



The European Union  
for Georgia

Human Rights for All



## **EU-UNDP Joint Project "Human Rights for All"**

**In partnership with the Human Rights Secretariat,  
Administration of the Government of Georgia**

# **Guidelines for Drafting, Monitoring, and Reporting on, the Georgian Human Rights National Action Plan**

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### **International Consultant:**

**Mr. David Johnson, Human Rights M&E Expert**

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### LIST OF ACRONYMS

HRBA – Human rights-based approach

HRNAP – Human Rights National Action Plan (for Georgia, a two-year action plan to operationalize the six-year national human rights strategy)

S.M.A.R.T. (criteria for monitoring and evaluation) – Specific, Measurable, Achievable, Resourced, and Time-bound

## I. INTRODUCTION

1. This consultancy was undertaken within the framework of the project “EU/UN Human Rights for All”, a joint initiative, supported by the European Union (EU) of four UN agencies – the United Nations Development Programme (UNDP), the United Nations Children Fund (UNICEF), the Office of High Commissioner on Human Rights (OHCHR) and the International Labour Organization (ILO). The overall objective of the project is to enhance the capacities of government institutions and the Parliamentary Committees on Human Rights and Civil Integration and on Legal Issues and to improve mechanisms for better protecting human rights in Georgia. The project includes assistance aimed at developing the capacities of the Georgian Human Rights Council and its Secretariat in policy-making, implementation and monitoring the National Human Rights Strategy and Action Plan 2014-2020 and the Human Rights National Action Plans (HRNAPs) subsequently adopted for 2014-2015 and 2016-2017.

2. Within that framework, the consultancy has already produced a Recommendations Report containing:

- a. Recommendations on a proper monitoring system for the National Human Rights Strategy and the HRNAPs subsequently adopted; and
- b. Recommendations on ongoing monitoring activities under the designed system for the Human Rights Secretariat.

3. Within that same consultancy framework, this document aims at providing:

- a. Guidelines on monitoring the HRNAPs as regards relevant indicators, means of verification, sources of data and financial / human resource needs; and
- b. Guidelines on HRNAP reporting by partner agencies of the Government of Georgia.

To that end, these guidelines have been developed to guide the drafting as well as the reporting process. The form and content of the next draft HRNAP should facilitate a proper monitoring, reporting and evaluation process and avoid the problems identified in the first two action plans. These guidelines are based on the recommendations contained in the Recommendations Report submitted under the consultancy and was finalized following a series of validation and training workshops held in July 2017.

These guidelines are intended to be as succinct as possible in order facilitate their usefulness as a reference tool. A practical example, based on a hypothetical treaty body recommendation, is contained in annex IV and shows the application of the guidelines from the drafting to the reporting stages.

For further elaboration on specific points, please refer to the footnoted references to the previous report containing the recommendations.

## II. GUIDELINES FOR DRAFTING THE HRNAP

### A. Guidance for completing the HRNAP log frames

The following guidelines correspond to the recommended HRNAP log frames as shown in Annex I. See annex IV for a practical example of applying these guidelines through all stages.

#### 1. IDENTIFY A PRIORITY HUMAN RIGHTS PROBLEM THAT MUST BE ADDRESSED

*Priority problems should be focused on the target group and should be narrower than the general problems addressed by an agency*

- a. Identify the problem from recommendations made by authoritative international human rights mechanisms or by national human rights monitors and organizations, including the Public Defenders' Office.<sup>1</sup>
- b. The problem may be related to or include commitments already made under other action plans or constitute follow-up to a problem identified in a previous human rights action plan.

#### 2. SELECT A STRATEGIC GOAL THAT ADDRESSES THE PRIORITY PROBLEM

*Goals are outcomes that take a longer time to achieve (compared to objectives, which may be achieved over an intermediate period of a few years).*

- a. Identify only a limited number of strategic human rights goals for each responsible agency.<sup>2</sup>
- b. Avoid lengthy or vaguely worded explanations and /or unrealistic goals.
- c. List goals that exclusively targeting women or children – even within other vulnerable groups (such as persons with disabilities, ethnic /religious minorities, etc.) -- under either "Women's rights and gender equality" or "Children's rights".
- d. In cases where the goal duplicates or is closely related to a goal appearing in another multi-sectoral or agency action plan, a reference to that plan should appear under "comments".<sup>3</sup> This will ease the burden on reporting agencies and direct the HRNAP stakeholders to further and possibly more detailed information.

#### 3. CARRY OUT A PROBLEM ANALYSIS<sup>4</sup> FOR ACHIEVING THE GOAL

*A thorough Problem Analysis is essential to identify the main causes for the problem and the underlying factors for each main cause. Methodological tools for carrying out a Problem Analysis including problem trees, various visual representations, and simple lists. During the Problem Analysis, challenges or risks may be identified as well as the sources of data and information (target group /impact indicators) that inform you of the problem.*

<sup>1</sup> See para. 17 in "Recommendations on a proper monitoring system and ongoing activities for the Georgian National Human Rights Action Plan", May 2017 (hereinafter referred to as "Recommendations Report")

<sup>2</sup> See paras. 10-12 and para. 50.1, Recommendations Report.

