a
Americas					
A	13	76	15	79	+2
B	1	6	1	5	0
C	3	18	3	16	0
Total	17	100	19	100	
Suspended	n/a		1		n/a
Europe					
A	16	60	24	65	+8
B	9	33	10	27	+1
C	2	7	3	8	+1
Total	27	100	37	100	
Suspended	n/a		0		n/a
Lapsed	n/a		2		n/a
TOTAL					
A	56	67	72	67	+16
B	19	23	26	24	+7
C	9	10	10	9	+1
Total	84	100	108	100	
Suspended	n/a		3		n/a
Lapsed	n/a		3		n/a

The targets for indicator 1.1 below are derived from the PMS system's *Report on Results* for 2010-2011 and for 2012-2013, showing the level of achievement of results against the planned results for indicators "1.1 *Extent to which NHRI has been established and/or worked in conformity with international standards (Paris Principles)*". The data for 2010 and 2011 largely reflects the very incipient level of reporting, and indicates that out of 16 targets assessed, there was full achievement of planned results in only 11 cases whilst progress was made in another 8 countries. For the 2012-2013 period, the number of countries reporting achievement of results against planned results was 41. **The total represents an achievement level of 100% against the global revised target of 41 countries.** Fourteen countries or 24.5 % of the total submitted cases of 57 did not achieve results or were not achievable within the two-year programming cycle.

Table 2. **Reported Level of Achievement of Results against Planned Results**
Number of countries per year (- indicates no reported entry for category)

Indicator 1.1: Extent to which NHRI has been established and/or worked in conformity with international standards (Paris Principles)

Level of Achievement of Results against Planned Results	2010-2011 (target of 16 countries/19 submitted reports)[23]	2012-2013 (target of 41 countries/ 57 submitted reports)[24]
Achieved	11	41
Progress made	8	-
Not Achiev-ed/able	-	14
Missing	-	2

Sources: OHCHR Report 2011: Annex III: Results table for 2011 reported through the Performance Monitoring System (17 field presences) p. 195; OHCHR Report 2013: Annex 1 Achievement of OHCHR's targets for Global Expected Accomplishments 2012-2013 p. 193

This data needs to be examined with care and points to some of the difficulties and challenges of using indicators and global targets in circumstances where so many factors are at play in terms of determining outcomes and results. Without reviewing individual country data carefully, it is extremely difficult to try to detect trends in these gaps between targets and achievement and generalize regarding causal factors. One element that needs consideration is that in addition to perhaps overly ambitious global targets, indicators utilized for planned results fail to capture or reflect the "process" aspect and the incremental pace at which the desired changes take place.

Although this study focuses on indicator 1.1, the global data, presented in the 2011 and 2013 OHCHR reports also shows the challenges with respect to achieving the other global targets under GEA 1 that the OHCHR has established, and aspects of the wider human rights environment in which NHRIs operate. Again, without analysing the country data, it is difficult to interpret these results, although it may reflect as noted above, that the targets established were excessively ambitious with respect to the incremental and even intractable situations on the ground. It does however suggest that the broader enabling environment in which NHRI operate

---

[24] An assessment conducted by PPMES at the end of 2011 on the possibility of achieving the targets planned, led to the inclusion of an initial target of 48 countries in the OMP 2012-2013. Seven countries were taken out of this global target in the course of the biennium (one field presence – Nepal – closed; and six countries were cut because of the budget reductions at the end of 2012), thus leaving the target at 41.

is perhaps more resistant to change in these areas within the time limits established by fixed programming cycles, and that time frames regarding complex processes need to be adjusted to a more realistic periods.

Global Support to NHRIs' role in Human Rights Council Process, Treaty Bodies and Special Procedures

Another area to be examined at a global level of outcome relates to the increased engagement by NHRIs with UN human rights mechanisms and bodies. Cooperation of national human rights institutions with international and regional mechanisms is a key requirement of the Paris Principles. Engagement with treaty bodies and the Human Rights Council represents the most active areas of formal engagement for NHRIs at the international level.

OHCHR has provided support to the increasing participation of NHRIs with 'A' status with the Human Rights Council processes in a number of ways, and through a diversity of its structures and strategies, both at HQ and in the field. At present, NHRIs may submit written reports, make oral statements at Council sessions, and intervene after Member States respond to Special Procedure human rights reports. In 2007, the Human Rights Council through Resolution 5/1, affirmed the role of NHRIs in both attending the Council Universal Periodic Review (UPR) and playing a role in ensuring their implementation. NHRIs with 'A' status participate in the Human Rights Council's UPR in the same manner as at other Council sessions, and, through in resolution 65/281 of June 2011, UN General Assembly agreed that that NHRIs can nominate also special procedures mandate holders. By 2012, there was a 40 percent increase over the same period in the first cycle of the UPR in number of written contributions from "A" status institutions. In 2013, 12 'A' status accredited NHRIs took part in the adoption of UPR outcomes in the Council plenary.

In the countries covered by the evaluation mission, making increased use of UN mechanisms and bodies and their recommendations by NHRIs constitutes part of all of the field offices' overall strategy. In 2013, OHCHR organized training courses in Chile and Uruguay for the staff of both national human rights institutions in preparation for the second universal periodic review cycle. In 2014, the Regional Office for Europe (ROE) carried out a series of training, briefings and meetings to increase the awareness of and interaction with UN mechanisms by NHRIs, CSOs and other rights holders.

With regard to treaty bodies, there has been an increased engagement of NHRIS with them, a process strongly supported by the OHCHR. In 2010, HR treaty bodies examined national human rights institutions in 80 0f 127 states, of the 80, 49 interacted with treaty bodies by submitting reports. The OHCHR reported a 10% increase in the participation of NHRIs over the years 2009-2012. However, this degree of engagement remained the same over the following year, according to the 2013 Report of the Secretary General on NHRIs. In the period 2012-2013, out of 148 States parties that were examined by human rights treaty bodies, 94 had established a national human rights institution. Of these 94 institutions, 49 interacted with treaty bodies by submitting reports, briefing the treaty bodies prior to the review or attending the sessions.

NHRIs are entitled to submit information directly to the treaty body as well as contribute to drafting or provide feedback on the government's report to treaty bodies. NHRIs also increasingly train CSOs and organizations on the effective preparation of reports for

presentation for presentation to treaty bodies. A number of treaty bodies specifically address the role of NHRIs, among them the Committee on the Rights of the Child, the Committee on Economic Social, and Cultural Rights, the Committee on the Rights of Persons with Disabilities, the UN Convention Against Torture, and the Committee on the Elimination of Racial Discrimination.

A new electronic inscription system for the list of speakers was introduced which greatly improved the accessibility of information and during the Council sessions in 2013, both NHRIs and NGOs were able to intervene by video message during the adoption of UPR outcomes, enhancing the participation of national civil society actors and thereby fulfilling one of the recommendations of the report of the Task Force on secretariat services, accessibility for persons with disabilities and use of information technology, which was adopted by the Human Rights Council at its 19th session (A/HRC/DEC/19/119).

In response to the perception of accumulated shortcomings in the treaty body system, including serious backlogs in report consideration, in addition to late or non-reporting, in 2009, the High Commissioner undertook a consultation process on responding to these challenges, submitting a report to the GA (66/860) in 2012. Two years later, the GA adopted resolution 68/268 on strengthening the human rights treaty body system, reflecting a number of recommendations put forward by OHCHR. In order to strengthen the system, the GA approved a significant capacity building programme to "support States parties in building their capacity to implement their treaty obligations". In response to this mandate, the OHCHR's Human Rights Treaties Division (HRTD), has established a pioneer "Treaty Body Capacity Building Programme" with an team operating across OHCHR headquarters and the field.

While the Programme supports strengthening States' parties' capacity building, it seeks to ensure engagement with NHRIs (and CSOs) in state engagement with the Treaty Bodies through highlighting the important role that NHRIs can play in that process, through its advocacy for governmental institutional frameworks for reporting and follow-up, through the tools developed to enhance State party reporting under each treaty, and in the elaboration of training methodologies and corresponding training session plans. HRTD also has a form of institutionalized communication with NHRIs as their weekly updates are shared with NHRIs through the NIRMs portal.

3.1.2 Mission Findings on Effectiveness

This analysis is derived from the evaluation team's missions to Guatemala, Chile, El Salvador, Norway, Brussels, Senegal, the Cote de Ivoire, Mali and the Beirut Regional Office. Personal interviews were conducted with NHRIs from Ecuador, Timor Leste and Netherlands at the ICC Meeting, and telephone or Skype interviews were conducted with Uruguay's NHRI, as well as with the Asia Pacific Forum regional network and with the Europe regional network. A Skype interview with Nepal was cancelled due to the April earthquake.

The countries and offices selected for assessment offer a useful mix of forms of institutional support received from the OHCHR, including that directly from NIRMs, stand-alone offices, Human Rights Components in Peace Missions, Regional Human Rights Offices/Centers, and Human Rights Advisors in UNCT/UNDG Regional Centers. The analysis goes into quite extensive detail in some cases in the sampling to give a more nuanced picture of the nature of the support, as indeed this is the section from which most of the most concrete conclusions

can be drawn. Otherwise, given the vast scope of this study, the evaluation runs the danger of either allowing the global data to "speak for itself", whose limitations we have reviewed earlier, or it becomes a compilation of self-described "activities". *A choice was made to cover results by region and country, rather than theme or form of support, (although the indicators for result are identified) in order to provide a clearer portrait of a sustained form of support to NHRIs over time.*

MISSION CASE STUDIES

1.1. Americas/Europe/Asia Pacific

a. Americas

OHCHR engages with countries in the region from OHCHR HQ in Geneva, the New York Office, and 10 field presences: two regional offices (Panama City and Santiago de Chile); four country offices (Bolivia, Colombia, Guatemala and Mexico); three Human Rights Advisers (HRAs) (Ecuador, Honduras and Paraguay); and one human rights component in a peace mission (Haiti). There are some sixteen NHRIs in Latin America, all of which were established within a period of 14 years, beginning in 1985, with the exception of Uruguay and Chile, established in 2009 and 2010 respectively. All NHRIs in the Americas, with the exception of Uruguay, have "A" status accreditation with the ICC. The nature of support to the NHRIs reflects both some of the commonalities as well as sharp differences in their national histories.

