

**Mid-term Evaluation of the UNDP/OHCHR
Capacity Building of PDHJ Project
2010 - 2014
Final Report**

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Acronyms and abbreviations

APF	Asia Pacific Forum of National Human Rights Institutions
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
FGD	Focus Group Discussion
GoTL	Government of Timor Leste
HR	Human Rights
HRTJS	Human Rights and Transitional Justice Section of UNMIT
ICC	International Coordinating Committee of National Human Rights Institutions
IDLO	International Development Law Organisation
IR	Inception Report
Irish Aid	Government of Ireland's programme of assistance to developing countries
MIC	Middle Income Country
NGOs	Non-Governmental Organizations
NHRI	National Human Rights Institutions
NZ-IADA	New Zealand's International Aid & Development Agency
OHCHR	UN Office of High Commission for Human Rights
PDHJ	Provedoria dos Diretos Humanos e Justiça (Ombudsman for Human Rights and Justice)
PMT	Project Management Team
PSC	Project Steering Committee
SIDA	Swedish International Development Agency
SEANF	South East Asian Nation Human Rights Institutions Forum
SWOT	Strength Weaknesses Opportunities and Threats
ToR	Terms of Reference
UPR	Universal Periodic Review of the Human Rights Council
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNMIT	United Nations Integrated Mission in Timor-Leste
US \$	United States Dollars

Executive Summary

Introduction

The Provedoria for Human Rights and Justice (PDHJ) is the National Human Rights Institution (NHRI) for Timor-Leste. The PDHJ is an Independent NHRI, which has a mandate to cover human rights, good governance and maladministration. It is empowered to review complaints, conduct investigations and forward recommendations to prevent or redress illegality or injustice to the competent organs.

The project under review – the UNDP/OHCHR Capacity Building for the PDHJ Project 2010 – aims to fulfil certain components of the UNDP’s engagement in Timor-Leste, including that by 2013 stronger democratic institutions and mechanisms for social cohesion will be consolidated.

A comprehensive capacity needs assessment was conducted in 2010 to assess the needs of the Provedoria against its function as laid out in the law and the Paris Principles.

The project identified the following three outputs:

- 1(a) PDHJ staff are knowledgeable about human rights concepts and understand how these concepts are applied in their work;
- 1(b) PDHJ has a workforce skilled enough to implement the Institutions’ human rights mandate, including the ability to conduct legal analysis;
- 2 PDHJ has effective and efficient institutional structures and management systems;
- 3 PDHJ has effective information and knowledge management systems

In 2012, following the capacity assessment, it was decided that the good governance division of the PDHJ would also benefit from project activities.

Purpose

The purpose of the present evaluation is for UNDP, PDHJ, the project team, other partners (such as OHCHR and civil society) and donors to learn what has been achieved at mid-term in relation to the three project outputs. The main activities undertaken by the evaluation team are those outlined in the Mid-Term Evaluation Terms of Reference (ToR), including a review of existing documentation, preparation of an Inception Report, consultations with beneficiaries and stakeholders, preliminary recommendations and briefing in-country, and draft and final evaluation report. The team experienced several limitations on its work, including the fact that many of the documents were in Tetum and limited time was available to have briefing sessions on the contents of the reports. Interpretation was not provided consistently throughout the mission. The team had limited access to government stakeholders, which was corrected after the first draft of this through additional interviews.

Key Findings

The outputs and the activities are relevant to overall capacity building of the PDHJ. Outputs 2 and 3, which are designed to serve the entire PDHJ, are relevant as the PDHJ did not have all the necessary systems and procedures in place prior to the project.

Output 1 has many activities of which training and mentoring are the most important ones to the achievement of the output. The other project outputs have multiple activities, which appear to be merging and interlinked as the project advances. This is positive as the different activities reinforce the PDHJ's capacity to improve its overall performance as a result of systems, policies and procedures. At the same time some of the activities are fragmented and have failed to reflect clear priorities, in particular in terms of human rights capacity development. There are also concerns about the prioritization of needs in human rights: the team found that the topics chosen for the trainings to date do not appear to align closely with the human rights needs in Timor-Leste and that the focus on the other outputs has moved the focus of project activities away from human rights.

The impact of and implementation of training to individuals and teams in the PDHJ appears to have contributed to the improvement of case handling in respect of human rights. However, evidence suggested that the level of improvement in human rights knowledge and its applicability or translation into better reports, follow up and subsequent action by third parties to whom recommendations are addressed is limited. Training has to some extent increased staff's knowledge and contributed to an increase in case handled per staff member. Also mentoring has contributed to systematic improvement in case handling. The support to the case management process with templates, violation-categorisation, manuals and procedures is positive. On the whole, there is a higher number of investigations also as a result of providing different types of support. The contribution to streamlining the case handling business process and working more efficiently has the potential to be significant. It will not, however, replace the paper trail and the need for staff to critically examine a case and apply the legal and regulatory framework.

Both the human rights and good governance divisions of PDHJ have benefited from mentoring but the broader approach taken by the project appears to have distracted the project's focus away from a prioritisation on human rights capacity. There is also concern among stakeholders about the quality of the PDHJ reports that are issued and that the PDHJ does not enforce or follow up on non-compliance. The training currently being provided does not seem to fully align with PDHJ needs as a NHRI and the project's support to the PDHJ to help them in the implementation of their human rights mandate at the national level. While the team appreciates that the PDHJ identify topics of interest/need for them, the project may wish to be more pro-active in identifying human rights issues in Timor-Leste for training purposes.

There is a considerable level of project support provided to the overall PDHJ investigations functions, and the impact of mentoring on the overall capacity of the PDHJ is generally positive. The various knowledge management activities ensure that there are sources of information permanently available to staff and management but they appear not to be consulted systematically.

Training provided by the PDHJ to the police was viewed as positive and as having improved awareness of human right treaties and conventions. Monitoring reports on prisons were also viewed positively and as valuable to prison officials, but there remain issues as regards the accuracy of some factual elements and the adapting of international standards to the national context. There is a clear opportunity to build upon positive work done already by PDHJ in these areas.

The project has devoted considerable time to the provision of Portuguese and English language courses. The language training is offered during working hours and in combination with other training offered by the project, including mentoring and different sessions, staff appear to spend a considerable number of hours away from their routine duties in favour of project activities.

The promulgation of the organic law and the development of the strategic plan provided the PDHJ with the necessary basics to continue implementing its mandate and support in this area was relevant and effective. The new law has also provided the PDHJ with some independence in building up its technical expertise and increasing its staffing numbers over time. It has also helped the PDHJ in securing additional budgetary resources. A critical achievement was the promulgation in 2011 of the PDHJ's Organic law, which provides it with a structure and mandate. Support was given by the project for drafting and the project also assisted in various other activities to enable the PDHJ to fully implement its mandate and to acquire an organisational structure reflecting the articles of the law.

The project has paid attention to women's participation in its activities but it is unclear to what extent the content and focus of the project's activities are supporting the PDHJ to increase its gender focus in particular in the human rights area. The project has not yet been able to support the PDHJ in gender mainstreaming its programme and increase support to gender issues in particular to the human rights division.

Staff turnover is an issue throughout public institutions in Timor-Leste and the PDHJ is well aware of this and needs to avoid losing critical capacity, including that which has been built by this project. The PDHJ has difficulty in attracting qualified staff as civil service salaries are low.

The project is located in the PDHJ office and this proximity has an advantage as the project can liaise directly with the PDHJ staff and management. However, overall communication and coordination between the PDHJ and project staff are not always adequate. Given the high volume of activities across the three outputs and the involvement of project staff at all levels of the PDHJ, the project may risk being involved in routine tasks of the PDHJ and/or undertake these tasks itself. While the three outputs are interrelated, there are at present too many activities demanding time and effort from both the PDHJ and the project team with a resulting lack of focus on the core outcome. In order to increase and ensure the project's effectiveness it will be necessary to revisit the activities in the three outputs.

The proximity of the project to the PDHJ staff appears to have provided for an initial level of ownership which is also visible in PDHJs contributions – particularly those of management. This ownership can be further enhanced by slowly handing over more to the PDHJ.

Monitoring of project activities takes place at regular intervals: quarterly and annual reports are prepared. The reporting in the first years was done per activity and using the baseline and indicators. The project document has too many indicators, which demands quite detailed reporting, including on the number of trainings and sessions. This approach may be useful but provides no analysis of how these activities affected the staff's knowledge on human rights and their ability to improve the preparation of cases and other tasks. Moreover, there are serious challenges about data collecting since the project depends on PDHJ's data which may not have been consistently collected over time. This affects the project's reporting and assessing its contribution to the overall outcome. For example, data are inconsistent, including on case handling. Measuring human rights knowledge and capacity has also been challenging, including the ability to apply what has been learned systematically.

There are examples where the project has been pro-active in reducing investment costs, such as sharing costs and tasks with other donors, for example, in the justice sector.

A key question is how the PDHJ will sustain the knowledge and support systems after the project and whether it can effectively make continued use of the support offered. A particular challenge may be that the project has a catalytic function in its presence and support and that the PDHJ would have to rely entirely on its internal mechanisms to ensure continued learning which would also require additional time from PDHJ management.

Recommendations

1. Prepare a **separate priority plan for the remainder of the period** in close collaboration with the PDHJ, taking into account the remaining budget and refocus on those activities that can be fully taken over by the PDHJ at the end of the project. This priority plan should be in effect the exit strategy for the project. A focus could include: training on key NHRI skills (such as report-writing, legislative review), setting up a mentoring system within PDHJ for senior staff to mentor junior staff and clear lines for transfer of knowledge between trained and non-trained staff; complete the case management system and develop a knowledge repository for PDHJ staff.
2. Develop a **partnership strategy** which could contribute to increasing the project's outcome for the remainder of the time while also continuing to provide support to the PDHJ after the project finishes.
3. Undertaking a **capacity assessment for human rights** in the human rights division based on current and new staff needs for the next 12 months and develop a training plan that meets the most urgent needs in the PDHJ. Refocus training to address human rights issues of priority relevance to Timor Leste and the functions of the PDHJ as the NHRI.
4. Prepare steps to gradually **hand-over of good governance mentoring** to the PDHJ with interim support in 2014 if needed.

5. Maximize results from the **case management system** and strengthen the PDHJ in managing cases, including supervision and mentoring of staff in both human rights and good governance. Ensure reliable data collection.
6. Based on the priority plan, reduce the number of indicators and **identify human rights knowledge based targets** for the units within the human rights division based on the assessment mentioned above.

Introduction

1. This report is the final deliverable prepared by the team for the mid-term evaluation of the UNDP/OHCHR Capacity Building for the PDHJ Project 2010 – 2014 (hereinafter “the project”). The team was recruited in May 2013 and visited Timor Leste from June 8 – 22, 2013. The team comprised an international evaluation specialist (team leader), an international National Human Rights Institutions (NHRI) specialist and a national human rights expert. For an overview of the team’s composition, please see Annex A. The in-country mission included briefing sessions with the UNDP, the project team and the Provedor of the PDHJ. The team also met with a selection of beneficiaries and stakeholders. For the list of people met, please see Annex B.

2. The introduction covers the background to the project, an overview of the role and functions of the PDHJ as they are relevant to the operation of the project, and the context in which the PDHJ operates. It should be noted that this is not intended to be a comprehensive overview or assessment of the PDHJ or the human rights situation in Timor-Leste; as such matters are outside the scope of the mid-term evaluation. In addition, while the team assessed the entirety of project activities, it was not possible to reflect every project activity in this report, nor is the report intended to serve as a synopsis of all project activities undertaken in the past 3 years.

1.1 Background and context of the project

3. The Provedoria for Human Rights and Justice (PDHJ) is the National Human Rights Institution (NHRI) for Timor-Leste. The original UNDP/OHCHR human rights capacity building project (2007 – 2009) was tailored to build the capacity of PDHJ to carry out its human rights mandate during the nascent stages of the institution’s development.¹ At the start of the first project, most staff had little or no background in human rights and few of the relevant skills for their work.² The former project focussed on providing a basic grounding in human rights and training in skills for human rights monitoring, investigation and education activities at the core of PDHJ’s human rights mandate.³

4. The current project (2010-2014) builds upon the existing human rights knowledge and skills with a focus on broadening knowledge and improving analysis and application of that knowledge.⁴ Investigation, monitoring and education skills developed during the first project were to be consolidated. Therefore the development of report writing, training material development and advocacy skills are a focus of the present project. The latter will also address a new area by providing support to PDHJ institutional structures and

¹ See Capacity Building of the Provedoria for Human Rights and Justice Mid-Term Project Evaluation Mission Report, 2009.

² Capacity Building of the Provedoria for Human Rights and Justice Mid-Term Project Evaluation Mission Report, 2009, p.6.

³ Capacity Building of the Provedoria for Human Rights and Justice Mid-Term Project Evaluation Mission Report, 2009, pp.17-18.

⁴ Project Document 2010-2014, p.1, 5.

management and knowledge management, in recognition of the impact that these issues have on the ability of PDHJ to fulfil its human rights mandate. It thus also branches out into supporting the development of other areas, including human resources, IT, finance and administration and support to PDHJ senior management and PDHJ's internal systems, all of which have an impact on the mandate of the PDHJ, as defined by the Organic Law. Finally, strengthening the PDHJ in line with the Paris Principles is also a new area of support. The investigation, monitoring and education skills that were the focus of the first project cycle continue to be addressed throughout the life of the current project.

5. The project aims to fulfil certain components of the UNDP's engagement in Timor Leste. The United Nations Development Assistance Framework (UNDAF) outcomes for Timor Leste state that by 2013 stronger democratic institutions and mechanisms for social cohesion will be consolidated.⁵ The UNDP Country Program accordingly intends specifically to strengthen state institutions through interventions aimed at improving institutional capacity in planning, efficiency, accountability and transparency (Country Program Outcome 1).⁶ The Country Programme Action Plan emphasizes UNDP's commitment in continuing its support to strengthening the oversight functions and capacities of the PDHJ. As noted above, in the period 2007 – 2009, UNDP supported the PDHJ to build its capacity to carry out its human rights mandate during the nascent stages of the institution's development.⁷

1.2 Programme logic and results framework

6. The programme logic is thus built around the above-noted UNDAF outcome that stronger democratic institutions and mechanisms for social cohesion will be consolidated. In support of the PDHJ and building upon the first project, the current project identified the following three outputs:

- 1(a) PDHJ staff are knowledgeable about human rights concepts and understand how these concepts are applied in their work;
- 1(b) PDHJ has a workforce skilled enough to implement the Institutions' human rights mandate, including the ability to conduct legal analysis;
- 2 PDHJ has effective and efficient institutional structures and management systems;
- 3 PDHJ has effective information and knowledge management systems.⁸

The above outputs are intended to contribute to Country Programme Output 1.3, which states: "by 2011, improved institutional capacity of the Office of the Provedor (Ombudsman) to serve the public and promote public institutions' actions in line with human rights principles and standards".⁹ The results framework for the project consists of intended

⁵ UNDAF Timor-Leste, 2009-2013, p.5.

⁶ Country Program Timor-Leste 2009-2013, p. 7.

⁷ Capacity Building of the Provedoria for Human Rights and Justice Mid-Term Project Evaluation Mission Report, 2009

⁸ Project Document 2010-2014.

⁹ See for example Project Document 2010-2014, p.1.

outputs, output targets, baselines and indicators, activities and inputs. For an overview of the results framework, please see Annex C.

1.3 Purpose of the evaluation and timing

7. The purpose of the evaluation is for UNDP, PDHJ, the project team, other partners (such as OHCHR and civil society) and donors to learn what has been achieved at mid-term in relation to the three project outputs. The objective of the present evaluation is “to review the progress of the project towards achieving the key results envisaged in the Project Document; document the lessons learned; and to make recommendations for achievement of project results. The recommendations, along with the evaluation report itself, will guide the project management to take corrective actions to the extent possible to ensure project results are achieved and sustainable”.¹⁰ In addition, the evaluation team was informed during several in-country briefing sessions that the purpose of this review is to learn to what extent the approach and support to the PDHJ has worked and what the challenges are. The project will end by December 2014 and this present review took place several months after the midterm point. It will inform the above-listed parties about the results at mid-term and suggest the way forward for the remainder of the period, taking into account how the context in Timor-Leste has evolved and affected the implementation of the project. See chapter 4 below.

1.4 Evaluation approach and methodology

8. The team prepared and presented an Inception Report in Dili at the Project Steering Committee meeting, which outlined the approach and methodology for this mid-term evaluation.¹¹ In light of its purpose – for the project team to learn what has been achieved at mid-term in relation to the three project outputs - this evaluation has a strong learning and participatory focus, which is reflected in the approach and methodology. The participatory elements included a SWOT exercise with PDHJ management and staff and a Focus Group Discussion with a forum of national NGOs. The main activities undertaken by the evaluation team are those outlined in the Mid-Term Evaluation Terms of Reference (ToR), including a review of existing documentation, preparation of an Inception Report, consultations with beneficiaries and stakeholders, preliminary recommendations and briefing in-country, and draft and final evaluation report. Please see Annex D for the ToR.

9. The ToR outline key questions broadly reflecting three evaluation criteria: relevance, effectiveness and sustainability. The team developed an Evaluation Matrix that included all the questions from the ToR and added others about efficiency in order to provide an overall view on the project’s achievements and any issues arising at mid-term. Please see Annex E for the Evaluation Matrix. The methods that were used for data collection included:

1. A review of documents highlighted in the ToR and which detail the body of UNDP/PDHJ work over the past three years and specific documents in relation to the outputs, as well as PDHJ documents relevant to the work of the project.

¹⁰ Terms of Reference, page 4

¹¹ The PSC meeting took place on June 21st 2013

2. Semi-structured interviews with management and staff of the PDHJ, UNDP management and staff, UNDP project staff, GoTL representatives, donors, NGO representatives, media and academics. Beneficiaries and partners of the PDHJ were also interviewed.
3. The team organized a focus group discussion with members of the NGO Forum Caicoli. In addition, a SWOT exercise was conducted with the PDHJ management and staff. The latter enabled the team to triangulate findings from individual interviews and the Focus Group Discussion (FGD).
4. A field visit was undertaken to one of the four regional offices of the PDHJ in Baucau where the team had the opportunity to meet with PDHJ office staff and other stakeholders.
5. Analysis and synthesis of the data collection began while the team was in Dili and a debriefing was organised with the Project Steering Committee at the end of the mission. The team presented its preliminary findings in a Power Point and received initial comments; minutes were prepared of the meeting, which provided some initial feedback to the project team.
6. The team undertook three additional interviews after submission of the first draft. It also received written comments on the first draft from UNDP, OHCHR, the project team, PDHJ and NZ-IADA and took all the comments, including UNDP's self-assessment of the project into account in completing the final draft.

1.5 Limitations

10. The team experienced several limitations on its work, including the fact that many of the documents were in Tetum and limited time was available to have briefing sessions on the contents of the reports. This constraint also limited the team's ability to examine the extent to which the project impacted on the PDHJ's performance. The team mitigated this situation through collecting data in the interviews and the SWOT. The latter was well attended by PDHJ staff and led by one of the team's members, Mr José Luis Oliveira, who was able to conduct the work directly in Tetum.

11. Interpretation was not provided consistently throughout the mission. While at various points the team was assisted by interpreters during the interviews, when an interpreter was not available, an assistant from the project team or the national consultant assisted to the best of their ability. In addition, some of the interpreters provided were not always familiar with the UNDP project or the PDHJ mandate, which hampered the interpretation. Finally, some of the interpreters, sourced at the last moment, were not sufficiently proficient in English.

12. The team had limited access to government stakeholders, including the police, detention officials and ministerial representatives. This reduced the team's ability to triangulate the data collected. This was however, corrected after the team received comments and managed to interview three additional representatives from public institutions in Timor Leste via Skype.

13. While the evaluators appreciated the support provided by the project team, particularly the considerable efforts of the project assistant, it would like to suggest that in future such evaluations/missions might be provided with documents sufficiently in advance, interpretation on a consistent basis and support in the arrangement of meetings at an early stage in the mission in order to make the most of the time available in-country.

2 The Provedoria

14. Since this project is for the purpose of assisting in the capacity development of the Provedoria for Human Rights and Justice (PDHJ), it is important to set out the structure, functioning and context in which the PDHJ operates, as this is relevant to the project's functioning. The Provedor's office is provided for in the 2002 Constitution of Timor Leste, in Article 27. This constitutional position is in contrast to other institutions in the state, such as the CAC. Law No. 7/2004 set out the Statute of the PDHJ. The Statute provides inter alia for the mandate, nomination process and role of the PDHJ. The Provedor is both a National Human Rights Institution (NHRI) and an Ombudsman Institution.

15. The PDHJ is an Independent NHRI, which has a mandate to cover human rights, good governance and maladministration. It is empowered to review complaints, conduct investigations and forward recommendations to prevent or redress illegality or injustice to the competent organs. The Law provides clearly that the array of interventions which the Provedor can make relate to receiving and addressing complaints, undertaking monitoring, promotional and educational activities (see articles 23 to 25).

16. These two separate but complementary functions – good governance and human rights - are reflected in its organisational chart: the Provedor leads the organisation and is assisted by two deputy Provedors who are responsible for good governance and human rights respectively. There are four sub-divisions, which support the technical work of the institution; good governance, human rights, finance and administration, and public assistance. The sub-divisions of human rights and Good governance are each supported by three units: education and promotion, monitoring and advocacy, and investigations. For the PDHJ structure, please see Annex F.

17. The competencies, powers and duties of the Provedor are set out in Chapter IV of its Statute.¹² Nomination of the Provedor by the National Parliament is provided for in the Constitution (Article 27(3)). The staff of the PDHJ are recruited in coordination with the Public Service Commission (PSC). The PDHJ Statute provides that the recruitment and nomination of the technical staff of the PDHJ is a power of the Provedor. In supporting the legally established role of the PSC, the PDHJ is required to coordinate with the PSC and to inform them of the recruitment and nomination decision.¹³ However the decision making power in relation to technical staff is in the hands of the Provedor.

¹² Law No.7/2004, PDHJ Statute, Article 5.

¹³ See article 20-4 of the PDHJ Organic Law (Decree Law 25/2011).

18. As a result of the promulgation of the Organic Law in 2011, a staffing total of 134 positions is foreseen.¹⁴ In 2013 alone, 21 new positions have been created and will be filled by the end of August 2013. Some posts provide an additional 20% in base salary for certain technical staff as an incentive¹⁵ in order to attract qualified staff, reflecting the specific level of experience and knowledge demanded to successfully implement the tasks of the different functions, providing benefits which reflect concerns over security, travel to remote areas and extra hours of work. This incentive should also impact positively on the retention of staff.¹⁶

19. When the PDHJ was established in 2006, it began with a staff of 12 and a budget of \$86,000. By 2010 the institution had increased in size to a staff of 66, operating on a budget of US \$ 864,000. In 2012 the PDHJ had 89 staff.¹⁷

20. The PDHJ has set up regional offices in Baucau, Maliana, Oecusse and Same to establish its presence within the community.

21. The PDHJ is a member of the International Coordinating Committee of NHRIs and currently enjoys “A status” accreditation as a NHRI which is fully in compliance with the Paris Principles. The Provedoria will also chair the South East Asian Nation Human Rights Institutions Forum (SEANF) for 2013.

2.1 Current context in which the PDHJ operates

22. The recent history of Timor-Leste and its human rights situation are also relevant to the operation of the PDHJ and therefore to the implementation of the project’s objectives as a whole. Timor-Leste became an independent state on 20 May 2002, after 450 years under Portuguese rule followed by 24 years under Indonesian occupation. Timor-Leste is thus a newly independent country that recently emerged from a prolonged conflict. UN peacekeepers withdrew only in December 2012, ending a thirteen-year presence after two successful national elections which contributed to the country’s stability. The security situation in Timor-Leste since the 2006 political crisis has also greatly improved. There are, however, continued frictions between some of the country’s leaders and impunity for crimes, particularly those committed during the 2006 crisis and during the Indonesian occupation from 1974-1999, remains an issue.

¹⁴ The law specifies: 5 technical superior staff; 92 technical professional staff; technical administrative staff 14 and assistant staff 23

¹⁵ Article 21 of the Organic Law stipulates that:” The monthly compensation of Secretariat employees corresponds to the base salary allocate to the various degrees and levels of the categories and to the management and departmental head positions under the public administration rules and regulations, plus an additional remuneration equivalent to 20% of the respective base salary, calculated on the net amount

¹⁶ These were the main reasons given to the Council of Ministers by the PDHJ during the discussions of the Organic Law of the PDHJ.

¹⁷ PDHJ Annual Report 2012 (Tetum), p.112.

23. There have been concerns expressed in recent international NGO reports and in the context of the Universal Periodic Review about human rights violations carried out by the police (PNTL) and military (FFDTL). Concerns included arbitrary arrests and detentions, illegal detention beyond specified time limits, excessive use of force and ill-treatment while in custody. There are further concerns that these issues are inadequately dealt with due to poor accountability mechanisms for members of the police and military responsible for human rights violations, and limited access to justice for the population. A recent report from the International Crisis Group expressed continued concern about the police's lack of accountability. It found that although there are some signs of progress in addressing police accountability, including a number of forums for registering complaints, incidents of serious misconduct persist, and the lack of sufficient penalties within the PNTL remains a problem.¹⁸ Amnesty International, in its 2013 Annual Report found that "Security forces faced allegations of ill-treatment and excessive use of force, sometimes leading to death. Accountability mechanisms for the police and military were weak."¹⁹ During Timor Leste's consideration under the UN Universal Periodic Review, France expressed its concern about 'human rights violations committed by the police' and the following UPR recommendation was accepted by the Government of Timor Leste "continue to strengthen accountability in the security sector, in particular, regarding use of excessive force and abuse of authority by the police and the military (Republic of Korea)."

24. Timor Leste has ratified seven of the nine core UN human rights treaties²⁰ without reservation, as well as the Rome Statute on the International Criminal Court. The Government has also begun reporting under these treaties, including on the Convention on Elimination of Discrimination Against Women (CEDAW) in 2009, the Convention on the Rights of the Child (CRC). Timor Leste was also reviewed under UPR in 2012.²¹ A Justice Strategic Plan was approved in 2011 in which the values and principles of justice, including human rights, were confirmed.²²

25. In 2010, the PDHJ elaborated its strategic plan, covering a period of 10 years from 2011-2020. This plan is implemented on a yearly basis by way of annual work plans. The strategic plan sets out the thematic, operational and structural issues that the PDHJ intends to focus on in the coming years. These include: (1) ensuring that public authorities have good knowledge about human rights; (2) Authorities prevent and remedy violations of

¹⁸ UPR report para 39 ("France remained concerned by human rights violations committed by police and armed forces") The following UPR recommendation was accepted by the Govt of Timor "78.20. Continue to strengthen accountability in the security sector, in particular, regarding use of excessive force and abuse of authority by the police and the military (Republic of Korea)".

¹⁹ Amnesty International Annual Report 2013: Timor-Leste, available online at, <http://www.amnesty.org/en/region/timor-leste/report-2013>

²⁰ It is not yet party to the Convention on the Rights of Persons with Disabilities or the Convention on Enforced Disappearances. Timor-Leste has also not accepted the competence of the Committee Against Torture to receive and consider individual communications under Article 22 of the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment and Punishment.

²¹ The UPR documents relating to the PDHJ can be found on the OHCHR UPR website at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/TLSession12.aspx>

²² Justice Sector Strategic Plan for Timor-Leste 2011-2030 Approved by the *Council of Coordination for Justice* Dili, 12th February 2010, page 36. It includes various thematic areas, including access to justice and one of the goals is that within 5 years (2015), the principle of non-discrimination, the sensitivity to issues of gender and the protection of vulnerable groups and human rights will be guaranteed in the justice sector.

human rights and good governance; (3) ensuring that vulnerable people are protected; and (4) strengthening the independence and capacity of the PDHJ.²³ The project is intended to work within the framework of the PDHJ strategic plan.

3 Findings

26. The following section sets out the findings of the MTE mission in relation to the three project outputs (see para 6, above). The team's findings are based on an assessment of the data collected both from the documentation provided and the collection methods set out in paragraph 9 above.

3.1 Introduction – Capacity Assessment and Project Focus

27. As noted above, the project under review builds on a previous capacity building project in which the UNDP together with OHCHR/UNMIT supported the PDHJ from 2006-2009 in strengthening its substantive, technical and functional capacities to ensure its effectiveness in carrying out its human rights mandate. The new project, which runs from 2010-2014, has increased in scope to also support PDHJ's legal capacity, regional offices, institutional framework, and management systems. As such it can be characterised as a continuation and deepening of previous UNDP support.

28. A comprehensive capacity needs assessment was conducted in 2010 to assess the needs of the Provedoria against its function as laid out in the law and the Paris Principles.²⁴ The capacity needs assessment was also conducted to assist the Provedoria in developing its Strategic Plan. The capacity assessment was not solely focussed on the human rights directorate and included an assessment of intake of complaints, mediation and conciliation, legal monitoring, etc. It further included assessment of a number of structural issues. All these functions when read together with the PDHJ Organic Law go beyond the human rights directorate

29. The assessment utilized the UNDP Capacity Development Assessment framework and the UNDP/OHCHR/APF tool for conducting capacity assessments for NHRIs.²⁵ Some of the main needs identified in that assessment are set out in the following:

²³ PDHJ Strategic Plan 2011-2020, pp. 10-16.

²⁴ Main Findings of the Capacity Needs Assessment of the Provedoria for Human Rights and Justice, October 2010. The Paris Principles are the international standards for the establishment and functioning of National Human Rights Institutions. Adopted by the UN General Assembly in 1993, they have been supplemented by the ICC Sub-Committee on Accreditation's General Observations on NHRIs, which are the recognised interpretation of the Paris Principles as regards NHRIs. The General Assembly Resolution A/RES/48/134 endorsing the Paris Principles, which are contained in the annex to the Resolution, is available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N94/116/24/PDF/N9411624.pdf?OpenElement>. The Sub-Committee on Accreditation General Observations are available at <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Pages/default.aspx>

²⁵ Capacity assessment manual for National Human Rights Institutions. UNDP, United Nations Human Rights and APF, UNDP December 2012.

