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## Annual Project Progress Report 2013

<b>Project Title:</b>	Strengthening National Human Rights Oversight Capacity in Mongolia (2012-2014)
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Participants of the workshop on reporting to international human rights treaty bodies, 2013,  
Photo ©NHRCM/BadmaaragZ

**Ulaanbaatar 2013**

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## INTRODUCTION

The project objective is to strengthen the national human rights oversight mechanisms through supporting capacity of the NHRCM to study and report on emerging human rights issues in the current development context of Mongolia and issues affecting specific groups and seek response from duty-bearers and engage with relevant institutions for policy dialogue and public education.

The project has 3 main outputs:

- *Mandate of NHRCM is enhanced to focus on issues-based monitoring;*
- *Improved complaints handling and case management.*
- *Improved public education and outreach;*

## 1. PERFORMANCE REVIEW

### 1.1. Progress review

#### 1.1.1. Overall progress towards the stated objectives and expected outcomes (CPAP outcome and output/s)

##### ***Output 1. Mandate of NHRCM is enhanced to focus on issues-based monitoring.***

*1) In 2013, NHRCM carried out monitoring and studies on three emerging and pressing human rights issues:*

- Monitoring of the implementation of the Law on Gender Equality;
- Study on criminal charges for drugs and substance abuse crimes and challenges;
- Study on human rights education in tertiary institutions.

According to the Law on Gender Equality, the duty to do monitoring of the implementation of this law and report to the Parliament is assigned to the NHRCM. A study on “gender equality in labour relations” was commissioned to a NGO. The purpose of the study is to collect information and make a conclusion on implementation of the Article 11 of the Law on Gender Equality, at state and private sector organizations, and to prepare recommendations. A special emphasis is given to review of organizational internal documents to see if any discrimination has taken place in labour relations among women and men, if conditions for balancing work and family responsibilities and taking care of children have been created, if any sexual harassment at workplace has taken place, to explore perceptions and understanding of this issue, and to compile best practices in implementation. A total of 24 organizations in Ulaanbaatar and two aimags (Orkhon, Umnugovi) are participating in this study and 531 respondents participated in the survey. The study report will be finalized by 15 Jan 2013.

Study on criminal charges for drugs and substance abuse crimes and a challenge was completed. The objective of the study was to explore current situation of criminal charges for drug related crimes based on court decisions against international human rights conventions, and to provide recommendations to relevant authorities for further amendment to the Criminal Code. The study

was conducted by a joint working group of NHRCM, the Capital City Court, and the Centre for Human Security. The study reviewed legal practice and legal environment related to drugs using court decisions dating back to 1986, and provided 7 conclusions and 7 recommendations that relate to the changes in legal environment. These recommendations are now being followed up with advocacy work so that relevant legal acts can be amended. The report was printed in 1,000 copies and disseminated to courts, law enforcement agencies and universities, and put on NHRCM website.

Study on human rights education in tertiary institutions which prepare lawyers, medical doctors and social workers was initiated to review human rights content of curricula and to develop policy recommendations and provide methodological advice for human rights education. ToR was approved, and a joint working group consisting of representatives of NHRCM, National Legal Institute and Education Research Institute is expected to undertake this study. The report will be finalized in the first quarter of 2014.

*2) Implementation of recommendations of previous studies and monitoring:*

12<sup>th</sup> Annual report on Status of Human Rights and Freedom was submitted to the Parliament in April 2013, with the following chapters which incorporated studies and monitoring that took place in 2012:

- Mining and human rights
- Some issues of child rights
- Rights of LGBT persons in Mongolia
- Implementation of recommendations of UN human rights bodies made to Mongolia
- Proposals for the Parliament.

This report contained 5 proposals related to mining and human rights, 5 proposals related to child rights, and 2 proposals related to rights of LGBT persons, and other proposals on implementation of UN human rights bodies' recommendations. The main result of this work was adoption of the Resolution No.13 by the Parliamentary Standing Committee on Legal Affairs on 13 July 2013. The Resolution commended the proposals and recommendations of the Annual report, and resolved the Government to undertake a number of measures to implement those proposals and recommendations, including increase of the NHRCM 2014 budget to reflect costs related to local human rights officers.