The Latin American NHRIs are faced by a variety of challenges, many of which were reflected in the national realities of the countries visited on the mission. At a regional level[25], areas of concern for NHRIs include: 1) combating impunity and strengthening access to justice; 2) women's rights/gender/sexual and reproductive rights; 3) indigenous populations' rights; 4) poverty and social exclusion; 5) migration/human trafficking; 6) transitional justice and reparations; 7) LGBTI rights and non-discrimination; and 8) security and human rights in the broader context of the role of organized crime networks and non-state actors; and human rights and the role of extractive industries. In some countries, political pressures and interference has comprised the effectiveness of NHRIs, and the NHRI regional network still lacks an independent secretariat and faces challenges to establishing and consolidating coordination and consultation mechanisms.[26]

The two Central American NHRIs visited on the mission (**Guatemala** and **El Salvador**) both reflect the legacy of many post-conflict societies with long authoritarian pasts. High levels of impunity, weak judicial systems, and endemic corruption have meant mean that achievement of OHCHR's established goals is highly challenging and the pace of such institutional and legislative change is incremental. However, OHCHR's support to both Guatemala and El Salvador can point to clear progress toward results with regard to institutional strengthening and capacity building of NHRIs towards operating in greater conformity with international standards. The forms of support designed to strengthen NHRIs was well-calibrated to respond to the priority needs, complexities, and opportunities of these institutions and the prevailing human rights situation. In addition to the technical assistance provided, OHCHR provided critical strategic

---

[25] P. 8, Report of the Fifth Annual Strategic Partnerships Review, United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Human Rights (OHCHR), and the International Coordinating Committee of national Institutions for the Promotion and Protection of Human Rights (ICC), June 10-11, 2015, UNDP Headquarters, NY.
[26] Ibid.

and political support to these institutions in contexts of crises. The sustained relationship maintained with the two NHRIs overtime has been important to the progress made and it is difficult to envision to how such crucial support on the ground could possibly be replicated by long-distance forms of assistance. The integration of HRBA in the UNCT strategies in the countries has served as an important contribution to integrating human rights into national development activities in both cases.

Guatemala's social, political and economic panorama remains shaped by the issues underlying a thirty-six year internal armed conflict (1960-96), during which 200,000 people were killed and 45,000 people were forcibly disappeared, more than 80% of whom were indigenous Mayans. Although the 1996 Peace Accords that brought the war to a close sought to promote an ambitious and far-reaching agenda that aimed to address the structural causes of the conflict, advances in equity and social inclusion have been limited[27] and Guatemala faces a series of significant governance challenges due to corruption, institutional fragility, high levels of impunity, and the presence of organized crime.

The Human Rights Ombudsman in Guatemala - Procurador de los Derechos Humanos de Guatemala (PDH) **-** is a figure appointed by the Congress of Guatemala, established by the Political Constitution of Guatemala of 1985. The PDH has "A" status with the ICC. Support to the PDH is through the OHCHR-Guatemala field office, established in 2005 with a mandate to monitor the human rights situation, to provide advice to both national authorities and civil society, and to annually report on the general human rights situation in the country. The opportunities presented by the appointment of a new Ombudsman[28] paved the way for both relevant and valuable support to the PDH by the OHCHR-Guatemala for the strengthening of the institution (EA1) in the area of the broad thematic priority of *widening the democratic space*. From 2012-2014, the office undertook a range of activities focused on capacity-building and the institutional strengthening of the PDH. The Office reported that for indicator 1.1, results had been "substantially" achieved.

In addition to assistance with the preparation of a strategic plan for the PDH, OHCHR-Guatemala conducted a needs assessment of the departmental and municipal PDH offices and the recommendations made for building capacity within these *Auxiliaturas*, whose ability to operate in across Guatemala and outside the capital, is crucial. Also the result of a needs-assessment, the Office undertook capacity-building focused on the PDH's Special Investigations Unit, strengthening knowledge of international human rights standards and transitional justice issues. In 2014, OCHCHR provided support for the design of a customized protocol for heads of local offices for the handling investigations of presumed violations of human rights, including on the areas of forced evictions, social conflicts and the protection of migrants among other themes[29].

---

[27] 2014, PNUD. *Marco de la Asistencia de las Naciones Unidas Para el Desarrollo –MANUD- Guatemala 2015-2019. Cuidad de Guatemala, Guatemala.*

[28] The PDH passed through an extended period (previous to that of the present Ombudsman) where its credibility was seriously questioned both by national actors and by the international donor community, resulting in an almost total withdrawal of international cooperation. The assumption of a new Ombudsman in 2012 constituted an important opportunity to "renew the institution, its auditing capacity and its mandate to promote and protect human rights, and reinforce its national coverage."[28]

[29] *Guia de tramitacion de expedientes de investigacion o competencia para las auxiliaturas de la institucion del Procurador de los Derechos Humanos.* Junio, 2014, Cuidad de Guatemala.

In line with EA 1 and corresponding to the thematic priority of *early warning and protection of human rights in situations of conflict, violence and insecurity,* OHCHR-Guatemala has provided support to the PDH in the area of social conflict and mediation, in training to insure that social conflict analysis is informed by a rights-based analysis, in promoting the development of a rigorous reporting methodology, and executing joint monitoring missions. The OHCHR-Guatemala and the PDH have carried out a number of joint missions in complex social conflict contexts. Other forms of support In line with EA 1 in the thematic area of *combating impunity and strengthening accountability and rule of law/enhancing equality and countering discrimination,* OHCHR-Guatemala also provided technical assistance to the PDH to support three amicus curiae briefs in the Constitutional Courts, A dialogue process facilitated by the OHCHR and the PDH, between indigenous communities and the State resulted in a reparations decision which will benefit more than 3000 persons from 33 communities.

Other forms of support, including in the area of *countering discrimination*, the PDH recieved supported from OHCHR-Guatemala for a workshop on homofobic/transfobic issues; and in the thematic area of *integrating human rights in development and in the economic sphere,* OHCHR participated in joint missions to key municipalities with the right to Right to Food Unit of the PDH to examine the results, implementation, and the reported deficiencies of the governmental Zero Hunger Plan. Support for joint verification missions with the PDH contributed to strengthening monitoring capacities for the production of reports that have been submitted to the end of improving public policy and service delivery for the improved enjoyment of the right to food.

Overall, OHCHR-Guatemala support to the PDH has been well-tailored to the institution's needs, relevant in the complex context of Guatemala's very intractable human rights situation, and has effectively made progress to support the institution's ability to fulfil its mandate. It has provided important political and strategic accompaniment to a PDH that has taken steps to increase its credibility and crucial political-institutional space, and progress has been made to strengthen its protection mandate, lost during the extended regime of the previous Ombudsman. In the human rights context of Guatemala, where the political terrain for human rights institutions and defenders is largely hostile and highly volatile, the OHCHR-Guatemala office's coordination of interventions in key selected areas, joint missions, and shared public information platforms has contributed both to bolster the PDH's installed capacity to carry out key functions and has strengthened its profile. Ongoing and institutionalized human rights training are both necessary and projected.

El Salvador also emerged from a devastating internal conflict that erupted in the late 1970s and cost 75,000 lives; left almost a million displaced, and provoked a mass migration out of the country of an estimated one-fifth of the entire population. Although a peace agreement in 1992 successfully put a definitive end to one of the most intense armed conflicts in the hemisphere more than two decades later Salvadoran society still reflects a number of phenomena that continue to impede the consolidation of democratic governance. The Office of the Ombudsman for the Defense of Human Rights in El Salvador – Procuraduria para la Defensa de Los Derechos Humanos (PDDH) - originated in the Constitutional reforms that preceded the 1992 Chapultepec Peace Accords. The PDDH has "A" status with the ICC. Support from the OHCHR to the PDDH is provided through the OHCHR's Regional Office for Central America (ROCA), based in Panama.

ROCA's support to the El Salvador PDDH covered a range of themes including *LGBT rights, racial discrimination, transitional justice, gender-based violence, and support for increased use of UN*

mechanisms. In addition to the range of technical assistance provided by ROCA, as in the case with Guatemala, the political and strategic accompaniment provided by ROCA to PDDH at critical moments was seen as an important area of support by the institution.

The PDDH has sought to strengthen its capacity in a new direction for the institution, which has been a greater focus on vulnerable groups. In line with Global EA 1 and 4, and in the thematic area of *countering discrimination,* ROCA has addressed this need with training to 18 human rights officers from the central and regional offices of the PDDH regarding implementation of the *Intervention Protocol for Cases of Racial Discrimination.* Subsequently, the PDDH has modified its internal database in order to register cases and patterns of racial discrimination. This support to the PDDH in the area of racial discrimination has served to strengthen internal capacity in an area where the institution had little previous expertise or experience and now possesses the practical tools to register cases and process cases.

ROCA, in collaboration with the PDDH, began a capacity-building process in 2014 for LGBTI NGOs on the use of international human rights mechanisms in the promotion of national policy reform. ROCA support has empowered LGBTI advocates through training and support, promoted their utilization of UN fora and mechanisms, supported UNCT involvement in promotional activities, knowledge creation and research in an area of previous analysis, and contributed technical support for the drafting of legislation.

In line with Global EAs 1, 3, 4, and in the thematic area of *early warning and protection of human rights in situations of conflict, violence and insecurity,* ROCA undertook a very significant initiative beginning in 2011 in response to the issue of impunity and gender-based violence. In 2011, the OHCHR Office developed a new methodology for the investigation of femicide in El Salvador, which then became the Protocol[30] for use by investigators and prosecutors across the region "to ensure gender-based murders of women are exhaustively and independently investigated". In 2012, after advocacy work by ROCA with the Salvadoran General Prosecutor's Office, the Protocol has been included in the regular training curriculum of Salvadoran prosecutors and is now being integrated in the internal audit system of the General Prosecutor Office. While the PDDH has not been the institutional focus of ROCA's work in this area, the PDDH has been part of the broader effort to strengthen awareness on gender issues by judicial operators and will help promote greater implementation of this protocol over time. This is occurring in the context of sustainable advances in public policies that have been made by a number of institutions including the national women's institute (ISDEMU) as well as other organizations. For the first time, the country has assigned specific resources to promote gender-based violence prevention actions, aimed at prevention, service provision and punishment of perpetrators.