<sup>3</sup> See para. 50.9, Recommendations Report.

<sup>4</sup> Problem Analysis is also called "Theory of Change".

- a. Before carrying out the Problem Analysis, inform yourself of the relevant international human rights standards, practice, and jurisprudence.<sup>5</sup>
- b. The principles of the Human Rights-Based Approach (HRBA) should be key in informing the problem analysis, particularly as regards non-discrimination /equality, participation /empowerment and accountability /rule of law.<sup>6</sup>
- c. Identify the main causes of the problem.
- d. Under each main cause, list the underlying factors that contribute to the cause.<sup>7</sup>
- e. Carry out a preliminary RISK ANALYSIS by listing factors that may pose obstacles to addressing the main causes.<sup>8</sup> This may include what has gone wrong in the past or what may be outside of the control of the Responsible Agency.
- f. Identify DATA AND INFORMATION SOURCES that inform us of the problem and its main causes. These may later serve as Target group /impact indicators and they will inform us if the problem situation we are addressing has improved or worsened.<sup>9</sup>

#### 4. **IDENTIFY AND LIST THE OBJECTIVES**<sup>10</sup>

*Objectives can be considered as the assumptions or intermediate steps that need to take place for the goal to be achieved. Each objective may be achieved over an intermediate term (two to five years) and may be a necessary although not a sufficient condition by itself for successfully achieving the long-term goal.*

- a. Consolidate and transform the main causes identified in the Problem Analysis into Objectives. Addressing the main causes of the problem corresponds to identifying the objectives.
- b. The number of objectives for each goal depends on the problem analysis and may vary from goal to goal.
- c. The principles of the Human Rights-Based Approach (HRBA) should be taken into account in selecting and designing activities, particularly as regards non-discrimination /equality, participation /empowerment and accountability /rule of law.<sup>11</sup>
- d. Objectives should be S.M.A.R.T. and succinctly worded.
- e. Multiple objectives should not be combined into a single frame and all objectives should be appropriately numbered.
- f. Some main causes of the problem may not be under the responsible agency's direct control, in which case they should be noted under "Risks".<sup>12</sup> The risks may sometimes be mitigated by "Cooperating partners".

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<sup>5</sup> This includes not only human rights treaties but also relevant declarations, rules, bodies of principles, etc. The essential content of specific rights and the obligations imposed on Governments are often found in the General Comments of the Treaty Bodies and in the reports of Special Rapporteurs. The jurisprudence of the Human Rights Committee and the European Court of Human Rights are particularly relevant and can be searched by issue area. Helpful websites include <http://www.ohchr.org>, <http://www.echr.coe.int> and <https://www.humanrights.dk/our-work/sustainable-development/human-rights-sdgs> .

<sup>6</sup> See paras. 35-37, Recommendations Report.

<sup>7</sup> See Step 2 of the practical example contained in annex IV.

<sup>8</sup> See Step 3 of the practical example contained in annex IV.

<sup>9</sup> See Step 4 of the practical example contained in annex IV.

<sup>10</sup> See Step 5 of the practical example contained in annex IV.

<sup>11</sup> See paras. 35-37, Recommendations Report.

<sup>12</sup> See Step 3, annex IV; see also para. 49.10, Recommendations Report.

## 5. IDENTIFY RELEVANT ACTIVITIES

*Activities are linked to objectives and are aimed at achieving those objectives, thereby contributing to achieving the goals.*

- a. Relevant activities are identified during the Problem Analysis.<sup>13</sup>
- b. Review the underlying factors for each cause and consolidate them to identify strategic activities under the associated objective.<sup>14</sup>
- c. The number of activities for each objective depends on the Problem Analysis and may vary from one objective to another.
- d. The principles of the Human Rights-Based Approach (HRBA) should be taken into account in selecting and designing activities, particularly as regards non-discrimination /equality, participation /empowerment and accountability /rule of law.<sup>15</sup>
- e. Activities should be S.M.A.R.T. and succinctly worded.
- f. Multiple activities should not be combined into a single frame and all activities should be appropriately numbered.

## 6. IDENTIFY S.M.A.R.T. INDICATORS<sup>16</sup>

***Target group /impact indicators** measure whether an objective is achieved. They may be the sources of information and data that inform us about the problem (addressed by the goal) or the main causes (addressed by the objectives). They can be used to measure the impact of the activities on the target group, the rights-holders.*

***Activity /Output indicators** measure the accomplishments of the duty-bearers and are most closely linked to activities. Activity /output indicators should inform the reader of the extent of the activities and not merely indicating whether an activity was completed (such information is recorded under the heading "status").*

- a. Indicators should be S.M.A.R.T. (especially "Measurable", unless they are qualitative indicators) and succinctly worded.
- b. The principles of the Human Rights-Based Approach (HRBA) should be applied to the selection of indicators, particularly as regards non-discrimination /equality, participation /empowerment and accountability /rule of law.<sup>17</sup>
- c. Whenever possible, the data for indicators should be disaggregated to reflect vulnerable groups.
- d. A mix of **qualitative (descriptive)**<sup>18</sup> and **quantitative (numerical) indicators**<sup>19</sup> should be included, as appropriate.