Box 1: Summary of needs from the capacity assessment

1. Functional needs and gaps

Complaints and Complainants

- Need to scale up awareness on the role and mandate of the PDHJ, especially in the districts
- Need to strengthen skills and capacity of PDHJ in complaints handling, including creating effective Case Management System

Mediation and Conciliation

- Need to further mediation and conciliation skills

Investigation:

- Need to enhance investigation skills

Monitoring and Reporting mechanisms

- Need to strengthen legal knowledge among PDHJ staff
- Need to enhance PDHJ monitoring systems
- Need to strengthen legal monitoring skills
- Need to develop an effective advocacy strategy
- Need to strengthen good governance strategy
- Need to institutionalize public reporting functions

2. Structural and Organizational needs and challenges

Principles of Organization

- Need to strengthen the independence
- Need to develop a comprehensive human resource plan
- Need to decentralize PDHJ services to the districts
- Need to develop, implement internal policies

Management

- Need to develop and roll out an effective and long-term internal Strategic Plan, planning systems and monitoring and evaluation

Human Resources

- Need to develop a Human Resources strategy

Financial Resources

- Need to scale up internal financial resources

Source: Main Findings of the Capacity Needs Assessment of the Provedoria for Human Rights and Justice, October 2010

30. The capacity needs assessment reviewed the PDHJ against the standards for a NHRI and determined the gaps for the PDHJ as indicated above. However, the assessment did not examine the overall staff's capacity or needs in relation to human rights. It also appears to have not sufficiently taken into account the particular challenges of NHRIs in post-conflict states where, as appears to be the case in Timor-Leste, individuals with a legal background and more specifically human rights knowledge and experience are not easily available on the labour market. However, in the Human Rights Directorate's Investigations Division, the one division where both the UNDP Project directly assists capacity building activities and where legal knowledge is an important aspect of the work, 2 of the 4 staff have a bachelor's degree in law and 1 more is studying part time for a degree in law at present.

31. The assessment appears to have presumed a minimum level of expertise and thus seems to have failed to fully assess the individual needs of staff at the time in a manner that would have assisted both the PDHJ and Project in developing their staff capacity building strategies. Moreover, the actual results of the first project may not have been fully taken into account in the development of the second project, insofar as it appears that the actual human rights capacity and the needs of staff do not appear to have been comprehensively assessed prior to the development of the new project. The evaluation team considers that

the absence of a thorough assessment of staff human rights capacity and needs prior to the development of the current project may have weakened the ability of the project to accurately target its resources and initiatives.

32. It is important to note the above, given that Output 1 of the project was divided into two parts:

- a) PDHJ staff are knowledgeable about human rights concepts and understand how these concepts are applied in their work
- b) PDHJ has a workforce skilled enough to implement the Institutions' human rights mandate, including the ability to conduct legal analysis.

The team's findings on the achievements and challenges at the mid-point of the project are considered further below.

3.2 Good Governance Capacity Assessment and Expansion of Project

33. In terms of the focus of the project and the utilization of its resources towards the development of the PDHJs human rights capacity, the team noted that the project has also expanded to support the capacity development of the good governance mandate of the PDHJ. The project asserts it has only done this where possible and within the interventions already provided under the project. In 2011, the Provedor requested that the project expand its scope to provide direct and targeted support to the capacity development in the area of good governance.²⁶ PSC members then agreed to consider the request after the specific needs of the PDHJ in the area of good governance were duly identified. The PSC agreed for the project to support the implementation of a capacity assessment of the good governance mandate of the PDHJ to provide the necessary information for the PSC decision making process. It was then decided that the project should strive to ensure that its intervention, where possible, promote an integrated approach between different departments within the PDHJ²⁷. This was further stated in the first phrase of the good governance capacity assessment narrative.²⁸ The New Zealand Ombudsman provided a technical specialist to support the capacity assessment process, which took place in November 2011.²⁹ The latter followed the framework of the earlier assessment and identified a series of needs. For example, it found that staff in the investigations department were able to carry out basic tasks but that across the board staff required deeper knowledge and skills to ensure their

²⁶ See Minutes of 16th PSC Meeting, 15 August 2011, point 3.

²⁷ See Minutes of 18th PSC meeting, held on the 29 March 2012.

²⁸ The document provides that "Following a request of the Provedor for Human Rights and Justice for the UNDP/OHCHR project to consider extending the current capacity development support to the good governance mandate of the Provedoria the Project Steering Committee requested the Project conduct an assessment of the needs and an capacity development plan on which to consider providing additional support. It was noted at the Project Steering Committee meeting that additional support would be dependent on additional funding or funding from the Provedoria however irrespective of funding being secured a capacity assessment would benefit the overall work of the Provedoria in professional development of staff in the area of good governance" (Draft Capacity Assessment results and Capacity Development Strategy for Good Governance Directorate of the Provedoria for Human Rights and Justice, November 2011, p.2).

²⁹ Draft Capacity Assessment results and Capacity Development Strategy for Good Governance Directorate of the Provedoria for Human Rights and Justice, November 2011.

work had strategic impact and contained accurate analysis.³⁰ Staff and managers as well as external stakeholders identified report writing in addition to factual and legal analysis and identification of relevant laws and policies as priority areas to be strengthened. In prevention, the assessment found there appeared to be limited staff, little funds and institutional support for the implementation of planned activities. The project informed the team that this assessment did not include looking at individual capacities. The assessment asserts that some of the good governance staff had sound knowledge and skills in developing a monitoring strategy, carrying out enquiries and interviewing people in various government roles, identifying relevant laws and report writing and developing specific recommendations. Gaps were identified, however, in the preparation of monitoring strategies and questionnaire styles for different targets, applying the law to the facts and report writing. The staff also indicated that accurate and complete data capture and management, classification of grounds of good governance breaches, and advocacy for the implementation of recommendations remained a challenge.

34. The 2011 assessment also considered management and institutional structures, which are of particular relevance to the project's ability to implement its overall objectives. The assessment concluded that greater institutional cohesion was required for PDHJ to fulfil its role to the fullest potential. Planning, implementation, monitoring and evaluation, audit and regular reporting and oversight of work were all areas identified as requiring improvement.³¹

35. In 2012, following the capacity assessment, it was decided that the good governance division would also benefit from project activities but that the human rights focus of the project should not be compromised.³² Thus, while the project initially focussed its training and mentoring support on the human rights division only, most of the activities as set out in the remaining outputs 2 and 3 have been designed and implemented to benefit the entire PDHJ, including the Good governance division.

3.3 Output 1: Support PDHJ Staff Knowledge and Application of Human Rights

Output 1: "(a) PDHJ Staff are knowledgeable about Human Rights concepts and understands [sic] how these concepts are applied in their work. (b) PDHJ has a workforce skilled enough to implement the Institution's Human Rights mandate, including the ability to conduct legal analysis." (Project Document, 2010)

³⁰ Idem, p. 3

³¹ Idem, p. 4.

³² PSC meeting 18th, 26 March 2012. New Zealand Aid had no objectives for such support and their contributions to the project are provided for human rights only as their programme support does not include good governance. The costs estimated to assist the good governance division were \$182,800 of which over 90% was reserved for recruiting an investigations mentor and training advisor costs. The team could not assess to what extent these costs have been made.

3.3.1 Introduction

36. In light of its human rights focus, Output 1 is particularly important to the achievement of the overall Outcome of the Project as explained in the Project Document.³³ As noted above, the PDHJ is an institution with a dual mandate: human rights and good governance. In addition, as also previously noted, the project has expanded its reach to include the entire mandate of the PDHJ and thus while Output 1 focuses on human rights specifically, some of the implementation strategies of the Output have also incorporated the good governance division. Output 1 focuses on improving the staff's abilities and knowledge in human rights while output 2 and 3 are focussing on support functions for both human rights and good governance.

37. It is relevant for Output 1 to note that the Project Document indicates that the approach taken by the Project was developed on the basis of the results of the previous UNDP project. In particular, the Project Document identifies capacity needs for "a more in-depth knowledge about specific thematic human rights issues and more focus on analysis and application of national and international human rights instruments" as well as a need for consolidation of monitoring, investigation and education skills, and that "advocacy, report writing, human rights research and training material production are all in need of further support and development".³⁴ The response identified in the Project Document was a focus on "the deepening and broadening of PDHJ's human rights knowledge".³⁵ The Project Document indicates that the response was to focus on training, policy advice through mentoring, study tours, internships with other NHRIs and formal study for selected staff. An annual focus theme and intensive training of legal officers were also identified.³⁶ Finally, a partnership approach to support local NGOs was identified as an element of Project implementation.³⁷

38. The output targets for Output 1, as per the Project Document, are:

- Human rights knowledge
 - PDHJ staff have a broad and deep understanding of human rights issues and instruments applicable in Timor-Leste
- Skills to apply HR knowledge
 - PDHJ staff can analyse and apply human rights knowledge in their work
 - PDHJ staff have skills and knowledge to research human rights issues
 - PDHJ is able to produce reports about human rights of high quality

³³ "by 2011, improved institutional capacity of the [PDHJ] to serve the public and promote public institutions' actions in line with human rights principles and standards"

³⁴ Project Document, p.6.

³⁵ Project Document, p.6.

³⁶ Project Document, p.7. The Project Document specifies that "to cater to the legal skills capacity development needs of PDHJ's staff, the project will also partner with the UNDP Justice System Programme (JSP) for the development of an intensive human rights training curricula."

³⁷ "Support to local NGOs and PDHJ's NGO networks will be built into the Project implementation. Training initiatives and the Project mentors will involve NGO members and PDHJ NGO networks. Development of PDHJ advocacy skills and initiatives will be supported particularly in relation to PDHJ working with other NGOs on human rights advocacy with government and internationally."

- PDHJ can conduct accurate and effective investigations and make appropriate recommendations
 - PDHJ is able to produce investigation reports of a high quality
 - PDHJ can conduct accurate and effective monitoring and follow up advocacy
 - PDHJ is able to follow up with institutions on recommendations made as a result of Investigations
 - PDHJ can educate government institutions and the wider community about human rights
 - PDHJ produces human rights training materials and publications
 - PDHJ is able to effectively advocate on human rights issues
 - PDHJ is able to produce monitoring and advocacy reports of a high quality for public distribution
 - PDHJ can effectively resolve minor disputes through mediation and conciliation
 - English language skills of PDHJ staff are sufficient to participate in international human rights forum
 - Portuguese language skills of relevant PDHJ staff are sufficient to read laws
- Legal Skills
 - PDHJ conducts human rights legal analysis of state laws, policy and action
 - PDHJ includes accurate legal analysis in its work.

39. The PDHJ, as Timor-Leste's NHRI, has as one of its core functions the promotion and protection of human rights in Timor-Leste. In working towards the achievement of Output 1, the Project is pursuing its capacity development strategy through six methods: training, discussion sessions, mentoring, provision of materials, operational support and language training. The individual activities linked to the output targets as reported by the Project for the year 2010, 2011 and 2012, are listed in Annex G. The following findings relate to each of these specific capacity development areas. The impact of the capacity development under Output 1, however, should also be viewed as a whole, and this is done below.

3.3.2 Training to develop human rights knowledge and skills

40. A significant focus of the Project in relation to strengthening of human rights knowledge and skills has been the provision of training. Excluding language training and specialised legal training, which are covered separately below, staff of the human rights Division have each received between 1 and 5 trainings supported by the Project since 2010, with the majority receiving 3-4 trainings each.³⁸ This compares to the good governance Division where just 3 staff have received 1-3 trainings each. This difference reflects that the project's training focused initially on staff working in the human rights division and then subsequently good governance staff were invited to participate in project's training.

³⁸ Source: Training Database provided by the Project.

Box 2: Summary of training data collected by the Project on PDHJ staff training participation

- Total number of trainings delivered and/or funded by the Project: 14
- Total number of trainings of other institutions supported by the Project: 3 (developed by APF)
- Total number of PDHJ participants in Project trainings: 101 (with 48 female participation in total)
- Average number of trainings HR PDHJ staff participating: 4.2 (ranging from 1 to 6)(every HR staff member has participated in Project training, with the ones with lowest participation having already left the PDHJ in late 2010)
- Average number of trainings non-HR PDHJ staff participating: 1.1 (ranging from 1 to 4)
- Good Governance staff participation: out of 14 staff, 6 staff have participated in Project training (ranging from 1 to 4)

Source: project team

41. A basic issue emerged: what is meant by 'training'? In this regard, it may be useful to recall the UN Declaration on Education and Training, and accompanying World Programme on Human Rights Education where human rights education and training encompasses knowledge and skills, values, attitudes and behaviour and action.³⁹ It appears that for both the PDHJ and the project these terms may have been used interchangeably which in turn may have led to confusion, including in the recording of data. The project acknowledged to the team that this may have been the case.

42. It is important to note that the PDHJ on the one hand receives training from the project and on the other hand from outside sources. Staff interviewees were not always aware which training has been provided by the project, which led to confusion as well. In addition, PDHJ also provides training to third parties such as the police, teachers, etc. It became clear to the team that the term 'training' is being used in some instances by the PDHJ to describe awareness-raising or socialisation sessions on the mandate of the PDHJ. This was reflected, for example, in discussions with regional stakeholders who have received PDHJ 'training', all of whom welcomed the sessions but indicated that this training was focussed on explaining the mandate of the PDHJ rather than on any substantive human rights issues. While such information sessions are undoubtedly important, these sessions should not be confused with human rights training in the substantive sense. The Project in this regard appears to be contributing to an element of confusion in labelling a variety of engagements it provides as training when they would not meet the UN definition of human rights training. This confusion in terminology of what is human rights training and what is rather awareness raising (or socialisation) may have affected the project's ability to assess its own impact. It appears that the project attempted supporting the PDHJ in this area and to further clarify what could be labelled training or education, but with limited results.

43. In relation to the project's internal human rights training activities provided to date, staff reported finding the training generally positive and some particularly highlighted that it directly assisted them in their work. For example, staff who have responsibility for providing

³⁹ See for example, United Nations Draft plan of action for the second phase (2010-2014) of the World Programme for Human Rights Education, pp. 4-5.

training themselves said that the training they had received over the duration of the first and second project increased their confidence in providing training themselves.

44. While, as noted above, staff did give some positive feedback on the training, there are some concerns. For the PDHJ staff that have participated in the Project training, low ownership levels and lack of motivation to engage in training appear to be affecting its effectiveness as a capacity development tool for the Project. A particular concern is that some staff were being required to attend training, which appears to have affected their motivation. According to the project this imperative is a recent and new approach by the PDHJ leadership with the intention to link participation to performance. An internal system to guide performance is not yet in place and the project has suggested not pursuing this idea.⁴⁰ Some staff felt that the thematic training was not specific enough to the situation in Timor-Leste and had too much of an international focus or was 'too general'. It also appears that some staff are becoming tired of training given the manner in which some of the training is provided. Both from observation and from interviews with staff participating in training that was underway during the mission, it was clear that some of the training provided may rely too heavily on lecture-style rather than participatory methodologies which may also explain staff's limited interest and participation.⁴¹ Finally, the impact of training on staff time was repeatedly highlighted by staff as a challenge and may also be affecting the levels of engagement by PDHJ staff. The staff appear to have to balance the need to perform their routine duties - often in combination with field visits - while also following training. In addition, some staff also receive mentoring, meaning that they have a high degree of contact with the project on a regular basis, which may be contributing to a feeling of over-burdening.

45. A more general issue that may be hampering the potential effectiveness of training and its sustainability is the transfer of knowledge and skills among PDHJ staff. Staff indicated that there was little sharing of knowledge, particularly from those who had received training abroad and that there were no session organised by management to motivate staff to do so. This issue was also highlighted by a number of external resource persons who felt that there was little knowledge transfer of knowledge from staff in the PDHJ who had received training to other relevant staff members and this is likely to impact on the Project.

46. A good example of the benefit of training provided through the project, as well as the linking of the project's support for both the human rights and good governance mandate was its work in 2012 in relation to the national elections in Timor Leste. The project supported training for election monitoring. However, while this appears to have been of help to the PDHJ staff and enabled the PDHJ to contribute to the election process, some interviewees commented that the level of analysis of the election monitoring seemed low and that the report had not yet been published, again indicating that follow up of activities from beginning to end may be a challenge for the project. The project, however, indicated

⁴⁰ Project Comments, page 32. Made available to the team after the first draft of this report. The project usefully adds that 'it is worth nothing that its approach in attempting to motivate staff participation include sharing the training ToR at an early stage as well as asking directly to staff to provide their work examples to be used as case exercises'.

⁴¹ However, the reports from other trainings, such as the Human Trafficking training facilitated by IOM do indicate use of participatory methodologies. Human Trafficking evaluation report, provided by project to team.

that the PDHJ report on the Parliamentary elections was published in July 2012.⁴² An observer noted that it takes considerable time to build the capacity of staff to obtain analytical skills and that this is a challenge across many institutions in Timor Leste.

47. Representatives of the police indicated to the team that PDHJ training has had a positive effect on police officers and that it may have reduced the rates of use of force. The latter, however, remains a challenge in rural areas where PDHJ training has not yet been provided. The use of force by the police and other stakeholders remains a topic of concern for NGOs and also concerns continue to be raised in international reports, such as UPR. There is no data available that provide evidence that human rights violations by the police have increased or decreased.

48. The prison service asserted to the team that the working relationship with the PDHJ is good and that there has been an improvement in terms of human rights monitoring and they have shown professionalism in their work. At the same time they indicated that PDHJ reports could be further improved and that data needs to be more accurately recorded – for example, who was met and when. It appears also that there is a challenge for the prison service in applying international standards to the national context – where the prison service felt that international standards may need contextual modification - and obtaining targeted PDHJ support based on their needs.

49. The PDHJ provided additional details to the team, including that it disseminated the report among relevant individuals and institutions and on the basis of this report the PDHJ was asked to conduct a 1-day seminar hosted by the Asia Foundation on the results from the human rights and good governance monitoring of the elections. The PDHJ informed the team that its analysis included several techniques that no other international or national institution used during the elections. This included disaggregated data techniques and the inclusion of vulnerable persons and target groups in the monitoring activities. Information from these groups was also included in the final report. Despite a small budget the PDHJ was able to visit every sub-district and almost 85% of villages in the country and report in a far more detailed manner and uncover several violations that were not mentioned by larger groups monitoring the elections including the EU.⁴³ The team was not in a position to further verify this statement but note that national NGO's were more critical of the PDHJ's approach.

50. Further to the comment of a number of staff as regards the relevance of the human rights training topics to their work, the team found that the topics chosen for the trainings to date do not appear to align closely with the human rights needs in Timor Leste, apart from the training in relation to the national elections, which clearly seems to have met a pressing need. In discussion with a range of interviewees working in or with a high degree of knowledge of human rights in Timor Leste, the main issues raised were: housing (including evictions), women's rights (including domestic violence and access to justice), right to water and sanitation, use of force by security personnel and access to justice for detainees. The

⁴² Project Comments, page 38. Made available to the team after the first draft of this report.

⁴³ PDHJ comments, page 4. Made available to the team after the first draft of this report

relevance of these topics is supported by the UN Treaty Body reports on Timor-Leste and the Universal Periodic Review of the Human Rights Council (UPR).⁴⁴

51. The UNDP's self-assessment considers that it not possible to clearly see real changes in the monitoring and advocacy functions of the PDHJ, and that the PDHJ has not been able to sustain regular public reporting and advocacy due to a number of factors. The latter include limited management capacity from PDHJ middle management and clear coordination with senior management and leadership; lack of development planning and programme monitoring skills from PDHJ management: poor results-driven demand from PDHJ leadership, a limited "human rights defender-activist" culture and a lack of internal systems for human rights monitoring and advocacy activity.

52. The project indicates that the thematic areas covered by the Project in the past three years have been: torture (with APF), discrimination, election monitoring, human trafficking and HIV/Aids.⁴⁵ In addition, training in human rights analysis and report writing was provided in 2010.⁴⁶ External resource persons in particular expressed concern to the team that the overall training provided to PDHJ in general was not adequately focussed on human rights issues in Timor Leste. The project, in addition, asserted that domestic violence, traditional Timorese culture, child prostitution, evictions and land law were topics dealt by the project through discussion sessions, and not trainings. (See below 5.3.3) This was a result of the PDHJ's selection of topics and discussion sessions were used as the methodology in dealing with these areas. The project stated that it was the PDHJ which determined the topics for discussion sessions and to hold trainings; topics are decided upon by decision of senior management, often based on their consideration as to what upcoming issues might become threats to human rights or good governance principles in the near future. It appears to the team that non-PDHJ human rights experts may have a different view from PDHJ as regards the choice of topics.

53. The training on discrimination as it relates to HIV/AIDS, which took place during the mission to Dili, provides a useful illustration of some of the points highlighted above. Due to a breakdown in communication, the training had been scheduled at the same time as a staff retreat in one of the regions, resulting in a number of staff being recalled to Dili to undertake the training. The trainees were mixed PDHJ staff and others. The morning session observed by the team saw low-levels of engagement and mainly a lecture style approach. Where there was engagement, it mostly came from NGOs in the group. The training was provided by an International Development Law Organisation (IDLO) facilitator and the PDHJ did not directly provide any of the training apart from an explanation of the PDHJ mandate. However, the training did include local NGOs, which was particularly positive. It was unclear to the team how the project currently handles the challenge of assessing PDHJ's participation in training where there is a mix of NGO and PDHJ staff. A more pressing issue, however, is that PDHJ staff attending the training indicated to the team that there was a lack of enthusiasm among

⁴⁴ See for example Report of the Working Group on the Universal Periodic Review, Timor-Leste, 3 January 2012.

⁴⁵ Source: List of Trainings and Discussion Sessions

⁴⁶ Source: List of Trainings and Discussion Sessions The 2011 Annual Report also indicates two human rights monitoring trainings for the PDHJ regional and NGO networks and NGO network training in 2012 on human rights in the community (see Annex G).

PDHJ staff for the training. The question also arose for the team as to whether this topic, though undoubtedly important, clearly took into account the current needs of the PDHJ staff and thus whether it was the best use of the project's resources.

54. As regards assessing capacity levels, the project management indicated that it uses UNDP capacity assessment methodology to assess "capacity progress" but that at no stage was any knowledge or skills assumed in the design process of the Project.⁴⁷ While the team understands the grading used by the project in making its assessments, it is unclear whether it is in reality capturing whether and to what extent there is capacity progress in human rights.⁴⁸ It is unclear whether the capacity levels used, which are drawn from the UNDP Capacity Assessment materials, have been developed in such a way as to enable a clear understanding of each of the levels.⁴⁹ Part of the problem is that due to the non-uniform nature of the support to the different departments in the PDHJ, the project does not have a complete human rights capacity assessment, which includes specifically analysis on technical knowledge on human rights.⁵⁰

3.3.3 Discussion sessions to develop human rights knowledge and skills

55. 37 discussion sessions were held by the end of 2012 (16 in 2010, 14 in 2011 and 7 in 2012).⁵¹ In 2012, 7 were held, one of which was led by PDHJ staff. In 2010, 2 out of 16 were led by the PDHJ and in 2011, 6 out of 16. From the project's own assessment, knowledge increases after the sessions were 22.6%, 24% and 18% for 2010, 2011 and 2012 respectively.⁵² The discussion sessions seem to have had some benefit for staff in promoting interest in human rights topics and discussion of human rights issues.⁵³ While some topics were very specific in nature, staff reported that they felt the discussions could be more focused.⁵⁴ The project indicated that the PDHJ has taken over from the project team the

⁴⁷ Project Comments, page 22. Made available to the team

⁴⁸ As one example, the 2011 3rd quarter quarterly report states "Furthermore, with the project support, the three PDHJ investigators finalized 8 cases and completed five human rights final reports. Compared to 18 months ago there is a clear improvement in the quality and timeliness in which these reports are being produced. Four of the human rights reports which were completed during the period were subject to assessment by the Project and consistently rated 3 to 4 as opposed to 2 to 3 last year. 3 signifies 'partially developed capacity' and 4 denotes 'widespread but not comprehensive evidence of capacity' to write good quality reports." p.6.

⁴⁹ In this regard, it may be recalled that the UNDP guide states that "It is important that the assessment team discuss the capacity levels prior to conducting an assessment to ensure a common understanding regarding the interpretation of each level. The team should adjust the level definitions as it sees fit. The team should also determine prior to conducting an assessment what will be done with the results, e.g., will they be used to compare across entities (e.g., institutions, districts), and if necessary, ensure consensus on definitions across assessment teams."

⁵⁰ Project Comments, page 48. Made available to the team.

⁵¹ Annual Reports 2010, 2011. See Annex G

⁵² Annual Reports 2010, 2011. See Annex G

⁵³ It was reported in the Project Reports that a total of 12 (3 in 2010, 5 in 2011 and 4 in 2012) discussion sessions saw actions being taken by the PDHJ using the discussion topic and forum as a tool to bring about these actions.

⁵⁴ The list of topics are included in the respective Project Annual Reports (2010, 2011 and 2012) and include Barlake tradition and women rights, responsibility of state actors when off duty, Evictions in human rights context, URP and advocacy strategies, Gender based crimes in Penal Code of Timor Leste, child nutrition, gender analysis of draft land law.

running of the discussion sessions, which is positive and further increases ownership. The selection of topics is a PDHJ task, as mentioned above, and reflects staff's selection of topics. The 2013 Annual Work Plan for the project indicates, however, that discussion sessions managed by the project, will be held "on PDHJ cases, laws/draft laws or on topical human rights issues in Timor Leste, where possible on "focus" theme for HRD- Children's Rights" and thus it appears that the project and not the PDHJ is continuing with this activity at present.⁵⁵ The project indicated that to date that the PDHJ institutional setting needed to effectively institutionalize this kind of activity is not yet fully in place.

3.3.4 Mentoring to support Human Rights knowledge and skills

56. Another major focus of the project's capacity development strategy has been the use of mentoring. Mentors at present include an Investigation Mentor (working on and off from Timor-Leste), a Legal Mentor and the Project Manager. The main project team stated that the main project team member in charge of providing mentoring is the Investigator Mentor, with the Project Manager providing mentoring mostly to the intake process of cases and the Legal Mentor supporting the Investigation Mentor and complementing mentoring observations with legal analysis. In 2011, mentoring was provided by a full time mentor to the Human Rights Investigation Department only. In 2012 (from August), it was decided that mentoring needed to be extended to the intake process and it was also requested that good governance investigators could benefit from the mentoring (following the PSC decision to maximize the Project input to benefit beyond human rights directorate). The project provides the following details: the human rights investigation department had 4 investigators in 2010 and 2011, 5 investigators in 2012 and 4 in 2013. The project spent about 17 months providing mentoring to the human rights investigation department only between 2010 and 2011, which cost more than USD 150,000 of project budget for provision of mentoring to one single department with a small number of staff. While it showed improvement on a number of fronts it did not benefit the entire PDHJ, including the complaint handling system. With an approximate cost of approximately USD 125,000⁵⁶ the project is providing 9 months of comprehensive mentoring (3 months in 2012 and 6 months in 2013), benefitting about 13 investigators, 2 Directors, 8 Regional Office staff and 4 DAP staff, and allowing the Project to have sufficient material on the main gaps and the best approach to meet them and be able to develop knowledge management tools in 2014.

57. The project reported that support provided through mentoring has given considerable attention to the case handling functions of the PDHJ both in good governance and human rights. There has been an improvement in the case-handling abilities of the PDHJ since 2010 with the number of complaints investigated increasing. In 2011, there were 22 human rights cases containing recommendations. Fifty five new cases were opened for human rights investigation.⁵⁷ In 2011, there were 82 good governance cases opened for investigation. Twenty four were concluded with recommendations.⁵⁸ At times cases are classified as 'closed', which can include transfer or a decision that it is not within PDHJ's

⁵⁵ Annual Work Plan 2013, p.2.

⁵⁶ Costs related to 150 days of investigator mentor, 2 months of legal mentor and 10% of Project Manager time.

⁵⁷ PDHJ Annual Report 2011, p. 39 -41 (a large graph with this name was included in page 60).

⁵⁸ PDHJ Annual Report 2011, p. 41-42.

mandate. This is reflected, for example, in the project's reporting where there is a focus on capacity improvements in the intake of cases rather than on the issuing of recommendations or quality of investigations and outcomes.⁵⁹ The project provided additional information: in 2011 the system for the conclusion of cases which did not have recommendations (i.e. no violation was found) and the conclusion of cases due to other reasons (as per Statute, these are cases which have been already satisfactorily resolved, cases which are before the court, and cases which could not be concluded due to lack of evidence) was not applied properly, despite being included in the Operations Manual. The reason for that was twofold: limited knowledge of staff as well as limited demand for a clear standard for closing of cases by leadership. The project stated that since PDHJ leadership did not closely analyse the reason for the closure, some investigators tended to close the case with an internal note only. These cases were not properly accounted for in PDHJ reports.⁶⁰ The project subsequently contributed to improving the reporting of all concluded cases in PDHJ statistics starting in 2012. As a result, in 2012, there were 38 new human rights cases to be investigated.⁶¹ There were 62 cases concluded in 2012, out of which 14 included recommendations (i.e. a human rights violation was found).⁶² In 2012, the PDHJ recruited 2 new investigators (adding to a total of 5 investigators), and had an average of 12 cases concluded per human rights investigator. In 2012, there were 41 new good governance investigation cases. There were 25 good governance cases with recommendations.⁶³ Thirty-six cases were closed without a final investigation report. The good governance investigation department had 9 investigators, making an average of 6.7 concluded cases per investigator.⁶⁴

58. The UNDP self-assessment concludes that both the good governance and human rights investigation departments have been able to more efficiently close a higher number of investigations. In 2010, there was an average of 1.2 investigations conclusion per investigator of the PDHJ. In 2012, the performance of investigators has increased to approximately 8.9 investigations conclusion per investigator.⁶⁵ Although the numbers differ from the project calculations the trend is positive. The assessment continues that the statistics provided in official PDHJ Annual Reports show a noticeable increase on the clearance rate, specifically in the mandate of human rights with an increase of clearance rate from 36% in 2010 to a steady increase to 40% in 2011 and 163% in 2012.⁶⁶

59. The above results are attributed - according to the UNDP self-assessment- to the existence of a basic internal system made of delineated phases and involving different units across the institution; sufficient staffing being in place based on the PDHJ priority to deal with its backlog and streamlining case handling was also a determining factor. Moreover, the

⁵⁹ E.g. Project Annual Report 2012, p. 17.