ROCA's training efforts with civil society and the PDDH has clearly enhanced their use and capacity to make strategic contributions to the UPR and treaty bodies. In the thematic area of *strengthening the effectiveness of human rights mechanisms* ROCA undertook consistent and ongoing training efforts to improve advocacy capacities and ensure the effective and strategic contribution by the PDDH and civil society organizations to both treaty bodies and the second cycle of the UPR, which El Salvador underwent in October 2014. A number of CSOs who had formed alliances around thematic issues made submissions to the CM, CERD, and CESRC

---

[30] *Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género.*

treaty bodies.[31]

In **Chile,** support to the NHRI was provided through the Regional Office for South America (ROSA) in (Santiago), founded in 2009, covers Argentina, Brazil, Chile Peru, Uruguay and Venezuela. Also in 2009, the Chilean Senate approved the creation of a National Institute for Human rights (INDH). Although Chile boasts the highest economic, social, and institutional indicators in the hemisphere, the extended period of authoritarian government from 1973-1990 has left Chile polarized on the issue of human rights and the INDH has been the object of controversy in some sectors. Human rights observers point to a number of concerns, including repeated allegations of excessive use of force by police during social protests since 2011; the use of military courts in cases of abuses by security forces; conflicts between the State and the Mapuche Indigenous communities; and high rates of incarceration, among other issues.

ROSA has provided relevant support to some of the key human rights issues with which INDH engages, among them social protest. With the collaboration of the INDH, ROSA has produced a compilation of all relevant international and regional human rights standards relating to social protests, including freedom of peace assembly, freedom of expression, prohibition of arbitrary detention, prohibition of torture, and ill-treatment and the use of force by law enforcement. The publication was launched in April 2015. This serves as a contribution both to strengthening rights-holders capacity to demand more effectiveness from national protection mechanisms, as well as providing support to the position of the INDH, which has been under pressure since it had reported the pattern of the use of excessive force and illegal detention.

The INDH has been able to benefit from ROSA's strategy to share best practices from within the region. ROSA's promotion of the policy of establishment of permanent mechanisms within the State in charge of reporting to international human rights mechanisms and subsequent monitoring was shared in regional workshops with Argentina, Peru and Brazil to exchange experiences and lessons learned, fostering efforts within the region to promote the institutionalization of such mechanisms within the executive. The practice of sharing of best practices at a regional level also extended to the issue of monitoring social protest, and NHRIs from Chile, Argentina, Peru Uruguay, Brazil and Colombia participated in a regional workshop in September 2014. ROSA took advantage of the joined forces of the regional NHRIs to also discuss the theme of the relationship with parliaments, and profit from a videoconference on guarantees against torture by the UN Special Rapporteur on Torture.

In an effort to strengthen protection systems and accountability mechanisms to monitor and redress acts of torture through insuring that National Preventive Mechanisms (NPM) are in place, ROSA produced a text on comparative regional NPMs, including the steps involved in establishing these mechanisms, and widely distributed the document to diverse stakeholders at a regional meeting. Progress in Chile is underway to both promote the necessary legislation to establish the Chilean NPM, and ROSA has been participating in an inter-institutional working group including the INDH to pursue the NPM's establishment.

Another strong example of progress toward results in strengthening of NHRIs through sharing institutional best practices within the region is the cooperation agreement between the INDH and the **Uruguayan** NHRI. The 2014 Montevideo workshop, focused on effective engagement and interaction with international UN treaty body mechanisms, special procedures and the

---

[31] Four of the 12 submissions made by NGOs came from civil society organization participants in the training sessions.

UPR, also gave an opportunity for the INDH to share with the Uruguayan NHRI information regarding the ICC accreditation process. A regional workshop was also held with NHRIs to share regional strategies and methodologies for following up on UPR recommendations.

An important initiative, with partial achievement of results regarding increased compliance and engagement with international human rights mechanisms, is ROSA's contribution to the elaboration of a set of human rights indicators to monitor compliance with recommendations from the recent *Concluding Observations on the Human Rights Committee's Observations on the UPR*. The indicators were developed with the support of OHCHR Mexico and in partnership with the INDH. In addition to meetings with diverse government ministries, ROSA has sought to involve civil society in a validation process of the indicators.

In **Ecuador**, a new Ombudsman starting in 2012 initiated a new restructuring process that focused on institutional strengthening and capacity building. The Human Rights Advisor (HRA) provided assistance for the establishment of a virtual platform for the NHRI's webpage for human rights training programmes for staff members, including a module on the collective rights of indigenous and Afro-Ecuadorian populations. In 2014, the OHCHR provided additional training in the monitoring of public policies and complaints handling regarding economic social and cultural rights. In the area of human rights indicators, the NHRI collaborated with the Ministries of Planning Justice, and the National Institute for Statistics and civil society to initiate the development of human rights indicators (SIDERECHOS), which seeks to support the integration of human rights into national planning processes and follow-up UPR recommendations. In **Panama,** OHCHR made partial progress on indicator 1.1 in strengthening the capacity of Panama's NHRI to monitoring of the human rights situation of indigenous peoples and Afro-descendants. ROCA provided assistance to the NHRI for the elaboration of guidelines and staff training in address cases of racial and ethnic discrimination against indigenous peoples and Afro-descendants.

1.1 Asia and the Pacific

By the end of 2013, OHCHR had eight field presences in Asia and the Pacific: two regional offices (South-East Asia, Pacific), one component in a peace mission (Afghanistan), one country office (Cambodia) and four human rights advisers (HRAs) (Maldives, Papua New Guinea, Sri Lanka and Timor-Leste). In 2013, a new Human Rights Adviser post was established in Timor-Leste following the 2012 closure of the UN Mission in Timor-Leste (UNMIT).

Timor Leste's NHRI, the Provedoria for Human Rights and Justice (PDHJ), has received technical assistance and capacity building support from the OHCHR in a range of areas. In 2012, with support from the of the UNMIT Human Rights and Transitional Justice Section and the joint UNDP/OHCHR Capacity building of the PDHJ project, the PDHJ conducted monitoring of the 2012 Presidential and Parliamentary Elections, producing a public report of its elections monitoring findings. In 2013, support for the NHRI focused principally in the area of human rights training for the police and capacity development for staff of the PDHJ. In response to government requests to provide police training in human rights, the NHRI, with the support of the HRA, developed a training programme and a manual on human rights for police, and at present the theme has been officially integrated into the National Police Training Centre's standard training programme for new recruits. The PDHJ reported both an increased willingness of police to report violations, as well as a decrease in complaints. With respect to internal capacity building for the NHRI, PDHJ staff received training on international human

rights standards, on research and monitoring of the human rights situation, on electronic case management, and on torture and economic, social and cultural rights. In 2013, a National Directive Commission, which included the PDHJ, civil society, religious organizations and the private sector, was established to draft the national human rights action plan.

1.3   **Europe**

In this region, OHCHR supported activities related to NHRIs through its Regional Office for Europe (ROE). The evaluation team examined the cases of the Norwegian and Netherlands NHRIs, both transitioning from other bodies towards Paris-Principle compliant NHRIs, and the case of the Albanian NHRI.

European NHRIs form part of a fragmented human rights landscape, characterized by previous and in some cases extensive architecture of domestic human rights institutions, many of which have issue-specific mandates. Some observers have argued that the existing presence of so many thematic institutions has diminished the will of member states to establish Paris-Principled national human rights institutions with broad mandates, and indeed Europe is the region with the most "B" status NHRIs.[32] At the international level, there has been pressure to establish national NHRIs which, it is argued, can "fill the gaps" in existing protection systems and serve as an overarching structure for domestic protection institutions.

The central thrust of ROE's strategies regarding European NHRIs has been to increase the awareness and interaction of NHRIs and civil CSOs with UN human rights mechanisms, through a series of trainings and briefings at the both the national and European Union levels. Through a series of the organization of conferences, seminars and other advocacy events, ROE sought to contribute to enhanced awareness of NHRIs and rights-holders on issues related to equality and non-discrimination, through a series of the organization of conferences, seminars and other advocacy events. Within this issue, ROE sought to focus on groups where the OHCHR has added value, such as LGBT, older persons (particularly in institutional care) and rights of persons with disabilities.

The Norway and the Netherlands NHRIs received direct support in the form of legal advice from NIRMS, for a process of transition from an existing domestic institution to become a full NHRI. The **Norwegian** NHRI, still in process of formation with a draft law pending in parliament, is an interesting case of the creation of a new national human rights institution, until now based at the University of Oslo's Faculty of Law. Since 2001, the Norwegian Centre for Human Rights (NCHR) has served both as the Norwegian National Human Rights Institution, as well as a leading research institution in the field of human rights. Over time, this joint mission/mandate of the Centre, both as an academic institution and as an NHRI became increasingly untenable and unsatisfactory to both internal stakeholders and the CSO community. Several assessments underscored the need for an independent institution, noting that promoting and monitoring human rights was not compatible with research focus or with academic freedom, and that a new institution was needed, with a firm legal base putting it in line with Paris Principles. In the ensuing process to shape the new institution, at several points NIRMs provided technical input on the institutional model and profile.

NIRMS provided comments on the draft act and regulations for the establishment of the human

---

[32] Wouters, Jan and Meuwissen, Katrien (eds). (2013) *National Human rights Institutions in Europe: Comparative, European and International Perspectives.* Intersentia Publishing, Cambridge, UK.

rights institutions, based their compliance with the Paris Principles as well as General Observations of the Sub-Committee of Accreditation of the ICC. The comments reflected also best practices drawn from effective and independent NHRIs. The suggestions covered independence, selection of the Board, accountability, advocacy for ratification of rights treaties, funding, engagement with civil society, and issues related to the quasi-judicial competency of the NHRI. This support for ensuring that this legal framework was fully in line with Paris Principles seen as useful by the incipient NHRI.

NIRMS played a similar role in the process of the **Netherlands'** *Equal Treatment Commission's* (ETC) efforts to merge into a new Dutch NHRI. Since 1999, its institutional set-up as an ETC had relegated it to "B" status within the ICC, given its principal focus on equal treatment and non-discrimination issues. In 2010, on the recommendation of the ICC's Sub-Committee on Accreditation (SCA), the ETC sought technical support from NIRMs and the European Group of NHRIs to draft legislation to ensure compliance with Paris Principles. Later that year, NIRMs, in coordination with the Irish Human Rights Commission, acting on behalf of the European group provided legal advice on a draft law aimed at establishing the new Dutch NHRI. In 2012, Netherlands Institute for Human Rights Act came into force, establishing the new NHRI.

1.4 **Africa and the Middle East**

OHCHR has supported activities related to the establishing and strengthening national human rights institutions through legal advice, needs assessment, and capacity building carried out by its Regional Offices for Central, East, Southern and West Africa, its country offices in Guinea, Togo and Uganda, the human rights advisers to the United Nations country teams in Chad, the Great Lakes region, Kenya, Madagascar, the Niger and Rwanda, and the human rights components of the United Nations missions in Burundi, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sierra Leone, Somalia and the Sudan, in consultation with NIRMS. OHCHR regional offices for the Middle East and North Africa, OHCHR offices in Mauritania, Palestine and Tunisia, the United Nations Assistance Mission for Iraq and the United Nations Support Mission in Libya provide advice and assistance.