<sup>13</sup> See paras. 31-34 and para. 50.3, Recommendations Report

<sup>14</sup> See Step 6 of the practical example contained in annex IV.

<sup>15</sup> See paras. 35-37, Recommendations Report.

<sup>16</sup> See Steps 7-8 of the practical example contained in annex IV.

<sup>17</sup> See paras. 35-37, Recommendations Report.

<sup>18</sup> Qualitative indicators require description and assessment. An example of a qualitative indicator is the "Result of review" to bring legislation or legal codes into conformity with international obligations. The review should be briefly described and the main results summarized.

<sup>19</sup> Quantitative indicators are useful for comparison and may be a number, a ratio or a percentage.

- e. Review, modify, and select at least two target group /impact indicators for each objective.<sup>20</sup>
- f. Identify at least one S.M.A.R.T. indicator for each activity.<sup>21</sup>
- g. A common terminology for the adoption of new legislation, regulations, policies, etc. should be agreed upon and enforced by the Human Rights Secretariat.<sup>22</sup>
- h. Activity /output indicators for training should measure not only the scale of the trainings (i.e., numbers trained) but also the percentage of target groups trained and the geographic coverage attained.<sup>23</sup>

## 7. IDENTIFY THE DATA SOURCES ("Means of verification")<sup>24</sup>

*Data sources, particularly for target group /impact indicators, include: data and information collected by the responsible agency or its cooperating partners; previous HRNAPs (which may serve as a baseline); other related multi-sectoral action plans; information collected for reporting on the Sustainable Development Goals (SDGs); more detailed sectoral or agency action plans; data from the Georgia National Statistics Office; and data from the United Nations and other international partners.*

- a. As the indicators are identified, the source for each should be listed under "Data source".
- b. This column may or may not appear in the public version of the HRNAP, depending on space constraints and the desirability of including this information for public use.

## 8. COMPLETE THE RISK ANALYSIS AND NOTE THE RISKS

*Risks are political, economic, environmental, and other factors that may impede the implementation of activities and the achievement of the planned results. This may include the availability of additional funding or sufficient capacity of the responsible agency to implement the activities. This may also include factors that are outside the control of the responsible agency.*

- a. Review the preliminary Risk Analysis begun during the Problem Analysis (Step 3(e) above). Consolidate or further elaborate the risks, including those concerning the activities.<sup>25</sup>
- b. Risks should be summarized under the "Risks" heading.<sup>26</sup>
- c. Information entered under "Risks" is for internal use only and will be important for the analysis contained in the Annual Report on challenges or problems encountered as well as the conclusions and recommendations for next steps.

<sup>20</sup> See Step 8 of the practical example contained in annex IV.

<sup>21</sup> See Step 7 of the practical example contained in annex IV; see also paras. 38-41 and para. 50.4, Recommendations Report.

<sup>22</sup> See para. 44, Recommendations Report.

<sup>23</sup> See paras. 45-47, Recommendations Report.

<sup>24</sup> See Step 9 of the practical example contained in annex IV.

<sup>25</sup> See Steps 3 and 10 of the practical example contained in annex IV.

<sup>26</sup> See para. 50.10, Recommendations Report.

## 9. IDENTIFY THE RESPONSIBLE AGENCY AND COOPERATING PARTNERS

*The Responsible Agency should consult with cooperating partners to agree on the Problem Analysis and the activities to be undertaken. The Responsible Agency must take the lead in coordinating cooperating partners during implementation and reporting.*

- a. Only a single responsible agency should be identified for each activity; this agency will be responsible for both implementation and reporting.<sup>27</sup>
- b. More than one cooperating agency may be entered under the appropriate heading.
- c. The attribution “of Georgia” should be omitted from agency names.
- d. It is essential for reporting purposes that there are at least two human rights focal points in each responsible agency.

## 10. INDICATE THE EXPECTED COMPLETION DEADLINE

- a. The target date for completing each activity must be entered.<sup>28</sup>
- b. The date should indicate the year and quarter when implementation begins (e.g., 2018 Q2)
- c. The Completion Deadline should be reviewed and updated during quarterly reporting.

## 11. INDICATE THE STATUS

- a. This heading refers to the implementation of each activity and will be filled in during periodic reporting.<sup>29</sup> It will not be included in the public version of the HRNAP when it is launched. It will appear publicly only when it is annexed to the Annual Report.
- b. For purposes of the Annual Report, each activity should be marked as either “complete”, “partially complete”, “ongoing”, or “delayed”.
- c. The Status of each activity must be reviewed and updated during quarterly reporting.