⁶⁰ Project comments, page 62. Made available to the team

⁶¹ PDHJ Annual Report 2012, p. 85-86.

⁶² PDHJ Annual Report 2012, p. 89.

⁶³ Ibid, p. 85, 90-91.

⁶⁴ Project comments, page 63. Made available to the team after the first draft of this report

⁶⁵ The number of concluded investigations is provided in PDHJ Annual Reports 2010 and 2012. The determination of the rate was done by looking at the investigation staffing numbers in 2010 and 2012 and dividing the total number of concluded cases by the number of active investigators.

⁶⁶ UNDP Self-assessment, page 1. Made available to the team after the first draft of this report

previous UNDP project did not provide any systematic and meaningful support to case handling before the current 2010-2014 project cycle.

60. PDHJ staff were very positive about the mentoring, particularly as a supplement to the investigations checklist and templates and categorisations of violations provided by the project. Also, a manual for complaints was prepared by the project, though it is not yet fully used. The project's development of tools enabled the PDHJ staff to recognize violations. The mentoring element of the project is therefore a clear contribution by the project to the PDHJ's capacity, but accurate recording and quality assessment of the investigations may need to be further strengthened.

61. The intensity of some of the mentoring provided may raise issues for the sustainability of the project's work, as well as for ownership and developing the confidence of staff. For example, the team was informed by one mentored staff member that during mentoring every case assessed by a mentoree is reviewed by the mentor and commented upon. This approach appears to be taken so that the quality and accuracy of assessments can improve. Some staff indicated that they did not always agree with the feedback or had a different opinion to the mentoree but it was unclear to the team what the outcome was when this occurred. In addition, some staff also reported that they had to wait too long for responses of mentors to their work.

62. There is a considerable level of project support provided to the overall PDHJ investigations functions, and the impact of mentoring on the human rights capacity of the PDHJ is generally positive. It was reported to the team that in 2012 the PDHJ took in over 300 complaints, 75% of which were classified as good governance, 25% of which were classified as human rights. The human rights and good governance functions of the PDHJ are quite distinct, and the Provedor clarified for the evaluation team that the PDHJ views these two areas as separate, that is, good governance is not viewed through a human rights lens per se. While it is clear that good governance and human rights may be described as "mutually reinforcing",⁶⁷ they are clearly not the same and do not have the same goals.

63. External resource persons, however, felt that some PDHJ staff who are taking in the complaints are still unclear as to the human rights issues involved and they felt that PDHJ staff still lacked full capacity to process the cases received. In addition, some expressed concern about the quality of the PDHJ reports that are issued and that the PDHJ does not enforce or follow up on non-compliance. A follow-up department has not yet been established despite PDHJ's increase in staff, which may have contributed to such perceptions.

64. An example of particular human rights mentoring carried out by the project was in relation to the UPR, where the project supported the PDHJ in engaging with NGOs, resulting

⁶⁷ See for example, OHCHR *Good Governance and Human Rights*, available online at <http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx>

in a joint NGO/PDHJ report for the UPR process.⁶⁸ The PDHJ did not prepare a separate report as the NHRI.⁶⁹

3.3.5 Materials

65. The materials developed by the Project since 2010 have been mostly very well received and appear to have been of significant benefit to the PDHJ staff. In particular, the Complaints Operation manual and the good governance manual, and the compilation of human rights treaties were highlighted by staff as very useful.

66. Some manuals were reported as being overly complicated and hard to implement, such as the case manual handbook which was described as ‘very long and not very user friendly’ and there was also evidence of a lack of ability to apply the information to different situations, indicating that there is a lack of internalisation of some of this material.

3.3.6 Language Classes

67. The project has devoted considerable time to the provision of Portuguese and English language courses. It is clear that this has been of benefit to PDHJ staff in their ability to read and understand laws in Portuguese and reports and treaties in English. The language classes allow staff to take better advantage of trainings provided in English overseas (including the number of APF and OHCHR trainings) and to participate more actively at the international arena, including in conferences and workshops and activities related to the ICC and UN human rights issues. The full effectiveness of these courses is in question, however, as staff and management indicated that the timing of the classes clashes with work commitments, including travel to the PDHJ regional offices. This was one of the issues identified as a ‘weakness’ of the project during the SWOT, for example, and also after discussion this topic with the teacher. Most staff visit the regional offices regularly which means that they miss classes too often. This impedes continued learning and is demotivating. The Portuguese language classes included working on legal vocabulary and reading articles of laws and most students appear to have a basic understanding of the language. There is a question as to whether the provision of these classes via the project is the most efficient and sustainable approach. It is positive that the Human Resources Department has taken over the organisation of the classes and this aspect of the project’s work would seem to be ripe for transfer to the PDHJ in its entirety. In 2011, English classes were offered locally through a local business with classes. Part of the English classes – at the basic level – is provided by Timorese teachers. While this support has clearly assisted the PDHJ’s overall functions, it

⁶⁸ The activities in this regard are noted in the Quarterly Report for the 3rd Quarter of 2011.

⁶⁹ One observer noted that it was a conscious decision of the PDHJ as this was the first time that Timor was engaged in the UPR, and hence, all players were learning about the process. It resulted in joint training for PDHJ and NGOs by, among others, UNMIT. The engagement with NGOs was positive according to the same source.

could be scaled back or completely transferred to the PDHJ in the second half of the project in order to allow for greater focus on human rights issues and skills.

3.3.7 Gender Inclusiveness/Gender Focus

68. One of the areas which the project needs to take into consideration in its support to the PDHJ is a gender focus.⁷⁰ The project has given considerable attention to ensuring that its activities are inclusive of female members of PDHJ staff. All of its trainings, for example, identify the number of female participants and the participation level of female staff participants.⁷¹ The project also indicated that the former project manager informally coached female staff prior to trainings to encourage their participation. While this attention to women’s participation is positive, it was unclear to what extent the content and focus of the projects activities are supporting the PDHJ to increase its gender focus, which to the evaluation team appears to be the larger objective of this element of the project’s work. The project asserted that it implemented a number of activities which can contribute to improving knowledge of women rights in 2011, and some in 2012 but that the project did not collect information systematically on how the PDHJ is mainstreaming gender in its work. Women’s NGOs, for example, indicated that the staff they had engaged with in the PDHJ when working on CEDAW didn’t fully grasp the perspective of CEDAW. In addition, NGO’s expressed concern that the project was paying insufficient attention to women’s rights and gender in human rights violations.

69. The project reports the following contributions to reports, websites, materials and tools

Table 1: Reports, websites, materials and tools: contributions from the project for the years 2010; 2011 and 2012

	2010	2011	2012

⁷⁰ For example, this was a specific element of the MTE ToR for the team to assess “The extent to which gender and other vulnerable groups have been considered by the Project activities”

⁷¹ See for example Project Annual Reports 2010 – 2012.

Output 1	-6 human rights analysis tools developed and distributed to PDHJ staff; -9 Human Rights learning materials distributed to PDHJ library ; -3 human rights materials developed by PDHJ staff (torture prevention materials produced for anti-torture day, publication of human rights for returnees manual, human rights report);	13 legal human rights books in Portuguese given to PDHJ library; 200 copies of PDHJ community leaders training manual produced; 50 copies of PDHJ human rights compilation distributed PDHJ staff produced UPR report. Mini human rights resource areas established in 2 PDHJ regional centres Baucau and Same; 200 copies of human rights treaty CD distributed.	No specific reporting under summary results, but narrative report on publication of election monitoring report
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Source: project team

3.4 Output II

Output 2: *“PDHJ has effective and efficient institutional structures and management systems”*. Project document 2010

70. The above output is to be achieved through

- Support to PDHJ involvement with international NHRI framework
- Institutional Structure Strengthened
- Support to strengthen management knowledge and skills
- Strengthen institutional communications and public relations

3.4.1 Support to PDHJ involvement with international NHRI framework

The PDHJ has had ‘A’ status accreditation with the ICC since 2008.⁷² It is expected that a re-accreditation process will take place this year as part of the normal 5-year accreditation cycle for NHRIs. The project has supported preparations for the PDHJ to participate in several NHRI meetings and to apply for the South East Asian Nation Human Rights Institutions Forum (SEANF). The Provedoria accepted the chair of SEANF for 2013. The Provedoria has participated in various meetings, including participation in ICC meeting in SEANF and APF meetings. Technical advice was provided for the Provedor’s report and speech to ICC (2011), for example, and for PDHJ’s implementation of the SEANF strategic plan and joint projects. Mentoring and support were provided to the PDHJ and NGOs for the preparation of the UPR report although NGO’s felt that the PDHJ’s contribution to the UPR

⁷² See, Chart of the Status of NHRIs, February 2013, http://www.ohchr.org/Documents/Countries/NHRI/Chart_Status_NIs.pdf

was limited and that the NGOs took the lead since they had the relevant data. (See also para. 51 above). The UPR report states that: “this joint submission was prepared under an agreement between the Office of the Ombudsman (Provedoria for Human Rights and Justice - PDHJ) and Non-Governmental Organisations (NGOs) in Timor-Leste. A National Secretariat was established through coordination by the PDHJ to bring together its staff and representatives from NGOs. A team for analysis and drafting was established under the leadership of Forum Tau Matan (FTM). This technical secretariat gathered together reports resulting from civil society discussion groups in the thirteen districts (list of NGOs in Annex)”.⁷³

71. The process of supporting the PDHJ management and staff in drafting and providing technical advice has been initiated by the PDHJ on various occasions. The 2012 Project Report states that it has provided substantial support to the PDHJ that was ‘more representative of work of an advisory nature’, as a result of the PDHJ management and staff not yet showing confidence and also experience language and writing challenges. The project itself identified that it is doing too much in this area in its 2012 annual report.⁷⁴ This reflects an issue in the reporting by the project – the 2012 report lists the achievements of the PDHJ in the international arena but only then notes the substantial support that had to be provided to enable the engagement on substantive issues. Furthermore, it may reflect the limited capacity of PDHJ staff in relation to human rights that they lacked the capacity did not exist for those staff members to prepare the international interventions. It was reported to the Team that UNMIT Human rights staff assisted the PDHJ with preparing these interventions, for example with the UN human rights mechanisms. While the approach of UNMIT was to rather give support to the PDHJ in drafting intervention than drafting these themselves, often the latter happened, and among the reasons provided were the limited capacity and confidence, including language competency, of some of the PHDJ staff.

3.4.2 Institutional Structure Strengthened

72. A critical achievement was the promulgation in 2011 of the PDHJ’s Organic law, which provides it with a structure and mandate. Support was given by the project for drafting and the project also assisted in various other activities to enable the PDHJ to fully implement its mandate and to acquire an organisational structure reflecting the articles of the law. As a result of the latter, two departments were established: the legal department and the office of the inspectorate. Two other departments, however, the follow-up and mediation and conciliation departments have not yet been established. The legal department and office of the inspectorate have also not yet been fully staffed.

The legal department initially had 4 posts and staff but lost 2 staff recently. The staff had received long term training (2 years full time) through the project in order to ensure that the department would be able to function as a legal resource for both the human rights and

⁷³ Joint submission from the Office of the Provedor for Human Rights and Justice and Civil Society organizations in Timor-Leste United Nations Universal Periodic Review – 21 March 2011, para. 1

⁷⁴ Project Annual Report 2012, p.31.

good governance divisions and in particular for case handling and inspection. In part due to the absence of a retention policy, this appears to be a challenge throughout the civil service. The legal office staff accepted positions with the courts, as judicial magistrates or public defenders, which are not professions forming part of the civil service. Some internal PDHJ staff suggested that that an additional reason for their departure was that as a result of the training they could accept better, higher paying jobs elsewhere while some added that they were also de-motivated and dissatisfied with their workload and tasks. Unfortunately, this has undermined the functioning of the department and recruitment will have to start over again.

73. Since the project's contribution includes a large training element, more staff may leave as a result of improved skills, thus undermining the project's goal. Indeed many interviewees stated that much of the training and support received from the project was viewed as an opportunity for 'cv building' so that staff could move from the PDHJ into the main civil service. The PDHJ is well aware of this and needs to address it urgently in order to avoid losing critical capacity, including that which has been built by this project.

74. According to the project team, the office of the inspectorate currently has only one senior inspector and PDHJ has prioritised filling other posts first.⁷⁵

75. The project assisted in a staffing profile for the PDHJ and the development of job descriptions for monitors and investigators which it considers has enabled the PDHJ to have a more robust recruitment process. Most new staff have a basic academic background and in some cases in law but few civil servants coming to the PDHJ have a human rights background.⁷⁶ The PDHJ has difficulty in attracting qualified staff as civil service salaries are low. As a consequence training and mentoring would need to be provided beyond the project's life-time in order to ensure a critical mass of human rights knowledge in the PDHJ. A human resource policy is not yet in place but constitutes a serious gap.⁷⁷

76. The project organised planning and evaluation sessions and the PDHJ has annual work plans.

⁷⁵ The PDHj suffers at times from civil service recruitment stops and also has limited budgets. This impedes it from fully staffing the organisation and implementing the staffing plan which was prepared with assistance from the project. In addition, not recruiting every missing vacancy at the same time is a strategic decision of the PDHJ. The PDHJ does not want to recruit everyone at the same time. It does not have the office space nor would it have the internal systems in place to ensure that these would be fully incorporated into the work as soon as their recruitment. Source: project team

⁷⁶ In general the civil service suffers from low level entry with minimal levels of experience and few people have a background in human rights. Interviewees have also indicated that those who may have such skills would refrain from applying to the PDHJ as they believe that the organization is not at arm's lengths from government and that it is not critical enough of human rights in Timor Leste.

⁷⁷ It is reported that such policy is completed in the annual report 2012 but the team could not confirm this after interviewing staff. At the 20th PCS meeting, however, it was reported that the project was not able to find a Human Resources mentor to support the development of a Human Resources policy. As a result it identified a potential Timorese Human Resources expert for next year (2013) and short term training for the Chief Human Resources.

77. All deliverables and indicators in the AAP 2013 of PDHJ are in conformity with its strategic plan. Various sessions and management actions occurred in 2010, 2011 and 2012. In 2012, for example, eight management actions took place to strengthen the use of the complaints management operation manual after a complaint and case management training.

78. Finance and administration manuals developed by the project are not being implemented due to insufficient synergy with public institutions such as the ministry of finance. The project, for example, assisted in supporting the directorate of finance and administration to review their relevant manuals and to incorporate the internal systems required as per financial procedures. It also appears that the translations into Tetum for the finance and administration manuals are inadequate.

79. Several review sessions; management actions and other interactions with the PDHJ have been undertaken by the project and PDHJ staff made reference to the usefulness of tools as well as manuals. In general, PDHJ management and staff asserted that internal systems have benefitted from the project's support. Moreover, the complaints manual and violations fact sheets have enabled both the human rights and good governance staff to recognize a violation and prepare a report based on the manual. A preliminary assessment report and template for investigation strategy have been implemented.⁷⁸

80. The UNDP's self-assessment concludes that the process culminating in the Organic Law was a process owned by PDHJ leadership, management and staff and that the policy and legal analysis provided by the Project was well received. An initial functional analysis of the PDHJ was facilitated, where staff identified the different functions which the organizational structure of the PDHJ needed to reflect on in order to ensure that the PDHJ would be in a position to implement its legally mandated role. Since the Organic Law came into effect the PDHJ has been able to manage its staff more independently recruiting, nominating and disciplining its staff and is recognised in its technical role. It has also managed to increase its budget and improve its staffing plan.

81. Complaints data collected based on PDHJ submission of data.

Table 2 Overview of complaints

Year	2007	2008	2009	2010	2011	2012
Total	154	263	234	214	385	?
Complaints Investigated	56	143	93	104	134	116
Complaints referred	56	41	50	54	165	?
Complaints outside PDHJ jurisdiction	42	79	92	38	61	?
HR	42	89	73	78	94	55
GG	54	23	138	136	291	61
Corruption	16	31	22	NA ⁷⁹	NA	NA
by women	27	44	41	37	101	?
% from women	18%	17%	15,50%	17,20%	26%	?

⁷⁸ Project Annual Report 2012, p. 20.

⁷⁹ The Anti-Corruption mandate was removed from the PDHJ's mandate.

cases from Dili	105	175	116	101	201	?
cases from districts	49	88	118	113	184	?
% Dili	68,00%	46,00%	49,50%	47,00%	52,00%	?
% districts	32,00%	54,00%	50,50%	53,00%	48,00%	?
HR complaints % of the total	27,27%	33,84%	31,20%	36,45%	24,42%	?
Note for 2012:						
HR cases included 14 final reports and 41 flash reports						
GG cases included 25 final report and 36 flash reports						

Source: the data given to the Team are PDHJ based statistics and are not the official final data

82. For case reporting, the project relied on data provided by the PDHJ. At the time of project reporting, the project consults with the relevant department of the PDHJ to collect data on the case management system which can be used by the Project, as indicated in the Project ProDoc.⁸⁰ Moreover, the project monitors the number of mentored cases. The project did not provide any support in improving the existing database record but rather and more sustainably focussed its resources in developing a long term system which included a full case management system, including recording data. The current system of data collection at the PDHJ is that DAP collects intake of case related data and that resolution of case related data is collected by the investigation departments. This fragmentation could explain the challenges the team experienced to reconstitute data and correct possible inconsistencies in case reporting data.

83. For an overview please see Annex K. In the table above, for example, it appears that for 2010 there were 78 cases filed under the human rights categories and 136 under good governance for a total of 214 cases of which 104 have been investigated or about just under 50 %. If indeed out of the total (214) 54 were referred and 38 out of the PDHJ jurisdiction then a total of 92 cases would have to be dismissed, which would result in 122 cases belonging to the PDHJ mandate while 104 have been investigated. This would result in 18 not treated. The total of the complaints investigated, referred and outside the PDHJ jurisdiction does not add up to the total number of cases (214). The project explained that this is due to of lack of PDHJ reporting on the number of complaints that had preliminary assessments outstanding at the end of the calendar year. In sum, the reporting appears somewhat incomplete and inconsistent.

84. As noted in the table, in 2010, 104 cases were followed up with an investigation, of which 44 were classified as human rights violations (37 of which were opened for investigation related to allegations of ill treatment, while 7 related to allegations of sexual abuse) and 60 were classified as cases of maladministration.⁸¹ Of the 44 human rights investigations, 2 had resulted in recommendations by year-end with 42 classified as still being investigated. Of the 214 cases received in 2010, 5 were initiated by the PDHJ.⁸² For

⁸⁰ Project Document, p. 26.

⁸¹ PDHJ Annual Report 2010, page 60.

⁸² PDHJ Annual Report 2010, pp. 49-53

2011, 22 complaints were described as processed by year-end, with 3 of 55 human rights cases resulting in recommendations by year end.⁸³

For 2013 the project team provided the mission with additional numbers. Please see Table 3 below. A preliminary assessment was introduced which is provided under the Provedor’s Statute , article 37, to ensure appropriate identification of the violations and determine the handling of each case by the PDHJ. The preliminary numbers below mention a backlog despite a decrease in the first half of 2013. The latter has been explained by the project as the PDHJ being able to conclude a higher number of cases than those opened. It is not clear what has caused this and due to the first time reporting of those categories (flash reports and final reports) in 2012 the team is not in a position to make accurate comparisons, neither can it attribute the project’s support to capacity development in case handling.⁸⁴ The projects Annual Report 2012 indicate that the PDHJ has been able to conclude a higher number of investigations with the publication of good quality reports: in 2012 the average number of investigations concluded by investigators had increased to more than 8 a year.⁸⁵

85. Although it is not clear whether the 30 new cases below are under investigation there could be a significant drop from previous years. Also the number of new complaints could fall below the complaints received in 2011.

Table 3 Intake of New Complaints by PDHJ in 2013 (up to 30 June13) provided by the project during data collection

New Complaints in 2013 (up to 30 June13)	114			
Complaints gone through Preliminary Assessment	89			
	Open-Refer	Open-Invest	Close	Postponed Dec
Preliminary Assessment Results	18	30	37	4
INVESTIGATION NUMBERS				
	BG	DH	Sub-Total	
Backlog from 2012	79	99	178	
New Cases 2013	14	16	30	
Closed Cases during 2013	41	21	62	
Current Open Cases	52	94	146	

Source: project team 2013

A revised table submitted by the project team after the first draft of this report. The data are based on PDHJ annual reports:

⁸³ PDHJ Annual Report 2011, p.40.
⁸⁴ The 2009 revision of the Complaints Operation Manual classified these reporting categories. See also PDHJ Draft Annual Report 2012, p. 89.
⁸⁵ Annual Report 2012, page 5

Table 4: Intake of complaints

	2013	2012	2011	2010	2009
Jan		18	56		27
Fev		18	34		16
Mar		21	35		14
Apr		12	40		16
May		20	36		17
June		25	37		16
Total for First Semester	114	114	238		106
Total Year		202	385	214	234
Yearly average total (all complaints divided by 2)	n/a	101	192.5	107	117

It is clear to the team that the above tables are not consistent and a review of the targets and indicators is needed as well as indications as to how the PDHJ collection of data can be improved.

3.4.3 Support for strengthening management knowledge and skills

86. The PDHJ website includes the option to file a complaint by the PDHJ. Most complaints, however, are delivered by complainants directly to the Dili or regional offices or on occasion they are posted in dedicated PDHJ mailboxes in the districts. Various activities supported the development of internal audit function but the latter is not yet operational. An audit strategic plan has been drafted but is not yet in use. Review of the PDGJH annual plans was undertaken to identify challenges PDHJ found in implementing their activities. Various draft policies on IT, mediation and conciliation and off duty state officials were discussed by PDHJ management.

87. The project's reporting for 2012 treats all the different activity themes across outputs 2 and 3 and it is therefore less clear what has been achieved and with what results. Please see Annex G for an illustration.

3.4.4 Support for strengthening institutional communications and public relations

Various PDHJ videos were produced and the PDJH web-site developed. Annual PDHJ reports were drafted and a Communication for Impact training held. The email system is not yet fully operational and this is particularly challenging for the regional offices. For various purposes the 'dropbox' programme is used to share folders and feedback.

The projects reports the following contributions to reports, website, materials and other tools.

Table 5: Reports, websites, materials and tools: contributions from the project for the years 2010; 2011 and 2012

	2010	2011	2012
Output 2	- 4 PDHJ products supported; - web-site development undertaken by PDHJ IT officer (Project support not required);	3 PDHJ videos produced (one on mandate and two on activities); PDHJ web-site developed; PDHJ annual report produced. Communication for Impact training held	Limited reporting on development of communications Strategy in 3 rd Project Quarterly Report

Source: project team

3.5 Output III

Outputs 3: *“PDHJ has effective information and knowledge management systems”*. Project document 2010

The above output is to be achieved through the following activities

- Support to Case and File Management
- Knowledge Management

3.5.1 Support to Case and File Management Systems

88. The development of the case management system is about to enter its second phase. During the first phase an international consultant was hired to build the system as part of support to the justice system and in this second phase he is employed on a part time basis. A justice sector wide programme for case management was agreed upon within Timor-Leste in which the project assisted the participation of the PDHJ. The project bought the servers for the PDHJ and recruited the international support to develop the system. It is now in the testing stage and will be implemented in the coming year, including providing training. The system will contribute to the case management system and procedure of the PDHJ. Standardised forms will help staff complete and research the case; supporting material can be uploaded, deadlines, actions and responses are recorded so that the progress on cases can be closely followed. Staff can work off line on the cases and material is properly secured and fool proof, ensuring confidentiality. The contribution to streamlining the case handling business process and working more efficiently has the potential to be significant. It will not, however, replace the paper trail and the need for staff to critically examine a case and apply the legal and regulatory framework.

89. The IT mentoring process by the international consultant is progressing well and 50% of the routine management of the database has been handed over. It is expected that the project deadline will be met and local support is available in Dili for troubleshooting. The case management system is promising and expectations from the PDHJ and project staff are

high in terms of the impact on routine tasks, increase of compliance and continuity. It is still to be determined to what extent PDHJ management and support staff will effectively manage the tool. Currently the project team is the driving force behind the development of the case management system, an effort that requires considerable time.

90. The Training of PDHJ staff on the use of IT programmes (internet research, MS Office etc.) has been conducted. PDHJ networking and file sharing has proven to be challenging and staff appear not to be keen in sharing files and information in general. The email system has not yet been completed and in particular communications with the districts will be difficult as the general IT infrastructure in Timor Leste is still weak. The personnel management information system (PMIS) which is a tool that works across the public service for recording personnel data PIMS is not yet fully accessible by the different public institutions in Timor Leste.

3.5.2 Knowledge management

91. Various trainings have been offered on databases, including for the library. The library has received various donations from international donors and an internal lending system is operational, although it is not frequently used. The project supported the library in developing its cataloguing system. As per the PDHJ Organic Law, Article 14, the PDHJ library's purposes include "to access materials on human rights, good governance and other areas relevant to the PDHJ, public entities and nongovernmental organizations and the public in general."

92. A PDHJ knowledge management plan was developed in relation to education and promotion and a training organized.

93. The mentoring and cases supported by the project have been made available through a shared folder so that staff can access cases and training documents for learning and exchange. It is not clear to what extent staff avail themselves of this opportunity.

94. In general, the various knowledge management activities ensure that there are sources of information permanently available to staff and management but the team could not assess to what extent these are used. In general, the team was informed that the Timor Leste culture is embedded in oral traditions.

3.6 Governance and management of the project

3.6.1 Location of the project

95. The project is located in the PDHJ office and most interviewees consider this proximity an advantage as the project can liaise directly with the PDHJ staff and management. It also provides opportunities for the project staff to quickly respond to PDHJ's requests and solve day to day management issues. However, both PDHJ management and project staff repeatedly reported that overall communication and coordination between the

PDHJ and project staff are inadequate and provided examples such as planning of activities, irregular meetings and sessions and insufficient discussion of project progress and related problems. The PDHJ asserts that there are sufficient discussions with the UNDP project on their progress and related problems. PDHJ management meets the Project Management weekly to discuss issues related to the Project's activities in the PDHJ. These circumstances have led to tensions which slow down the pace and effectiveness of the project. Some interviewees suggested that the project in terms of the many activities that it undertakes may be too ambitious: the PDHJ is seeking its own identity, is growing in staff numbers and needs to find ways to effectively manage the different work streams and processes for which it is responsible.

96. Given the high volume of activities across the three outputs and the involvement of project staff at all levels of the PDHJ, many interviewees suggested that the project may interfere too often in routine tasks of the PDHJ and/or undertake these tasks itself. This could impede progress in the transfer of knowledge and skills and endanger ownership by the PDHJ.

97. There may be opportunities to further improve collaboration with other UNDP projects as MTE Team saw limited evidence of coordination with other UNDP projects except for collaboration with the civil service commission and Parliament Projects. The notable exception is in relation to the justice sector work where the project has liaised at various occasions and also used opportunities to maximize resources. For example, the creation of the case management system was done in close cooperation with the UNDP support to the justice sector and the project benefitted from overall investments in the case management system, including related training that was provided. This helped reduce investment costs and maximizes synergies.

3.6.2 Monitoring Framework And Evaluation

98. Monitoring of project activities takes place at regular intervals: quarterly and annual reports are prepared. The reporting in the first years was done per activity and using the baseline and indicators. The project document has too many indicators, which demands quite detailed reporting, including on the number of trainings and sessions. This approach may be useful but provides no analysis of how these activities affected the staff's knowledge on human rights and their ability to improve the preparation of cases and other tasks. Moreover, there are serious challenges about data collecting since the project depends on PDHJ's data which may not have been consistent over time. The results based framework measures inputs over time but there is no causal link between inputs and the intended output. There is a tendency in the reporting to see the indicators which express the number of activities as showing results rather than the contribution to the outcome.

99. A particular challenge is measuring the capacity or knowledge acquired and the original capacity assessment provides little guidance here. The project team has introduced simple pre- and post- training tests and also introduced an evaluation tool for the mentoring in which observations on an individual's ability to process information, present information and other categories are captured.⁸⁶ It is not clear to what extent human rights knowledge is

⁸⁶ The team was not able to systematically assess these as the reports are in Tetum

tested over time and how such knowledge contributed to a staff member's ability to apply what has been learned systematically. In addition, the method used does not register whether technical and analytical skills improve over time. As noted above, the assessment categories, although drawn from UNDP Capacity Assessment manuals, do not appear to have been developed in such a way as to enable a clear understanding of progress made over time. The team could also not assess how robust this measuring system is as it is developed and used by the mentors. Interviews suggest that the learning is focussed on the presentational skills of the trainees rather than on the substance.

100. Progress is uneven within the division units, which could be a result of staff turnover or lack of staff for longer periods. On several occasions, interviewees asserted that the analytical quality of cases and the way they are presented and analysed, for example, are still weak despite the increase in the number of cases in the first years of the project. Some fear that this may contribute to the addressees of the reports (police, ministries, etc.) ignoring the cases. The project, however, asserts that the PDHJ report contains better analysis, in comparison to NGO's for example, and that the latter do not have regular access to PDHJ investigation reports. Moreover, the project adds that 'detriment of PDHJ own opinion as well as contrary to inclusive, comprehensive and highly methodological analysis of quality of PDHJ reports undertaken by the Project together with relevant PDHJ management'.⁸⁷

101. The monitoring and evaluation tracks the contributions of the project and staff to key activities and processes that are the PDHJ's responsibilities. For example, the number of cases that arrive at the PDHJ and in which the team assists one way or another (e.g. through mentoring) are recorded for internal project reporting purposes. The project provided the following mentoring support data: Until 2012 only one department benefitted, while since 2012 it benefits 3 departments in the PDHJ head office in Dili as well as every Regional Office. It is clear that the number of mentored documents will increase as it has increased the provision of mentoring to more than an additional 21 PDHJ staff (9 from good governance investigation, 4 from DAP and 2 from each Regional), in comparison with the mentoring provided to 4 between 6 staff. One would expect that over time the number where assistance is needed will decrease while the PDHJ's ability to handle complaints independently increases. The team could not gather sufficient data to test this and therefore the contribution or attribution of the project's effectiveness in this particular instance is not possible.