The NHRCM extended meeting was held 27 February 2013 to discuss findings of the study on children to studying in religious schools, and their rights to education, to live in safe environment, and to be protected. The meeting was attended by 60 persons, including Chief Commissioner and Commissioners of the NHRCM, representatives of the Ministry of Education and Science, Ministry of Justice, Capital City Governor's office, and President's office, as well as representatives of religious organizations. Numerous proposals were put forward and discussed at the meeting towards improving educational environment, updating the curriculum, stopping human rights breaches, and improving legal environment. Participants agreed to cooperate in the future on protection of rights of children studying at religious schools.

Findings of the study "Red tape in delivery of public services and human rights" were incorporated in training programmes of 2013 Human Rights Open Days training. Barriers in delivering social

welfare services to citizens were identified and proposals to overcome them were presented to civil servants at the training to further prompt discussions. This allowed civil servants to see the inter-connection between red tape and human rights, and self assess their own actions, and build an attitude and motive to improve service delivery.

*3) Methodology to analyse laws and regulations from human rights perspective was developed.*

The NHRCM put a strong emphasis in 2013 on analyses of draft laws from human rights perspective, and making such practice routine. A working group was established for this purpose by the Decree of the Chair of the NHRCM Secretariat. The job description of one officer was amended to include timely review of draft laws submitted to the parliament and coordination of human rights analyses of those draft laws. Commissioners and Chair of the NHRCM Secretariat obtained access to the parliament online legal database application.

As a result, comments were made on 17 draft laws and other policy documents in 2013, and submitted to initiators of respective draft laws.

N	Name of Draft Laws	To whom	Date
1	Draft Law on Marshall Service	Minister for Justice	2013.02.07. №1/91
2	Draft Law on Witness and Victim Protection	Minister for Justice	2013.02.07. №1/91
3	Draft Law on Police /revised/	Minister for Justice	2013.02.07. №1/91
4	Draft Law on Law Enforcement Personnel	Minister for Justice	2013.02.07. №1/91
5	Draft Law on Amendment to the Law on Prevention from Conflict of Interest	J.Batzandan, MP	2013.03.05. №1/147
6	Draft Law on Citizens Initiatives	J.Batzandan, MP	2013.03.05. №1/147
7	Draft Law on Legal Aid to Indigent Defendant		
8	Draft Law on Amnesty	Ts. Oyunbaatar, MP	2013.05.20. 1/388
9	Draft Criminal Code	Minister for Justice	2013.06.18. 7/487
10	Draft Resolution of the Parliament "Main directions of improving legislatives acts till 2016"	Speaker of the Parliament	2013.12.24 1/927
11	Draft Resolution of the Parliament "State Education Policy"	Ministry of Education and Science	2013.06.11. 4/476
12	Draft Resolution of the Parliament "State Policy for the Minerals Sector"	Speaker of the Parliament	2013.10.09. 1/701
13	Draft Law on Citizens Health Insurance /revised/	Speaker of the Parliament	
14	Draft Law on Horse Race	Minister for Culture, sports and tourism	2013.09.04. №3/624
15	Draft Law on Amendment to the Law on Compensation to Persons who were subjected to Political Repression	L.Tsog, MP	
16	Draft Law on Administrative Procedures	Minister for Justice	
17	Draft State Policy on Population	Ministry of Population Development and	2013.11.14. 4/786

		Social Welfare	
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*4) Support was provided to implementation of the UPR recommendations*

A workshop on reporting to UN human rights bodies was organized 2-3 July 2013 for relevant ministries and civil society organizations, in cooperation with the Ministry of Foreign Affairs and UNDP. Numerous proposals were made, including to make sure timely submission of reports, create an integrate database of successive reports submitted, create a dedicated website, improve coordination among organizations involved in preparation of reports, and provide specialization training to ministry officials.

A workshop on UPR was organized in cooperated with Open Society Forum. As a result of this workshop, the Prime Minister's Decree No. 185 on Establishment of a Working Group on reporting to treaty bodies was issued on 30 November 2013, and Plan of Action on reporting to human rights bodies was approved by Joint Decree of Minister for Foreign Affairs and Minister for Justice.