This section explores results and findings from the mission conducted by an evaluation team member to four countries in Africa and the Middle East. The countries visited received support from the OHCHR through two Regional Offices, and UN Operation Office and a Peace Mission. In contrast to the more established NHRIs discussed above, the African NHRIs are much younger or in the process of being created, and NIRMS has played a key role in providing assistance in the legal frameworks for their establishment. The review below of the various NHRIs raises the important issue of the need for more country and regional level expertise and focal points on the ground to provide both expertise for initial set-up, but also for ongoing and sustained support from the OHCHR to these emerging institutions.

The Regional Office for West Africa (WARO) in Dakar, Senegal was established in 2007. Following the downgrading of the **Senegalese** NHRI Comite Sénégalais des Droits de l'Homme (CSDH), from A' to 'B' status, NIRMS, in collaboration with the Network of African National Human Rights Institution organized a workshop in Dakar assessing the perspectives for a re-tooling of the CSDH. The workshop pointed to the need to draft a new law, currently to be discussed by the Cabinet and submitted to Parliament for a vote. The CSDH appears to have strong support from the current government and there are expectations that the NHRI

will play a role both in the promotion of the ratification of key treaties, as well for the core protection mandate.

United Nations Operation in **Côte d'Ivoire** (UNOCI) was established in 2004. With respect to indicator 1.1, OHCHR reported the target result to have been "partially achieved." The mandate of the Commission Nationale des droits de l'homme de Côte d'Ivoire (CNDHCI) established in 2005 by Presidential Act, but was terminated in 2012. It was re-established by law in 2013. The UNOCI's Human Rights Division (HRD) supported the process of establishing the new Commission through the organization of a series of four technical briefings for CSOs, three with government officials linked to the legislative process, and advocacy meetings with the Parliamentary Committee on Human Rights. Although NIRMS provided technical support for the draft law, the CNDHI legislation is not fully Paris principle compliant. Remaining compliance deficits have been identified as "gaps which negatively impact on its independence, regarding the appointment process of some commissioners, resource allocation and the presence of government representatives (even if they have only consultative power" (OHCHR, 2013). UNOCI has provided support for the establishment of the Elections Observatory and for the draft law on human rights defenders.

In the face of the emerging conflict in **Mali,** the Security Council Resolution 2085 of December 2012 established a UN Office in Mali (MINUSMA) and the deployment of human rights observers to northern Mali. The Malian NHRI, the CNDH, is an independent institution based in the Ministry of Justice. NIRMS in collaboration with the Human Rights Division of MINUSMA and the Francophone Association of National Commissions on Human Rights, held in Bamako, a workshop to review the founding text of the CNDH. At present, it is undergoing a process of reformation/re-founding through a draft law prepared with the support of OHCHR. The law has been transmitted to the Government for submission to the Council of Ministers. MINUSMA intends to provide support to the NHRI through an international expert to support the parliamentary process of draft bill and to provide technical assistance for the development of the country's five-year strategic plan. The CNDH has received supported from the UNDP for the establishment of its regional offices, although UNDP's principal support for human rights is channelled to the Ministry of Human Rights.

In Africa, NIRMS' support was crucial in the emergence of some NHRIs, as in the case of Burundi and Sierra Leone. It should be noted, however, that in both countries, the initial impetus for creation of the NHRIs resulted from a political decision taken in the context of stabilization and peacekeeping, and NIRMS's role was primarily technical rather than political. Other institutions, such as the NHRIs in Cameroon and Nigeria which received technical support from NIRMS, were able to regain their A status, and Egypt and Rwanda have received support from NIRMS and have maintained their status. In other cases, despite the support of NIRMS, some NHRIs have lost their A status and been downgraded to B status, as in the cases of Algeria and Senegal. The NHRC of Burkina Faso and Niger have been suspended from the ICC. NIRMS has provided support to countries such as Côte d'Ivoire, Mali, Chad, Senegal, Madagascar and the Republic of Benin. These institutions are still accredited with B or C status (Benin and Madagascar).

During an interview with the President of NHRIs of the region, it became clear that the political authorities of the countries concerned do not yet understand the role and importance of NHRIs, suggesting that beyond the technical expertise provided by NIRMS, there is a need for more robust political advocacy by the OHCHR to the Governments.

Further, the effectiveness of the independence of NHRIs can be enhanced by coordinated actions of the entire UNCT in the field. The toolkit developed by OHCHR and UNDP details the joint actions that can be undertaken to strengthen support. However, the mission noted that this document is largely unknown by United Nations agencies on the ground.

The Regional Office for the Middle East (ROME) in Beirut, Lebanon was established in 2002. The OHCHR office played an important role in the drafting of the bill for the Lebanese NHRI. Initially, after Lebanon's ratification of the OPCAT, there was a push to establish a National Preventive Mechanism, but in the course of discussions, the decision was taken to seek to launch a NHRI that would integrate a NPM within it. At present, a bill to establish the new Lebanese NHRI is currently awaiting approval in Parliament, as in Kuwait, where draft bill to form an NHRI, with technical advice from NIRMs, is also held up in Congress. The Oman NHRI has been established since 2010, and the OHCHR has participated in training on handling of complaints, and in implementation of UPR recommendations.

ROME conducted three regional workshops targeting NHRIs, CSO, and national women's machineries (NWM), with the objective of enhancing communication and cooperation among these three entities in relation to women's rights, and mainstreaming gender issues in their work programmes.

All of the NHRIs visited on the mission had received effective support from OHCHR through NIRMs for developing the NHRI draft laws, through workshops, etc. However, despite the valued technical support received by the NHRIs directly from NIRMs on their legislative frameworks, the three regional offices and the relevant divisions of MINUSMA and UNOCI seem to have no formal relationship with NIRMs. There appears to be limited local level expertise in these regional offices on NHRIs on the issues that NIRMs handles at present. At present, NIRMs only intervenes on specific issues related to legal frameworks, and the evaluation team member noted there is no evident policy for ensuring follow-up and continued accompaniment for strengthening through focal points on NHRIs in field or regional offices.

3.1.3 Conclusions on Effectiveness

In the mission countries assessed, a number of issues emerge on effectiveness. Even in country cases where achievement of planned results are registered as only partial, there is evidence of important contributions, yet in the case of a number of interventions, the results are not always fully achievable in the time periods established. The nature of the results clearly varies from geographical region to region. In the case of the Latin American NHRIs, where many of the NHRIs which had a longer institutional history than in some other regions, the close, strategic, political and technical support these NHRIs have received from regional and country offices has strengthened both institutional capacity to carry out their mandate as well as providing support to a stronger national profile, often in countries with histories of either recent internal conflict and long authoritarian rule, or periods of interrupted democratic rule. The quality of well-calibrated support on relevant themes received reflects the importance of proximity, access, and field offices that are finely tuned to often swiftly changing realities on the ground.

In the case of the NHRIs visited in Africa and the Middle East, where NHRIs are much younger or in the process of being established, NIRMS has played an important role in providing support in the area of legal frameworks and support for draft laws, but beyond this initial set-up phase, NHRIs do not have the same access to the kind of more sustained support and local level expertise in the form of focal points located in the region.

A number of enabling factors can contribute to improved results, including capacity building through joint monitoring activities, the high degree of relevance of thematic areas or selection of OHCHR comparative advantages in areas of support, the sharing of best practices at a regional level, and the value of political support.

Results were also obviously enhanced by advances in other sectors of OHCHR's work. One important area has been the development by OHCHR of a conceptual and methodological framework[33] for human rights indicators to adopt a structured and consistent approach for translating universal human rights standards into indicators that are useful at country level. An increasing number of initiatives, promoted or supported by NHRIs in collaboration with other stakeholders, have increasingly drawn upon OHCHR's framework for developing the use of indicators to promote and monitor human rights, using them for a range of objectives including reporting and following-up on recommendations from the international human rights mechanisms, to monitor national development plans, national human rights action plan and to support policy makers. The OHCHR provided support on indicators in Ecuador, Kenya, Mexico, Nepal, Portugal and the United Kingdom.

The role of partners and other actors: the ICC, Regional Networks, the UNDP, and CSOs

a. ICC

The role of partners, the ICC (International Coordinating Committee for National Human Rights Institutions), regional networks, the UNDP, and CSOs, has been important to OHCHR's support activities for NHRIs. The OHCHR has both bilateral and joint relationships with these partners, which has significantly deepened since the tripartite partnership framework agreement between the UNDP/OHCHR and the ICC in March of 2011.

Historically, the OHCHR's institutional relationship with the ICC has been a complex one, and covering it fully and comprehensively goes beyond the scope of this study, but it is important to raise some key issues. The ICC's broad mission is to support the establishment and strengthening of NHRIs, and through its Sub Committee on Accreditation (SCA) reviews and accredits national human rights institutions in compliance with Paris Principles. The SCA comprises one 'A' status institution from each of the four ICC regional groupings: Africa; the Americas, Asia and the Pacific, and Europe. Its members are appointed by regional groupings for a renewable term of three years. OHCHR, through NIRMS, serves as a permanent observer on the SCA and serves as the Secretariat to the ICC and the SCA. NIRMS' role in support to the SCA includes: 1) the reception and processing of applications for accreditation; 2) analysis of supporting documentation; 3) solicitation of information from national NGOs (through UN Country Offices) on the functioning of the NHRI being reviewed; 4) provision of materials submitted as well as a summary of the materials in relation to the requirements of the Paris Principles, the consideration of the SCA. As of December 2014, there are 71 NHRIs accredited

---

[33] This framework is outlined in the 2012 publication *Human Rights Indicators: A Guide to Measurement and Implementation.*

with A Status by the ICC.

In addition to OHCHR's technical role as Secretariat and in support of the SCA, the institutional relationship with the ICC strengthens an important strategic platform for NHRIs and enhances the role of the ICC in its efforts to promote greater collaboration and coordination amongst NHRIs and regional groups and Regional Coordinating Committees, and in deepening the engagement of NHRIs with UN mechanisms and bodies. Despite the importance of this relationship, there are ongoing, serious concerns regarding the rigorousness of the accreditation process, and on the most effective mechanisms for ensuring the NHRI's independence and effectiveness.