102. The most robust way to get a sense of progress is to compare the results discussed in each PDHJ annual report for the years 2010, 2011 and 2012. Annex G provides an overview of the activities undertaken in each output. Each year progress is recorded and exceptions to progress are explained by the project in its annual report. On the whole there is good progress in terms of activities undertaken and inputs provided with a few exceptions. It is also clear that activities are starting to create synergies: for example, that the case management system and training enable staff to work more systematically on complaints. There are also separate reports on staff satisfaction, women's participation in training, etc. but there is limited narrative in the reports as to how these contribute to achieving the

⁸⁷ Project's comments, page 108. Made available to the team after the first draft of this report

outputs. Reporting in the annual reports is not always consistent and some categories are not reported upon, such as publications.

103. It is also not clear how the project contributes to the strategic plan of the Provedoria and the four key results areas.⁸⁸ Interviewees acknowledge that the strategic plan has been a considerable achievement and contributed to the increase of both human and financial resources the PDHJ received from government. The project reporting, however, does not include such analyses. This impedes an understanding the project's potential contribution to the implementation of the strategic plan.

104. The clearest link is to result area 1 since the project provided training to PDHJ staff who in turn provided training to, for example, the police, teachers and community leaders. It is, however, not detectable how the project contributes to this results area.⁸⁹

105. Finally, the lack of narrative in the reports makes it difficult to discern how the activities of the project are achieving the outcome on which the project is based.⁹⁰ In particular, a clear elucidation of the contribution of the project to the human rights mandate of the PDHJ is lacking.

3.6.3 The Project Steering Committee

106. The Project Steering Committee (PSC) consists of the PDHJ management, donor representatives, a NGO representative, the project manager and invitees depending on the agenda. The meetings are chaired by the Provedor. Meetings are held regularly and minutes recorded and approved. Participants are satisfied with the meetings and the proceedings with a few commenting that they would welcome more discussion on particular issues. Project reporting takes place regularly in these meetings, which provides UNDP and the project team with feedback from the PDHJ as to the project's progress.

3.6.4 Value for money

107. There were no value for money indicators included in the project document so it is difficult to make retrospective assessment. In addition, no data has been collected by the project that would support such analyses.

⁸⁸ From PDHJ's Strategic Report 2011-2020 Key area results 1: Public authorities possess knowledge related to human rights and good governance in their institutional framework. Key area results 2: Guarantee that authorities prevent and correct the violation of human rights and good governance principles; Key Areas Result 3: Vulnerable people have protection from human rights abuse and able to have better access to public services; Key Area Result 4: Ensure capacity, independence of PDHJ to guarantee a good implementation of PDHJ mandate.

⁸⁹ Please note that the project targeted human rights only until the end of 2011.

⁹⁰ "by 2011, improved institutional capacity of the Office of the Provedor (Ombudsman) to serve the public and promote public institutions' actions in line with human rights principles and standards". See for example Project Document 2010-2014, p.1.

108. There are examples where the project team has been pro-active in reducing investment costs, such as sharing costs and tasks with other donors, for example, in the justice sector. The project scaled down some of the training sessions as other outside parties were providing training. It is the PDHJ's decision whether such training is complementary and should be accepted. This approach helped in avoiding overlap in the substance of the training and the time and money spent on training.

109. Some of the costs of the hardware and software needed for the case management system were covered by a larger investment in the justice sector and training for the IT staff can be ensured at no extra cost. The staff received group training with other beneficiaries and the project's international IT consultant can provide mentoring to PDHJ's staff. Once the system is operational there may be additional recurrent costs which the PDHJ will need to cover such as maintaining IT networks and the case management system. If this does not take place, the original investment will be lost which would not represent good value for money.

110. Training is another area where there was considerable outlay, including for international trainers, language trainers and mentors with considerable funds spent on training and mentoring.⁹¹ Some support was received in-kind while UN/MIT was still present and supported workshops and training. Also UNICEF and OHCHR have supported the project with in-kind activities. The PDHJ has also contributed to activities. The sustainability and results of this training are likely to be undermined given the high staff turnover in the civil service in general to which the PDHJ has already been exposed. An increase in trained-staff turnover is likely; unless this critical problem is addressed. Any current and future support and training provided by the project is likely to be less and less effective. In a few instances people who attended the training did not consider it relevant to their work which implies that selection criteria for those participating in the training are not always applied robustly. It was further noted by some female staff members that they are required to attend all trainings as the project wishes to ensure that there is always a female-staff balance, a policy which, given the lower number of female staff, puts increased pressure on those staff members and may not reflect the most suitable selection criteria. It was also reported that some staff are selected to attend the training because they have the English language skills whereas other staff are in greater need of training but do not have sufficient language skills. Local training is always offered in Tetum, the PDHJ confirmed.

111. The language training is offered during working hours and in combination with other training offered by the project, including mentoring and different sessions, staff appear to spend a considerable number of hours away from their routine duties in favour of project activities. Now that language training can be offered locally, the international staff in the project could be scaled down while also putting the responsibility for such training and related costs on the PDHJ. This change would increase both project resources and PDHJ's staff availability.

⁹¹ The team could not estimate precise numbers for training and mentoring for each budget year but the annual work plans include budget lines for international languages trainers and mentors.

3.6.5 Efficiency

112. Project costs and administration costs are difficult to estimate. UNDP charges a 7% overhead for its work, which is common across UNDP countries of engagement and the project team consists of 4 persons. The project leader combines three tasks: that of chief technical advisor, project manager and mentor. There are no disbursement figures available on the specific costs of activities but in general most of the activities are born by the project. The PDHJ has contributed in some instances to project activities for example, in 2012 US\$81,000 was contributed toward the salary of the legal adviser/trainer. The PDHJ also supports transport costs for the staff, including travel from the districts and some DSA support for their staff when participating in trainings and workshops⁹² as well as refreshments and rental costs for meetings, workshop and trainings. PDHJ staff and leadership are sometimes the resource persons in trainings and discussion sessions. The PDHJ asked the Ministry of Education to have PDHJ staff attend the Portuguese classes in Oecussi and Maliana at no cost. The PDHJ has also taken over some activities and costs such as PDHJ annual planning meeting, the human rights directorate retreat as well as printing of PDHJ publications (brochures, annual reports, posters, etc). All of the above indicates that the project takes value for money and efficiency into account and includes the PDHJ in such discussions. The PDHJ has also contributed in kind to the projects activities.

4 Coherence of the outputs and their contribution to the outcome⁹³ at mid-term

113. Output 1 is critical since it supports the PDHJ in building its institutional capacity for human rights knowledge and concepts and the staff's ability to apply these in their work and thus aims towards the achievement of the outcome. Output 1 has many activities of which training and mentoring are the most important ones to the achievement of the output. The other project outputs have multiple activities, which appear to be merging and interlinked as the project advances. This is positive as the different activities reinforce the PDHJ's capacity to improve its overall performance as a result of systems, policies and procedures. At the same time some of the activities may be fragmented and have failed to reflect clear priorities, in particular in terms of human rights capacity development. It further appears that the PDHJ and outsiders have different perspectives on what should be prioritized in terms of human rights.

114. The level of PDHJ management personnel and time that is required to interact with the project's activities is quite demanding and potentially undermines existing workloads and routine tasks. From a project management perspective, it appears that organizing and

⁹² An estimate figure of about 30 DSAs per year – each DSA is about USD 40 for staff; USD 60 for director and chief department. Source project team

⁹³ Outcome: "By 2011, improved institutional capacity of the Office of the Provedor (Ombudsman) to serve the public and promote public institutions' actions in line with human rights principles and standards". Project Document 2010

implementing project activities in combination with providing training, mentoring and daily support are a day to day challenge.

115. Recalling the outcome intended from the project – to support the capacity development of the PDHJ in its human rights work, there is a concern at this stage that the multiple activities of the project have caused a drift away from the core focus on human rights. The work of the project on good governance, while clearly achieving some results, in particular appears to have distracted the project's focus away from a prioritisation on human rights.

116. While the three outputs are interrelated, there are at present too many activities demanding time and effort from both the PDHJ and the project team. In order to increase and ensure the project's effectiveness it will be necessary to revisit the activities in the three outputs and focus on those activities that: i) are critical to achieving the outcome in terms of human rights capacity development and ii) are likely to increase transfer of responsibilities to the PDHJ.⁹⁴ This would also increase sustainability as the project can prepare for how to phase out its engagement over time and the PDHJ can continue to take over the areas of the project's work it wishes to continue into the future.

117. The project modality in terms of proximity and interaction with the PDHJ appeared to work well at the beginning but now its effectiveness and efficiency are being questioned as the coordination, communication and consultation between the PDHJ and the project are not working well. Although the physical proximity appears positive, this issue of coordination and communication needs to be addressed as a matter of priority so that for the remainder of the period of the project there is a clear understanding of what needs to be done by whom.

118. The project has provided multiple inputs, which it has monitored over time: now it needs to shift focus towards analysing how these inputs have contributed to the PDHJ's human rights capacity. Of particular importance is the extent to which the PDHJ can demonstrate that it treats human rights complaints effectively, responds to human rights needs in Timor Leste and follows up. Although most interviewees assert that the project has been helpful, it has been difficult to detect a clear link between the project's objectives and improved institutional capacity of the PDHJ. Although case handling has been improving in terms of volume, the recording and interpretation of the data does not appear to be consistent. The M&E framework is not robust enough and the data suggest that while the PDHJ's interviewees see the contribution, others are more hesitant to confirm such a causal link. It is therefore important that the project data – whether or not they are based on data from the PDHJ – are correct and verifiable. This MTE team has been not been able to confirm the trend based on the data provided. Both the project and the PDHJ may take this as an opportunity to improve the recording of data as its contributed to both establishing the contribution of the project to its outcomes and PDHJ's credibility and visibility as a public institution in Timor Leste.

119. The planned budget for the project 2010 – 2014 was US \$ 3,074,900.00 in total. The expenditures at the time of writing this report are US\$ 2,313,000.00, including the

⁹⁴ For example, if the PDHJ can incorporate budget lines for these activities and has the staff to do the work.

expenditures for the first 6 months of 2013, which leaves the project with an estimated US \$ 761,900.00. For a complete overview of the budget and its expenditures, please see Annex H.

5 Conclusions

The mission was informed by the majority of interviewees both in and outside the PDHJ that capacity building in Timor Leste is challenging. As was mentioned by one observer, 'one starts with a very low base'. The MTE mission acknowledges that there are serious capacity challenges faced by all the institutions and furthermore, that the PDHJ is a relatively young institution, which has been growing at a considerable rate since its establishment. Moreover, institution building is a long-term process that needs to include conflict sensitivity of the environment in which the institution operates. The team provides the following conclusions with a view to assisting the Project in its engagement with the PDHJ and with a view to assisting the PDHJ in getting the most from the UNDP intervention.

5.1 Relevance

120. The outputs and the activities are relevant to overall capacity building of the PDHJ but the original capacity assessment did not take the prior knowledge and experience of staff into account nor adequately prepare for a situation where the PDHJ would expand in staff numbers.

121. The project was aimed at targeting human rights capacity building whereas the PDHJ combines various functions in its mandate, including good governance. The latter enjoyed support through, for example, mentoring which it benefitted from and its performance has clearly improved. This success has created some unevenness and to some extent equity problems as the staff from the good governance division felt they were not receiving similar support from the project. Yet despite the above, both PDHJ observers and other commentators believe that the good governance division performs well while challenges with the human rights division remain and that training and mentoring are essential for further improvement in human rights knowledge and skills.

122. Outputs 2 and 3, which are designed to serve the entire PDHJ, are relevant as the PDHJ did not have all the necessary systems and procedures in place prior to the project. The support to the case management process with templates and violation-categorisation has been much appreciated and the electronic case management system is promising, but results will only be visible by the end of 2013 or in early 2014.

123. The promulgation of the organic law and the development of the strategic plan provided the PDHJ with the necessary basics to start implementing its mandate and support in these areas was relevant and effective. It has also provided the PDHJ with some independence in building up its technical expertise and increasing its staffing numbers over time. It has also helped the PDHJ in securing additional budgetary resources.

124. The project is trying to do two things at the same time: support the PDHJ as a NHRI and supporting the PDHJ in its overall mandate which supersedes that of a NHRI. The outcome has an explicit focus on Human Rights while some of the outputs target the institution across the board. A particular point of concern is that the project may not be taking the Paris Principles fully into account in its advice to the PDHJ, as was indicted by the advice given on whether PDHJ staff should all be civil servants or not. It appears that discussions between the PDHJ and the project staff resulted in the PDHJ appointing civil servants, an action that is out of line with the Paris Principles.⁹⁵ The PDHJ asserts that the decision for staff to remain in the civil service system was a sovereign decision taken by the PDHJ. The decision was made primarily taking into account the reality of the post-conflict situation of Timor-Leste and the reality of the PDHJ. The team understands that this may be the case, however, the issue is not the action of the PDHJ, but the project, which should be actively promoting the highest standards for NHRIs. In any event, this situation is now a fact.

125. There is a particular concern about the relevance of the activities under Output 1. At this mid-point, it does not appear that the activities currently being undertaken will fully lead to achieving Output 1. It must be stressed that a key indicator of the success of the support provided by the project would be seen in the outputs of the PDHJ in terms of human rights. As far as the team were able to analyze the data, the activities to build capacity in PDHJ human rights outputs are still limited at mid-term. Different interviewees provided different interpretations of this and the outside observers appeared particularly more hesitant in seeing any clear improvement. It is evident to the team that training has been useful but that the application of what was transferred and learned is still weak. Monitoring has had a positive impact on the staff and by the end of the project more evidence may be available to fully confirm the impact of the training organised by the project for the PDHJ.

126. The impact of and implementation of training on individuals and teams in the PDHJ appears to have contributed to the improvement of case handling and staff reported that they felt training had supported their human rights knowledge. The various statistics available confirm this trend. However, other evidence suggested that the level of improvement in human rights knowledge and its applicability or translation into better reports, follow up and subsequent action by third parties is limited. Part of the explanation may be that staff indicated that they would like to receive more targeted training to continue building up human rights knowledge. At the same time project staff indicated that although training has supported PHDJ staff's human rights knowledge, sometimes staff may become 'over confident' in the extent to which their knowledge has improved, although they would still need further support through applying human rights in practice and that from mentoring they would need to learn how to apply that which has been taught. On several occasions PDHJ management suggested that a staff human rights-capacity assessment may help to identify what next steps could be offered in terms of training that would enhance

⁹⁵ See, points: 2.4 Staffing by secondment: In order to guarantee the independence of the NHRI, the Sub-Committee notes, as a matter of good practice, the following: a) Senior level posts should not be filled with secondees; b) The number of seconded should not exceed 25% and never be more than 50% of the total workforce of the NHRI. (Sub-Committee on Accreditation). Point: 2.7 Staff of an NHRI: As a principle, NHRIs should be empowered to appoint their own staff. Sub-Committee on Accreditation General Observations. <http://www.ihrc.ie/download/pdf/generalobservations.sca.pdf>

staff and team capacities. Some observers also suggested that having full time advisors in PDHJ may be an option.

5.2 Effectiveness

127. The case management system, the introduction of job descriptions, the support in terms of material and in particular the templates and violation-categorisations have helped staff to work more systematically on cases. The latter has had a positive effect on the number of cases processed per staff member.

128. The mission found that there are still considerable capacity challenges within the PDHJ in terms of its human rights mandate. For example, while the UPR report was cited by the project as an example of the human rights developments in PDHJ staff supported by the project, the reports from a number of NGO partners involved in the UPR process were that the PDHJ's contribution was rather limited. UNMIT, however, made a different observation that the PDHJ made a positive contribution in bringing NGOs together and facilitating training for its own and NGO staff on the UPR (and the UN human rights system in general) and that it played an important role in coordinating the preparation of the report, for which NGOs may have provided most of the information. OHCHR also reported that the PDHJ took an active role in lobbying with Embassies in Dili, and with Human Rights Council members in Geneva before the UPR took place. It then was actively involved in disseminating the outcome of the UPR. There are clearly different perspectives on this topic and several observers suggested that this may be a result of the fact that it was their impression that the relationship between the PDHJ and NGOs has deteriorated.

129. A challenge for the success of the project in supporting the PDHJ to develop its human rights mandate may be a lack of human rights motivation among PDHJ staff. This may be a result of their civil service status and future career prospects within the civil service and the lack of motivating them to be independent human rights monitors. This situation is, however, not unique to the PDHJ and appears a feature common to other public institutions.

130. The nature and topics of the training provided, the shift in focus to include good governance and operational support, and the human and financial resource capacity issues faced by the PDHJ itself, both of which will be considered further below, appear to have limited the project's ability to focus on human rights knowledge and skills of the PDHJ staff. At the same time, more staff enjoyed training and mentoring and have benefited from it, which has had a positive effect on some case handling.

131. The training currently being provided does not seem to fully align with PDHJ needs as a NHRI and the project's support to the PDHJ to help them in the implementation of their human rights mandate at the national level. At this stage of the project, it would be beneficial to clarify what training would be most pertinent to the PDHJ current needs and how it can be provided during the remainder of the time. Moreover, staff turnover may have affected the PDHJ in addition to the requirements of new recruitment. As a result of such changes, training could be retargeted to ensure that human rights knowledge increases and is applied consistently.

132. In light of both the requirements of output 1 and of the overall outcome of the project, the support to the outcome has lost its focus on human rights per se and also included support to more general issues. Its full effectiveness in achieving the outcome of improving human rights in Timor Leste is therefore in question. It is clear that the project has considerable achievements in supporting the PDHJ in its overall mandate. The work done in the areas of election monitoring and the overall improvements reported in case handling are particular examples of this. The team learned from UNDP that the capacity development support will be concluded by providing mentoring solely for the Directors, chief of department and Complaint Management Committee in 2014 to strengthen their technical supervision of staff and key work on case handling, to improve their ability to identify actions and/or inactions which deviate from the established system and to support their ability to initiate and undertake any internal system changes required due to changes in PDHJ organizational aspect or external influences.

133. The PDHJ's has also suffered from internal challenges such as lack of staff in some departments. The creation of the legal department is considered a key achievement but it has now experienced a major setback as two trained staff have left and nobody in the PDHJ can easily replace the staff and/or be promoted. The tipping point of reaching a critical mass in human rights experienced staff has also not yet been reached.

134. The physical proximity of the Project is considered good but the communication and interaction with the PDHJ has not always been effective and the frequency of activities requiring staff and management participation has been so intense that the project is involved in many of the routine tasks.

135. The attention to gender by the project has been minimal and only focussed on recording female participation in training, discussion sessions, etc. The project has not yet been able to support the PDHJ in gender mainstreaming its programme and increase support to gender issues in particular to the human rights division.

136. Language training appears to have not been organised in the most efficient way and may have undermined other routine activities of staff.

137. The PDHJ and the project have worked closely together and the project is located in the PDHJ offices. This has provided for an initial level of ownership which is also visible in the PDHJ's contributions. This ownership can be further enhanced by slowly handing over more to the PDHJ. The planned mentoring for 2014 to ensure that the PDHJ can mentor independently after the project is a positive example.

5.3 Efficiency

138. The value for money chapter provided some examples where the project team managed to increase efficiency with regard to investment costs in goods and reducing costs for buying hardware and software for specific purposes and related training.

139. Training costs are high for both human rights and language training as these require in some cases external trainers since there are limited skills available on the local labour market. English training will now be provided at the PDHJ's own costs and locally while the Portuguese language training is still part of the project's budget.

140. Training appears to have high time-costs for the project staff and internationally recruited staff but the benefit-to costs-ratio does not favour continuation of this element of the capacity development work in the current format for the remainder of the Project. The focus on case handling may be justified but other human rights outputs (reports, policy papers, legislative review, comments etc.) from the PDHJ remain limited while the output-volume to good governance increased with fewer inputs.⁹⁶

5.4 Sustainability

141. The key question is how the PDHJ will sustain the knowledge and support systems after the project and whether it can effectively make continued use of the support offered. The project has been an important liaison in organising events, providing feedback and interacting on a daily basis with the PDHJ. A particular challenge may be that the project has a catalytic function in its presence and support and that the PDHJ would have to rely entirely on its internal mechanisms to ensure continued learning which would also require additional time from PDHJ management. Moreover, it needs to have sufficient budget and staff to do so and ensure that the staff are in a position to meet the job requirements. Given the limitations in budget allocations, the PDHJ may face continued staff shortages. The case management system is promising and could streamline the process of complaints handling, including follow up.

142. The human rights situation remains challenging in Timor Leste and the PDHJ's capacity to address this will need continued support. A majority of PDHJ interviewees suggested that they can continue on their own after the end of the project. Some staff, however, indicated that they would prefer the project to stay longer and provide more training.⁹⁷ While this at first appears to be a contradiction given that some staff indicated suffering from training fatigue, the mission rather understands it as a desire for further support in their work. It would be necessary to target the training effectively and strategically to ensure that the requested support is provided while avoiding the possibility of overload (and thus training fatigue). The above could be a reflection of the need within the different divisions, also since the human rights division is recruiting staff.⁹⁸

⁹⁶ The good governance section benefitted from the project in terms of mentoring and participation in some of the training

⁹⁷ It appears that the need for more training is contradictory as many different trainings have been provided. New staff, however, are recruited who may not have the skills and some staff express the need for specialised training but the team could not assess to what extent such training is to meet their personal interest or in response to the job requirements and the evolving human rights situation in Timor Leste.

⁹⁸ Staff turnover is an issue: the total number of staff in human rights for example is 12. They are in the process

143. There continuous to be a need for mentoring, in particular in the human rights section, and the modality may need to change to include the management so that at the end of the project the management is in a position to have a fully functioning mentoring system of its own. See above section 135. The good governance section could possibly start earlier with a hand-over to PDHJ management and the provision of local support.

144. The project has had considerable organizational tasks, including organizing training, sessions, workshops etc, including access to service providers at local and international level. It is unlikely that the PDHJ will be in a position to take over these, often time consuming, activities.

6 Recommendations

Projects outputs:

145. Prepare a separate priority plan for the remainder of the period in close collaboration with the PDHJ, taking into account the remaining budget and refocus on those activities that can be fully taken over by the PDHJ at the end of the project. This priority plan should be, in effect, the exit strategy for the project.

- A focus on key activities per output to maximize results and increase effective use of resources. For Output 1 this could include: targeted human rights training, training on key NHRI skills (such as report-writing, legislative review), setting up a mentoring system within PDHJ for senior staff to mentor junior staff and clear lines for transfer of knowledge between trained and non-trained staff; for Output 2 this could include the case management system and for Output 3 a knowledge repository for PDHJ staff.
- Ensure that the priority plan can be resourced from the remaining budget and maximize PDHJ inputs, including in-kind.
- Involve staff from the districts to the extent possible and focus on increasing the number and quality of the complaints handled that come from the districts in order to increase the PDHJ's visibility and credibility.
- Develop a partnership strategy that could contribute to increasing the project's outcome for the remainder of the time while also continuing to provide support to the PDHJ after the project finishes. Support could be mobilised form the Asia-Pacific Forum of NHRIs, International Ombudsman Organisation, and International and National NGOs, among others.
- Examine how gender mainstreaming can be improved in the PDHJ's programmes with a particular focus on Human Rights.

- Consider how the PDHJ's training to third parties could be further improved and monitored to show results and changes over time in key public institutions such as the police.

146. Consider undertaking a capacity assessment for human rights in the human rights division based on current and new staff needs for the next 12 months and develop a training plan that meets the most urgent needs in the PDHJ. Work in close cooperation with the PDHJ senior management and Director General.

- Focus on creating a critical mass in the PDHJ on the understanding of human rights issues and ensure that the critical human rights needs in Timor Leste are met based on frequent analysis and updates from local human rights partners. The latter could be included in strengthening the cooperation between PDHJ and local and external NGOs in order to further enhance cooperation and partnerships. An objective of such partnerships could be to encourage discussion on human rights needs and priorities in Timor Leste.
- Develop and support an internal mentoring system in the PDHJ between senior and junior staff in order to increase staff's ability to apply what they have learned.
- Consider how case studies and training material could be added to the shared facility for easy reference and learning and as part of the knowledge repository. Consider how the PDHJ and senior staff could use it in mentoring and using the material as a routine activity.
- Prepare steps to gradually hand-over of good governance mentoring to the PDHJ with interim support in 2014 if needed.

147. Maximize results from the case management system and assist the PDHJ in managing cases, including supervision and mentoring of staff in both human rights and good governance.

- Pay particular attention to backlogs, publication of recommendations (i.e. finalisation) and follow up to recommendations, and prepare a robust monitoring plan that keeps track of results. Assist the PDHJ staff and management in follow up to successfully complete cases and record achievements as this will provide public visibly and credibility for the PDHJ.
- Provide additional advice and support to support finalising the creation of departments and staffing profiles so that the PDHJ can increase its staff capacity to fully manage the case handling system and increase the number of handling cases, including follow up.
- Report in detail and quarterly to the PSC to discuss progress and bottlenecks.

Management and governance

148. Based on the priority plan, reduce the number of indicators and identify human rights knowledge based targets for the units within the human rights division based on the assessment mentioned above.

- Assist the PDHJ in monitoring the flow and progress of cases within the PDHJ and determine how best the project can assist. Record project contributions to cases from intake to follow up and analyse the contribution from both the PDHJ and the project perspective.
- Organize quarterly meetings with the PSC to closely monitor the project activities in human rights.
- Use to the extent possible local resources for project activities and discuss with the PDHJ how they can prepare for takeover, including ensuring budget lines.

Project Delivery Model

149. Develop a coordination and communication plan based on the priority plan and identify with the PDHJ a focal point for coordination and planning. Decrease the number of unplanned interactions and hand over organisational tasks to the PDHJ to the extent possible.

150. Refocus training to address human rights issues of priority relevance to Timor Leste and the functions of the PDHJ as the NHRI.

- This should include skills in human rights analysis of policy and legislation, report-writing, inquiries, human rights education and training, communications and awareness-raising. In this regard, care should be taken not to underestimate the ability of PDHJ staff or overestimate the complexity of this type of work. While legislative analysis does require the development of specific skills, a lot can be done by those with, for example, a non-legal background, where there is a good understanding of the basic human rights standards and principles.
- Consider support for NHRI-skills training to be in whole or in part sought from other 'A' status NHRIs, who will generally be able to provide support at no cost. Such peer support is commonly provided among NHRIs in the ICC and is available to the Provedor. This support has the advantage of coming from sister-institutions whose management and staff are aware of the challenges of functioning as a NHRI, which are specific to a national context, including in Timor Leste and similar for all NHRIs around the world.
- Develop draft training modules for PDHJ staff to use when they provide training. These manuals should focus on the issues identified in the PDHJ

strategic plan and the main human rights issues in Timor-Leste, including those identified in the UPR recommendations to Timor-Leste.

- Continue and increase the use of local Timorese resource persons, for example, from NGOs working in the human rights. Local NGOs have experience in monitoring, reporting, engagement with international bodies, advocacy and other skills which they could usefully share with the PDHJ. This would also serve to promote the PDHJ's national network of stakeholders.

7 Lessons learned

151. The capacity assessment did not take into account the post conflict situation in Timor Leste and the particular condition of the PDHJ, including its existing human rights knowledge and experience levels. This has affected both the design and implementation of the project.

152. Although it is understandable that the project included support to the good governance section, such support may have compromised the original focus of the project and affected the results at mid-term.

153. The project in terms of the number of activities appears to have been overambitious and proves to be a challenge in implementation for both the project team and the PDHJ in terms of time and staff costs.

154. The project reporting could be further improved in particular on the case management system and how the number and quality of cases have increased over time as a result of project contributions.

8 Annexes in separate document

Annex A: Composition of the evaluation team and their roles and responsibilities

Annex B: List of People met

Annex C: Results Framework

Annex D: Terms of Reference

Annex E: Evaluation Matrix

Annex F: Organisational chart PDHJ

Annex G: Results at mid-term: overview of the output results

Annex H: Budget overview

Annex I: List of Documents Consulted

Annex J: SWOT results

Annex K: Reporting PDHJ and project on complaints

Mid Term Evaluation of the UNDP/OHCHR

Capacity Building of PDHJ Project

2010 - 2014

Annexes to Draft Report

July, 2013

Jups Kluyskens, Team leader

Kirsten Roberts, International Consultant

Jose Luis Oliviera, Consultant

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Annex A: Composition of the Team members and their roles and responsibilities

Senior Evaluation Specialist & Team leader: Jups Kluyskens

International NHRI Specialist: Kirsten Roberts

National Human Rights Specialist: Jose Luis Oliviera

Team Leader/Evaluation Specialist: Ms. Jups Kluyskens

Ms. Jups Kluyskens is an evaluation, governance and public sector specialist with more than twenty years' experience in public sector and civil service reform, decentralization, capacity building and institutional development, aid architecture and aid modalities in Asia-Pacific (Maldives and Indonesia) and Africa (Ethiopia, Uganda Kenya, Algeria, DR Congo, Rwanda, Sierra Leone, etc). She has experience in evaluating country programmes, mid-term reviews, outcome evaluations, network evaluations, public sector and governance programmes, aid instruments and funds. Jups also has experience in Governance and Public Sector Management, with particular focus on capacity building and institutional development of civil service reform, decentralization and anti-corruption. Jups has conducted various UNDP outcome, development results and regional evaluations.

NHRI Specialist: Ms. Kirsten Roberts

Ms Kirsten Roberts BCL, M.Litt., is Acting Deputy Chief Executive and Director of Research, Policy and Promotion of the Irish Human Rights Commission (IHRC), Ireland's NHRI. From 2008 – 2011 she was also coordinator of the European Group of NHRIs. Kirsten has provided capacity development support to NHRIs in conflict and post-conflict countries, such as the Ethiopian Human Rights Commission and the South Sudan Human Rights Commission and has developed a capacity support project for NHRIs, funded by Irish Aid. For the 2012/13 academic year she was a Visiting Researcher at Harvard Law School and prior to joining the IHRC, she worked as a legal officer in the United Nations International Criminal Tribunal for the former Yugoslavia, she has also worked at the Permanent Representation of Ireland to the Council of Europe, European Court of Human Rights, European Court of Justice, and Amnesty International. Kirsten has spoken widely and written on the topic of NHRIs including at the Harvard Kennedy School and Columbia University, and has acted as a resource person on NHRIs for the OHCHR and UNDP. She has also been an independent expert on fundamental rights for the European Commission's Technical Assistance Programme (TAIEX).