*5) Civil society capacity building small grants – Please refer to 1.1.2. Capacity development*

## **Output 2. Improved complaints handling and case management**

### *1) Complaints handling process of the NHRCM is made more accessible:*

A total of 669 complaints were received in 2013, of which 619 were resolved and 50 are under processing. This is higher as compared with the previous years. Of these 669 complaints, 289 were received from rural areas and prisons and detention centres.

<b>Complaints handling</b>		<b>2013</b>
Received		669
Resolved		619
Under processing		50
<b>Jurisdiction</b>		
Mongolia	Ulaanbaatar	211
	Rural areas	169
	Prisons and detention centres	289
<b>Citizenship</b>		
1.	Citizens of Mongolia	666
2.	Citizens of foreign countries	3

A total of 267 persons received legal aid. In April 2013, it became possible to submit complaints online using the website [www.mn-nhrc.org](http://www.mn-nhrc.org). In this connection, the NHRCM Complaints Handling Procedure was amended. A hotline 7000-0222 was introduced to receive human rights complaint and provide legal advice. Advertisement for people with disabilities on submission of complaints was broadcast, and it was made possible to receive information from citizens in audio, visual formats and sign languages at the same time.

## **Output 3. Improved Public Education and Outreach**

### *1) Human rights training for specific groups*

A total of 49 training were organized to different groups, on 9 topics. These training sessions were attended by 3858 persons. The number of participants is 2.7 times higher as compared to the 2012 level.

<b>Human rights training</b>	<b>2012</b>		<b>2013</b>	
	<b>Hours</b>	<b>Participants</b>	<b>Hours</b>	<b>Participants</b>
Planned training (including Open Days)	75	387	174	1678
Unplanned training	81	1037	208	2180
<b>Total</b>	<b>156</b>	<b>1424</b>	<b>382</b>	<b>3858</b>

### *Regional training*

As part of the MoU with the General Authority for Border Protection, planned training sessions were organized for military divisions, covering topics such as basic concepts of human rights, human rights based approach, and domestic violence. 453 persons attended a total of 63 hours of training.

### *"Human rights summer training" for youth*

In order to promote human rights education among youth and contribute to preparation of young professionals who apply human rights principles both in their personal and professional life, summer training was organized from 1 to 5 July 2013. A total of 25 youth from 12 universities majoring in different fields, including medical science, education, law, journalism, history, politics, psychology, social welfare or statistics, attended this one-week training.

The training was conducted through participatory method, based on Equitas ([www.equitas.org](http://www.equitas.org)) curriculum. The training participants formed a youth group and took initiative to participate in other human rights activities carried out by the NHRCM.



Youth participants are discussing about their personal Plan of Action at the Summer Training.

*Photo ©NHRCM/Ariunaa.Ch*

*Training of trainers on "Business and Human Rights"* was organized in cooperation with Danish Human Rights Institute and Fridrich Ebert

Foundation, 4-6 September 2013, with 30 participants. The purpose of the training was to draft training strategy for improving knowledge, awareness, responsibility and leadership of business people and employees of business entities in promoting and respecting human rights, and to build capacity of national human rights organizations and civil society organizations. Topics included "UN principles on Business and Human Rights", "State duty in protection of human rights", "Corporate responsibility for Respecting Human Rights".

Chief Commissioner is interviewing with a public servant during the Human Rights Open Day at the Bayanzurkh district.

*Photo ©NHRCM/Badmaarag.Z*

### *Online training*

In order to overcome the hurdle of geographical distance in human rights education and training, the NHRCM piloted an online training for 33 participants from 29 May to 26 June 2013.

### *2) Human rights Open Days*

The NHRCM has only one office based in Ulaanbaatar city. It faces a challenge to access rural areas to receive information and complaints, and conduct human rights trainings outside of Ulaanbaatar.



In order to adequately assess and protect the human rights of rural community, the NHRCM has been carried out Human Rights Open Day Campaign activities over the last years. Human rights open days were organized in 9 aimags and districts. Participants of training included civil servants and law enforcement officers. During Open days, the NHRCM visited local police, detention centres, prisons, special schools, military divisions at borders, orphanage centres, as well



as business entities. Legal advice was provided to citizens, meetings with NGOs and citizens were organized. In addition, decrees and resolutions issued by aimag hural and governor's offices in the last 3 years, were reviewed from human rights perspective.