## 12. INDICATE ANY ADDITIONAL FUNDS REQUIRED<sup>30</sup>

- a. Enter the estimated amount of EXTRA-BUDGETARY financial resources needed to implement each activity.
- b. If no additional funds are required, enter “none”

## 13. IDENTIFY THE SOURCE OF ADDITIONAL FUNDS<sup>31</sup>

- a. If additional funds are required, enter the expected source of those funds.
- b. If no additional funds are required, enter “none”.

## 14. ENTER ANY ADDITIONAL COMMENTS<sup>32</sup>

- a. Notes appearing under this heading are for internal use only and should assist agency focal points and the Secretariat when reporting on implementation.
- b. Reference may be made to international and other recommendations followed up by the activities listed in the HRNAP, which will facilitate subsequent reporting.

<sup>27</sup> See para. 50.5, Recommendations Report.

<sup>28</sup> See para. 50.6, Recommendations Report.

<sup>29</sup> See para. 50.7, Recommendations Report.

<sup>30</sup> See para. 50.8, Recommendations Report.

<sup>31</sup> Ibid.

<sup>32</sup> See para. 50.11, Recommendations Report.

## **B. Guidance to the Human Rights Secretariat**

Based on the recommended structure for the new HRNAP contained in annex II<sup>33</sup>, the main responsibilities of the Secretariat during the drafting process include:

- 1) Coordinating the drafting of the log frames by the participating agencies.
- 2) Drafting an introduction to the HRNAP, which may be revised, as appropriate, for subsequent action plans.<sup>34</sup>
- 3) Vetting the agency submissions to ensure clarity, uniform wording and style.<sup>35</sup>
- 4) Organizing the agency contributions into a clear and coherent framework.<sup>36</sup>
- 5) Ensuring consistent and accurate numbering throughout the document.
- 6) Confirming that objectives, activities and indicators conform to SMART criteria.
- 7) Suggesting possible changes and /or additions to better reflect HRBA principles.
- 8) Completing, as appropriate, Chapter 7(b) of the recommended structure of the new HRNAP.
- 9) Circulating the draft to the Thematic Working Groups and Commissions for final comment.
- 10) Submitting the final draft to the Human Rights Council for approval.
- 11) Disseminating and publicizing the approved HRNAP.
- 12) Uploading the HRNAP to an online platform for monitoring and reporting.

## **III. GUIDELINES FOR MONITORING, REPORTING ON AND EVALUATING THE HRNAP**

### **A. Purpose and structure of the Annual Report**

It should be recalled that the purpose of the HRNAP Annual Report<sup>37</sup> is to:

- a. Provide a descriptive and analytical overview of key government initiatives in the field of human rights, including follow-up to recommendations from its national human rights institution, from international human rights bodies and experts as well as a response to concerns expressed by civil society;
- b. Contain an acknowledgement of implementation challenges, thereby demonstrating a commitment to transparency and accountability;
- c. Provide a link to further, more detailed information available to the public on government human rights-related activities (especially through sectoral NAPs and their reports);
- d. Identify and report on relevant complaints mechanisms as implementation indicators;
- e. Serve as the focal point for consultations, deliberation and decision-making for Government (including Parliament and the Judiciary) as well as the human rights community; and
- f. Serve as a tool to facilitate greater human rights awareness among public servants at all levels of national and regional government as well as civil society organizations and the general public.

The recommended structure of the Annual Report is contained in annex III.<sup>38</sup>

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<sup>33</sup> See paras. 23-28, Recommendations Report.

<sup>34</sup> See para. 25, Recommendations Report.

<sup>35</sup> See para. 51, Recommendations Report.

<sup>36</sup> See, for example, Table 3 (p.16), Recommendations Report.

<sup>37</sup> See paras. 62-63, Recommendations Report.

<sup>38</sup> See paras. 64-71, Recommendations Report.

## B. Guidance to HRNAP responsible agencies

Based on the recommendations concerning the requirements of an online platform for reporting as contained in annex III,<sup>39</sup> responsible agencies will be expected to carry out the following tasks:

### Quarterly reporting

Responsible agencies should report quarterly on their activities as well as on the corresponding indicators. Quarterly reports will be for internal use only by the thematic working groups. A mid-year overview (the second quarterly report) of implementation should be developed and presented to the Human Rights Council at its mid-year meeting.<sup>40</sup>

Reporting should be carried out by Human Rights Focal Points designated at each responsible agency using an online platform for monitoring and reporting on the HRNAP.<sup>41</sup> Agency Focal Points should update the following information in the log frames on a quarterly basis:

1. The status of each activity for which their agency is responsible, namely:
  - a. Completed;
  - b. Partially completed;
  - c. Ongoing; or
  - d. Delayed.
2. Any changes to the Completion deadline (year /quarter).
3. Any changes concerning Additional funds needed or Source of Additional Funds.
4. Any additional Risks or Comments.
5. Measurements /values for Activity /output indicators (measuring achievements of each activity) should be filled in for each activity completed.
6. Measurements /values for Target group /impact indicators (measuring achievement toward each objective) must be filled in for the Annual Report.