Human Rights National Specialist: Mr. Jose Luis Oliveira

Co-founder of the two main human rights organizations in Timor-Leste, HAK Association and Fokuppers, Mr. Oliveira is an experienced human rights professional with a strong activist background. Jose was the Director of HAK Association, the main Timorese human rights NGO with wide district representation and network, for about 4 years. José has also been a member of the National Commission of Election and was involved in writing a variety of manuals to local community organisations and representatives in the area of civic education and human rights. José has also experience in undertaking assessment and evaluations, with recent experience in being a member of the fragility assessment group and the UNDP Justice Programme evaluation team. Jose holds already a degree in Tourism and is pursuing a law degree at the Timorese National University.

The team leader is responsible for the overall report and the performance of the team. The team leader needs to ensure that the evaluation meets UNDP standards. The NHRI specialist is responsible for contributing to the overall evaluation of the PDHJ with regard to UNDP's assistance improves the substantive performance of the institute. In particular issues related to mandated areas of the PHDJ and its improved performance over time. The national consultant is responsible for contributing to the team's understanding of the socio-political context of Timor Leste and in particular in relation to the human rights situation.

9 Annex B: List of people met

Name	Organisation	Position	
Mr. Sebastiao Dias Ximenes	PDHJ	Provedor	
Mr. Aureo Savio	PDHJ	Director General	
Mr. Rui Pereira dos Santos	PDHJ	Deputy Provedor for Good Governance	
Mr Silverio Pinto Baptista	PDHJ	Deputy Provedor for Human Rights	
Ms. Teresinha Ximenes	PDHJ	Chief Dept of Public Relation	
Mr. Ariyanto Dato	PDHJ	IT Officer	
Mr Silvino,	PDHJ	Chief of Department Monitoring	
Ms. Marina Gaio	PDHJ	Human Rights Promotion and Education	
Mr. Cedelizio da Costa Monteiro	PDHJ	DAP-PDHJ Regional Baucau office	
Mr. Valerio Ximenes	PDHJ	Director Human Rights	
Mr.Celito Cardoso	PDHJ	Director of Human Rights & Citizenship rights	
Ms Sertoria	PDHJ	Legal Advisor	
Mr. Ambrosio Soares	PDHJ	Director Good Governance	
Mr. Xisto Pinheiro	PDHJ	DAP Same-Manufahu	
Mr. Casimiro Magno	PDHJ	Human Resource unit	
Ms.Maria de Andrade Xavier	PDHJ	Human Rights Promotion & Education	
Ms. Josefa Soares,	PDHJ	Chief of Complaints	
Ms Barbara Oliveira	UNDP PDHJ project	Project manager,	
Ms. Rozentina Dos Santos	UNDP PDHJ project	Project Associate	
Mr. Florindo Jose Cristovao	UNDP PDHJ project	Language Officer	
Mr. James Groarke	UNDP PDHJ project	Human Rights Research Officer	
Mr. Alex Smith	UNDP PDHJ project	Driver/Clerk	
Mr. Rogerio Viegas Vicente	HAK	Former Director	
Mrs. Monica	Village Head	Village SOBA	
Mr. Rishi Aryal		IT consultant	
Ms. Anna Mosley	New Zealand AID		
Mr. Augustu Soares	New Zealand AID		
Mr. Faustino Cardoso,	CNE	Commissioner	
Mr. Sisto dos Santos	HAK (human rights NGO)		Meeting with Forum NGO, Caicoli
Mr. Honorio Almeida	FTM (NGO work for Child rights)		Meeting with Forum NGO, Caicoli
Mrs. Paula Sequeira	FTM		Meeting with Forum NGO, Caicoli
Mrs. Francisca Taolin	Sec. Women		Meeting with

	Networ king		Forum NGO, Caicoli
Mr. Joao Pequeno	Networking for Popular Education		Meeting with Forum NGO, Caicoli
Mr. Jose Moniz	Judicial System Monitoring Programme (JSMP)		Meeting with Forum NGO, Caicoli
Mr. Jose dos Santos	JSMP		Meeting with Forum NGO, Caicoli
Mr. Gaudencio Sousa	Fongtil		Meeting with Forum NGO, Caicoli
Mr. Helio Guimaraes	Luta Hamutuk		Meeting with Forum NGO, Caicoli
Mr. Antonio	Luta Hamutuk		Meeting with Forum NGO, Caicoli
Mrs. Maria Jose Guterres	Forum Komunikasaun Feto Timorens (FOKUPERS)		Meeting with Forum NGO, Caicoli
Mr. Nicolau Alves	Forum ONG Timor-Leste (Fongtil)		Meeting with Forum NGO, Caicoli
Mr Julio Gil da Silva Guterres	Lalenok ba ema hotu – (LABEH)	Executive Director	Meeting with Forum NGO, Caicoli
Mr HR. Celito Cardoso	Director of the Department for Citizenship on Ministry of Justice:		
Ms. Carmelita Moniz	Committee A	Members of Parliament	
Mr. Aniceto Guterres Lopes	Committee A	Members of Parliament	
Ms Mikoko Tanaka	UNDP	Country Dirctor	
Mr Farhan Sabih	UNDP	Assistant Country Director, Head of governance unit	
Ms. Amelia de Araujo	OHCHR		
Ms Milena Pires	CEDAW		
Mr. Rosito Belo	HAK's Regional staff		Baucau
Mr. Cideligio da C Monteiro	PDHJ's Regional Office	Director Regional Baucau	
Mr. Agapito Rodrigues	PDHJ's Regional	staff	

	Office		
Mr. Angelino Madeira	PDHJ's Regional Office	staff	
Mrs. Ana Elvira	PDHJ's Regional Office	staff	
Mrs. Julmira Soares	PDHJ's Regional Office		
Mr. Lino Lopes	ECM	Former director	
Mrs. Aguida de Fatima	ECM	staff	
Mr. Ricardo da Silva	Trilolo's Head of Village		
Mr. Kamis Miguel Mendonca	Commander of Community Police		
Ms Sara Guerreiro		Legal Mentor to the PDHJ	
Anjet Lanting		Former staff of UNMIT: HR and transitional justice section.	
Eva Atterlov Frisell	Sida	Advisor human rights and responsible for East Timor and Kenya	

10 Annex C: Results Framework from the project document

Intended Outcome as stated in the Country Programme Results and Resource Framework: UNDAF Outcome 1 - By 2013, stronger democratic institutions and mechanisms for social cohesion are consolidated.				
Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets: Outcome 1: State institutions are strengthened through interventions aimed at improving institutional capacity in planning, efficiency, accountability and transparency				
Applicable Key Result Area (from 2008-11 Strategic Plan): “Strengthening accountable and responsive governing institutions”				
Partnership Strategy: UNDP, OHCHR to provide technical assistance and UNDP, OHCHR and development partners will provide financial support.				
Project title and ID (ATLAS Award ID): Human Rights Capacity Building for the Provedoria for Human Rights and Justice (PDHJ)				
INTENDED OUTPUTS	OUTPUT TARGETS	INDICATIVE ACTIVITIES	RESPONSIBLE PARTIES	INPUTS
<p>Output 1 PDHJ staff are knowledgeable about Human Rights concepts and understands how these concepts are applied in their work. PDHJ has a workforce skilled enough to implement the Institution’s Human Rights mandate, including the ability to conduct legal analysis.</p> <p>Baseline: Staff have good basic understanding of human rights, but lack in depth knowledge and knowledge in specific thematic areas. New staff and most regional officers have limited human rights background or training. Staff have good skills and knowledge in investigation, monitoring and training, but need support to consolidate these skills. Ability to apply human rights analysis and writing skills for reports and training materials</p>	<p><u>Human rights knowledge</u> PDHJ staff have a broad and deep understanding of human rights issues and instruments applicable in Timor-Leste</p> <p><u>Skills to apply HR knowledge</u> PDHJ staff can analyse and apply human rights knowledge in their work. PDHJ staff have skills and knowledge to research human rights issues. PDHJ is able to produce reports about human rights of high quality</p> <p>PDHJ can conduct accurate and effective investigations and make appropriate recommendations.</p> <p>PDHJ is able to produce</p>	<p>Activity 1.1: Discussion sessions to analyse topical human rights issues and laws in Timor-Leste</p> <ul style="list-style-type: none"> Regular discussion sessions arranged on topical human rights issues in Timor-Leste Regular discussion sessions to analyse laws and draft laws and used as basis of PDHJ submission to parliament and government on laws and draft laws. Sessions to be facilitated by external experts initially moving towards PDHJ facilitation for majority of sessions <p>Activity 1.2 Training on human rights and skills to apply human rights knowledge in work</p> <ul style="list-style-type: none"> At least 3 human rights trainings delivered 	<ul style="list-style-type: none"> UNDP OHCHR PDHJ 	<p>Total Budget for Output \$2,410,500</p> <p>International consultants: \$1, 445,000 Human Rights Trainers Human Rights Investigation mentor; Human Rights Education and promotion mentor, Human Rights Legal mentor. Monitoring and Advocacy mentors: in Kind support from OHCHR/ UNMIT HRTJS Project Manger (40%)</p> <p>Language Assistant: \$40,000</p> <p>PDHJ Legal Officers: \$40,000</p> <p>Training costs:</p>

<p>need to be developed. (see PDHJ capacity assessments for more details)</p> <p>Indicators:</p> <p>Training</p> <ul style="list-style-type: none"> • Focus theme for CB training and mentoring activities selected in conjunction with PDHJ planning process (Y/N) • Number of trainings held. • % of trainings held by CB project, in direct response to PDHJ planning • % of women/men participating in training. • % of women actively participating in training • %increase in knowledge on training subject based on pre and post test scores • % of staff who assess the training as satisfactory or good • Number of times information from trainings is applied in PDHJ work (mentor assessment)(Y/N) <p>Discussion Sessions</p> <ul style="list-style-type: none"> • Number of discussions sessions held • Number of discussion sessions facilitated by external expert • Number of discussion sessions facilitated by PDHJ staff • % women/men participating in discussion sessions • %of women actively participating in discussion session • Number of discussion sessions resulting in PDHJ action. • Number of discussion sessions including pre 	<p>investigation reports of a high quality.</p> <p>PDHJ can conduct accurate and effective monitoring and follow up advocacy.</p> <p>PDHJ is able to follow up with institutions on recommendations made as a result of Investigations.</p> <p>PDHJ can educate government institutions and the wider community about human rights.</p> <p>PDHJ produces human rights training materials and publications.</p> <p>PDHJ is able to effectively advocate on human rights issues.</p> <p>PDHJ is able to produce monitoring and advocacy reports of a high quality for public distribution.</p> <p>PDHJ can effectively resolve minor disputes through mediation and conciliation.</p> <p>English language skills of PDHJ staff are sufficient to participate in international human rights forum.</p>	<p>each year based on priority areas for PDHJ as identified during strategic and annual planning processes. (Years 1 – 5)</p> <ul style="list-style-type: none"> • Priority areas and potential annual focus themes already identified by PDHJ include women’s rights, children’s rights, disability rights, land rights, environmental rights, ESCR, minority rights. • Ongoing support by trainer after formal trainings where appropriate to ensure practical application of knowledge successful. (Yrs 1 – 5) • Support to provide trainings in basic human rights and skills for new staff, regional officers and staff absorbed from anti-corruption division. (Yr 1) • Advanced TOT training for PDHJ, to enable education team to incorporate TOT principles into training materials and provide skills to develop training manuals for institutions. (Yr 1) • Facilitate access to external human rights conferences and trainings offered by outside organisations/institutions (including overseas) (Yrs 1 – 5) • Facilitate external study tours to learn more about human rights and focus on practical application of human 		<p>\$37,500</p> <p>Translation and interpretation and material production: \$140,000</p> <p>Local Travel: \$45,000</p> <p>International Travel (PDHJ international internships/ trainings): \$75,000</p> <p>Language Training Costs: \$135,000</p> <p>Project Management: \$453,000 (20%)</p>
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<p>and post test</p> <ul style="list-style-type: none"> • % increase in knowledge on discussion session subject based on pre and post test scores • Number of discussion sessions after which staff complete Discussion Session Feedback form. • % of staff who assess the discussion session as satisfactory or good <p>Mentoring</p> <ul style="list-style-type: none"> • Quarterly mentoring plan and capacity update report produced by mentor • Number of workshops conducted by mentors with follow-up mentoring on identified issues • Biannual assessments by PDHJ staff of mentors performance (Y/N) • % of staff assessments in which mentor performance is assessed as satisfactory or good <p>Monitoring and Investigation</p> <ul style="list-style-type: none"> • % of PDHJ reports or materials including satisfactory or good • % of PDHJ reports subject to quality assessment process • %reduction in length of human rights investigations • Number of times templates or procedures from complaints and monitoring manuals are used • Number of investigation recommendations subject to PDHJ strategic 	<p>Portuguese language skills of relevant PDHJ staff are sufficient to read laws.</p> <p><u>Legal Skills</u></p> <ul style="list-style-type: none"> • PDHJ conducts human rights legal analysis of state laws, policy and action. • PDHJ includes accurate legal analysis in its work. 	<p>rights knowledge (Yrs 1-3)</p> <ul style="list-style-type: none"> • Facilitate internships with other NHRIs in the region and globally to foster knowledge of practical skills. (Yrs 2 - 4) • Facilitate access to formal human rights study for key staff identified by PDHJ (Years 3 - 5) <p>Activity 1.3 Mentoring to improve skills to apply human rights knowledge</p> <ul style="list-style-type: none"> • Long term Mentors for Investigation and Monitoring and Advocacy departments to consolidate existing skills, Short term mentoring to education and promotion department to support staff in production of training materials.(Yrs 1 & 2 with further assessment at end of Yr2) • Mentors activities targeted through consultation with PDHJ, mentor assessments and work plans. • Mentors to focus activities through delivery of regular workshops with subsequent continuous follow up on application of workshop subjects. <p>Activity 1.4 Human rights publications and learning materials to facilitate human rights knowledge</p> <ul style="list-style-type: none"> • Relevant laws 		
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<p>follow up</p> <ul style="list-style-type: none"> • Number of PDHJ interventions in international forum including international reporting. <p>Education and Promotion</p> <ul style="list-style-type: none"> • Number of training materials produced by PDHJ staff • %increase in knowledge based on pre and post training test scores of participants in trainings delivered by PDHJ • % of training materials produced assessed as good or satisfactory • % of participants in PDHJ led trainings who increase their human rights knowledge <p>Publications</p> <ul style="list-style-type: none"> • Number of HR learning materials produced • Number of HR learning materials distributed • Number of publications distributed to PDHJ library • Number of human rights publications supported as per PDHJ planning <p>Legal Capacity</p> <ul style="list-style-type: none"> • Number of Legal officers recruited for PDHJ • Legal training curriculum developed based on the needs of PDHJ • Number of laws/draft laws analysed from HR perspective • Number of submissions on laws/draft laws made to government/parliament. 		<p>annotated with human rights analysis translated into Tetun, printed and distributed for use by PDHJ, partners and public.</p> <ul style="list-style-type: none"> • Other human rights resources produced as identified by PDHJ planning produced. Move towards supporting independent production of human rights publications and resources by PDHJ. • Human rights publications integrated into PDHJ library and library catalogue. <p>Activity 1.5 Develop legal capacity of PDHJ</p> <ul style="list-style-type: none"> • Team of legal officers recruited to provide legal support to PDHJ (Yr 1) • Curriculum for intensive training of PDHJ legal officers in human rights law and analysis developed. (Yr 1) • Intensive language training for legal officers. (Yrs1 & 2) • Legal officers receive intensive training in human rights law and analysis. (Yr 2) • PDHJ absorbs trained legal officers into PDHJ staffing structures (Yr 3) • Continued formal and on the job training and/or mentoring support to PDHJ legal officers (Yrs 3 – 5) 		
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<ul style="list-style-type: none"> • % of submissions made which have good or satisfactory application of human rights principles (Y/N) • Number of PDHJ interventions in court <p>Annual Focus Theme</p> <ul style="list-style-type: none"> • Number of activities linked to focus theme • %increase in knowledge on focus theme over the year <p>Language Skills</p> <ul style="list-style-type: none"> • % attendance rate of relevant PDHJ staff at English/Portuguese classes. • % of relevant staff able to progress through standardised English and Portuguese testing levels 		<p>Activity 1.6 Language Skills Developed</p> <ul style="list-style-type: none"> • English language training provided for all relevant staff. (Yrs 1 – 5) • Portuguese language training provided for all relevant staff. (Yrs 1 – 5) • Legal Tetum training provided for all relevant staff 		
<p>Output 2: PDHJ has effective and efficient institutional structures and management systems</p> <p>Baseline: PDHJ currently enjoys “A” status as an NHRI and good links with NHRIs in the region and regularly reports to ICC, but needs support to maintain this. PDHJ has no organic law and hasn’t yet determined its ideal staffing and organisational structure. An external facilitator produced a 3 year strategic plan for PDHJ in 2007. This plan has not been regularly reviewed or integrated into PDHJ annual planning. Activities from the plan have been implemented only to a limited extent. CB project and PDHJ plan coordinated only to a</p>	<p>Targets</p> <ul style="list-style-type: none"> • PDHJ maintains its “A” status as an NHRI. • PDHJ reports to ICC about its activities and performance. • Provedoria management conducts regular institutional planning and evaluation. • Provedoria strategic and annual plans are integrated. • Leadership skills of key PDHJ management personnel including regional office heads are strengthened. 	<p>Activity 2.1 Support to PDHJ involvement with international NHRI framework</p> <ul style="list-style-type: none"> • Support to orientation for new Provedoria leadership (Yrs 1 & 4) • Support to strengthen pluralism of PDHJ. (Yrs 1 - 3) • Support PDHJ attendance at and contribution to NHRI international and regional meetings. (Yrs 1 -5) • Support PDHJ linkages with other NHRIs and relevant organisations in the region and internationally (Yrs 1 – 5) • Support to PDHJ reporting to ICC on performance and activities. (Yrs 1 – 5) 	<p>UNDP OHCHR PDHJ</p>	<p>Total Budget for Output: \$ 335, 600</p> <p>International consultants: \$231,000 Management mentor Project Manager (20%)</p> <p>Meeting and retreat costs: 20,000</p> <p>Training costs: 9000</p> <p>Translation and interpretation and material production: \$8,000</p> <p>Website development</p>

<p>limited extent. PDHJ has recently developed written policies and procedures to cover handling of complaints and monitoring, but no other written policies and procedures. PDHJ has no comprehensive strategy and has poor visibility in the community outside of Dili. Lack of communications strategy and limited skills in communication and public relations, which also impacts on PDHJ ability to conduct effective advocacy.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • NHRI orientation program held (Y/N) • Number of ICC, APF meetings PDHJ actively participates in. • Number of interactions between PDHJ and another NHRI. • PDHJ maintains its "A" status as an NHRI. (Y/N) • Institutional management training held (Y/N) • % of management staff participate in institutional management trainings • % increase in knowledge about management practices as evaluated by pre and post training test scores. • Strategic plan for PDHJ is produced (Y/N) • Strategic plan integrated into annual activity plan. (Y/N) • Number of review sessions of annual/strategic plan 	<ul style="list-style-type: none"> • PDHJ has an organic law to govern the institution. • PDHJ develops written internal policies and procedures to guide its work. • PDHJ can identify and address its own training and capacity needs • PDHJ has strong information and knowledge management systems in place and has a good institutional memory. • PDHJ has an effective case management system to track and report on cases. 	<ul style="list-style-type: none"> • Support ongoing review by PDHJ of its compliance with NHRI framework during regular PDHJ review and planning sessions. (Yrs 1 – 5) <p>Activity 2.2 Institutional Structure Strengthened</p> <ul style="list-style-type: none"> • Support to develop strategic plan including defining institutional structure (Yr 1) • Support to develop PDHJ organic law and ideal staffing structure. (Yr 1) <p>Activity 2.3 Support to Institutional Policies and Procedures</p> <ul style="list-style-type: none"> • Support to implementation of existing (and future) PDHJ policies and procedures (Yrs 1 – 5) • Support to identify and develop further written policies and procedures for PDHJ. (Yrs 1 – 5) <p>Activity 2.3 Support to strengthen management knowledge and skills</p> <ul style="list-style-type: none"> • Training in rights based programming organisational management, leadership for key management personnel leading up to strategic planning session. (Yr 1) • Excel training to help manage existing databases including DPA. • Support to annual and 	<p>and maintenance: \$10,000</p> <p>Project Management: \$57 600 (20%)</p>
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<p>held by PDHJ</p> <ul style="list-style-type: none"> • CB project annual work plan reflects PDHJ annual plan and strategic planning and review. • Organic law document including ideal staff structure is produced (Y/N) • Number of internal policies and procedures produced by PDHJ • Number of trainings for staff on internal policies and procedures for PDHJ • Number of times action is taken by management to implement existing policies and procedures • Number of publications about PDHJ produced 		<p>rights-based strategic planning and evaluation for PDHJ including to assess training and capacity gaps and needs of the organisation. (Yr 1 – 5)</p> <ul style="list-style-type: none"> • Support to M&E frameworks and review for PDHJ. (Yr 2 – 5) • Integration of CB project planning activities with PDHJ planning and activities (Yr 1 – 5) <p>Activity 2.4 Support to strengthen institutional communications and public relations</p> <ul style="list-style-type: none"> • Develop skills to implement communications strategy including skills to conduct public relations, design and distribute outreach materials and other PDHJ publications and manage events. (Yrs 1 – 5) • Support to produce and distribute PDHJ annual report and other reports and publications as identified by PDHJ planning. (Yr 1 - 5) • Support to develop and maintain a website for PDHJ 		
<p>Output 3: PDHJ has effective information and knowledge management systems Baseline: PDHJ has some case management systems but still struggles to manage and report on</p>	<p>Targets (Years 1 – 5)</p> <ul style="list-style-type: none"> • PDHJ case and file management is effective and efficient • PDHJ 	<p>Activity 3.1 Support to Case and File Management</p> <ul style="list-style-type: none"> • Support implementation of Operational Manual including use of standardised templates 	<p>UNDP PDHJ OHCHR</p>	<p>Total: 328,800 International consultants: 194, 000 (IT trainer Project Manager) IT Equipment :</p>

<p>data effectively and needs to further develop case management, particularly to help track cases across different departments. File management systems are in place but need monitoring to ensure implementation. PDHJ has no knowledge management systems or plan. Institutional memory is weak and there are no systems in place to file, store, retain and find information and resources.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Plan for case management system developed (Y/N) • Case management system developed (Y/N) • Case management system used by institution to manage cases (Y/N) • % of accurate entries into case management system • Knowledge management plan developed (Y/N) • Knowledge management plan implemented (Y/N) • Training database is developed (Y/N) • Training database is regularly updated by PDHJ (Y/N) • Training materials from CB project trainings are integrated into and catalogued in PDHJ library (Y/N) • Training materials from non CB project trainings are 	<p>develops and implements knowledge management systems.</p>	<p>(Yr 1 – 3)</p> <ul style="list-style-type: none"> • Review existing file and case management systems (Yr 1) • Support improvement of case management system including networking of computers if necessary (Yr 1 – 5) • Support PDHJ to identify possible case management systems through workshop and examination of other NHRI’s systems. (Yr 1) • Support design development and implementation of institutional case management system and hardware required to support it. (Yr 1 & 2) • Support computer networking including hardware and equipment to facilitate case management if electronic system is selected by PDHJ. (Yr 2 – 5) • Training PDHJ staff on the use of IT programmes (internet research, MS Office etc.) (Years 1 – 5 as identified by PDHJ planning) <p>Activity 3.2 Support to PDHJ Knowledge Management</p> <ul style="list-style-type: none"> • Review of PDHJ knowledge management requirements and existing systems.(Yr 1) • Support to PDHJ to develop a knowledge management plan in 	<p>\$80,000</p> <p>Project Management: \$54,800 (20%)</p>
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<p>integrated into and catalogued in PDHJ library (Y/N)</p> <ul style="list-style-type: none"> Computers are networked to facilitate case and knowledge management (Y/N) 		<p>consultation with PDHJ (Yr 1)</p> <ul style="list-style-type: none"> Support PDHJ to implement knowledge management plan and systems including support to computer networking if required (Yrs 1 – 5) Support Development of a training database to record information about trainings held by CB project and other trainings including cataloguing training materials for inclusion into the PDHJ library. (Yr 1) 		
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11 Annex D: Terms of Reference

Mid Term Evaluation Mission

Consultancy for: Independent Mid-term Evaluation Mission of the UNDP/OHCHR Capacity Building of PDHJ Project

Evaluation Team: Three member team, comprising:
1 x Senior Evaluation Specialist (Team leader)
1 x International NHRI Specialist
1 x National Human Rights Specialist

Mission Duration: 2 weeks (see below)
Evaluation period: February/March 2013
Mission Location: Dili, Timor-Leste with travel to district

I. Programme Background and Context

Project Title: Capacity Building of the Provedoria for Human Rights and Justice
Duty Station: Dili, Timor-Leste
Project Duration: 2010 - 2014
Project Budget: \$3, 074,900
Donors: New Zealand, Sweden (SIDA), Ireland, UN Office of High Commission for Human Rights (OHCHR) and UNDP
National Institutions: Provedoria dos Diretos Humanos e Justicia (Ombudsman for Human Rights and Justice)

I: Project Context and Description

Context: Human Rights Situation in Timor-Leste

While the human rights record of Timor-Leste has been improving in the last years, challenges still remain to ensure the protection of all fundamental and human rights on the basis of equality, including economic and social rights.

Timor-Leste has made positive strides in consolidating peace and stability. Free and fair presidential and parliamentary elections took place in 2012; freedom of opinion and expression and the right to hold peaceful demonstrations are systematically respected; community participation in public affairs is improving and the independence of the judiciary is being strengthened to ensure the equality of people before the law.

One of the main human rights complaints as reported in the Annual Report of the Provedoria relates to violations committed by security forces, police and the military, as part of their security related duties, but also in situations falling out of their mandated roles. The main violations committed by security forces are illegal arrest and detention, ill treatment during arrest and while detention⁹⁹. Allegations of acts of torture committed by security forces as well as by prison authorities are less common. The level of accountability for human rights violations committed by security forces has increased, but is yet to reach the required level to ensure effective protection, and it thus requires a strong general effort by different actors to ensure consistency and compliance with national and international human rights standards and norms. Complaints related to ill-treatment and illegal detention by security forces remain still very high and represent more than 70% of the human rights complaints made to the PDHJ.

The judicial system in Timor-Leste has improved its functioning and is currently able to deliver better and faster justice, due to improved capacity and more regular operation in the four judicial districts. Despite these improvements, challenges still remain to ensure access to justice to all particularly at local levels. State ability to comply with its duties to protect individuals from human rights violations, including through equal access to courts, is fundamental to ensure systematic respect to human rights in the Timorese society. Violence against

⁹⁹ See PDHJ Annual Report to National Parliament, 2010 and 2011.

women and children also represent a problem which impacts heavily on the enjoyment of the rights of these groups¹⁰⁰.

Timor-Leste is seriously attempting to ensure it fulfils its obligations to ensure the progressive implementation of economic and social rights. As a consequence of its recent history, Timor-Leste remains a low development country with a considerable part of the population living below the poverty line¹⁰¹. Access to services and facilities is still a challenge, which requires concerted and intense efforts from the Government, society and development partners¹⁰². The Timor-Leste Strategic Development Plan 2011-2030 provides for a strong basis for improving the enjoyment of rights by all, but structural challenges remain to ensure that the State is able to implement the plan. High dropout rates in schools and poor quality of education¹⁰³, malnutrition¹⁰⁴, poor health facilities¹⁰⁵ and inadequate living conditions¹⁰⁶ are the key economic and social challenges that remain to be addressed.

Timor-Leste has a democratic constitution based on the rule of law. The Constitution provides for a series of fundamental rights that includes civil, political, economic, social and cultural rights. The Constitution also establishes a system for challenging laws which may violate the rights of individuals. Soon after the restoration of independence, Timor-Leste ratified all 7 core international human rights treaties without reservation. Timor-Leste has also ratified the Rome Statute on the International Criminal Court as well as a series of ILO conventions. As provided by the Constitution, international treaties form part of national law and any law violating them is invalid. Timor-Leste has also begun the process of reporting on some of the treaties, but its limited capacity in this area means that the vast majority of treaties' reporting are overdue. The first Universal Periodic Review (UPR) was completed in 2011, where Timor-Leste accepted the vast majority of recommendations from the Human Rights Council¹⁰⁷.

The Provedoria for Human Rights and Justice

The Provedoria for Human Rights and Justice (PDHJ) was established in 2004 through the National Parliament's Law No. 7/2004. It is empowered to review complaints, conduct investigations and forward recommendations to prevent or redress illegality or injustice to the competent state organs. Within this framework, the PDHJ has a two-fold mandate in the areas of human rights and good governance. The PDHJ structure is based on Decree Law 25/2011, *Organic Structure of the Office for the Provedor for Human Rights and Justice*, and is composed of 4 main directorates (Human Rights, Good Governance, Public Assistance and Finance and Administration) supervised by a Director General. The PDHJ also has a legal department and inspectorate office, which were first established only after its Organic Law was promulgated.

Recent recruitment has allowed the Provedoria to establish four regional offices in Maliana, Baucau, Oecussi and Same. The strengthening of the regional office's capacity to implement the mandate of the Provedor is now a priority as outlined in the Strategic Plan.

¹⁰⁰ PDHJ Strategic Plan 2011-2020.

¹⁰¹ See Programme of V Constitutional Government, p. 6-7.

¹⁰² See Statement of the Minister for Foreign Affairs to the United Nations Security Council, 12 November 2012, p. 5.

¹⁰³ National Statistics Directorate, *Demographic and Health Survey 2009-2010* p20. The UNESCO *Timor-Leste Country Programming Document 2009-2013* (2009) states that 25% of children drop out, 16% repeat grades and only 46% of children reach Grade 6.

¹⁰⁴ National Statistics Directorate, *Demographic and Health Survey 2009-2010* pps147-151. The Global Hunger Index lists 45.3% of Timorese children under five as underweight International Food Policy Research Institute, *Global Hunger Index*, (2012).