### *3) Human rights awareness raising and advocacy*

Expansion of the Journalists Club was established in 2012 with 11 members. In 2013, 4 members were added. The Club organizes monthly meetings, human rights campaign on specific topics, and publish articles for the general public. A total of 180 articles and news items were prepared and published in 13 media outlets.

In addition to general overview of activities by the NHRCM, the Club members also attend lectures and speeches on various human rights topics, including "Discrimination and human rights", "Freedom of media and right to information", "Complaints handling at NHRCM and its challenges", "Optional Protocol III of the Convention of Child Rights: the need to join and importance of ratification", "Sexual harassment at workplaces", "Human rights principles to be applied in business activities", "Human rights education", "Legal basis for fighting gender based violence". The Club members prepare and publish articles or programmes each month, and an archive was created of such materials.

As part of the MoU with MNB, a total of 6 TV programmes were prepared and broadcast under the series "Human rights are my rights": "Human rights", "Compensation to people who were wrongly punished", "Where to go when your rights are violated", "Citizens' right to know", "Sexual harassment at workplaces", and a programme broadcast from women's prison. A 14-day media campaign "Human rights in business activities" was held from 15 to 29 October, involving major TV stations and online news websites.

A contest among journalists for best articles and programmes was announced for one month's period from 4 November to 4 December 2013. A total of 17 submissions were received. For the commemoration of the Human Rights Day, photo exhibition "Years for human rights" was displayed on 10 and 11 December at the National Arts Museum of Zanabazar.

In order to make the NHRCM activities known to the public, the NHRCM had a total of 352 interviews and clarifications with 20 TV stations, 11 daily newspapers, and 5 radio stations. Starting from 2013, the NHRCM organizes press conference each month to report its activities to the public. Its website is being constantly updated, with around 194 pieces of news and 224 photos and video clips placed on it. The NHRCM Facebook page was created, which increased the traffic by 2 times.

### **1.1.2. Capacity development**

Since the objective of the project is to contribute to the strengthening of the national human rights oversight mechanisms through building the capacity of the NHRCM, the priority is given to engaging the NHRCM staff in undertaking of studies on new and emerging human rights issues and analyses of draft legislation from human rights perspectives.

Firstly, the NHRCM staff is a supervising party for contracts signed to undertake those studies. This allows the staff members to learn those particular issues in-depth, acquire new evaluation

methods, and create information databases. Secondly, around 50 percent of research work is conducted by the joint working groups of NHRCM and the respective parties, rather than external contractors. This provides opportunity for the staff to independently conduct research, assess the situation from human rights perspective, and learn evaluation methods. In addition, the monitoring and evaluation plan of the NHRCM captures the follow up measures to ensure sustainability.

The project provided small-scale grant to 5 local NGOs with the aim of developing their capacity to protect and promote human rights in local areas. Approximately, \$3000 grants were made available to support small-scale and creative human rights projects. The following small projects were selected for 2013.

<b>Project name</b>	<b>NGO</b>
"Freedom of information and human rights"	Liberal women brain pool – Uvurkhangai branch
"Protect children from negligence"	Women for social progress – Dornod branch
"Right of national minority – dissemination of human rights knowledge and understanding"	Arular association of Kazakh women – Bauanulgii branch
"Monitoring of employment of people with disabilities and provision of employment service"	Bayankhongor aimag Trade union of PwD
"Legal information to persons with vision impairment and improve their capacity to defend their rights"	National association of people with vision impairment – Khuvsgul aimag branch

The next core activity related to capacity development is the establishment of human rights self-help groups in selected provinces. The establishment of self-help groups in 4 provinces namely Darkhan-Uul, Selenge, Khuvsgul, and Orkhon provinces was organized under the NHRCM’s Human rights outreach programme with the funding support from the New Zealand Embassy in Beijing, in 2013. These human rights self-help groups have become closest supporters of their local communities through acting as follows:

- Monitor the human rights situation in their respective local communities promptly;
- Be a bridge between the NHRCM and the local communities on human rights violations and compliant lodging;
- Provide legal advice to those who are in need of it;
- Undertake activities to raise human rights awareness and knowledge.