The accreditation process itself has become more stringent over time, and has incorporated measures that include: a review of NHRIs every five years, an appeal process to ensure greater transparency; more rigorous application review, a wider distribution of SCA recommendations, among others. Despite this, there is still a widely held view that the accreditation process is still not sufficiently exacting, provides excessive space for subjectivities, and casts a shadow on the credibility of the ICC. Concern regarding the accreditation process emerged clearly in the peer analysis conducted for the ICC Communications project, as a critical factor that will affect the ICC's reputation amongst NHRIs in the future.[34] The role of the Secretariat and of OHCHR/NIRMS institutional engagement with the ICC requires a robust analysis to guarantee that this critical relationship guarantees substantive input from OHCHR, while ensuring the ICC's independence.

Some stakeholders have suggested that this challenge might be resolved by transferring the accreditation process to an external panel[35] or working group on NHRIs, which would receive technical assistance from NIRMS in its role as Secretariat. In this case, ICC's main function would be membership capacity building. Other stakeholders have argued that an external panel would likely be subject to similar pressures and subjectivities as the peer review process, and that retreating from the peer review process would be a regressive step. While this issue falls outside the purview of this study, the evaluation team feels that a serious discussion between the OHCHR and the ICC is urgently needed regarding concrete priority options to strengthen the credibility of the accreditation process.

b. *UNDP*

Another key partner and significant stakeholder with respect to NHRIs is the UNDP. Since 1998 the UNDP has had a policy for the progressive promotion and application of a human rights-based approach to development programming. A decade later, "more than 94 Country Offices (COs) reported activities in supporting national human rights institutions, 69 COs

---

[34] P.14, 2015.

[35] For example, a *Committee for Performance Evaluation and Accreditation of NHRIs* and other national mechanisms could be established, replacing the ICC's Sub-Committee on Accreditation, but with an enhanced mandate. The Committee could be empowered to follow-up the recommendations addressed to States with respect to the creation and functioning of their NHRIs and other national mechanisms. This Committee could be the unique structure that could evaluate not only NHRIs and mediating institutions, but also NPMs created through the OPCAT, or the facultative protocol to the Convention on the Rights of Persons with Disabilities. The Committee could be constituted by selected independent experts and NIRMS could support the committee as well as the Secretariat.

reported activities in support the rights of discriminated, vulnerable and/or marginalized groups, and 51 COs reported activities in support of the harmonization of national legislation with internationally ratified human rights law"[36]. The UNDP Strategic Plan 2014-2017 both re-confirmed the HRBA as an engagement principle of the UNDP as well as explicitly referring to NHRIs.

In 1998, the OHCHR and the UNDP signed a first Memorandum of Understanding (MOU), and UNDP efforts to integrate human rights in programming advanced first through the joint UNDP/OHCHR global *Human Rights Strengthening Programming* (HURIST 1999-2006), and then through a subsequent *Global Human Rights Strengthening Programme* (2007-2011). This latter programme identified three strategic areas: 1) Supporting the Strengthening of National Human Rights Systems; 2) Promoting the Application of a Human Rights-Based approach to Development Programming; and 3) Greater engagement with the International Human Rights Machinery. One key area was seen to be the formation and/or strengthening of institutional partnerships.

In 2011, a tripartite partnership agreement was established between the UNDP, OHCHR, and the ICC. The principal objectives covered the following four broad areas:

- Facilitate and support engagement on key thematic issues towards strengthening the work of National Human Rights Institutions;
- Strengthen and support regional networks through joint capacity building activities and exchange of knowledge and expertise;
- Engage and support information sharing and knowledge management at the national, regional and global levels between and within NHRIs;
- Facilitate and support the engagement between United Nations agencies and NHRIs, in particular drawing on their national human rights expertise, as appropriate.

The original Memorandum of Understanding (MOU) between the UNDP and the OHCHR signed in 1998, was replaced by a new MOU in 2013, the purpose being "to provide a framework of strengthened cooperation and facilitate collaboration between the Parties, to further integrate human rights and development perspectives in each others work, drawing on each other's mandate, comparative advantage and expertise, and to ensure programme countries and other stakeholders are effectively supported in their effort to strengthen national human rights systems and have access to relevant expertise and capacity development opportunities."[37] The principle areas of cooperation contemplated in the MOU correspond to the three strategic areas of the GHRSP programme noted above, as well as a specific reference to *Knowledge Management and Capacity Development*.

The partnerships can point to a range of initiatives with respect to NHRIs in recent years. The joint project for capacity assessments (CAs), first piloted in 2009 largely in the Asia Pacific region, supported by the Asia Pacific Forum, UNDP, and the OHCHR, provided a new approach to strengthening NHRIs with a process of self-assessment facilitated by external experts. The innovative methodology sought to incorporate "qualitative and quantitative elements in assessing current capacities, forecasting future capacity requirements, identifying capacity gaps and, most

---

[36] 2014, UNDP. *Global Methodology/Principles for Capacity Development of National Human Rights Institutions.*

[37] P. 2, 2013. *Memorandum of Understanding between the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights.*

importantly, developing strategies to close those gaps in the most significant areas." A parallel initiative to the NHRI capacity assessment in the Asia Pacific Region has been underway in Africa with the Network of African National Human Rights Institutions. Most NHRIs in Africa have now carried out a gap analysis, which, with an understanding of capacity strengths and deficits, can seek support South-South cooperation through peer exchange.

In all the countries in the Americas assessed by the evaluation team, there was evidence of progress in these partnerships, and of integration of HRBA in the UN Development Assistance Frameworks (UNDAF), the UNCT country strategy. In Guatemala, the UNCT received technical assistance from OHCHR Guatemala to integrate a rights focus in the UNDAF, including the indicators proposed by OHCHR to measure the UNDAF's effectiveness. In Ecuador, the UNCT identified the human rights gaps as central to the UNDAF 2014-2017, based on recommendations issued by the TBs, SP and UPR. The Human Rights Advisor provided technical support throughout this process. The UNDAF of Chile, Peru, Uruguay and Brazil have also incorporated an HRBA mainstreaming in their UNDAF process.

While this policy direction for the UNDP-OHCHR partnership has been gaining significant institutional traction over the years, it has not been without challenges, among them, concerns within some sectors in the institutions regarding how, concretely, the complementarity of mandates can most effectively be implemented on the ground and joint work be effectively coordinated; and the full preparedness of the UNDP to assume the political implications of "ownership" of a human rights-based approach, given the change in institutional culture required. The UNDP's historical closeness to governments in many cases, has raised the question for some stakeholders, including some in the NGO community, as to the readiness of the institution to take positions that might jeopardize relationships with governments. While some stakeholders argue that the personal disposition of the individual UN Resident Coordinator still plays a role in the extent to which the HRBA is wholly assumed in country offices, other policymakers within the institutions have underscored that the institutional change process has been significant. Reinforcement for this policy direction was reflected in the 2014 Guidance Note on UNCT working relationships, which underscores the position outlined in the *Human Rights up Front* (HRuF) initiative, explicitly stating the responsibilities of Resident Coordinators and UNCTs in relation to human rights.

While this global partnership shows clear results, there is also a shared sense of the need to deepen the level of engagement by the partners to further galvanize the process, which has gone through periods of stagnation and challenges in follow-up to some initiatives. One suggestion for renewing commitment and rigorously assessing progress in the partnership has been to institute the annual review meetings as originally established in the last MOU, meetings which have not been carried out to date as planned, to share and better coordinate programming and review the most effective division of labour.

These partnerships have important implications in a range of areas, from the significant potential synergy generated by the contribution of the combined UNCT efforts to a more enabling environment in the broader institutional context in which NHRIs are inserted, to perspectives for continued capacity building assistance and support to NHRIs in countries where there are no field offices given the UNDP significantly greater geographic coverage with country offices, to the crucial political and strategic support that could be provided with well-designed assistance by UNCT partnerships for NHRIs in fragile states.

C. NHRI Regional Networks

Other key counterparts/partners for the OHCHR are the four principal regional networks of the NHRIs, including Asia Pacific Forum of NHRIs (APF), the Network of African National Human Rights Institutions, the Network of the Americas, and the European Network of NHRIs (ENNRI). The regional networks are the natural partners for OHCHR and NIRMS, and OHCHR has provided a wide range of forms of support. The OHCHR interfaces with the regional networks both bilaterally and also through the UNDP-OHCHR-ICC partnership, which has provided an important framework through which to structure, shape and leverage capacity-building efforts, information sharing, knowledge management, and other initiatives to to maximize synergies among the institutions.

In 2009, the AFP, the most longstanding of regional networks piloted the previously mentioned capacity assessment (CA) initiative, providing NHRIs with the self-assessment process incorporating both qualitative and quantitative elements to assess their current capacities, forecast future capacity requirements, identify capacity gaps and design strategies to address gaps. By 2013, almost half of the NHRIs in the Asia Pacific region have undertaken the capacity assessment. A Desk Review was commissioned by the Tripartite Partnership that year to document CA processes and analyse experiences, knowledge and learning. Among the lessons learned[38] regarding the CA process, were that preparation was fundamental to the success of the undertaking; that CA methods are adaptable to different NHRI models and levels of institutional development; and that the Paris Principles and legal frameworks are relevant as the normative framework and standards, but need to be supplemented to effectively assess true functional capacity. A preliminary set of Guiding Principles emerged from the process, relating to Pluralism and Inclusion; NHRI independence and Ownership; Confidentiality; Transparency; Sensitivity to Context and Regional Specificity; Learning and Accountability; and Implementation and Follow-up. The last issue has been underscored as crucial to insure that the CA exercise promotes genuine change.

In 2012, OHCHR participated in the annual General Assembly of the Network of Americas National Human Rights Institutions, to share lessons learned and good practices of other regional networks of human rights institutions, in particular the capacity assessment project developed and implemented by OHCHR, UNDP and the Asia Pacific Forum of National Human Rights Institutions.

Similarly, in 2013, OHCHR West Africa Regional Office (WARO) provided support to the 2013 annual general assembly of the Network of National Human Rights Institutions of West Africa, organized by the Economic Community of West African States (ECOWAS) Commission, in collaboration with the Network of National Human Rights Institutions of West Africa and executive secretariat and the Nigerian National Human Rights Commission. Also in 2013, the United Nations Human Rights Training and Documentation Centre in Qatar, in cooperation with the Qatari National Human Rights Committee and the Arab Network for National Human Rights Institutions, organized a training workshop on access by national institutions to international human rights mechanisms. OHCHR participated in the ninth annual meeting of Arab National Human Rights Institutions, organized by the National Human Rights Council of Morocco, where OHCHR made a presentation on transitional justice processes and

---

[38] Report of the Fifth Annual Strategic Partnerships Review, United Nations Development Programme (UNDP), Office of the United Nations High Commissioner for Human Rights (OHCHR), and the International Coordinating Committee of national Institutions for the Promotion and Protection of Human Rights (ICC), June 10-11, 2015, UNDP Headquarters, NY.

the role of national human rights institutions.