¹⁰⁵ National Statistics Directorate, *Demographic and Health Survey 2009-2010* pps113-115. The Demographic and Health Survey shows that only 4% of women receive ante-natal care from a doctor. The millennium development goals indicators show that in 2009 only 29.9% of women were attended by skilled health personnel during birthing

¹⁰⁶ National Statistics Directorate, *Demographic and Health Survey 2009-2010* pps22-27. 3 out of 10 households must walk for more than 30 minutes to return from their nearest water source. 43% of households have improved toilet facilities, 24% of rural households have access to electricity.

¹⁰⁷ A/HRC/19/17/Add.1, 15 March 2012.

The PDHJ now has almost 100 out of a total planned 134 staff. Common challenges faced by other public institutions are also found in the PDHJ, which includes low participation of women in high level positions and limited capacity to evaluate results based performance of its staff. Despite those challenges, when compared with other public institutions, it is possible to see remarkable positive aspects in its institutional functions, including delegation of functions to Directors, leadership close relationship with technical staff, non reliance in international advisers to implement its main mandated functions as well as sound financial and procurement practices, amongst others.

The PDHJ is a member of the International Coordinating Committee of NHRIs and currently enjoys “A status” within the ICC framework, its status is to be reviewed in 2013. The PDHJ is also a full member of the Asia Pacific Forum of NHRI. In 2012, the PDHJ has been nominated as the Chair of the South East Asian NHRI Forum (SEANF), within which it cooperates with other Asian countries to undertake research and work on areas of interest to all members.

In 2011, the PDHJ approved its 10 year Strategic Plan. The Strategic Plan, which brings a balanced strategy, with focus both on public institutions and the community, as well as a specific focus on the further development of the capacity of PDHJ. The Strategic Plan focuses in 4 main areas, out of which two areas relate to PDHJ support to strengthening the knowledge of public institutions and the improvement of its human rights and good governance records. Due to the reality faced in Timorese society and the challenges to ensure enjoyment of the rights and access to public services on the basis of equality to all, the PDHJ has also developed a specific strategic focus related to vulnerable groups in the Timorese society, including women and children.

UNDP in Timor-Leste

One of the United Nations Development Assistance Framework (UNDAF) outcomes is that by 2013, there will be stronger democratic institutions and mechanisms for social cohesion will be consolidated. The UNDP Country Program accordingly aims specifically to strengthen state institutions through interventions aimed at improving institutional capacity in planning, efficiency, accountability and transparency (Country Program Outcome 1). A properly functioning Provedoria is key to fulfilling these aims, as the PDHJ plays an important role in ensuring the accountability and transparency of state institutions.

The Country Programme Action Plan emphasizes UNDP commitment in continuing its support to strengthening the oversight functions and capacities of the PDHJ. The establishment and strengthening of NHRIs in line with the Paris Principles is also currently one of the key priority areas for OHCHR.

Project Background

The UNDP/OHCHR human rights capacity building project is now half way through its second cycle. The original project (2007-2009) was tailored to build the capacity of the PDHJ to carry out its human rights mandate during the nascent stages of the institution’s development. At that time, most staff had little or no background in human rights and few of the relevant skills for the successful implementation of their work. The first phase of the project focused on providing a basic knowledge on human rights and foundation skills for the monitoring, investigation and education activities at the core of the PDHJ’s human rights mandate. The current Project cycle, running from 2010 -2014, works to build upon the existing human rights knowledge and skills with a focus on broadening human rights knowledge and developing analysis and application of that knowledge. The investigation, monitoring and education skills that were developed during the first project cycle continue to be a focus throughout the life of the current project. This project also branches out into the development of other areas, including human resources, IT, finance and administration and PDHJ senior management , all of which have an impact upon the mandate of the PDHJ, as defined by the PDHJ’s Organic Law.

The project is also addressing several new areas of support to PDHJ institutional structures such as developing the new PDHJ legal advisory department, as well as institutional and knowledge management. This is in recognition of the impact that these institutional structures currently have on the ability of the PDHJ to fulfil its human rights mandate. As outlined in the Project Document. the Project aims to support consistency, cost-effectiveness and coordination within the PDHJ by ensuring that capacity development interventions, where possible, include all four of the PDHJ’s directorates and all four regional offices also.

III. Rationale for Evaluation

The UNDP PDHJ project, implemented from 2010 until the present, is midway through its project cycle. As provided in the Project Document an independent mid-term evaluation shall take place at the beginning of Year 3 to assess the progress made and produce recommendations on effective project implementation. The overall objective of the evaluation is to review the progress of the project towards achieving the key results envisaged in the Project Document; document the lessons learned; and to make recommendations for achievement of project results. The recommendations, along with the evaluation report itself, will guide the project management to take corrective actions to the extent possible to ensure project results are achieved and sustainable.

IV. Evaluation Objective and Scope

The mission will assess the *relevance, sustainability* and *effectiveness* of the Project's strategy, outputs and management arrangements based on the progress of the project with regards the fulfilment of the three project outputs, namely:

- 1(a) PDHJ staff are knowledgeable about human rights concepts and understands how these concepts are applied in their work
- 1(b) PDHJ has a workforce skilled enough to implement the Institutions' human rights mandate, including the ability to conduct legal analysis
- 2(a) PDHJ has effective and efficient institutional structures and management systems
- 3(a) PDHJ has effective information and knowledge management systems

The evaluation will assess the Project's progress in achieving the results in these areas as envisaged in the Project Document, including identification of areas which there are visible improvements as a result of Project's support and/or those that require particular attention. The evaluation should also review the effectiveness of the Project's capacity development strategy and also make recommendations for the remainder of the Project cycle to ensure continued relevance and sustainability, including identification of areas which the PDHJ might need further support from the project. In doing so, it should guide the PDHJ project team to better support the PDHJ through sustainable capacity development, and to support an awareness and protection of human rights for the people of Timor-Leste.

Specifically, the evaluation will assess the following aspects of the Projects activities:

Relevance

- Progress of the Project in achieving its 3 outcomes
- Relevance of the 3 outcomes in relation to the new Organic Law of the PDHJ (Decree Law 25/2011) and the PDHJ strategic plan;
- The extent to which the activities of the Project are relevant to the needs of the PDHJ, as well as to the main human rights issues in Timor-Leste
- The extent to which gender and other vulnerable groups have been considered by the Project activities;
- Flexibility of the project to adequately responded to changing needs of the PDHJ based on emerging institutional, legal and other issues through its planning and regular review processes;
- Whether the current monitoring and evaluation tools used by the Project are adequate to measure the impact of the Project's activities on PDHJ capacity;
- Assess effectiveness of project strategy and tactics in the planning and implementation of Project activities in ensuring achievement of project results.

Sustainability

- Whether the project is using appropriate capacity development methodologies to ensure effective transfer of legal, technical (investigative, monitoring, research, communication and education) and management knowledge and skills to PDHJ staff;
- The extent to which tools (manuals and other resources) made in collaboration with the PDHJ support the sustainability of knowledge and skills for the future successful implementation of activities by the PDHJ;

- Whether the Project has supported PDHJ in ensuring a gradual decrease on the involvement of international staff/experts to support its work;
- Whether the level and nature of the PDHJ leadership and senior management engagement in the implementation of the Project contributes to sustainability and ownership;
- The extent of the human resource plans of the PDHJ and their link with the exit strategy of the Project
- Whether sufficient attention has been given to support the strengthening of PDHJ partnership with other NHRIs and other UN agencies.

Effectiveness

- The degree to which the Project assistance has resulted in an increase in institutional and individual capacity of the PDHJ;
- Whether the current project management structure and staffing is effective and efficient to produce the required results;
- Whether the project results represent value for money. Identify elements, besides operational costs, that have generated added value for the PDHJ through project interventions.
- Assess the extent to which a results based management approach has been adopted, and its effectiveness.
-

The time period to be covered by the evaluation is from January 2010 to end of February 2013.

V. Evaluation Deliverables

- The Evaluation Team will produce the following outputs:
- Inception Report
- Executive Summary and Preliminary Recommendations
- Evaluation Report
- Inception Report
- The Evaluation Team will submit an inception report which should reflect the evaluators' understanding of the assignment; proposed approach and methodology; and schedule of tasks, activities and deliverables along with assigned responsibilities for the mission members. The inception report should include:
- A list of all information the evaluators feel they will need as part of the evaluation
- Methods that will be used for data/information collection to address each of the evaluation questions (interviews, questionnaires, surveys, workshops, etc)
- Whether qualitative or quantitative methods will be used for each evaluation area
- Details of what groups information will be collected from and how the inclusion of these groups ensure that the opinions of all stakeholders are included, including beneficiaries' stakeholders, like women, and other vulnerable groups)
- Method for cross checking all gathered information
- Procedures to be used for data analysis – how will qualitative data from interviews be analysed
- Methods to ensure that findings will be fed back and discussed with appropriate stakeholders during the evaluation process
- Identification of risks or limitations in the review or evaluation, and the approach to mitigate them

The inception report will be submitted to UNDP, UNHCR and PDHJ for comments and feedback shall be given within 2 days of the submission.

Summary of Preliminary Findings and Recommendations

The Evaluation Team will present a summary of evaluation preliminary findings and recommendations at a debriefing meeting before the extended Project Steering Committee¹⁰⁸ to be organized by the PMU of the Project. The briefing aims at sharing the preliminary findings and recommendations and receiving feedback from the Project Steering Committee.

Evaluation Report

The Evaluation Team will submit a draft evaluation report to UNDP, highlighting achievements, constraints, lessons learned, conclusions recommendations and, where required, corrective measures on the Project's role in the PDHJ. The evaluation report shall contain the following structure:

- Title Page
- List of acronyms and abbreviations
- Table of contents, including list of annexes
- Executive Summary
- Introduction: background and context of the project
- The rationale and purpose of the Project
- Description of the project – its logic theory, results framework and external factors likely to affect success
- Purpose of the evaluation
- Timing of the review or evaluation
- Key questions and scope of the evaluation with information on limitations and de-limitations
- Approach and methodology
- Governance and management aspects
- The role and involvement of other stakeholders
- Findings
- Summary and explanation of findings and interpretations
- Conclusions
- Recommendations
- Lessons, generalisations, alternatives (including how the evaluation findings will feed into on-going learning, decision making and improvement)
- Composition of the evaluation team and their roles and responsibilities
- Annexes

The Evaluation team should refer to UNDP guidelines on the structure of evaluation reports to ensure correct formatting and structure. The final report shall not exceed a total of 30 pages.

V. Activities

The main activities to be carried out by the evaluation team are: review of existing documentation, preparation of inception report, consultations with beneficiaries and stakeholders, preliminary recommendations and briefing and draft and final evaluation report.

The Evaluation Team should ensure that the assignment is carried out with due diligence, efficiency and economy in accordance with the time specified. The evaluation team should observe sound management and technical practices and comply with professional consulting standards.

Review existing documentation

The Evaluation Team will conduct a desk review on national human rights and related issues, including the Project Document, PDHJ Strategic Plan, Quarterly and Annual Project Reports, the PDHJ communication strategic plan, the PDHJ Statute and Organic Law, complaint operations manual, PDHJ reports and other relevant documents, including the Project mentoring reports, training materials and PDHJ/Project human rights and good governance tools. This documentation will be made available to Mission members prior to their deployment to Timor-Leste. UNDP documents such as the *Standards for Evaluation for the UN system* and *Monitoring and Evaluation Frameworks* shall also be consulted.

¹⁰⁸ Composition of the ordinary PSC is: Provedor, Deputy Provedor for Human Rights, Human Rights Division Director, NGO Representatives, OHCHR Representative (Director of HRTJS of UNMIT) and UNDP Representative. The extended PSC is conducted at the discretion of the Provedor and includes relevant donors, currently Ireland, Sweden and New Zealand.

Preparation of Inception Report

The Team Leader will present an Inception Report elaborating the Mission's evaluation methodology to the stakeholders at the beginning of the evaluation mission. The inception report shall include the relevant sections highlighted in section V above, *Inception Report*.

Meetings with beneficiaries and stakeholders

The following is a list of the main beneficiaries and stakeholders which are believed to have the information needed to conduct this evaluation:

The UNDP/OHCHR Project Management Team will brief the Mission upon arrival and provide all necessary detail and clarifications on the documents made available for the desk review.

The Mission will hold meetings with UNDP Country Director and any OHCHR staff based in Timor-Leste .

The Mission will meet and extensively consult with the Provedor, his Two Deputies. Director General and PDHJ staff, including staff from the Human Rights and Good Governance Directorate, Directorate of Public Assistance. Directorate of Administration and Finance. Office for Legal Adviser and Regional Office staff .

The mission will meet with selected representatives from Governmental institutions, including the Director of the Citizenship and Human Rights Directorate of the Ministry of Justice, the Chief of the Police Detention Centre in Dili, Operational PNTL Commander, Director of the Becora Prison, CNE Commissioner, officer of the Ministry of Administration and Territory Ordenance, the chief of the training unit in the PNTL Police Academy, the Captain in charge of Capacity Division of the Army Academy.

The Mission will meet with selected community leaders, teachers, military officers, police and prison guards who have participated in trainings delivered by the PDHJ;

The Mission will meet with bilateral donor representatives providing assistance to the PDHJ, including representatives from New Zealand, Sweden and Ireland.

The Mission shall also meet with AUSAID Justice Facilities Project and USAID, who are providing some support to the PDHJ.

The mission will meet with relevant civil society organisations, such as the PDHJ NGO network members, Asosiasaun HAK, Fokuppers, Forum Tau Matan, etc.

Preliminary Findings and Recommendations and Briefing

The evaluation mission shall present shortly before the evaluation period ends preliminary findings. Stakeholder feedback will be incorporated into the draft report.

Submission of draft and final mid-term evaluation report

The evaluation report shall be submitted by the Team Leader no later than 10 days after the end of the mission. The final report incorporating PDHJ, UNDP and OHCHR feedback shall be submitted by the Team Leader one week after receiving the written comments and feedback.

VI. Mission Composition and Schedule

The mission will take place in February/March 2013, and will be for a period of 2 weeks with the following composition:

1 x Senior Evaluation Specialist (Team leader)

1 x International NHRI Specialist

1 x National Human Rights Specialist

Qualifications for the Team Leader

Masters Degree or equivalent in public administration, international development or relevant area

At least 5 years of experience in monitoring and evaluation of programmes, preferably related to capacity development programme of public institutions in developing countries and/or human rights area

Familiarity with international development context in post-conflict and/or developing societies.

Experience in institutional capacity development and human resources management

Proven capacity to effectively collect, analyse and evaluate information

Experience and knowledge of the socio-political context of Timor-Leste would be an asset

Relevant experience and knowledge of UNDP Rules and Procedures would be an advantage

Excellence in both written and spoken English

Ability to communicate in Tetum would be an added advantage

Initiative, ability to work independently sound judgment and good interpersonal skills

Qualifications for the NHRI Specialist

University Degree or equivalent in public administration, law or another relevant area.

At least 7 years of experience working as a member or a staff of a NHRI, preferably a NHRI in a developing country, or working in supporting the capacity development of NHRIs

Familiarity with international context and post-conflict and developing societies.

Experience in developing management tools and internal procedures for NHRIs

Experience in designing and delivering trainings, or other capacity development activities to NHRI staff and/or professional groups, an asset

Experience and knowledge of the socio-political context of post-conflict countries, in particular in relation to the human rights situation.

Proven skills in NHRIs related mandate areas (investigation, monitoring or promotion and education)

Ability to organize and synthesize information in a systematic manner

Initiative, ability to work independently sound judgment and good interpersonal skills

Qualifications for the National Human Rights Specialist

University Degree or equivalent in law or another relevant area, extensive experience in relevant area could also be considered

At least 5 years of experience working in the area of human rights in Timor-Leste

Familiarity with international context in post-conflict and developing societies

Relevant experience and knowledge of UNDP Rules and Procedures would be an advantage

Proven skills in NHRIs related mandate areas (investigation, monitoring or promotion and education)

Experience in working with public institutions in Timor-Leste a plus

Experience and knowledge of the socio-political context of post-conflict countries, in particular in relation to the human rights situation

Good command of English. Fluency in Tetum a requirement

Initiative, ability to work independently sound judgment and good interpersonal skills.

Ability to work impartially

Schedule

Preliminary phase:

15 days before the arrival of the mission the Project will send all needed documentation to the Evaluation mission team.

Day 1-3

Preliminary consultations and presentation to UNDP the evaluation mission inception report.

Day 3- 10

Consultation with relevant actors and stakeholders. At least one visit to a PDHJ Regional Office.

Day 11-12

Evaluation mission meets to finalise report drafting and proposal of initial recommendations.

Day 13- 14

Briefing presentation of the preliminary findings and recommendations

Day 15

Evaluation Mission team leaves Timor-Leste

Day 25

Draft Evaluation Report submitted to UNDP, OHCHR and PDHJ

Day 35

Comments sent by UNDP, OHCHR and PDHJ¹⁰⁹

Day 40

Final Evaluation Report

VII. Reporting and Mission Support

The mission will perform as an *external independent mid-term evaluation mission*, meaning that its members will not have been involved in the design, implementation or regular monitoring of the Project.

The mission will present its preliminary findings and recommendations to the Project Steering Committee at the end of the mission. Draft mission report will be submitted to the UNDP Country Director who will share the

¹⁰⁹ Parts of the draft report need to be translated for meaningful comments from PDHJ.

report with Project Steering Committee members for comments and feedback, which will be incorporated by the mission in the final evaluation report.

The Project Management Unit (PMU), will provide the required logistic and administrative support, and facilitate mission meetings, as requested. Transport for official purposes will be provided by UNDP, which will also make a translator/interpreter available to the mission. The PMU will also provide the required background documents and reports requested by the mission.

In order to guarantee an acceptable standard and quality of work in the evaluation report, evaluation team members should refer to the *UNDP Handbook on Planning, Monitoring and Evaluating for Development Results* and DAC Evaluation Quality Standards.

12 Annex E: Evaluation Matrix

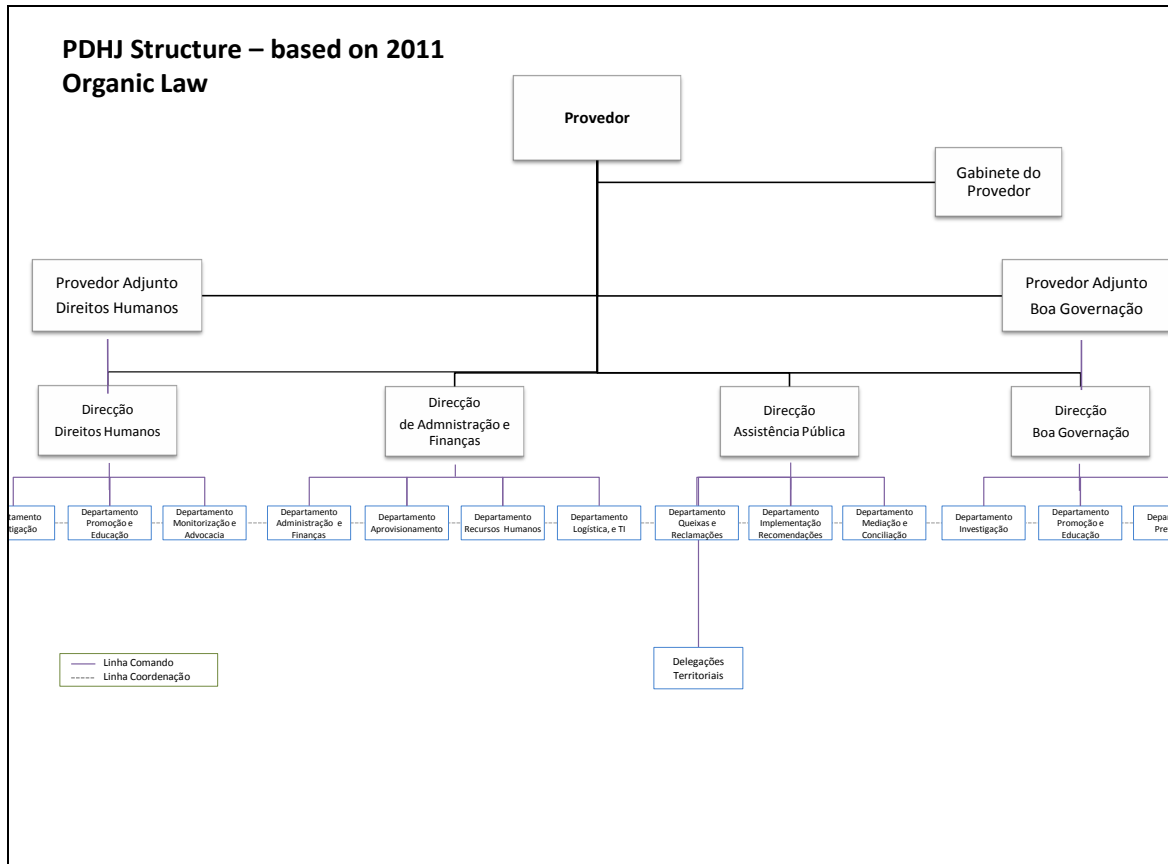
1	Evaluation Criteria	Overall Questions	What to look for and evidence	Who to ask
1.1	Relevance	What progress has the project made in achieving its 3 outputs?	UNDAF, Country Programme, Project document, annual reports and work plans, budget execution documents, communication strategic plan, complaint operation manual, PDHJ reports, mentoring reports, training materials, HRTs & good governance tools	Interviews with project team and management and staff of Provedoria and relevant stakeholders (a.o. Ministries, NGOs, media, academia, police, prison and security, donors, trainers and trainees), UNDP Country Director
1.2		How relevant are the 3 outputs in relation to the new Organic Law of the PDHJ (Decree Law 25/2011) and the PDHJ strategic plan (2011-2020)?	Organic Law & statute, Provedoria legal documents Provedoria strategic plan Project document Paris principles	Management and staff of Provedoria and relevant stakeholders
1.3		To what extent are the Project activities relevant to the needs of the PDHJ?	Provedoria strategic plan and annual work plans Project document Capacity assessments	Interviews with project team and management and staff of Provedoria and relevant stakeholders (a.o. Ministries – incl. Ministry of Justice, NGOs, media, academia, police, prison and security, donors, trainers and trainees)
1.4		To what extent are the Project activities relevant to the main human rights issues in Timor-Leste?	Documents relevant to HR in TL	Interviews with project team and management and staff of Provedoria and relevant stakeholders (a.o. Ministries, CNE Commissioner, NGOs, media, academia, police, prison and security, donors, trainers and trainees)
1.5		To what extent have gender and other vulnerable groups been considered in the Project activities?	Project Document UNDP gender strategy communication strategic plan, complaint	Governance and gender UNDP staff Provedoria NGOs and community

			operation manual, PDHJ reports, mentoring reports, training materials, HRTs & good governance tools	leaders, including Women's rights groups, teachers, Media
1.6		Has the project been flexible to adequately respond to changing needs of the PDHJ based on emerging institutional, legal and other issues through its planning and regular review processes?	Organic Law UPR on TL 2012 and other relevant treaty reports Election reports Relevant UN reports UNMIT security reports	Interviews with project team and management and staff of Provedoria and relevant stakeholders Donors, including USAID Amnesty International and other international NGOs
1.7		Are the current monitoring and evaluation tools used by the Project adequate to measure the impact of the Project's activities on PDHJ capacity?	Annual and quarterly reports, PSC reports Data bases and ATLAS Sample of the M&E tools, including surveys	Interviews with project team and management and staff of Provedoria and relevant stakeholders
1.8		How effective is the project strategy and its tactics in the planning and implementation of Project activities and in ensuring achievement of project results?	PCS reports Minutes of meetings / workshops with stakeholders	Interviews with project team and management and staff of Provedoria and relevant stakeholders
2.1	Effectiveness	To what degree has the Project assistance resulted in an increase in institutional and individual capacity of the PDHJ?	Project documents and evaluations. M&E system and framework Annual reports of the Provedoria	Interviews with project team and management and staff of Provedoria and relevant stakeholders
2.2		Is the current project management structure and staffing is effective and efficient to produce the required results?	UNDP annual reports Project reports	Interviews with project team and management and staff of Provedoria and relevant stakeholders
2.3		To what extent has a results based management approach been adopted in the project and how effective is it?	UNDAF, Country Programme Project document Annual reports	Interviews with project team and management and staff of Provedoria and relevant stakeholders
3.1	Efficiency	Does the project deliver its output and outcome in an efficient manner (results against costs)?	Analysis of the financial resources and contributions. Overview of midterm	UNDP management and staff, financial manager Project Team

			expenditures Efficiency analysis and management of resources	
3.2		How does this project and its activities compare in costs to other options for achieving the same goals?	Analysis of the financial resources and contributions. Overview of midterm expenditures Efficiency analysis and management of resources UNDP's contribution to recurrent and capital costs of the Provedoria	UNDP management and staff, financial manager
3.3		How well are resources used to achieve results? (Value for Money)	Analysis of Economy, Efficiency and Effectiveness	Project Team
4.1	Sustainability	Is the project using appropriate capacity development methodologies to ensure effective transfer of legal, technical (investigative, monitoring, research, communication and education) and management knowledge and skills to PDHJ staff?	Capacity assessment UNDP/OHCHR/APF NHRI CD toolkit Exit strategy of UNDP Project Document	UNDP management and staff, Project Team Donors, Provedoria management and staff
4.2		To what extent do support tools (manuals and other resources) prepared in collaboration with the PDHJ support the sustainability of knowledge and skills for the future successful implementation of activities by the PDHJ?	Manuals, examples of tools and training manuals, mentoring reports, PSC minutes, communication strategic plan, complaint operation manual, PDHJ reports	UNDP management and staff, Project Team Donors, Provedoria management and staff
4.3		To what extent has the project supported PDHJ in ensuring a gradual decrease on the involvement of international staff/experts to support its work	Provedoria resource Project documents Mobilisation plan Exit strategy Mentoring reports Strategic plan & other relevant plans Recruitment plans, including regional offices	UNDP management and staff, Project Team Donors, including Spanish donor and other donors Provedoria management and staff
4.4		How and to what extent has the level and nature of the PDHJ leadership and senior management engagement contributed to the implementation of the Project and its sustainability and ownership	Exit strategy and Provedoria's anticipation of take-over (training) in annual reports Case management rolling and decrease of back-log Human resource plan in line with needs Staff development plans New Human Resources	UNDP management and staff, Project Team Provedoria management and staff

			policy	
4.5		To what extent are the human resource plans of the PDHJ and linked with the exit strategy of the Project	Human resource plan in line with needs Staff development plans New Human Resources policy	UNDP management and staff, Project Team Provedoria management and staff
4.6		Has sufficient attention been given to support the strengthening of PDHJ partnership with other NHRIs and other UN agencies?	Provedoria submissions to ICC, UN HR mechanisms	Project Team and UN staff Provedoria management and staff

13 Annex F: Organisational Chart PDHJ



14 Annex G: Overview of results for years 2010, 2011 and 2012

Intended Outcome as stated in the Country Programme Results and Resource Framework: UNDAF Outcome 1 - By 2013, stronger democratic institutions and mechanisms for social cohesion are consolidated.				
Outcome indicators as stated in the Country Programme Results and Resources Framework, including baseline and targets: Outcome 1: State institutions are strengthened through interventions aimed at improving institutional capacity in planning, efficiency, accountability and transparency				
Applicable Key Result Area (from 2008-11 Strategic Plan): "Strengthening accountable and responsive governing institutions"				
Partnership Strategy: UNDP, OHCHR to provide technical assistance and UNDP, OHCHR and development partners will provide financial support.				
Project title and ID (ATLAS Award ID): Human Rights Capacity Building for the Provedoria for Human Rights and Justice (PDHJ)				
INTENDED OUTPUTS	OUTPUT TARGETS	ANNUAL REPORT 2010	ANNUAL REPORT 2011(no target judgement)	ANNUAL REPORT 2012 (no target judgement)
<p>Output 1 PDHJ staff are knowledgeable about Human Rights concepts and understands how these concepts are applied in their work. PDHJ has a workforce skilled enough to implement the Institution's Human Rights mandate, including the ability to conduct legal analysis.</p> <p>Baseline: Staff have good basic understanding of human rights, but lack in depth knowledge and knowledge in specific thematic areas. New staff and most regional officers have limited human rights</p>	<p><u>Human rights knowledge</u></p> <ul style="list-style-type: none"> • PDHJ staff have a broad and deep understanding of human rights issues and instruments applicable in Timor-Leste <p><u>Skills to apply HR knowledge</u></p> <ul style="list-style-type: none"> • PDHJ staff can analyse and apply human rights knowledge in their work. • PDHJ staff have skills and knowledge to research human rights issues. 	<p>Target: Exceeded</p> <ul style="list-style-type: none"> - Four trainings held, and one supported - 100% of training participants agreed or strongly agreed with training methodology and trainer - average 58% men and 42% women participants of training - 87% women actively participating in training; - 49% increase in knowledge from training; - four training 	<ul style="list-style-type: none"> - Six trainings held (advanced forensics, mediation TOT, advanced human rights education, discrimination, two human rights monitoring (PDHJ regional and NGO network); - 95% participants agreed on training methodology and trainer and materials; - Forensics training composed of 46% women (one more man than woman) - Mediation and Conciliation training 100% men (4 men) as training for PDHJ 	<p>I. 4 trainings were held: Human Rights and Elections (February), Training of Trainers on Human Trafficking (July), Case Management (August) and NGO Network Training on Human Rights in the Community (August).</p> <p>II. 78% of female participants actively participated in trainings¹¹⁰. The result was slightly below target due to the recruitment of several new female staff who felt less eager to</p>

¹¹⁰ Active participation is measured by registering participants' engagement through oral contribution to the training by asking or answering questions posed by the trainer or by instigating discussion during the plenary sessions of the training. The number of active participations are registered separately by gender and then compared with the number of people present, disaggregated by gender. The Project measures the active participation of female participants as gender balance in the number of participants does not accurately reflect female engagement in the training. Measuring female active participation can support an objective assessment as to whether women felt empowered to participate in a position of equality with their male peers.