The Project supported the expansion of local self-help groups in Tuv, Dornod, Khentii and Sukhbaatar provinces. The self-help group is a voluntary association of local NGOs and individuals with the following composition:

- Secretary or officer of local council,
- Representative from civil society and community;
- Representative from Red Cross Society branch in respective province;
- School social worker; and
- Lawyer or advocate;

The local self-help groups organized public campaign and events on the occasion of the international children's day, international human rights day and undertook a study on local children's rights issues. The self-help groups can document violations of human rights in their communities and further inform to the NHRCM on regular basis. Local councils signed tri-partite Memorandum of Understanding with the NHCRM and self-help groups.

### **1.1.3. Impact on direct and indirect beneficiaries**

***The NHRCM grant gave us encouragement, says Ms.Tamjidmaa (Trade union of people with disabilities of Bayankhongor aimag), Small grant recipient.***

*Before the NGO received the NHRCM small grant, Ms.Tamjidmaa had already been active in her aimag, promoting labour rights of people with disabilities. She visited families with a person with disability to identify whether that person is working or not, and what that person is able to do. She also visited local organizations, such as hospitals, banks, theatre, etc, to explain them the need to have ramp for persons with disabilities, and special toilets. She was very proud that actually 20 organizations at the aimag centre made ramp, following the visit by her organization.*

*With the NHRCM grant, the Bayankhongor aimag Trade unions of people with disabilities conducted a study, and found out that according to the laws, 27 entities at the aimag centre should be employing 92 persons with disabilities, however, only 39 persons were employed. The barriers that people with disabilities face in employment were also identified.*

*The fact that this local small NGO received the NHRCM grant was equally, if not more, important than the actual amount of the grant. Ms.Tamjidmaa felt empowered when meeting with local government officials, as well as the NHRCM staff and the project coordinator. The networking with local authorities and other business entities was improved. The grant also prompted staff capacity – "I was bedridden for 3 years, and did not have any interest to learn. my children would bring me English textbooks, but I did not open them, even though I was a teacher myself. However, after receiving the grant, I visited the NHRCM, and when I returned home, I started learning computer skills" says Ms.Tamjidmaa "*

## **1.2. Implementation strategy review**

### **1.2.1. National ownership**

This project is the first project that is being implemented under NIM modality (National Implementation). This modality proves effective and efficient, because it allows immersion of project activities into the organization's own operation, and reduces management costs. The Project Board consists of representatives of NHRCM, human rights NGOs, and UNDP.

The project workplan is fully synchronized with the NHRCM Strategic Plan for 2011-2014 and the Annual Plan. The action plan of the NHRCM is approved on a monthly basis, which allows integration of the project quarterly workplans. The Project Coordinator is part of the NHRCM

operational management team and participates in the NHRCM meetings, which allows timely update on matters of coordination, monitoring of the performance and overall guidance.

Reports on progress of all activities, including ToRs of studies and monitoring, the expected outputs of contract works, the amount of procurement, are presented to the NHRCM Commissioners' meeting for their authorization. This is also a type of internal quality assurance mechanism.

*Partnership and cooperation.* The NHRCM and Open Society Forum initiated morning tea meeting "Human Rights Talk" on a monthly basis. The morning meeting aims to provide an arena for multiple parties to discuss human rights challenges and priority issues, exchange their opinions, share experiences and contribute to human rights theoretical and empirical research.

At the international level, the project supported participation of 2 staff members of the NHRCM in 26<sup>th</sup> Conference of International Coordinating Committee of NHRIs in Geneva, 2 staff members in UNDP APRC training on "Human rights based approach", 2 staff members in annual meeting of APF of Asia Pacific NHRIs, 8 delegates in study visit to UN OHCHR and Bundestag, Germany.

### **1.3. Management effectiveness review**

#### **1.3.1. Timely delivery of outputs**

The year 2013 was the middle year of the project implementation. A total of 18 activities were planned for 2013, of which 14 were achieved, 3 were ongoing, and 1 activity was not implemented.

Quarterly and monthly plans and financial reports were submitted on time, in accordance with the relevant rules and regulations of UNDP. Comments from the UNDP CO were received and reflected in ToRs and workplans.