### End-of-year reporting (Annual Report)

In addition to updating the log frames as described above for quarterly reporting, input will be needed for the analytical part of the Annual Report. To that end, Agency Focal Points should use the online platform to briefly assess the progress achieved against each objective of the agency's activities as in the following fields:

Chapter: (title from log frames)

Goal: (number and description from log frames)

Objective: (number and description from log frames)

Activity /activities: (reference number(s) only)

1. Briefly describe main achievements referencing target group and activity /output indicators;
2. Identify and briefly explain any success stories;
3. Briefly describe any challenges, problems (including funding) or failures.
4. Briefly describe any conclusions, recommendations, and /or next steps

The assessment should be stated as succinctly as possible in 100 words or less<sup>42</sup> for each objective. The assessment of related, mutually-reinforcing objectives for the same goal should be combined in

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<sup>39</sup> See paras. 80-83, Recommendations Report.

<sup>40</sup> See para. 72, Recommendations Report.

<sup>41</sup> See paras. 74-79, Recommendations Report.

<sup>42</sup> This number should be reviewed in light of the number of objectives contained in the 2018-2019 HRNAP. The higher the number of objectives, the lower the number of words in each assessment should be, with a view to restricting the size of the analytic section of the Annual Report to no more than 35 to 40 pages.

a single assessment. The proposed word limit for four related objectives, for example, would be 400 words.<sup>43</sup>

Agencies should strive to do their work properly rather than relying upon the Secretariat to revise their individual submissions.

### **C. Guidance to the Human Rights Secretariat**

Based on the recommended structure for the annual report contained in annex III, the main tasks of the Human Rights Secretariat will include the following:

#### For the Annual Report<sup>44</sup>

1. Assemble the agency inputs into the appropriate chapters of the analytical section of the Annual Report;
2. Confirm that all objectives have been assessed and that the status of each activity has been recorded;
3. Edit to achieve the necessary length and revise agency submissions where necessary to ensure clarity and consistency in style and use of terminology throughout the document;
4. Write a brief “chapeau” or introduction to each chapter:
  - i. Highlighting major achievements
  - ii. Giving statistics on the implementation rate (based on the reported status of each activity in the chapter); and
  - iii. Referencing any authoritative recommendations that are responded to within the chapter;
5. Organize the chapters to conform to the recommended structure of the Annual Report.

The Human Rights Secretariat should also provide the following elements of the Annual Report:

1. Cover /title page
2. Table of contents
3. An Executive Summary
4. A chapter on “Overview of the main NAP supporting structures” covering
  - a. activities /decisions of the HR Council and its working groups during the period covered by the report
  - b. activities undertaken by the HR Secretariat
5. A chapter on “Concluding observations and recommendations” about: the action plan; the implementation process and associated structures (HR Council, WGs and HR Secretariat); and next steps and possible priorities for next stage
6. The annexes, to include:
  - a. The updated and completed HRNAP log frames, containing only selected public information and including the status of each activity.
  - b. Any other pertinent information referenced in the report (e.g., Membership in the thematic Working Groups /Commissions, list of legislation or policy documents adopted, etc.)

Once the Annual Report has been completed and approved by the Human Rights Council, it should be made available on the internet before it is to be discussed in Parliament.<sup>45</sup>

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<sup>43</sup> Four hundred words would correspond to approximately a half-page of text in the report. See part B, annex IV, for a practical example of a report consolidating four related objectives.

<sup>44</sup> See paras. 83-86, Recommendations Report.

<sup>45</sup> See para. 71. Recommendations Report.

For the Quarterly and Mid-year Reports<sup>46</sup>

1. The quarterly reports are primarily for internal use, to be considered by the Thematic Working Groups, although a wider circulation may be considered.
2. The Quarterly Reports should consist of the updated log frames, supplemented by:
  - a. A statistical analysis by the Secretariat showing the implementation rate (based on the reported status of activities) by sector /chapter and for the HRNAP as a whole;
  - b. Updated information on additional funding requirements listed in the HRNAP;
  - c. Any other information as may be requested by the Human Rights Council or its Thematic Working Groups;
  - d. Any additional information as may be considered important by the Human Rights Secretariat.
3. The Mid-year (or second quarterly) Report will be considered by the Human Rights Council and should contain the information described for the Quarterly Reports and additionally, any proposed revisions to the HRNAP, as recommended by the relevant Thematic Working Groups.

**The HRNAP monitoring and reporting process should be facilitated by establishing as soon as possible an online platform similar to the one developed by the LEPL Public Service Development Agency (PSDA) for reporting under the Migration Action Plan.<sup>47</sup>**

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<sup>46</sup> See para. 72, Recommendations Report.