<p>background or training. Staff have good skills and knowledge in investigation, monitoring and training, but need support to consolidate these skills. Ability to apply human rights analysis and writing skills for reports and training materials need to be developed. (see PDHJ capacity assessments for more details)</p> <p>Indicators: Training</p> <ul style="list-style-type: none"> • Focus theme for CB training and mentoring activities selected in conjunction with PDHJ planning process (Y/N) • Number of trainings held. • % of trainings held by CB project, in direct response to PDHJ planning • % of women/men participating in training. • % of women actively participating in training • %increase in knowledge on training subject based on pre and post test scores • % of staff who assess the training as satisfactory or good • Number of times information from trainings is applied in PDHJ work (mentor assessment)(Y/N) 	<ul style="list-style-type: none"> • PDHJ is able to produce reports about human rights of high quality • PDHJ can conduct accurate and effective investigations and make appropriate recommendations. • PDHJ is able to produce investigation reports of a high quality. • PDHJ can conduct accurate and effective monitoring and follow up advocacy. • PDHJ is able to follow up with institutions on recommendations made as a result of Investigations. • PDHJ can educate government institutions and the wider community about human rights. • PDHJ produces human rights training materials and publications. • PDHJ is able to effectively advocate on human rights issues. • PDHJ is able to produce monitoring and advocacy reports 	<p>follow-up plans developed</p> <ul style="list-style-type: none"> - Learning from training applied in at least 4 subsequent investigations. 	<p>mediator trainers who currently all male;</p> <ul style="list-style-type: none"> - Advanced human rights education training (50% women); - Discrimination training (45% women) - Average increase of 21.5% in knowledge; - Three follow-up to training plans implemented. - Training applied by staff on at least 4 occasions (directly applied to mediation training, and materials, community leaders training, and development of forensics protocol) 	<p>participate. Female participation was particularly low for the first case management training. The Project decided to do a follow-up training on the same subject for the new staff, and in that training active female participation reached 100%.</p> <p>III. 4 new areas of work were established based on the trainings: inclusion of the topic of human trafficking (using training materials) in the Community Leaders Trainings (2012) and Police Border Refresher Training (to be implemented in 2013), election monitoring specifically targeting vulnerable groups; human rights investigation analysis based on human rights violations reflecting the constitutional fundamental rights</p> <p>IV. A 32% average knowledge increase was recorded from pre and post training tests from the 4 trainings. The highest knowledge increase was recorded from the case management training (40%</p>
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<p>Discussion Sessions</p> <ul style="list-style-type: none"> • Number of discussions sessions held • Number of discussion sessions facilitated by external expert • Number of discussion sessions facilitated by PDHJ staff • % women/men participating in discussion sessions • %of women actively participating in discussion session • Number of discussion sessions resulting in PDHJ action. • Number of discussion sessions including pre and post test • % increase in knowledge on discussion session subject based on pre and post test scores • Number of discussion sessions after which staff complete Discussion Session Feedback form. • % of staff who assess the discussion session as satisfactory or good 	<p>of a high quality for public distribution.</p> <ul style="list-style-type: none"> • PDHJ can effectively resolve minor disputes through mediation and conciliation. • English language skills of PDHJ staff are sufficient to participate in international human rights forum. • Portuguese language skills of relevant PDHJ staff are sufficient to read laws. <p><u>Legal Skills</u></p> <ul style="list-style-type: none"> • PDHJ conducts human rights legal analysis of state laws, policy and action. • PDHJ includes accurate legal analysis in its work. 	<p>Discussion Session:</p> <p>- Target: Achieved</p> <ul style="list-style-type: none"> - 16 Discussion sessions held - 7 discussion sessions with external resource persons; - 5 discussion sessions with PDHJ staff facilitator - 5 sessions on focus theme of women’s rights (human trafficking, domestic violence law (2), gender analysis of draft land law, gender based crimes,) - Average 51 % women and 49% men participating in session; - average 78 % women active during the discussion; -3 discussion sessions resulted in PDHJ plans for action; - 4 discussion session applied pre and post test; - 22.6% increase in subject matter; (average mark of 75.83) -2 evaluations of discussion sessions;’ - 100% of 	<p>Discussion Session</p> <p>14 discussion sessions held</p> <ul style="list-style-type: none"> - 5 discussion sessions with external resource persons; - 5 discussion sessions with PDHJ staff facilitator - 3 sessions on focus theme of women’s rights, 1 on focus theme of children’s rights - Average 44 % women and 56% men participating in session; - Average 82 % women active during the discussion; -5 discussion sessions resulted in PDHJ plans for action (eviction, domestic violence, water law submission, children code submission, religious freedom submission); - 1 discussion session applied pre and post test; 	<p>average, 51% for female participants) while the lowest was recorded from the training on human trafficking (20% average, 22% for female participants – as this was the second training on human trafficking, the baseline knowledge was considerably higher than normal).</p> <p>V. 4 Actions to which the trainings contributed include: PDHJ election monitoring report; internal policy proposal on how to strengthen the PDHJ’s relationship with its NGO network; review of the preliminary assessment complaint form; strengthening of the relationship and communications channels between the regional offices and Dili-based investigators.</p> <p>Discussion Session</p> <p>Only 1 of the 7 discussion sessions held was lead by PDHJ staff. The session lead by PDHJ staff was on violence against children in</p>
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<p>Mentoring</p> <ul style="list-style-type: none"> • Quarterly mentoring plan and capacity update report produced by mentor • Number of workshops conducted by mentors with follow-up mentoring on identified issues • Biannual assessments by PDHJ staff of mentors performance (Y/N) • % of staff assessments in which mentor performance is assessed as satisfactory or good <p>Monitoring and Investigation</p> <ul style="list-style-type: none"> • % of PDHJ reports or materials including satisfactory or good • % of PDHJ reports subject to quality assessment process • %reduction in length of human rights investigations • Number of times templates or procedures from complaints and monitoring manuals are used • Number of 		<p>respondents agreed with content and methodology of discussion sessions.</p> <p>Mentoring and Monitoring and Investigation and Education and Promotion</p> <p>Partially Achieved</p> <p>- Exception- Mentoring for mediation and conciliation (delayed 2011 due to PDHJ staff recruitment time frame).</p> <p>- Education mentor role undertaken by Project manager due to funding constraints in first half of year.</p> <p>- Quarterly mentoring plan and report produced;</p> <p>- Quarterly workshops replaced by:</p>	<p>- 24% average increase in knowledge;</p> <p>-1 evaluation of discussion sessions;</p> <p>- 95% agree or strongly agree with content and methodology of discussion sessions.</p> <p>Mentoring and Monitoring and Investigation and Education and Promotion</p> <p>4 Quarterly Investigation mentoring plan and report produced;</p> <p>- 6 workshops/meetings conducted by mentors (forensics protocol (3), UPR reporting and advocacy (3)).</p> <p>- 1 assessment of mentors;</p> <p>- 9 PDHJ reports subject to quality assessment process.</p> <p>- templates and procedures from</p>	<p>schools (July). Other discussions sessions included: use of force by security forces (January), discussing a new law for temporary social security systems (February), parliamentary system (April), child nutrition (August), business and human rights (October) and Timor-Leste's membership to ASEAN (December)</p> <p>II. Average of 45.7% female participants</p> <p>III. 4 discussion sessions resulted in actions: based on the session on the use of force by security forces the PDHJ was able to use the correct legal framework in its investigation reports (at least 5 human rights reports referred to the new regime); the session on the social security regime supported PDHJ comments to the draft law presented before the Parliament; from the violence in schools session, the PDHJ was able to write clear recommendations in its draft research report; and the PDHJ staff was able to actively participate in a</p>
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<p>investigation recommendations subject to PDHJ strategic follow up</p> <ul style="list-style-type: none"> • Number of PDHJ interventions in international forum including international reporting. <p>Education and Promotion</p> <ul style="list-style-type: none"> • Number of training materials produced by PDHJ staff • %increase in knowledge based on pre and post training test scores of participants in trainings delivered by PDHJ • % of training materials produced assessed as good or satisfactory • % of participants in PDHJ led trainings who increase their human rights knowledge <p>Publications</p> <ul style="list-style-type: none"> • Number of HR learning materials produced • Number of HR learning materials distributed • Number of publications distributed to PDHJ library • Number of human rights publications supported as per PDHJ planning <p>Legal Capacity</p> <ul style="list-style-type: none"> • Number of Legal officers recruited for PDHJ • Legal training curriculum developed based on the needs of PDHJ • Number of laws/draft laws analysed from HR perspective 		<ul style="list-style-type: none"> - 3 day 'forensics in context of human rights investigations workshop' organized by Investigation mentor. Included focus on gender based violence - 4 day 'Basic human rights and monitoring' presented facilitated by Monitoring Mentors in response to PDHJ monitoring needs. - 8 PDHJ reports and 2 manuals subject to quality assessment process (3 of which related to gender based violence); -substantive improvement in quality of reports noted by Provedor - 2 evaluation of mentor conducted; - 100% of mentees assess that Project activities and mentor has increased their investigation skills and report writing skills. - some templates and procedures from manuals used (observed on over 20 occasions) <p>Publications Target: Exceeded</p> <p>-6 human rights</p>	<p>manuals used regularly (observed on over 50 occasions during half year- however identified 2 templates not used)</p> <ul style="list-style-type: none"> - 15 recommendations subject to strategic follow-up (in relation to Ministry of Finance, UPR). <p>Publications:</p> <ul style="list-style-type: none"> - 13 legal human rights books in Portuguese given to PDHJ library; - 200 copies of PDHJ community leaders training manual produced; - 50 copies of PDHJ human rights compilation distributed - PDHJ staff produced UPR report. - Mini human rights resource areas established in 2 PDHJ regional centers Baucau and Same; 200 copies of human rights treaty CD distributed. <p>Legal Capacity:</p> <p>5 PDHJ legal officers are in attendance at Legal Training Center.</p>	<p>session on business and human rights in the Technical Working Group of the SEANF meeting</p> <p>VI. A 18% increase in knowledge (knowledge increase using pre and post tests was only used for the discussion session on child nutrition)</p> <p>Mentoring and Monitoring and Investigation and Education and Promotion</p> <p>I. Approximately 54% of reports were of good quality: 6 out of 13 election monitoring internal reports were of a good quality (all 13 reports assessed and mentored); 6 out of 9 final investigation reports mentored were of good quality after 2-3 rounds of mentoring (9 out of 39 final investigation reports were mentored and assessed)</p> <p>II. Approximately 78% of staff participating in mentoring activities rated the mentoring as good or very good (election monitoring and complaint and investigation mentoring)</p>
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<ul style="list-style-type: none"> • Number of submissions on laws/draft laws made to government/parliament. • % of submissions made which have good or satisfactory application of human rights principles (Y/N) • Number of PDHJ interventions in court 		<p>analysis tools developed and distributed to PDHJ staff; -9 Human Rights learning materials distributed to PDHJ library ; -3 human rights materials developed by PDHJ staff (torture prevention materials produced for anti- torture day, publication of human rights for returnees manual, human rights report);</p> <p>Legal Capacity Target: Achieved 6 PDHJ legal officer commenced training at the Legal Training Center; Legal and Human Rights Curriculum developed</p>	<p>Human Rights law Textbook ongoing.</p> <p>- 3 submissions of draft laws (children’s code, freedom of religion law, water resource law).</p>	<p>III. 100% of new human rights investigators (2 investigators) and 100% of intake complaint staff (2 DPA staff) are able to carry out their functions (PDHJ recruitment of human rights monitoring staff to be undertaken in 2013).</p> <p>Publications No reporting</p> <p>Legal Capacity Targets I. 80% of legal officers pass training II. PDHJ’s legal department is established III. Legal officers are able to read Portuguese laws and make oral interventions in Portuguese</p> <p>Results (Preliminary results as training scheduled to be concluded in March 2013) I. Mid-term results from the training course show 67% (4/6 PDHJ participants) obtaining above average results, with 2 staff getting slightly under 50% II. The legal department will be established in the 1st quarter of</p>
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<p>Annual Focus Theme</p> <ul style="list-style-type: none"> • Number of activities linked to focus theme • %increase in knowledge on focus theme over the year 		<p>Annual Focus Theme</p> <p>11 activities linked to focus theme: Women's rights. 5 discussion themes, forensics training of gender based crimes, visit to women NHRI of Indonesia, technical support to 3 investigations of gender based violence by state officials, technical support to chapter on gender for PDHJ community leaders training manual</p> <p>24% of human rights complaints received by PDHJ made by women to the PDHJ in 2010 compared to 2009 in which 17% of complaints were made by women</p> <p>21% increase in knowledge on gender knowledge activities</p>	<p>Annual Focus theme</p> <p>- 4 activities linked to focus theme of women's rights, 2 activities linked to focus theme of children's rights (children's research, children's code)</p> <p>29% increase in knowledge on gender issues and average mark of 70/100.</p>	<p>2013</p> <p>III. Legal Officers are able to read Portuguese law and make oral interventions in Portuguese, however they still find it challenging to write consistently in a systematic structured manner</p> <p>Annual Focus Theme: No reporting</p>
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<p>Language Skills</p> <ul style="list-style-type: none"> • % attendance rate of relevant PDHJ staff at English/Portuguese classes. • % of relevant staff able to progress through standardised English and Portuguese testing levels 		<p>(partially complete one further assessment remains for women’s rights in 2011)</p> <p>Language Skills Target: Achieved 50 PDHJ staff attending English classes; - 96% progressed to next level;</p>	<p>Language Skills: - Dili: 15/20 successfully progressed through the English level 3, only 4/19 progressed successfully through English level 5. 49 PDHJ staff in Dili attending English classes; - 23/33 PDHJ Dili staff progressed through basic level in Portuguese classes; - Portuguese and English classes ongoing in Dili and all PDHJ regional offices.</p>	<p>Language Skills Targets</p> <p>I. At least 80% of participants receiving over 50% in their language course II. At least 75% of staff participating in a language course III. At least 50% participation by of female staff</p> <p>Results</p> <p>I. Mid-term results from the language courses show a total of 98% passing the English course and approximately 78% passing their Portuguese course II. 77% of PDHJ staff are participating in either one or both language courses III. 53% of participants are female</p>
<p>Output 2: PDHJ has effective and efficient institutional structures and management systems</p> <p>Baseline: PDHJ currently enjoys “A” status as an NHRI and good links with NHRIs in the region and regularly reports to ICC, but needs support to maintain this. PDHJ has no organic law and hasn’t yet determined its ideal staffing and organisational structure.</p>	<p>Targets</p> <ul style="list-style-type: none"> • PDHJ maintains its “A” status as an NHRI. • PDHJ reports to ICC about its activities and performance. • Provedoria management conducts regular institutional planning and evaluation. 	<p>Support to PDHJ participation in International framework Target: Achieved (with one changed plan) - orientation program not held as leadership unchanged in relation to human rights mandate. - Support for participation in 4</p>	<p>Support to PDHJ participation in International framework Technical advice for Provedor’s report and speech to ICC on PDHJ’s work in supporting Human Rights Defenders; - Technical support for PDHJ’s implementation of SEANF strategic plan and joint projects; - Mentoring and support to</p>	<p>Reporting is joint on all the themes</p> <p>Targets</p> <p>I. PDHJ “A” status maintained II. PDHJ participation in ICC, APF meetings and SEANF forums III. Strategic plan integrated into annual activity plans IV. At least one</p>

<p>An external facilitator produced a 3 year strategic plan for PDHJ in 2007. This plan has not been regularly reviewed or integrated into PDHJ annual planning. Activities from the plan have been implemented only to a limited extent. CB project and PDHJ plan coordinated only to a limited extent. PDHJ has recently developed written policies and procedures to cover handling of complaints and monitoring, but no other written policies and procedures. PDHJ has no comprehensive strategy and has poor visibility in the community outside of Dili. Lack of communications strategy and limited skills in communication and public relations, which also impacts on PDHJ ability to conduct effective advocacy.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • NHRI orientation program held (Y/N) • Number of ICC, APF meetings PDHJ actively participates in. • Number of interactions between PDHJ and another NHRI. • PDHJ maintains its "A" status as an NHRI. (Y/N) • Institutional management training held (Y/N) • % of management staff participate in institutional management trainings • % increase in 	<ul style="list-style-type: none"> • Provedoria strategic and annual plans are integrated. • Leadership skills of key PDHJ management personnel including regional office heads are strengthened. • PDHJ has an organic law to govern the institution. • PDHJ develops written internal policies and procedures to guide its work. • PDHJ can identify and address its own training and capacity needs • PDHJ has strong information and knowledge management systems in place and has a good institutional memory. • PDHJ has an effective case management system to track and report on cases. 	<p>NHRI meetings; - 5 interactions with another NHRI supported; - Application to South East Asian Nation Human Rights Institutions Forum (SEANF); -PDHJ maintains A status.</p> <p>Institutional Structures Strengthened Target: Achieved.</p> <ul style="list-style-type: none"> - strategic plan drafting ongoing; - 1 review of previous PDHJ strategic plan conducted; - 4 PDHJ strategic planning regional consultations held; - 1 mid-year review of Annual PDHJ plan - PDHJ plan integrated into capacity development plan; - draft organic law produced based on management meetings held over 6 days ; - staffing profile completed; - New organizational structure completed 	<p>production of PDHJ and NGO UPR report and advocacy for implementation of recommendations;</p> <p>Institutional Structures Strengthened</p> <ul style="list-style-type: none"> - Strategic plan Produced - Annual Planning integrated with strategic planning days - Support to 3 day strategic planning and annual evaluation and planning; - PDHJ plan integrated into capacity development plan; - PDHJ Organic law promulgated; 	<p>review session of the annual plan held by the PDHJ</p> <p>V. At least 2 management actions taken to implement the Complaints Operating Manual Standard</p> <p>VI. At least 2 management actions taken to implement the Administration and Finance Manual</p> <p>VII. Two new departments are established as per PDHJ Organic Law</p> <p>VIII. PDHJ human resource policy is developed</p> <p>. The review of the PDHJ's ICC NHRI "A" status is to be undertaken only in November 2013</p> <p>II. PDHJ leadership and staff contributed substantially during meetings of the ICC (March), SEANF (February and September) and APF meetings (November). In September the Provedoria accepted the chair of SEANF for 2013</p> <p>III. PDHJ annual activity plan has been formulated following the framework of the PDHJ Strategic Plan</p>
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<p>knowledge about management practices as evaluated by pre and post training test scores.</p> <ul style="list-style-type: none"> • Strategic plan for PDHJ is produced (Y/N) • Strategic plan integrated into annual activity plan. (Y/N) • Number of review sessions of annual/strategic plan held by PDHJ • CB project annual work plan reflects PDHJ annual plan and strategic planning and review. • Organic law document including ideal staff structure is produced (Y/N) • Number of internal policies and procedures produced by PDHJ • Number of trainings for staff on internal policies and procedures for PDHJ • Number of times action is taken by management to implement existing policies and procedures • Number of publications about PDHJ produced 		<p>Strengthen management knowledge and skills Target: Achieved - 4 PDHJ products supported; - web-site development undertaken by</p>	<p>Strengthen management knowledge and skills internal audit procedures developed; - PDHJ administration and finance manual printed - 3 draft policies on IT, mediation and</p>	<p>IV. A review of the annual plan was undertaken in the third quarter to identify challenges PDHJ found in implementing their activities for the first semester</p> <p>V. 4 management actions were taken to implement the Complaint Operation Manual: development of templates for flash reports (3 templates), Provedor's internal order on role of DAP and Regional Offices, approval of reviewed Preliminary Assessment Report and template for investigation strategy</p> <p>VI. No actions to implement the Administration and Finance manual were taken due to feedback of PDHJ management and staff of the poor quality of Tetum translation of the manual and difficulties in using the Manual together with the public procedures for procurement and finance established by Ministry of Finance</p> <p>VII. 1 Department was established:</p>
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		<p>PDHJ IT officer (Project support not required);</p> <p>Strengthen institutional communications and public relations</p> <p>Target: Achieved</p> <ul style="list-style-type: none"> - 4 PDHJ products supported; - web-site development undertaken by PDHJ IT officer (Project support not required); 	<p>conciliation and off duty state officials under discussion by PDHJ management</p> <p>Strengthen institutional communications and public relations</p> <ul style="list-style-type: none"> - 3 PDHJ videos produced (one on mandate and two on activities); - PDHJ web-site developed; - PDHJ annual report produced. <p>Communication for Impact training held</p>	<p>the Office of the Inspectorate was created in the third quarter. The establishment of outstanding departments – Legal Advisory, Conciliation and Mediation and Follow up Recommendations – are dependent on conclusion of long term training and staff recruitment</p> <p>VIII. 1 human resource related strategy was developed: recruitment strategy for the PDHJ. Two other strategies were still under development by the end of 2012: review of PDHJ job description (result based) and capacity assessment of the regional offices.</p>
<p>Output 3: PDHJ has effective information and knowledge management systems</p> <p>Baseline: PDHJ has some case management systems but still struggles to manage and report on data effectively and needs to further develop case management, particularly to help track cases across different departments. File management systems are in place but need monitoring to ensure</p>	<p>Targets (Years 1 – 5)</p> <ul style="list-style-type: none"> • PDHJ case and file management is effective and efficient • PDHJ develops and implements knowledge management systems. 	<p>Case and File Management</p> <p>Target: Partially achieved</p> <ul style="list-style-type: none"> -TOR for case management designer and recruitment commenced; - commenced identification of database requirement through internal and external however further work required once database expert is recruited. 	<p>Case and File Management</p> <ul style="list-style-type: none"> - 4 consultations and meetings on development of case management system; - Plan for joint development with Justice Facility and PDHJ completed and funding from Ausaid secured; <p>Knowledge</p>	<p>Reported against all themes (3)</p> <p>Case and File Management</p> <p>Targets</p> <ul style="list-style-type: none"> I. PDHJ Case Management System developed and implemented II. PDHJ networking and file sharing implemented III. PDHJ training database regularly updated by PDHJ IV. PDHJ email system established V. PDHJ

<p>implementation. PDHJ has no knowledge management systems or plan. Institutional memory is weak and there are no systems in place to file, store, retain and find information and resources.</p> <p>Indicators:</p> <ul style="list-style-type: none"> • Plan for case management system developed (Y/N) • Case management system developed (Y/N) • Case management system used by institution to manage cases (Y/N) • % of accurate entries into case management system • Knowledge management plan developed (Y/N) • Knowledge management plan implemented (Y/N) • Training database is developed (Y/N) • Training database is regularly updated by PDHJ (Y/N) • Training materials from CB project trainings are integrated into and catalogued in PDHJ library (Y/N) • Training materials from non CB project trainings are integrated into and catalogued in PDHJ library (Y/N) • Computers are networked to facilitate case and knowledge management (Y/N) 		<p>Knowledge management Targets: Partially Achieved. (awaiting IT consultant recruitment)</p> <ul style="list-style-type: none"> - CD Training database developed; - CD Training database updated; - Installation and training on library database for PDHJ library; - 4 learning sessions to share lessons from international conferences and trainings; - PDHJ knowledge management plan developed in relation to education and promotion. - Training materials are integrated into and catalogued in PDHJ library; 	<p>management</p> <ul style="list-style-type: none"> - PDHJ education and promotion common knowledge management system developed, training held and ongoing implementation by PDHJ staff; - Common electronic and paper filing system for department of monitoring and advocacy developed and implementation ongoing; - PDHJ networking of Dili office completed and hardware procured; <p>PDHJ email system tested in preparation for installation of system in next quarter</p>	<p>professional development information resource developed</p> <p>Results:</p> <ol style="list-style-type: none"> I. PDHJ electronic case management system under development. II. PDHJ shared drive server installed, network resources integrated, intranet started. III. Review of the training and promotion database under progress IV. PDHJ email system established V. Resource not developed yet due to potential in using the Personnel Management Information System (PMIS)
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15 Annex H: Budget expenditures at mid-term

Total: USD \$3,074, 900	Received/ Committed funds	Received/ Committed funds	Received/ Committed funds
Donor	2010	2011	2012
SIDA	1,100,000.00	1,218,765.00	1,221,443.91
Irish Aid	215,710.45	233,250.00	5,971.52
New Zealand Aid	353,358.00	654,434.00	1,124,571.20
OHCHR	150,000.00	300,000.00	450,000.00
UNDP	100,000.00	199,023.00	148,442.79
Total Funding	1,919,068.45	2,605,472.00	2,801,986.63
Project Budget	3,074,900.00	3,074,900.00	3,074,900.00
Project Funding Gap	1,155,831.55	469,428.00	272,913.37

Source: Annual Reports UNDP / PDHJ 2010, 2011, 2012

2010

The Project expended \$490,000, compared to the budgeted amount of \$602,000. This under-expenditure was due to the fact that most of the project funding was not secured until the third quarter of the year. Despite these resource constraints, as can be seen in the Annual Results Matrix, the plan for 2010 has been implemented with limited exceptions. The under-spend related to the fact that it was not necessary to hold the orientation programme for PDHJ leadership as the Provedor and Deputy Provedor for Human Rights remained unchanged. Further, the positions of Management and Training Education Mentor, as well as translations where possible were undertaken by the Project Manager in order to reduce expenditure in line with available resources. The Conciliation Mentor position was not required in 2010 as the re-structuring of the PDHJ foresaw the establishment of a new mediation and conciliation department which is yet to be staffed. The late arrival of funds also impacted on the recruitment of IT personnel and equipment which were delayed until 2011.

At the end of 2010 the Project had secured substantial funding for the entire project period, 2010- 2014.

2011

The project expended approximately \$754,000 during 2011.¹¹¹ The original amount budgeted for 2010 was \$679,961, however activities approved by the Project Steering Committee totalling an additional \$48,000 in funds were allocated for additional needs in relation to IT equipment and the good governance assessment mission. The expenditure exceeded the budget by approximately 3% however the over expenditure was still within the unexpended funds from 2010.

2012

¹¹¹ These are preliminary figures and final certified accounts will be available in June 2012.

The project cost approximately US\$759,235.95 during 2012.¹¹² The original amount budgeted for in 2012 was US\$676,712. The total expenditure exceeded the budget allocated initially in the Annual Work Plan by approximately 12%. This additional expenditure, reported during the PSC meeting in October, was the result of costs related to the change of Project Manager as well as the need to provide additional lecturers for the Jurists' training.

Expenditure (based on annual reports 2010,2011, 2012)

Donor (breakdown only available for 2012)	2010	2011	2012	2013 mid way
SIDA			230,665.71	
OHCHR			150,000.00	
NZ Aid			328,602.66	
TRAC (UNDP)			49,967.58	
Total Provisional Expenditure	490,000.00	754,000.00	759,235.95	309.799,00

Approximately **US \$ 762,000** is left from the original budget if all contributions are received for the remainder of the project.

The Annual estimated costs from the Work Plans are as follows:

Year	Costs
Annual work plan 2010	\$651,515
Annual work plan 2011	\$676,712
Annual work plan 2012	\$589,553
Annual work plan 2013	\$602,303
Total	\$2,520,083

¹¹² These are preliminary figures and final certified accounts will be available in June 2013.

16 Annex I: Documents consulted

UNDP

- UNDP Strategic Plan 2008 – 2011
- Toolkit UNDP/OHCHR/APF on NHRIs
- UNDP Capacity Assessment documents (manual, guidelines, website)
- United Nations Development Assistance Framework UNDAF 2009-2013
- UNDAF ANNUAL REVIEW YEAR 2 15 February 2011
- UNDP Country Programme for Timor-Leste (2009-2013)
- Independent Mid-term Evaluation Mission FINAL REPORT ON THE UNDP JUSTICE SYSTEM PROGRAMME IN TIMOR-LESTE
- EXTERNAL FINAL EVALUATION REPORT Support to Civil Service Reform in Timor Leste, Jurgita Siugzdiniene and Carmeneza Dos Santos Monteiro
- Project Document 2010 – 2014
- Project Document 2007 - 2010
- Annual project Workplans 2010, 2011, 2012 and 2013
- Annual Reports project 2010, 2011, 2012
- Quarterly Reports for 2010, 2011, 2012
- PDHJ capacity assessment 2010
- 2009 UNDP Project Evaluation Report
- Good Governance Capacity Assessment 2011
- Project Steering Committee minutes 2010, 2011 and 2012
- Specific Documents for each output, including: Training agendas and training materials, training reports, discussion sessions ToR, mentoring reports, examples of mentoring assessments, evaluation forms from trainings etc.
- Draft Communication Strategy
- Project Training Excel Register

PDHJ Documents

- Strategic Plan, Annual Work Plans and Communication Strategy
- PDHJ Statute
- PDHJ Organic Law
- Public Service Law
- PDHJ Annual Report 2009
- PDHJ Annual Report 2010
- PDHJ Annual Report 2011
- PDHJ Election Monitoring Report 2012
- PDHJ Reports to APF meetings
- Complaint Operational Manual
- Deputy Provedor Good Governance Speech to European Union (e): summary in English of the Good Governance Violation Categories
- PDHJ Complaints statistics
- Report of the Ombudsman for Human Rights and Justice of Timor-Leste For CEDAW Committee 2009/2010
- UPR Stakeholder Report (joint with NGOs). Joint Submission from the Office of the Provedor for Human Rights and Justice and Civil Society Organisations in Timor-Leste, United Nations Universal Periodic Review - 21 March 2011.