#### **1.3.2. Cost-effective use of inputs**

The project team consists of the Project Director, Project Coordinator and Administrative and Finance Officer (AFO). The Project Coordinator is on contract with the NHRCM, and the AFO is NHRCM's full time staff who concurrently fulfills finance and administrative tasks of the project.

#### **1.3.3. Project risks, issues and actions**

Risks: 1. Delays in project implementation due to procedural uncertainty related to NHRCM being the first NIM partner of UNDP, identified in December 2011, Status: removed.

Issue: 1. *Budget shortage of the Commission.* Due to sudden budget cut at the end of 2013, the Commission was not able to complete its planned and regular activities such as one-week seminar for its new local staff members, competition among journalists and some publications. This affected the Project's quarterly workplan to some extent.

#### **1.3.4. Lessons learnt**

*Small grants to NGOs.* Most civil society activities are concentrated in the capital, Ulaanbaatar and rural NGOs remain underdeveloped, therefore, the grant was announced for local NGOs. However,

the level of organizational capacity of local NGOs varies a lot, and some NGOs require more capacity building support than others.

**1.3.5. Update on monitoring and evaluation framework**

Outputs and indicators	Baseline and targets	Progress towards achieving targets
<p><b>Output 1.</b> Mandate of NHRCM is enhance to focus on issues-based monitoring;</p> <p><b>Indicator:</b> Number of revised laws and procedures in compliance with human rights norms;</p> <p><b>Indicator:</b> Number of advice and recommendations to the government to improve HR situation of specific groups</p>	<p><b>Baseline:</b> Legal review is done only partially <b>Target:</b> Procedures for review of existing and draft laws in compliance with human rights norms are in place.</p> <p><b>Baseline:</b> <b>Target:</b> Actions taken by the Parliament and the government on advice and recommendations of the NHRCM</p>	<p>In progress and on track</p> <ul style="list-style-type: none"> <li>o Around 17 draft laws and policy documents were reviewed from human rights perspective and comments were submitted to relevant parties (see p.5 above)</li> <li>o Development of a methodology for reviewing existing and draft laws is underway;</li> <li>o Resolution of the Legal Standing Committee No.13 of July 2013 (p.4 above)</li> </ul>
<p><b>Output 2.</b> Improved complaints handling and case management;</p> <p><b>Indicator:</b> Efficiency (number of complaints resolved within due date); Effectiveness (number of complaints resolved, resulting in violated rights are remedied)</p>	<p><b>Baseline:</b> Unclear complaints handling procedures, most cases fall outside the NHRCM</p> <p><b>Target:</b> Efficiency and effectiveness increased at least 25% from the baseline</p>	<p>In progress and on track</p>
<p><b>Output 3.</b> Public education and outreach;</p> <p><b>Indicator:</b> Number of practitioners and officers whose human rights knowledge are enhanced</p>	<p><b>Baseline:</b> Limited outreach</p> <p><b>Target:</b> Increased visibility of NHRCM on TV and other media</p>	<p>In progress and on track</p> <p>See p. 8 above.</p>

## 2. FINANCIAL STATUS AND UTILIZATION

**Table 1: Funding status (as of the end of 2013)**

	Total budget (as shown in the project document and revisions)	Previous years budget and expenditure		Budget and expenditure of the reporting year		Total expenditure	Available funding as of 1 Jan of the next year
		Year 1		Current year			
		Budget	actual	budget	actual		
Original Prodoc	<b>\$500,000</b>	<b>\$227,000</b>					
Revision 1	<b>\$525,000</b>	<b>\$236,000</b>	<b>\$205,472</b>	<b>\$234,840</b>	<b>\$200,645</b>	<b>\$406,117</b>	<b>\$118,883</b>
<b>Total</b>							

**Table 2: Annual expenditure by activity [1 January – 31 December 2013] (USD)**

Activity	BUDGET [2013]	EXPENDITURES [1]	BALANCE	DELIVERY (%)
Output 1.	58,000	60,188	-2,188	104
Output 2.	30,000	1,468	28,532	5
Output 3.	104,000	102,437	1,563	98
Project management	42,840	32,514	10,326	76
	0	4,038	-4,038	
<b>Total</b>	<b>234,840</b>	<b>200,645</b>	<b>34,195</b>	<b>85</b>