In 2013, the OHCHR Regional Office for the Pacific Region organized a UPR follow-up seminar in Bangkok, with representatives of five A-status national human rights institutions from the South-East Asia sub-region, in order to share their lessons learned with governments and CSOs on the first cycle of the UPR. The same year, OHCHR, UNDP, the Asia Pacific Forum (AFP) and the Samoan Ombudsman organized a regional seminar on the establishment of NHRIs in Samoa, with the participation of representatives from Palau, Samoa, Tonga and Vanuatu. The following year, OHCHR, APF and the Pacific Islands Forum finalized a joint partnership for the establishment and strengthening of independent NHRIs in the region.

The Fifth Annual Strategic UNDP-OHCHR-ICC Partnership Review Meeting held in June of 2015, agreed upon eight immediate and long term priority areas of collaboration, including NHRI capacity-building in-country; finalizing the Global Principles of NHRI capacity development and implement the CA/GA with NHRIs across all regions; and to support the ICC's institutional capacity building in relation to the ICC accreditation process. Also included among these priority areas were to support the role and capacity of NHRIs in relation to the implementation of the Sustainable Development Goals (SDGs); explore the actual and potential role of NHRIs in assisting the SG in implementing the *Human Rights Up Front* initiative; showcasing the value and relevance of NHRIs; develop a joint protocol of engagement among the partners where NHRIs are at risk of reprisals; and to develop coordination amongst the partnership with other stakeholders including the EU.

Each relationship between OHCHR Regional Offices and regional networks is different and is generally positively regarded – however, the overall relationship with NIRMS has been more ambiguous, with some networks expressing concern regarding absence of effective mechanisms to channel input to either NIRMS strategy or forms of support, and more broadly, the lack of broader strategic vision.

D. Engagement with other actors

Another actor with whom NHRIs engage in significant ways are civil society organizations (CSOs), a relationship which is often a key dynamic in the establishment and development of NHRIs. The chemistry between the two can be determinative: "Positive CSO/NHRI engagement is a feature of all NHRIs, which are perceived as legitimate, credible institutions – by government, by regional peers, and by the international community. Concomitantly, in cases where relations are strained or non-existent, NHRIs inevitably suffer a crisis of legitimacy." [39] Historically, CSOs have played a key role in establishing many NHRIs as they saw the critical value of a potential ally in a state-based human rights body. In many cases, the limitations and lack of independence of some NHRIs proved to frustrate initial CSO hopes, but as the international weight of NHRIs expanded over time, CSOs have also found increased international mechanisms, most importantly the ICC, to channel their voice regarding NHRIs.

An interesting example of formalized processes of engagement between CSOs and NHRI is the

---

[39] P. 300. Renshaw, Catherine Shanahan. *National Human Rights Institutions and Civil Society Organizations: New Dynamics of Engagement at Domestic,Regional and International Levels*. Global Governanace 18 (2012).

case of the Asia Pacific Forum. The APF, has, since its founding in 1996, sought to develop relationships between CSOs and its membership, and CSOs participated in the APF's first regional workshop, contributing to the Larrakia Declaration that emanated from it. The Asian NGO Network on National Human Rights institutions, the ANNI, was established in 2006 as civil society's counterpart to NHRIs and attends the annual AFP meetings, submitting statements and providing policy advice, and publishing reports on the performance of NHRIs.

The OHCHR views its cooperation with civil society as a strategic priority, based on the belief that a "dynamic, diverse and independent civil society, able to operate freely, knowledgeable and skilled with regard to human rights, is a key element in securing sustainable human rights protection". Support to civil society is focused on building knowledge and skills about international human rights standards, promoting civil society participation in decision-making processes and protecting civil society space. The Paris Principles specifically enjoin NHRIs to develop relationships with CSOs, and the evaluation team while on mission saw a wide range of relationships between CSOs and NHRIs, including two NHRIs, one in the process of renewal, and the other recently established, where human rights experts from the CSO community had become staff of the NHRIs. While OHCHR Field Offices promoted activities and events that brought the two actors together, at present the Civil Society Unit at HQ that has just joined NIRMs does not have a specific policy to promote engagement between CSOs and NHRIs. Given the importance of the relationship between NHRIs and CSOs, and the evolving dynamics of engagement at different levels, such as through the ICC, the new inclusion of the Civil Society Unit in NIRMS offers an important opportunity to explore strategies for promoting and supporting effective engagement between NHRIs and CSOs.

3.2 IMPACT ORIENTATION

OHCHR's theory of change identifies the intermediate results that the organization seeks in order to contribute to achieve its long term goal, *human rights for all*. It defined eleven results or expected accomplishments (based on an analysis of recurrent gaps identified through its work and by international human rights mechanisms) whose achievement would result in duty-bearers upholding their human rights obligations and rights holders effectively claiming their rights, ensuring the improved enjoyment of all rights by all. In the case of EA1, the outcome sought in order to achieve improved enjoyment of human rights is "Increased compliance of national legislation, policies, programmes and institutions, including the judiciary, with international human rights standards." As has been noted earlier, support to NHRIs is a long-term investment in national human rights infrastructure, and perhaps establishing benchmarks and intermediate steps toward this goal should be established to better capture both results and incremental impact. A further difficulty is the measuring the impact of the kind of support provided by the OHCHR, capacity-building, training, legal advice, and needs assessment.

Further, as was noted in the *Inception Report*, causality is a complex and often elusive notion and impact is very challenging to ascertain. It becomes more challenging to establish as one moves up the results chain, particularly in a realm such as the changes in the enjoyment of human rights. The highly dynamic environment, the wide range of contextual elements, and the multiplicity of actors involved in bringing about such shifts make it necessary to apply the notion of *contribution,* or *collaborative contribution* rather than *attribution*.[40] As was noted in a workshop on evaluating on human rights: "when human rights work aims at changes in domestic law

---

[40] International Council on Human Rights Policy (ICHRP) (2012). *No Perfect Measure: Rethinking Evaluation and Assessment of Human Rights Work: Report of a Workshop.* Geneva, Switzerland.

and/or policy, which are subject to the exigencies of the political process (especially changes in governments), impacts are particularly difficult to predict or plan for. Changing the law is a fundamentally political activity," said one participant, and it is in the nature of politics to shift, change and behave in unpredictable and nonlinear fashions."[41]

This area is also difficult to analyse because it requires that the evaluation team tease out the specific impact of support to NHRIs, whereas the OHCHR offices are involved in a wide range of activities at the country level that which indeed have had an impact on the enjoyment of rights but do not directly involve NHRIs. In many cases, the impact of the NHRI can be contingent upon other country work OHCHR does to contribute to a more enabling environment. For example, in 2011, the OHCHR Office developed a new methodology for the investigation of femicide in El Salvador, which then became the Protocol[42] for use by investigators and prosecutors across the region "to ensure gender-based murders of women are exhaustively and independently investigated". This development of a much needed policy and working method for investigators on this theme in the hemisphere, contributes to a legal environment more able to tackle the issue of femicide, and to establishing norms that NHRI can contribute to ensure are respected and implemented, however, it is not a result of support to NHRIs.

One facet of examining impact orientation is to look at the relevance of the interventions. In the case studies explored by the evaluation team the interventions were in large part relevant, with reference to the most pressing issues in the national context and to the areas in which NHRIs needed to enhance capacity to effectively carry out their mandate. In Guatemala, support to the NHRI focused on strategically strengthening an institution in the process of restructuring and retooling in the face of years of inertia, providing it with technical assistance and protocols for more effective work in the area of its core protection mandate at the regional and local level where the bulk of violations occur, shoring up its capacity to analyze and monitor in the context of social conflict, and the on issue of transitional justice, all central facets of the Guatemalan human rights context.

In Chile, the ROSA office attended the issue of social protest and excessive force by security forces issue, both as a national and regional phenomenon, which has erupted forcefully over the last years. In El Salvador, OHCHR-ROCA focused support on issues such as strengthening the engagement of the NHRI in complex areas such as LGBT rights, about which there is both little visibility and significant cultural resistance, and the thorny issue of transitional justice. Several CSOs remarked upon the significance of increased visibility in the case of LGBT rights, an issue that has had little attention until now and permitted violence against the LGBT community to pass unseen by large sectors of the population. In Europe, the focus of ROE's work has been relevant, to increase the awareness and interaction of NHRIs and civil CSOs with UN human rights mechanisms. ROE sought to focus on groups where the OHCHR has added value, such as LGBT, older persons (particularly in institutional care) and rights of persons with disabilities.

---

[41] *Ibid,* p.8, "Advocacy efforts to change policy can take decades to come to fruition: one participant noted that the freedom of information law in Nigeria, recently passed, was the product of 20 years of advocacy work. Teles and Schmitt argue that advocacy work is at a disadvantage because it is difficult to measure using short-term indicators and is highly sensitive to external pressures and influences, such as international political situations or the economic climate.

[42] *Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género.*

ROE' strategies seek to encourage NHRIs to direct more systematic attention to the trends of institutional discrimination and the discrimination of persons suffering from extreme social exclusion, fills an important gap.

Support to Timor Leste was relevant, and the institutionalization of human rights training into the Police Training Centers programme for recruits was seen to have had an effect on the number of complaints received, according to the NHRI. In the case of Guatemala, training in conflict prevention and support from OHCHR in joint mission to conflict situations can be seen to have defused potential rights violations. In the countries visited in Africa and the Middle East, as the support from OHCHR was largely in the form of legal advice for establishing or re-founding NHRIs, the impact orientation is harder to ascertain.

3.3 SUSTAINABILITY

Just as with other criteria, it is extremely difficult to determine clear trends with respect to the sustainability of OHCHR's efforts as this issue is highly context-dependent and complex diverse factors are at play. Further, the sustainability of OHCHR's efforts to support NHRIs is in many ways interdependent with, and contingent upon, advances in other realms of the OHCHR's country work, and on progress in other expected accomplishments, consequently there is an artificiality involved in seeking to examine it in isolation. When one reads OHCHR's annual reports on results across the globe, there are numerous examples of advances at the national level that don't directly involve support to NHRIs, but that will clearly impact positively on their ability to operate more effectively.