General:

- Timor-Leste: Stability at What Cost? Crisis Group Asia Report N°246, 8 May 2013
- Summary Report Fragility Assessment in Timor-Leste “Learning from the past and always try not to repeat terrible things, We all should be together to bring our country move forward”

- Produced by Fragility Assessment Team at Ministry of Finance Dili, 26 February 2013
- Monthly Governance Report is prepared by the Democratic Governance Support Unit-DGSU
- United Nations Integrated Mission in Timor-Leste- UNMIT, Updated version: 16 April 2010
- Justice Sector Strategic Plan for Timor-Leste 2011-2030, February 2010
- Report of the Working Group on Universal Periodic Review, Timor-Leste, 3 January 2012, UN Doc. A/HRC/19/17. Available online at: <http://daccess-ods.un.org/TMP/8193139.43386078.html>

17 Annex J: SWOT results: presentations of the discussion results per group

Strengths of the project in support of capacity building of human rights in PDHJ	Weaknesses of the project in support of building capacity in human rights in PDHJ
Knowledge of human rights has increased and tools such as manual has been beneficial	Human rights benefits more from the project then good governance
Mentoring has helped staff to improve their work and the quality of the report and increase in the number of reports	Language courses are provided during office hours and is not efficient given staff's workload
Staff has a better idea on categorisation of violations	Weak coordination and communication between project team and the PDHJ and misunderstanding about what is needed and what is provided
	Training provided to is not equal: mostly senior staff and management benefit from the opportunity for training abroad
	Mentoring response is late
Opportunities that the project has provided to PDHJ to increase its performance in human rights	The capacity in human rights as a results of the project will continue to increase
PDHJ can now give training to Police and Community Leaders	Most think the project can end since they will be able to work on their own (17) and some (7) suggest that the project should continue and 3 have no opinion
	Capacity building should be across the PDHJ
	Some people would like to know what human rights knowledge level exists now

18 Annex K: Reporting on cases by the PDGJ and the project

PDHJ Reporting based on annual report 2010 and 2011

Total number of cases received 2011	Human rights	Investigated HR cases	Still under investigation	Good Governance	Investigated GG cases	Still under investigation	Not processed or not clear
385	84	55	52	291	?	?	22
Total number of cases received 2010							
214	44	2	44	60	2	40	18

Total number investigated for both division in 2010 104 cases and in 2011 134 according to report

Project reporting based on data provided by the project team 2010 and 2011

Total number of cases received 2011	Human rights	Investigated HR cases	Still under investigation	Good Governance	Investigated GG cases	Still under investigation	Not processed or not clear
385	94	?	?	294	?	?	?
Total number of cases received 2010							
214	78	?	?	136	?	?	?

Total number investigated for both division in 2010 104 cases and in 2011 134 according to report

**COMMENTS FROM THE GOVERNMENT OF TIMOR-LESTE, THE DONNORS OF
THE PROJECT, AND UNDP ON THE PDHJ PROJECT MID-TERM EVALUATION
2013**

1. The Comments from the Government of Timor-Leste (Provedoria for Human Rights and Justice RDTL)

- We would like to begin by mentioning some general aspects concerning the report that PDHJ staff found disconcerting.
- From the draft report the PDHJ is under the impression that the mid-term evaluation team did not gain **a proper understanding of the relationship between the PDHJ and the UNDP Project** despite having the opportunity to ask PDHJ staff about this relationship as well as having the opportunity to read the PDHJ and UNDP Project documents provided to them that outline in detail the manner in which the UNDP Project works with the Provedoria. In a similar manner the evaluation mission's draft report seemed to **confuse on several occasions the Provedoria's mandate and the UNDP Project's activities within the PDHJ**. Several comments were made in the draft report that pertained solely to the work of the PDHJ in areas in which the Project is not involved. These include aspects, described in more detail below, related to recruitment, civil service procedures, PDHJ staff members background and experience, PDHJ staff members expertise, capacity development of the Good Governance Directorate versus capacity development of the Human Rights Directorate as per the Project's mandate and trainings undertaken by the PDHJ that were outside the remit of the project, including trainings undertaken in coordination with APF, state aid agencies and other UN institutions' trainings. This confusion about the PDHJ - UNDP Project relationship led to several apparently misinformed and biased judgments' in the report which reflected negatively on activities conducted solely by the PDHJ, something that we believe was not within the remit of the evaluation team.
- Furthermore the evaluation mission often focused solely on **negative aspects pertaining to the PDHJ's work using sources that can only be ill-informed as they would not have had access to the often confidential investigation material and reports that make up the PDHJ's work in this area**. This includes judgments' relating to the PDHJ's case and complaints system outcomes, investigation reports, budget and staff numbers. According to the Project, documents relating to the Project's assistance to the PDHJ in these areas were provided to the evaluation mission yet **comments from the evaluation missions report did not reflect any information or data from these reports** and were based solely on outside commentary from 'external resource persons' who, presumably from the comments submitted, have not closely studied the PDHJ's activity deliverables, strategic plans or annual activity plans. In some cases the evaluation mission stated their opinion using 'external sources' on material of a confidential nature that would not even be in the hands of staff outside of the PDHJ. In order to come to a more fact-based analysis of the PDHJ's outputs we would urge the evaluation mission to consider evaluating these documents themselves before forming an opinion in their report based on general statements of external sources that do not quote any facts or figures about the PDHJ's work. A quick analysis of the investigation reports from the past few years would have revealed the great improvements in the work quality of the PDHJ's reports year by year.
- PDHJ management was also disappointed to hear that the evaluation mission made several statements concerning the PDHJ's human rights capacity and knowledge based upon their interviewing of administrative staff and good governance staff who

do not work in the area of human rights. While all staff have the opportunity to participate in discussion sessions and workshops concerning specific human rights activities the 2-5 day trainings that the PDHJ avails of that provide in-depth coverage of human rights issues are reserved for relevant human rights staff only. Unfortunately the evaluation mission did not interview any human rights staff working in the areas upon which the evaluation statements and judgments were based to evaluate their level of knowledge or capacity, thus, the PDHJ would question the manner in which the Evaluation Mission came to their conclusions concerning human rights staff members.

- We would also take issue with the manner in which the **evaluation mission bases further negative statements concerning the Project's work solely on the word of 'external sources'**. The idea that UNDP Project activities do not reflect the needs of Timorese society in general is reflected in several unqualified evaluation mission statements that are said to have come from 'external sources'. We would like to clarify that all training activities that the Project conducts with the PDHJ are based on the choices of PDHJ staff and management which in turn requests for activities based on the needs of the human rights directorate.
- The PDHJ would also like to take this opportunity to ask why **the Evaluation Team did not meet with the direct beneficiaries of PDHJ activities**, including the Ministry of Social Solidarity, Ministry of State Administration, the Police and the Military amongst others. These groups, as the main partners of the PDHJ's human rights education activities would have been able to explain in some detail and give an accurate opinion of the PDHJ's effectiveness.
- **Specific Commentary**
- **Section 14** of the report is meant to describe the Provedoria and yet includes several serious errors about the establishment and mandate of the PDHJ. To correct the evaluation mission's statement in Article 14, the Provedoria was not established in 2004 through the National Parliament's Law No. 7/2004, rather it was established by the Constitution. The law referred to was responsible for the development of the Provedor's statute. The report goes on to state that the Provedoria has three mandates, Human Rights, Good Governance and Mal-administration. This is incorrect and not stated in any official legal document. The first two areas mentioned cover the mandate of the Provedoria while the final term mentioned merely relates to a good governance violation category.
- **Section 17** also mentioned some erroneous information about the PDHJ's staff insomuch as they are recruited through the Public Service Commission. A review of law 25/2011, the PDHJ's Organic Law would reveal to the evaluation mission that the recruitment and nomination of the technical staff of the PDHJ are within the remit of the Provedor, hence the Provedoria. The Provedoria does however recruit staff in coordination with the Public Service Commission as all staff are expected to meet the minimum requirements outlined in the Civil Service Act.
- **Section 17** also erroneously mentions that there is a freeze of staff in the Civil Service. This is incorrect but even if it were true it would not stop the PDHJ from recruiting its own staff, a duty for which they have the power to undertake themselves, as mentioned above. The PDHJ has had a policy in place for several years now to

gradually increase PDHJ staff numbers at a level which allows current staff to assist new staff to assume their responsibilities as rapidly as possible. As such, in 2013 alone 21 new positions have been created and will be filled by the end of August. Similarly a staff total of 134 is not foreseen as mentioned in the evaluation report, rather it has been requested already and approved.

- **Section 19** mentions that the PDHJ is in the process of establishing regional offices in all 13 districts in accordance with its strategic plan. This is nowhere mentioned in the strategic plan and is not part of any plan for the PDHJ. The PDHJ has 4 regional offices and intends to continue the development of these offices rather than creation of new offices.
- **Section 27:** Neither the Project nor a mid-term evaluation of the Project has the competency to evaluate the individual capacity of the PDHJ. Despite this the evaluation report mentioned that the capacity needs assessment *‘appears to have assumed a minimum level of expertise available (to the PDHJ), even this assumption may have been mistaken.’* The PDHJ finds remarks such as this inaccurate both for their connotation concerning the ability of Timorese people in general as well as for the manner in which they are opinions not grounded in any fact or evidence included in the evaluation report. We mentioned this opinion during the Project Steering Committee meeting at which the evaluation team first gave their findings without providing any real evidence and we will reaffirm again that groundless and inaccurate statement such as this was included in an official report. The report mentions later that evidence for this lack of capacity comes from the lack of PDHJ staff with a legal background. We would like to point out that in the Human Rights Directorates Investigations Division, the one division where both the UNDP Project directly assists capacity building activities and where legal knowledge is an important aspect of the work, 2 of the 4 staff have a bachelors degree in law and 1 more is studying part time for her degree in law at present. Like the majority of technical staff members in the PDHJ, all staff in the investigations division have undergone intensive trainings to give them the knowledge necessary to perform their functions effectively, something which the PDHJ keeps records on. This is information that the evaluation team had at hand and could have checked up on by merely asking senior PDHJ staff members rather than relying on external opinions that reflect a lack of knowledge on the PDHJ’s institutional settings.
- **Article 36** states that in the Good Governance Directorate 3 staff have received 1-3 trainings each from the UNDP Project. We would like to know what data supports this affirmation, since no source is mentioned by the report and the PDHJ is unsure of what this article is referring to.
- **Section 37** states that *“the Project in this regard appears to be contributing to an element of confusion in labelling a variety of engagements it provides as training when they would not meet the UN definition of human rights training. This confusion in terminology of what is human rights training and what is rather awareness raising (or socialisation) may affect the Project’s ability to assess its own impact”*. The PDHJ would like to point out that all training activities carried out in conjunction with the Project are clearly described and divided into categories including Trainings, Workshops, Discussion Sessions and information sessions. The mid-term evaluation report would have been able to see this if they had read any of the Terms of References for the activities mentioned above, each of which has its

own distinct template and guidelines. We would also like to point out that the PDHJ in turn has begun to use the UNDP Project's templates and guidelines concerning the aforementioned activities in our own trainings, workshops and socialisation sessions with different state groups and communities.

- **Article 39** mentions several erroneous comments. The first being the evaluation mission's 'concern' that the UNDP Project requires compulsory attendance at trainings. This is incorrect inasmuch as the UNDP Project has no power to require PDHJ staff to do anything. The Provedor requires staff to attend trainings after dates have been agreed to between PDHJ management and staff in order to avoid overlap between trainings and field activities. The PDHJ would question the manner in which the evaluation mission came to the conclusion that all trainings are based more on lecture-style rather than participatory methodologies based on their presence for a limited time (1 ½ Hours) at a UNFPA –led training on HIV, AIDS and Human Rights. We would first like to ask the evaluation team to attempt to make a differentiation between the UNDP Project trainings that PDHJ staff participate in and the other trainings the several international institutions and NGO's, national state aid bodies and local NGO's facilitate the PDHJ staff with. The PDHJ education and promotion team often bases its own trainings off material and methodologies used in UNDP Project and other trainings and we would like to point out, as the evaluation team might have seen in the TOR's provided to it that the UNDP Project trainings, like the PDHJ's own trainings, use a variety of human rights based approaches that include participatory methodologies. The PDHJ also receives records of the number of active participants at all trainings from the UNDP Project. This is based on gender disaggregated data and together with the participant (both staff and NGO) evaluations of all trainings includes much information that could have led to a more accurate portrayal of the methodologies used by the UNDP Project in their trainings.
- We would disagree with the idea that PDHJ staff become 'overburdened' as a result of trainings also and would like to point out that particular staff who might not enjoy one training will be quick to state that they feel overburdened by attending it but these same staff might suddenly feel inspired by a training the month after if they feel that it is more relevant to their work. This can be seen from PDJH staff members assessments of trainings which the PDHJ believes were also provided to the evaluation mission.
- The PDHJ staff members were disappointed to see inaccurate criticism of their Election-time activities in **Article 41** of the evaluation mission report. The PDHJ's report was not meant to analyse election issues, rather it concerned human rights and good governance issues related to the election. The 'external stakeholders' that mentioned the report had never been published were also wrong, something which the PDHJ could have told the mission if they had only asked. The PDHJ not only published a report, it also disseminated it amongst relevant individuals and institutions and on the basis of this report the PDHJ was asked to conduct a 1 day seminar by the Asia Foundation on the results from the human rights and good governance monitoring of the elections. Our analysis included several techniques that no other international or national institution used during the elections. This included disaggregated data techniques and the inclusion of vulnerable persons and target groups in the monitoring activities. Information from these groups was also

included in the final report. Despite a small budget the PDHJ was able to visit every sub-district and almost 85% of villages in the country and report in a far more detailed manner and uncover several violations that were not mentioned by larger groups monitoring the elections including the E.U.

- Concerning **Article 42**, we would like to point out that all trainings and discussion sessions provided to the PDHJ by the UNDP are based on the preferences of the PDHJ staff not on the preferences of the UNDP Project. PDHJ staff usually vote on topics for discussion sessions to hold and trainings are held based on the informed decision of senior management, often based on the consideration as to what upcoming issues might become threats to human rights or good governance principles in the near future. The evaluation mission would have seen the rationale for the training they attended on HIV, AIDS and Human Rights if they had read the TOR and we are further heartened to see that recent surge in interest in this topic with political, media and health circles in Timor-Leste due to the high-risk threat it could pose to our country if measures are not taken to prevent its spread. Other trainings are based on the number of complaints we received from members of the public in certain human rights areas as well as based on areas that the staff themselves see as relevant to the current work of the PDHJ. All of the topics mentioned by the evaluation mission, save the right to water have been covered already through either trainings or discussion sessions that the PDHJ have attended as the evaluation mission might have seen in the UNDP Project's annual reports. We would like to mention once again that the UNDP Project is only one group that assists the PDHJ in developing their capacity and that several other groups also provide trainings to PDHJ staff.
- The Evaluation Mission seems to seriously misunderstand the capacity building nature of the UNDP Project in **article 46 to 53** of their assessment. Firstly several statements mentioned in the assessment are criticisms of the PDHJ, not the Project in areas which the Project is not involved in. Mention of these areas is of no relevance to the work of the evaluation mission as outlined in their TOR and should have been clarified by the PDHJ prior to its inclusion in any draft of a report. We would first like to point out that the UNDP Project has no control over when a complaint or case is opened, closed, investigated or referred, as suggested by the evaluation report in article 46 of their report. We would also like to point out that the UNDP Project is not in a position to record whether any case is open or closed. Any information that the UNDP Project has merely comes from the PDHJ's own systems rather than an alternative UNDP PDHJ system. Information concerning the number of cases dealt with in 2010 and 2011 is also inaccurate and we are not sure where the evaluation mission came up with these numbers which are easily found in the PDHJ's annual report for those years. We would have also been happy to share the 2012 annual report with the evaluation missions, something they said they were unable to access, if they had only requested it, something which they did not despite their footnote to the contrary.
- **Article 50** also mentions that 'external resource persons' mentioned that the PDHJ's 'reports' are of a poor quality. The PDHJ has several issues with this, primarily, we would like to ask whether the evaluation mission read all PDHJ's 'reports' or whether they relied solely on the opinions of 'external resource persons'. Only by reading all reports could the mission have reached this conclusion.

- We would also like to point out that the PDHJ creates a variety of reports, from annual reports to investigation reports to monitoring reports. Some of these are published, some of these are confidential and thus cannot be shared with the public (they are only sent to the complainants and to the respondents, who are the parties in the report). This comment by the evaluation team would suggest a certain bias in their analysis as they would not have been able to consult with any ‘external resource person’ who would have access to confidential investigation reports (since they would not have been able to access these reports), the type of report which the evaluation mission seems to be commenting on. The only group who would have been able to comment on the quality of the report would have been the complainants or the respondents to the report (which means the parties involved in the report), individuals which, presumably, the evaluation team did not meet. As such how could they include an opinion in their evaluation that is not based on any informed fact?
- Article 50 goes on to mention that the ‘PDHJ appeared to lack full confidence in its own reports as it didn’t make strong efforts to have them enforced or followed up on non-compliance.’ The PDHJ will admit that we are still in the process of organising our new recommendations and follow-up division, a department that will be under the control of the Directorate of Public Assistance. Despite this, institutions that the PDHJ forwards recommendations to have the duty to implement these recommendations. The PDHJ also makes a list of recommendations that haven’t been followed which it presents to Parliament every year to discuss.
- **Article 54** questions the effectiveness of the language classes that the UNDP Project Provides to the PDHJ. The first inaccuracy in this section is the fact that apparently staff and management indicated that the timing of the classes clashes with work commitments, including field visits. After consulting with staff, PDHJ management actually re-arranged the class schedules to happen inside of work hours as the majority of staff didn’t want to give up their lunch hours to participate in language classes. The report also mentions that, classes are missed every second week as they clash with field visits. Almost all PDHJ staff would undertake field work a maximum of 4-5 times a year so we fail to understand where this figure comes from. The report then says that the PDHJ is considering sending staff to language classes after work hours. We are unsure where this came from however to date the PDHJ has no strategy to change the language classes to times outside of those in the present schedule.
- The evaluation report asserts in **article 57 and 116** that the PDHJ’s contribution to the UPR was limited and that the NGO’s took the lead on the creation of the UPR statement. The PDHJ was surprised to see the evaluation report’s comments on the role of the PDHJ during the NGO report, particularly as the mission had not asked the PDHJ for their own opinion on the UPR mission. The PDHJ would like to point out that aspects relating to the UPR process and the role of the PDHJ and CSO’s were agreed beforehand between the PDHJ and the NGO’s involved. The PDHJ agreed to take the lead on certain aspects, including the socialization of the UPR report and the dissemination of information concerning the report. A detailed description of the PDHJ activities relating to these aspects were all included in our 2012 annual plan, something the evaluation team never asked for.

- The idea that the UNDP Project initiates and takes the lead on drafting PDHJ technical opinions for the international arena is inaccurate. While the PDHJ does request assistance from the UNDP Project in both writing and editing speeches, letters and official opinions it is the PDHJ that requests this assistance and it is the relevant PDHJ staff member who will write the preliminary draft of all technical reporting activities. The PDHJ's English and Portuguese ability is still limited so often the UNDP Project will be requested to improve an article or letter however the facts within the article will have come from the PDHJ staff member themselves.
- **Article 63** of the report says that the UNDP Project assisted with the establishment of 'the unit for human resources'. This is inaccurate information and does not reflect the reality of the PDHJ establishing its own human resources department some years previously without UNDP project assistance.
- **Article 68** mentions that the UNDP Project prepares case reporting separate to the work of the PDHJ. This is inaccurate. Table 1 in the evaluation mission details figures that purport to come from the UNDP Project. This is also inaccurate as the UNDP Project only uses figures that come from the PDHJ. These figures in the table are not accurate and do not reflect the complaints data statistics that the PDHJ uses and for these reasons it would be quite easy for the evaluation mission to find them inconsistent and incomplete. Official case and complaints figures are all to be found in the PDHJ annual reports.
- **Article 70** discusses the preliminary assessment stage of the complaints and case management system. It gives the inaccurate information that this stage was recently introduced. This stage was introduced by the PDHJ's law several years ago.
- **Article 76** notes that the Personnel Management Information System is not yet fully functional in the PDHJ. We would like to point out that this system is not yet 'fully functional' or indeed implemented in any state institution in the country as it has not been rolled out yet.
- From the perspective of the PDHJ there are most definitely sufficient discussions with the UNDP Project on their progress and related problems, in contradiction to what **Article 82** mentions. PDHJ management meets the UNDP Project Management weekly to discuss issues related to the Project's activities in the PDHJ. We would like to point out that **article 102** mentions that the level of PDHJ's 'management's staff and time that is required to interact with the project's activities is quite demanding' – something which contradicts this statement also. In any case meetings between PDHJ management and UNDP Project Management are held regularly and discuss all aspects of cooperation between these two entities. Sometimes they are no doubt demanding but as they relate to the work that the PDHJ performs it would be difficult to construe them as taking PDHJ management away from their routine tasks.
- **Article 87** asserts that outside observers '*assert that the analytical quality of cases and the way they are presented and analysed, for example, are still weak despite the increase the number of cases in the first years of the project*' (sic). While the sentence above is unclear in several parts the PDHJ would still be interested to learn what outside observers were asked about the quality of confidential case plans and structures and whether these outside observers actually had access to the PDHJ's

confidential investigation reports also. If they are merely generalized statements or uninformed opinion then it might be better for the evaluation team to report them as such rather than as informed assertions. The evaluation team also asserts that the fact that most staff do not have a legal background makes it difficult for them to assess ‘how the progress of knowledge and capacity occurs’. The PDHJ would be interested in learning why this is so. We would also like to point out, as the evaluation team would have seen if they had asked for any public investigation reports available, that the PDHJ’s investigation reports all have the proper format, analysis and strategies based on UNDP Project developed templates. When the PDHJ gives any final investigation report it has a detailed explanation of the procedures and process used by the PDHJ at the start of the report.

- **Article 97** mentions that staff members are selected to attend UNDP Project trainings on the basis of their language skills. The PDHJ would like to point out that all UNDP Project trainings are held only in Tetum. The PDHJ selects staff to attend UNDP trainings on the basis of the relevance of that training to staff members work.
- The PDHJ feels compelled to note that, in contradiction to what is mentioned in **article 112** of the report, the Paris Principles do not anywhere demand that NHRI staff should not be civil servants. Evidence to this is that fact that the PDHJ has an A status despite the fact that the PDHJ staff members are civil servants. We would also like to point out that the decision for staff to remain in the civil service system was a sovereign decision taken by the PDHJ. The decision was made primarily taking into account the reality of the post-conflict situation of Timor-Leste and the reality of the PDHJ.
- The PDHJ takes issue with the idea that staff in the human rights directorate are not properly motivated as a result of their civil servant status which, according to the evaluation report, means they are not ‘independent human rights monitors’. While ensuring staff are properly motivated remains a challenge for any institution, state, NGO or otherwise, the PDHJ’s results as outlined most recently in the 2012 annual report clearly show that the staff were motivated enough to use their initiative to commence monitoring and investigation work in several key areas such as violence against children in schools and, most recently monitoring health facilities throughout the state. Our annual report documents the improvement and increases in complaints and case-load over the years and further shows the new areas that the PDHJ has branched out into. While external commentators might prefer the PDHJ to focus on their area of expertise we have outlined in our Strategic Plan the areas that we feel are most important for the PDHJ to focus on and would be grateful for comments that would productively assist us to develop or improve our strategies rather than to dismiss them out of hand.
- After examination of the evaluation report the Provedor noted, ‘any evaluation must have a balance between both sides and can’t presume to focus on negative aspects only.’ Unfortunately this report seems to do just that and, due to this lack of objectivity, the fact that it does not represent good quality evaluation work and also for the reason that it fails to take into account the reality of the PDHJ’s work due to the lack of communication between the evaluation mission and the PDHJ, the Provedoria rejects this report. The Provedoria finds also that the findings and conclusions of the report do not look at the Project or even the PDHJ in a systematic or structured manner but limit themselves to focusing on smaller details that do not

consider the reality of the PDHJ, Timor-Leste or the post-conflict nature of the country.

- For this reason the Provedoria would recommend the holding of another evaluation, one in which the PDHJ is asked to assist in organising, and one which takes the opportunity to assess the PDHJ's actual work and activities as related to the UNDP Project's activities based on material produced by PDHJ and UNDP Project staff and through information learned from interviews with relevant PDHJ and UNDP Project staff. We would ask for assistance in this matter from New Zealand Aid, one of the Provedoria's donors and an agency with a heavy focus and experience on monitoring and evaluation. Saying this, the PDHJ is also open to exploring other options towards the creation of a fair monitoring and evaluation mission at the UNDP Project or Donors suggestion.

2. **Comments by the Donors of the PDHJ Project on the Mid-Term Evaluation of PDHJ Project 2013.**

**MFAT Feedback on the Mid-term Evaluation of the UNDP/OHCHR
Capacity Building of PDHJ Project
2010 - 2014**

First of all thank you very much to UNDP for sharing this draft mid-term evaluation report and give us the opportunity comments on the report. Below are our comments on the mid-term evaluation draft report.

Comments:

- We are aware that the PDHJ, the Project Team, and UNDP have prepared detailed feedback on points they believe are inaccurate or unjustified. Rather than adding further details on the content, we would like to focus our comments on the usefulness of the report and its recommendations.
- The limitations (3.5, page 4) faced by the Evaluation Team in performing its assignment effectively appear to be significant, particularly the limited consideration of documentary evidence and the apparent omission of interviews with some key stakeholders. We would like the Evaluation Team and Project staff to give consideration to whether it may be possible to do additional analysis to provide further information and triangulation of data, for example, by examining Tetun-language documents (as the team includes a Tetun speaker, it's not clear to us why the team was unable to assess these reports), or by conducting additional interviews over Skype.
- While the limitations encountered raise questions around the validity of the evaluation report and its findings, we believe the evaluation report puts forward important questions for the Project's stakeholders to reflect on in order to refine and improve the Project's focus and methodology. This has been a contentious evaluation and it is vital that the opportunity for learning is not lost amid the controversy. It is important that:
 - all lessons are drawn out of the findings. For example, the theme of the PDHJ taking greater responsibility for analysing, planning and managing its own capacity building, including through internal transfer of knowledge, as an important sustainability strategy runs through the report (para 54, 63, 98), but does not appear in the final recommendations. Similarly, there is considerable

discussion of staff turnover, but no recommendation, and no recommendation arising from para 128, which raises an important issue.

- all recommendations, and indeed the entire report, are expressed in as constructive a tone and manner as possible.
- The ET notes that there is a high turnover of staff in the civil service, including the Provedoria, which affects the sustainability of the training provided (Output 1), further asserting that unless staff turnover is addressed, ‘any current and future support and training provided by the project is likely to be less and less effective.’ However, we should also see the positive side of this: where staff are moving to other parts of government, or even the private sector, the Project is in fact contributing positively to the human resources capacity development of the country as a whole, and this should be noted in the Report.
- A range of issues are highlighted in relation to training, including: (for Output 1) relevance of topics covered by training (e.g. HIV/AIDs, torture, human trafficking, etc.); lecture style approach in delivering training; lack of enthusiasm among staff for training, etc., all of which impinge on achievement of project goal and objectives. Despite this, recommendations 131 and 135 address only training, without considering other capacity building techniques (such as mentoring) that appear to have been more effective. Is there a case for rebalancing the Project’s methodology away from training and toward more on-the-job mentoring, to increase its relevance?
- In addition to the above, there appears to be relatively little consideration of the broader incentive environment for PDHJ staff to improve their knowledge, capacity, productivity and work quality. The incentive environment is critical for capacity development and organisational change; any comments or recommendations in this regard would therefore also be of interest. This is also relevant to comments on change in police (para 67) – it would be unusual for training alone to bring about behavioural change.
- Any more specific recommendations on priority activities and indicators to be retained would be useful.
- Finally, under the table of acronyms and abbreviations, we would like to make a small correction. NZAID and ‘New Zealand’s International Aid and Development Agency’ are no longer current terminology. New Zealand’s programme of development assistance is now called the New Zealand Aid Programme. We would be grateful if you could remove references to NZAID and replace with New Zealand Aid Programme.

Once again thank you very much. We look forward to receiving the final report of the Mid-Term Evaluation.

3. Comments of UNDP on the PDHJ Project Mid-Term Evaluation report and its Recommendations, 2013

UNDP Comments of the PDHJ Project Mid-Term Evaluation Report

UNDP has carefully examined the draft mid-term evaluation report and comments from PDHJ, project team and OHCHR, and New Zealand. We note significant differences in the understanding between the evaluation team on the one hand and the PDHJ and project team on the other with regards to progress thus far in the areas where the project has intervened. There are questions and concerns over the triangulation of information that as it currently stands compromises the credibility and utility of the report. Firstly, the two major stakeholder groups (PHDJ management and project team) contest many observations in the report and feel that they were not consulted or that their inputs were not given equal consideration as other stakeholders cited in the report. Secondly, another important stakeholder group was missed out in the interviews, namely the primary beneficiaries of PHDJ's reports and training supported by the project, who should be able to provide valuable feedback and suggestions for PHDJ and the project as well as to shed light to the broader institutional context within which PHDJ operates that may be beyond PHDJ and the project's direct sphere of control, but is important to consider for the ultimate objective of Timorese state institutions adhering to human rights standards. Thirdly, objective evidence based on the analysis of reports and documents that PHDJ produces is necessary to ascertain the level of current capacity as well as the pace at which this capacity has developed over the years to arrive at a realistic recommendation of how to undertake capacity building activities in the remaining period of the project.

UNDP would like to optimize the use of the mid-term evaluation as constructively and productively as possible for consultations with PHDJ and donor partners on future planning. We also note that there may be limitations with regards to what the evaluation team can reasonably do in light of the physical distance and language barriers in conducting more interviews and reviewing Tetum reports. Therefore, we would like to request the evaluation team to consider the following in the finalization of the report.

- 1) Review the comments from PDHJ management and the project team and reflect them in the report, where possible triangulating them with other information available to the evaluation team to draw conclusions and recommendations, but where this is not possible, at least presenting and acknowledging the different perspectives. It would be useful to differentiate perspectives of direct stakeholders, direct beneficiaries and indirect beneficiaries or external observers who not only have different and often partially informed perspectives but also different roles to play.
- 2) Explain the information gaps and limitations, such as the views of direct beneficiaries in the government institutions and the analysis of PDHJ reports.
- 3) Provide a more balanced set of conclusions based on the triangulation of the available information (including PDHJ management and project comments) and where it is not possible to conclude, raise questions that should be further examined.
- 4) Provide practical and realistic recommendations to the project and to PDHJ management on capacity development focus and approaches for the remaining project duration. Other observations and recommendations that may not be under the direct purview of the project but are important for the project to be effective, for example at the level of PDHJ or civil society or state institutions, should be noted. It would also

be useful to recommend follow-up actions that would fill information gaps and reconcile different perspectives in a constructive and productive manner.

- 5) The language used in the report should be attuned to foster constructive engagement of all stakeholders to critically reflect on progress and gaps, to reconcile different views through dialogue and to agree on feasible actions for the remaining period of the project and beyond. “Do no harm” is a principle that UNDP wishes to promote in a post-conflict country that is still consolidating peace, social cohesion and governance.

We request your diligent examination and analysis of the information and comments provided and look forward to your final report. Please do not hesitate to request for any further information or clarifications from any of the stakeholders that have provided comments.