<sup>47</sup> See paras. 73-78, Recommendations Report.

**ANNEX I: TEMPLATE OF THE RECOMMENDED LOG FRAME FORMAT FOR THE HUMAN RIGHTS NATIONAL ACTION PLAN**

**Goal 1:**

Linkages: [cross-references to specific goals in other relevant NAPs]

Objective	Indicator	Activity	Responsible Agency	Cooperating Partners	Completion Deadline	Status*/	Additional Funds Needed	Source of Additional Funds	Risks**/	Comments**/
1.1	Output indicator(s)	1.1.1			Year /quarter					
	Impact indicator(s)	1.1.2			Year /quarter					
1.2	Output indicator(s)	1.2.1			Year /quarter					
	Impact indicator(s)	1.2.2			Year /quarter					
		1.2.3			Year /quarter					
1.3	Output indicator(s)	1.3.1			Year /quarter					
	Impact indicator(s)	1.3.2			Year /quarter					
		1.3.3			Year /quarter					
		1.3.4			Year /quarter					
1.4	Output indicator(s)	1.4.1			Year /quarter					
	Impact indicator(s)	1.4.2			Year /quarter					

\*/ - The "Status" field should not appear in the public version when the HRNAP is launched but it must be included in the public version annexed to the Annual Report.

\*\*/ - These fields are for internal use only and may be omitted from the public document that will be annexed to the Annual Report or be available on the internet.

**Note:** The number of objectives and activities may vary for each goal selected

**ANNEX II: PROPOSED STRUCTURE OF THE NEW HUMAN RIGHTS NATIONAL ACTION PLAN**  
*(Explanatory annotations are in italics)*

Introduction *(presently missing; brief overview of HRNAP strategy, process and supporting structures, such as the Human Rights Council, its working groups /commissions and Secretariat)*

1. Civil and political rights
  - a. Criminal Justice Reform *(presently Criminal Justice)*
  - b. Right to fair trial and access to justice *(to include Prosecutions)*
  - c. Human rights and law enforcement *(presently references to the police are limited and mostly under "Torture")*
  - d. Human rights of detainees
  - e. Elimination of torture and other abuses *(to include a focus on the work of the IAC Council Against Torture and its action plan)*
  - f. Right to privacy
  - g. Freedom of expression
  - h. Freedoms of association and assembly *(presently freedom of assembly and manifestation)*
2. Economic, social and cultural rights
  - a. Right to education *(presently not generally covered in a separate section)*
  - b. Right to health *(presently not generally covered in a separate section)*
  - c. Labour rights
  - d. Property and land rights *(in the National Strategy but missing in current plans)*
3. Women's rights and gender equality *(presently Gender equality and women's empowerment; this may include, for example, sub-chapters on sexual and reproductive health rights, property rights, participation in public life, etc.)*
  - a. Gender equality and women's empowerment
  - b. Combating violence against women and domestic violence
  - c. Women, peace and security
4. Children's rights *(this may include, for example, sub-chapters on children in conflict with the law, violence against children, disabled children, child trafficking, etc.)*
5. Rights of minorities, persons with disabilities and other vulnerable groups
  - a. Protection of ethnic, religious and linguistic minorities *(presently two chapters: protection of ethnic /religious minorities and protection of religious minorities)*
  - b. Rights of persons with disabilities
  - c. Combating trafficking *(this sub-chapter may be replaced by sub-chapters in the chapters on women's rights and on children's rights)*
6. Rights of Internally Displaced Persons (IDPs), migrants and persons in or near occupied territories
  - a. Rights of IDPs
  - b. Rights of migrants and refugees *(presently rights of migrants, asylum seekers and asylum status holders)*
  - c. Rights of eco-migrants
  - d. Rights of repatriates
  - e. Rights of persons in occupied territories or living near the border
7. Other human rights-related issues
  - a. Business and human rights
  - b. Strengthening human rights and governance institutions and processes *(presently missing, except for the final chapter on HR trainings; may contain commitments relating to the PDO, other HR investigation /complaints mechanisms; future work on the NAP and implications for the HR Council, its commissions and the HR Secretariat)*

- c. Upholding international human rights obligations (*presently missing; treaty /protocol ratification and reporting; treaty body reports to be drafted for submission*)