However, the global results of the Performance Monitoring System discussed at the beginning of the section on results shows the challenges with respect to achieving the other global targets under GEA 1 that the OHCHR has established (indicators1.2-1.5), regarding other aspects of the wider human rights environment in which NHRIs operate. Again, without analysing the country data, it is difficult to interpret these results, although it may reflect as noted above, that the targets established were excessively ambitious with respect to the incremental and even intractable situations on the ground. It does however suggest that the broader enabling environment in which NHRI operate is perhaps more resistant to change in these areas within the time limits established by yearly cycles, and that time frames regarding complex processes need to be adjusted to a more realistic periods. For example, the disappointing global results with respect to institutionalized human rights education, an area that can contribute over time to a more enabling environment for NHRIs, point to how challenging this area is.

It is difficult for NHRIs to make sustainable advances in many cases where other institutions related to rule of law remain weak. Historically, in the case of Central America, where the high levels of impunity, weak judicial systems, and endemic corruption in the systems of justice administration prevail, NHRIs often became secondary players, with little effective influence in oversight, and the impact of technical assistance and capacity-building fall on infertile terrain. Consistent and timely support for bolstering an NHRI's commitment to political independence can contribute to building its credibility over time with other national stakeholders, establishing key partnerships and helping construct a broader base for human rights protection work, and thus contributing to the sustainability of its efforts.

In countries with institutionalized protection architecture, both domestic and regional, sustainable results from OHCHR's efforts with respect to policy changes are more evident. For example, through its leadership with NGO and IGO stakeholders, the Regional Office for

Europe (ROE) has been able to significantly affect policy change on the issue of segregating care institutions at level of the European Union, through identifying common ground between the CRPD instrument and the rights of the child. NHRIs can build upon these results with greater hope of impact in their own initiatives.

Providing adequate legal infrastructure and draft laws to establish NHRIs, such as the examples in West Africa, and the cases of two European institutions seeking to transition to full NHRIs is a contribution, to ongoing sustainability, although mechanisms to provide continued support to these institutions in countries without strong existing national protection systems is essential.

Sustainability is also affected in countries with Ombudsmen systems where individuals exercise determinative power regarding the agenda of the institution, combined with judicial systems subject to political pressures, where changes in institutional leadership can reverse institutional gains, undermining the sustainability of the institution. Guatemala's NHRI is an example of an institution, which under a previous Ombudsman, experienced serious institutional paralysis under uncommitted and unaccountable leadership. Changes in staff, common with changes in leadership, can effectively erase capacity-building efforts, or conversely, inject new commitment and dynamism. While the integration of protocols in the operational system of the NHRIs can outlive the change in staff, the lack of the political commitment to apply them cannot.

Among the factors that can contribute to sustainability is promoting effective partnerships with local actors, such as civil society, and international actors at a country level, such as the UNCTs, both of which can contribute to strengthening the national profile of NHRIs, as well as consolidating efforts to contribute to improving the human rights situation. The deepening partnerships with UNDP and the tripartite relationship with UNDP-OHCHR-ICC can contribute to the sustainability of support efforts with the synergy derived from more coordinated, and broader-scale, consensus-based forms of strategic support. Productive engagement with CSOs can also help build a nexus of support for NHRIs such that strengthened or new-found capacities endure over time. How effective these partnerships with CSOs are depend on a variety of factors, very importantly the NHRIs independence and commitment to competence, as this conditions legitimacy in the eyes of civil society.

Another area that contributes to making results more sustainable overtime relates to the increased engagement by NHRIs with UN human rights mechanisms and bodies, although this process is also a long term one. The increasingly active engagement of NHRIs with growing capacity at the international level establishes a set of increasingly multidimensional international relationships that can position them better on the domestic level. Growing experience in follow-up of UPR recommendations with inter-institutional partners, and a voice on an international platform further strengthens their national profile. This has been a feature of overall strategy in most country offices.

Another area that enhances sustainability has been the development by OHCHR of a conceptual and methodological framework[43] for human rights indicators to adopt a structured and consistent approach for translating universal human rights standards into indicators that are useful at country level. Integrating this over time in both public and private entities is a long-term contribution to establishing a consensus-based permanent methodological yardstick to frame the analysis of the national human rights discussion.

Despite efforts to design forms of sustainable support for NHRIs, some observers have cautioned about excessive optimism regarding discourse that cast NHRIs as the eventual "exit

---

[43] This framework is outlined in the 2012 publication *Human Rights Indicators: A Guide to Measurement and Implementation.*

strategy" for OHCHR country offices. While the broad NHRI mandate assigns them an important institutional role, in many cases, particularly in the most critical situations, they are only one actor on a stage occupied by many other more powerful forces that shape institutional and political outcomes.

3.4 GENDER EQUALITY MAINSTREAMING

The OHCHR has over the last years developed a range of policies to more effectively integrate a gender perspective in all OHCHR, policies programmes and relevant processes including planning, programming and monitoring. Within the institution, it is the Women's Rights and Gender Section's (WRGS) mandate to promote gender integration across OHCHR and broader UN planning and programmes. Among core responsibilities are support for the HC's leadership position on gender equality, the production of thematic reports, the development of tools on gender issues, training, capacity-building, and the facilitation of stakeholder dialogue on relevant issues. The SMP for 2014-2017 underscored the commitment to increased monitoring of the achievement of accomplishments focusing on women's rights and gender equality, and to providing support and gender expertise to the Divisions and Field presences that are responsible for the strategic intervention that support the expected accomplishments related to women's human rights and gender equality.

Knowledge-sharing and capacity building are channelled directly to NHRIs, rather than through NIRMs. Support to NHRIs is predominantly in the area of: 1) technical advice on women's human rights; 2) capacity-building; and 3) research and knowledge sharing. In the first area of technical assistance, the Section undertook a number of key activities including support to the International Conference of NHRIs in Amman, Jordan, focused on women's human rights and resulting in the Amman Plan of Action. In addition, support was provided to the Qatar NHRI in developing a questionnaire on society's attitude towards women's rights.

With respect to capacity building, the section conducted two training workshops organised for the Senegalese NHRI, on the application of applying gender analysis to human rights and on women's human rights monitoring. Future commitments include   NHRIs training in West Africa on use of human rights protection mechanisms with respect to on sexual and reproductive rights. Between 2011 and 2014, yearly workshops were held reports on the situation of women's rights (2011), Monitoring places of detention for women (2012), Advocating for UNSCR 1325 (2013).

Regarding research and knowledge sharing, the section co-produced a Manual on Reproductive Rights for NHRIs with UNFPA and the Danish NHRI, and jointly with WHO, UNFPA, PMNCH, and Harvard University will be launching a Reflection Guide for NHRIs on the application of a rights based approach to sexual, reproductive, maternal and child health. The Section operated in close cooperation with field presences, especially where they have focal points, and Gender and Human Rights Advisors (such as with the Regional Office for West Africa (WARO), and HRAs in Malawai, Mexico and Uganda.

The evaluation team found strong examples of gender mainstreaming in work with NHRIs the countries where missions were conducted. For example, in 2011, the OHCHR Regional Office for Central America (ROCA) undertook a very significant initiative beginning in 2011 in response to the issue of impunity and gender-based violence, developing a new methodology

for the investigation of femicide in **El Salvador**, which then became the Protocol[44] for use by investigators and prosecutors across the region "to ensure gender-based murders of women are exhaustively and independently investigated".

The Office has a regional women's rights and gender advisor (RGA) who has sought to ensure that a gender perspective is integrated in to all activities and processes. As was noted in the mission section, ROCA, in collaboration with the Salvadoran NHRI began a capacity-building process in 2014 for LGBTI NGOs on the use of international human rights mechanisms in the promotion of national policy reform.

The OHCHR-**Guatemala** Office established a technical assistance working group with a broad range of women's organizations to provide them with the necessary tools for engagement with the human rights protection mechanisms, particularly CEDAW and transitional justice and women. Further, the Office included gender mainstreaming component in a key needs assessment of the departmental and municipal offices of the NHRI. In 2014, the designation of a new gender focal point in OHCHR-Guatemala strengthened the inclusion of gender throughout the Office's activities and planning, as well as new lines of work to promote women's rights. OHCHR regional and country offices have worked with NHRIs on LGBT/SOGI issues in **Ecuador, Chile, Guatemala, and Colombia.**

Other regional offices have taken important initiatives in the years under study, such as the sub-regional dialogue on gender equality and women's rights organised by the Regional Office for South-East Asia between NHRIs in Association of Southeast Asian Nations (ASEAN) countries and Timor-Leste, with the participation of national specialized institutions on women, government representatives, the ASEAN Independent Human Rights Commission and the ASEAN Commission on Women and Children.

While clear progress has been made to seek to insure that the OHCHR gender mainstreaming commitment informs its engagement with NHRIs, it may still require a more systematic approach wherein capacity gap assessment tools are utilized to determine where needs can be detected. The development and sharing of tools for engagement with NHRIs and best practices, particularly for issue areas such as Sexual Orientation and Gender (SOGI) for which cultural resistance is high in many of the countries, might serve to facilitate deeper engagement.

IV. Conclusions

The analysis carried out in this study as well as the evolving body literature on NHRIs by scholars and experts underscore some of the complexities, paradoxes, and what has been called their "contested nature"[45]. This contested character is an attribute of their basic structure, as part of their potential and strength derives from their "location within the state",

---

[44] *Modelo de protocolo latinoamericano de investigación de las muertes violentas de mujeres por razones de género.*

[45] P. 300. Renshaw, Catherine Shanahan. *National Human Rights Institutions and Civil Society Organizations: New Dynamics of Engagement at Domestic,Regional and International Levels*. Global Governanace 18 (2012).

at the same time, this fundamental aspect can also serve to compromise legitimacy and effectiveness. As Renshaw[46] has noted:

> "While some NHRIs have been successful in effecting positive change and have assumed a central role in the political life of the state, shaping the discourse on human rights and inspiring new understandings of the responsibilities of the state toward its citizens, others have been paralyzed in situations of conflict and still others have succumbed to politicization.[47] Many NHRIs seek a path between building relationships with governments so that they can collaborate on human rights policy and being independent enough to criticize governments when their human rights programs fall short. This is a difficult line to walk and, at different periods in relation to some human rights issues, some commissions become -- or are perceived to be -- sidelined. John von Doussa, former president of the Australian Human Rights Commission, reminds us "how fragile these types of organisations are, and when they start to challenge the authority of the ruling power, then they are terribly fragile."[48]

This issue points to some of the underlying challenges of in designing the most effective forms of support. Any review of current OHCHR documentation of support to NHRIs over recent years reveals an extensive range of activities carried out at a global level to support these institutions. While the results from the Performance Monitoring System (PMS) point to come of the challenges, there is evidence of solid progress in a number of complex contexts, and also advances in cases where change will only be registered overtime. OHCHR work with NHRIs has made important strides in support for increased compliance by NHRIs with the Paris Principles, in their increasing engagement with international human rights mechanisms; in deepening partnerships with the UN agencies and country teams on the ground; in partnering with regional networks; with the increasing use of new methodologies of human rights indicators; and with the on-going provision of legal advice, capacity building and institutional strengthening.