### **ANNEX III: RECOMMENDED NEW STRUCTURE FOR THE ANNUAL REPORT**

#### **Based on the requirements contained in the “Policy Planning Handbook”**

- a. Table of Contents
- b. Executive Summary
- c. Descriptive /analytical overview for each HRNAP chapter heading
  - a. Brief introductory overview of main partners and relevant sectoral NAPs
    - Identify and reference relevant implementation structures and plans (e.g., interagency commission and action plans)
  - b. Brief assessment of progress achieved against each goal and its objectives
    - Highlight main achievements referencing target group /impact indicators and activity /output indicators;
    - Refer to any success stories;
    - Assess any challenges, problems of failures (including funding);
    - Conclusions and next steps
      - May contain references to relevant recommendations made by expert bodies, INGOs and NGOs
- d. Overview of the main NAP supporting structures
  - activities /decisions of the HR Council and its working groups during the period covered by the report
  - activities undertaken by the HR Secretariat
- e. Concluding observations and recommendations:
  - About the plan
  - The implementation process and associated structures (HR Council, WGs and HR Secretariat) and
  - Next steps and possible priorities for next stage
- f. **Annexes:**
  - a. HRNAP log frames, containing only selected public information and including the status of each activity.
  - b. Any other pertinent information referenced in the report (e.g., Membership in the thematic Working Groups /Commissions, list of legislation or policy documents adopted, etc.)

## ANNEX IV: PRACTICAL EXAMPLE OF APPLYING PROBLEM ANALYSIS TO DRAFTING AND APPLYING THE REPORTING GUIDELINES FOR THE ANNUAL REPORT<sup>48</sup>

(Priority Issue: Eliminating the excessive use of force in policing demonstrations and civil unrest)

### **STARTING POINT** - A RECOMMENDATION FROM THE UNITED NATIONS HUMAN RIGHTS COMMITTEE

"The (Human Rights) Committee expresses its concerned over continuing reports of the excessive use of force in policing demonstrations and the lack of adequate follow-up to investigate reported abuses. In some cases, it was reported that the use of force has been unnecessary, disproportionate to the threat and beyond the requirements for maintaining security and order in a democratic society. The Committee is also concerned by reports of significant numbers of arbitrary arrests and detention of residents and other innocent persons in the vicinity of demonstrations that have been subject to mass arrests.

"The Committee recommends that the State Party review the relevant rules and protocols concerning police requirements, conduct and tactics during demonstrations and ensure that they conform with the relevant international obligations under the Covenant (on Civil and Political Rights). Particular attention should be given to ensuring the effective investigation, without delay, of reported abuse by members of the police and that disciplinary penalties will be imposed or criminal prosecution will be carried out, as appropriate."

### **A. Applying "Problem Analysis" to the drafting of the HRNAP**

#### **STEP 1 – INFORM YOURSELF**

REFER TO RELEVANT INTERNATIONAL STANDARDS AND PRACTICE, including:

- Code of Conduct for Law Enforcement Officials
- Basic Principles on the Use of Force and Firearms
- International jurisprudence (including of the Human Rights Committee) on Freedom of Assembly

RESEARCH INTERNAL AND PDO REPORTS; REPORTS FROM NGOs AND THE MEDIA

#### **STEP 2 – CARRY OUT A PROBLEM ANALYSIS TO IDENTIFY THE MAIN CAUSES AND UNDERLYING FACTORS**

Main causes (numbered) and Underlying factors (bullet points)

##### **1. Demonstrations turn violent and unlawful**

- Inadequate monitoring and control by organizers
- Infiltration of the crowd by criminals
- Failure of organizers to respect agreement with authorities

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<sup>48</sup> This example, including the recommendation of the Human Rights Committee is completely hypothetical and is for illustrative purposes only. It demonstrates the application of one approach to Problem Analysis and the application of the Guidelines.

- Lack of effective communication between police and organizers before and during demonstrations
  - Need impartial monitors for a "protective presence"
- 2. Police attacked and injured**
- Not being deployed in protective formations, put into unnecessarily dangerous or exposed positions
  - Need better protective gear and training on how to use it
- 3. Loss of effective command and control**
- Police response sometimes not necessary or proportional to threat
  - Need further training for command officials and rank and file
    - o Content of the freedoms of assembly and expression
    - o Responsibilities officials and demonstrators
    - o How to respond in a democratic society
      - Limits of use of lethal or life-threatening force
      - Avoidance of arbitrary arrest and detention
  - Unclear directives, protocols and procedures on how to respond
    - o Blanket of mass arrests sometimes of anyone in vicinity
  - Absent /inadequate monitoring of the police
    - o Internal mechanisms
    - o External partners (PDO, NGOs, media)
  - Absent or inadequate follow-up or analysis of events
  - Absent /ineffective mechanisms for dealing with reports of police shortcomings or abuse
- 4. Equipment absent, inadequate or abused**
- Absent range of graduated non-lethal weapons
  - Misuse of weapons and equipment issued
  - Live ammunition sometimes distributed unnecessarily to rank and file
  - Communications equipment needs improvement
- 5. Demonstrators unnecessarily wounded**
- Ineffective tactics to disperse a violent crowd
  - Not receiving emergency medical care
  - Tear gas canisters sometimes aimed at crowds, rather than above them
  - Demonstrators wounded by rubber bullets
  - Adequate emergency medical care may not be pre-positioned
  - Some wounded individuals are arrested and booked before receiving care
  - Some "bad apples" among the police
- 6. Inadequate or absent investigations into use of force incidents**
- Investigation guidelines inconsistent between localities
  - Inadequate or inconsistent disciplinary procedures and punishments
  - Absent or inadequate follow-up with monitors or identification of lessons-learned