However, some internal stakeholders have raised the issue as to whether support to NHRIs from the OHCHR should continue to be a priority, reflecting historical institutional ambivalence due to the lack of independence of many NHRIs. The evaluation team has concluded that support to NHRIs should certainly continue to be an area of OHCHR activity. However, even while clear progress towards results can be identified, an analysis of the more global strategic and institutional approach to NHRIs suggest that there are areas in which OHCHR still faces challenges in achieving the fully consistent and comprehensive approach to NHRIs that the institution seeks.

---

[46]Ibid.

[47]Ibid.

[47] John von Doussa, former president of the Australian Human Rights Commission, interviewed by Catherine Shnahan Renshaw, Sydney, 18 June 2010.

OHCHR's principal strengths in their support for NHRIs lies in the quality of technical support for capacity building and well-tuned political accompaniment where there is a field presence; in the strong thematic relevance of their interventions; in the tools and methodologies developed for support of NHRIs; in the development and expansion of the dissemination of human rights indicators and increasing their use by NHRIs; and in progress made in gender mainstreaming in their support. The principal weakness detected lies in the absence of a robust, proactive strategic institutional interlocutor at OHCHR that can contribute to shaping the institutional policy debate on NHRIs, consolidate lessons learned, strategically link different institutional services, participate in shaping support strategies in key thematic areas and interact strategically and systematically with regional networks. This in turn contributes to other challenges the institution faces such as the lack of consistent, continual support throughout the different phases of the NHRIs' development process; and the need for specific training on NHRIs in regional offices where there is no field presence. An additional ongoing challenge, shared with the ICC, is the unresolved issue of the compromised credibility of the accreditation process.

Throughout the five *Strategic Management Planning* (SMP) periods covered by the evaluation, OHCHR's work in support to NHRIs has been conceived of as a central component of Global Expected Accomplishment 1, as well as NHRIs being identified indispensable partners in a wide range of strategies. As it is conceived of *as an end in it itself well as a means to achieving other goals and objectives,* NHRI support is transversal to much of OHCHR's work, and OHCHR's global support to NHRIs is embedded in a highly complex institutional and strategic architecture. As the support to NHRIs is intertwined throughout and across strategies, themes and activities, it is sometimes difficult to trace a consistent policy. However, even though NHRIs are not seen as a "focus area" but rather a horizontal "partner" across thematic priorities, this should not preclude a more sustained and strategic approach to NHRIs, particularly if they continue to occupy a priority position among Global Expected Accomplishments.

NIRMS at present offers a wide menu of important services, in the form of specialized technical advice and assistance principally for the establishment of NHRIs, institutional liaison, training seminars and conferences, and ICC Secretariat management. It is however, primarily a platform of services, rather than a node for strategic policy analysis, global policy dialogue on NHRIs, and knowledge generator for the distillation of best practices. Whether this is a function of institutional mandate or its interpretation, there is a need for a more proactive dynamic strategic counterpart for NHRIs at OHCHR. A more strategic and comprehensive approach with a more clearly articulated strategic vision at the HQ level might permit more sustained, coordinated contributions from other sections and units at HQ.

One area in which the evaluation team detected challenges is in achieving a consistent form of support based on a "process" approach to NHRI throughout a full cycle in its development. At present, there appears to be in practice a two-tiered process, wherein HQs provides important initial support in the form of legal assistance and frameworks for the founding of the institutions, and then more sustained support occurs at the field level, if there is a field presence. While in many regional offices, the support to NHRIs appears to be largely relevant, well tuned to NHRI needs and consistent, in others, often with other UN entities and peacekeeping forces, there is little or no specific expertise on NHRIs, often critical for new institutions.

It is challenging to make policy recommendations with respect to particular units or departments, given the OHCHR's intended structural reorganization, the details of which are not fully available. However, the evaluation team understands that the reorganization will feature eight decentralized regional hubs, designed to strengthen impact and respond to increasing mandate and

responsibilities. This decentralization process would seem to offer the opportunity for enhanced support to NHRIs, as NHRIs seem to flourish most in the close presence of field and regional offices that are acutely politically attuned to NHRIs insertion in the broader human rights context and can maintain a relationship over time. It is key that regional hubs be equipped with a full toolbox of technical expertise on NHRIs covering the complete cycle of support from initial establishment to the strengthening of more mature and institutionalized NHRIs. It is equally important that this technical expertise is combined with the capacity to participate in shaping support strategies in key thematic areas and interact strategically with regional networks and serve as a link with a strategic node at HQ.

One of the biggest challenges facing NHRIs and those who seek to support them, is the issue of their independence. Sometimes, in these cases, the most effective support is political, rather than technical, and as study of OHCHR in the field noted "Where the biggest weaknesses of an NHRI are in its high-level political independence and courage, these can be the most appropriate targets for strengthening. By gently yet consistently manifesting the expectation, privately and publicly, that an NHRI's role is to act independently, an international presence is sending the message that it will stand up for the integrity of the NHRI."[49]

The following section provides general recommendations.

V.   Recommendations

On OHCHR's strategic direction with regard to support to NHRIs

> 1. OHCHR should continue to provide robust support to NHRIs, with consistent emphasis on the critical criteria of independence as a key goal, in order that NHRIs play an increasingly effective role in a global context of expanding human rights violations, shrinking democratic space and increased pressure and reprisals against human rights defenders.

> 2. OHCHR should review the role of NIRMS in order to ensure that it has the capacity to serve as a vital and proactive strategic interlocutor that can contribute to strategic policy analysis and planning; participate in the evolving policy dialogue on NHRIs with internal and external stakeholders on the principal challenges they face; deepen the engagement with key partners, and serve as a knowledge generator, derived from the distillation of best practices and lessons learned.

> 3. OHCHR should ensure that this strengthened strategic capacity in NIRMS is bolstered and reinforced by the consistent leadership, supervision and policy support at higher levels in the institution.

---

[49] *Mahony, Liam and Roger Nash (2012). Influence on the Ground: Understanding and strengthening the protection impact of United Nations human rights field presences. Fieldview Solutions.*

On OHCHR's engagement at the regional level

4. In line with recommendation 2 and in light of the decentralization process, OHCHR should conduct an analysis of which services related to NHRI support can be effectively devolved to regional hubs, in order to allow NIRMS to sharpen their focus on strengthening their capacity for systematic strategic analysis and policy dialogue.

5. OHCHR should provide specific training comprising the full toolbox of support for NHRIs for staff focal points in regional OHCHR offices or future regional hubs, where this technical expertise is currently unavailable. This could include training in all aspects of the full cycle of support, from establishment of NHRIs, to on going capacity-building and compliance with the Paris Principles; facilitating interaction between NHRIs and the international human rights system; and strengthening partnerships with regional mechanisms and UNCT programmes on the ground. Staff training should include specific reference to situations when NHRIs are under threat or are embedded in conflict situations.

6. OHCHR should explore and identify the most appropriate options for an effective proactive dialogue mechanism at the level of the regional hubs (with pertinent information channelled to NIRMS) for obtaining feedback and engaging more effectively with regional networks regarding OHCHR's strategic approach, and the strengths, weaknesses and nature of the support it provides to NHRIs. Among the options to be considered might be a steering group with periodic meetings but inputs need to be sought from the regional networks themselves. While the UNDP-OHCHR-ICC partnership is a mechanism contributing to this engagement, OHCHR needs its own proactive internal mechanism to reinforce its own bilateral dialogue with regional networks.

On Partnerships

7. OHCHR should continue to pursue polices to deepen and reinforce engagement with the partnership with UNDP globally and UNCTs at the field level, in line with the *Memorandum of Understanding* (MOU), to promote the integration of human rights and development perspectives in each others work, drawing on the comparative advantages of their mandates. In order to ensure complementarity in support to NHRIs, it is essential that the most effective division of labour be agreed upon between OHCHR and UNDP, whether at the field level where both offices are present or via UNDP Country Office consultation with OHCHR regional hubs.

8. In order to assess the partnership's concrete progress globally with respect to NHRIs, and to serve as a strategic platform for feedback, generate lessons learned, share programming and derive inputs for future strategy, OHCHR should promote the institution of the annual review meetings as originally envisaged in the revised UNDP-OHCHR MOU.

9. The OHCHR should undertake a concerted effort to improve knowledge management in the partnership with respect to NHRIs, to enhance collaborative development of knowledge products and foster communities of practice.

10. In line with decision taken at the 2015 UNDP-ICC-OHCHR Partnership Meeting, the OHCHR should work with partners to formalise a protocol of engagement in cases of reprisals and other acts of intimidation against NHRIs.

On the relationship with the ICC

11. The ICC, and OHCHR/NIRMS as Secretariat and observer on the SCA, need, as a matter of urgency, to generate a range of proposals that effectively increase the rigor of the accreditation process. This evaluation recommends consideration of the entire range of possible routes to effectively confront this issue, in particular (i) the formal inclusion of information and reports from outside stakeholders such as CSOs for consideration by the Sub-Committee on Accreditation: and (ii) the possible advantages of a transfer of the accreditation process to an external panel of experts instead of the existing peer review process (see main report for possible attributes).

Additional Aspects

12. Given that the Paris Principles explicitly articulate a role for NHRI/CSO cooperation, NIRMS and its civil society unit should explore strategies to contribute to supporting and promoting productive NHRI/CSO engagement, making use of lessons learned from such entities as the Asia Pacific Forum and its longstanding policy of engagement with CSOs.

13. OHCHR should continue to promote the increasing development and use of human rights indicators as a very significant contribution to the work of NHRIs and governments, and facilitate its use as a key instrument to underpin the increasing integration of HRBA in policymaking. The sharing of expertise in this area between NHRIs is a strategy that should be prioritized and given further impetus.

14. OHCHR should consolidate the important advances made in gender mainstreaming in programming at the field level to insure its systematic integration in all work with NHRIs. While clear progress has been made, it is not entirely systematic, and the gender section can contribute to identifying the relevant strategic gaps in order to make it more comprehensive, including recommendations for staff training.

VI. Annexes

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

6.1 Terms of Reference

6.2 Proposed Evaluation Logic Model/Results Matrix

6.3 Methodological Framework for Evaluation

6.4 Interviews

6.5 Documents Consulted