**STEP 3 – CARRY OUT A PRELIMINARY RISK ANALYSIS**

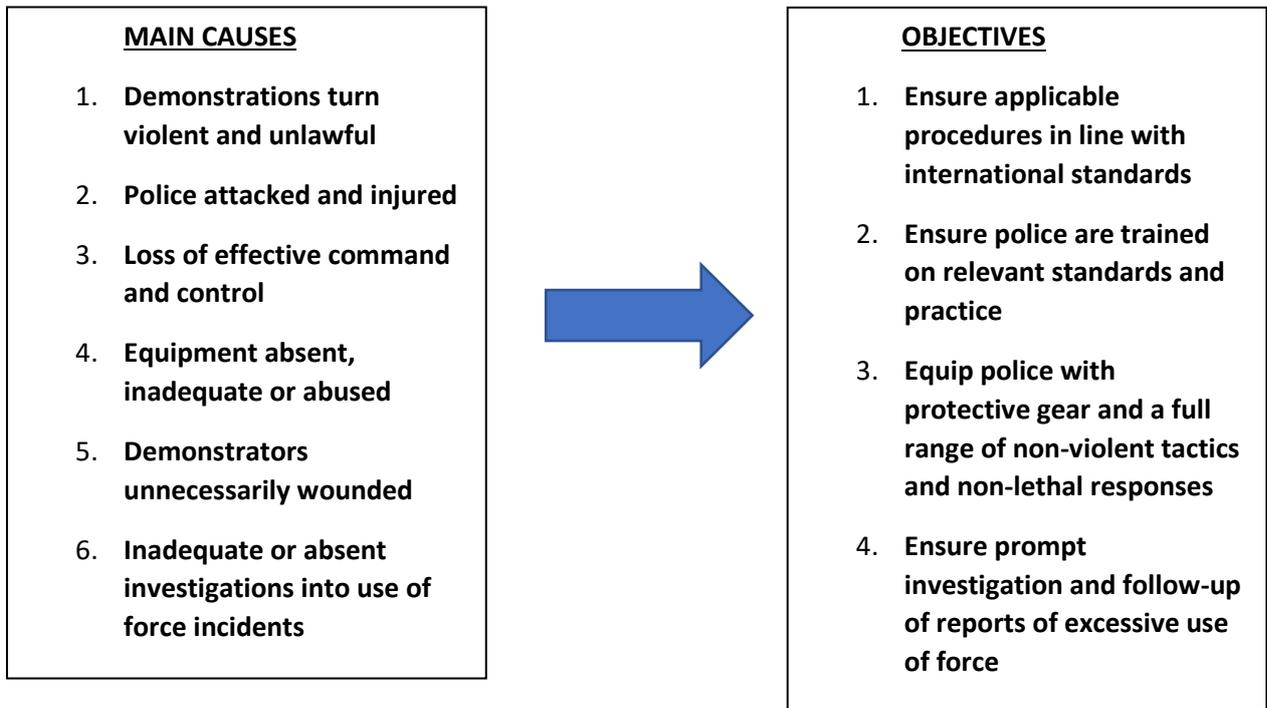
- Recognition by demonstration organizers of their responsibilities

- Ability and commitment of organizers to maintain control
- Inadequate funds to properly equip and train police
- Need to monitor police performance after training and during demonstrations
- Need to ensure effective dialogue with demonstration organizers and monitoring organizations

**STEP 4 – IDENTIFY POSSIBLE TARGET GROUP /IMPACT INDICATORS**

- Number and size of demonstrations policed
- Number of injuries (police and demonstrators)
- Amount of property damage sustained
- Number of arrests
- Reports of police abuse
- Number of complaints received by authorities, PDO
- Number of legal actions filed against the police
- Number and result of investigations carried

**STEP 5 – CONSOLIDATE AND TRANSFORM THE MAIN CAUSES INTO OBJECTIVES**



**STEP 6 – REVIEW THE UNDERLYING FACTORS AND CONSOLIDATE THEM TO IDENTIFY STRATEGIC ACTIVITIES**

**Objective 3.4: Ensure prompt investigation and follow-up of reports of excessive use of force**

- ADDRESSING UNDERLYING FACTORS**
- ▶ Absent or inadequate follow-up with monitors or identification of lessons-learned
  - ▶ Absent /inadequate monitoring of the police (Internal mechanisms, external partners -PDO, NGOs, media)
  - ▶ Absent or inadequate follow-up or analysis of events
  - ▶ Absent /ineffective mechanisms for dealing with reports of police shortcomings or abuse
  - ▶ Some "bad apples" among the police



- WITH STRATEGIC ACTIVITIES**
- 3.4.1 Police Headquarters to monitor follow-up to incident reports**
  - 3.4.2 Implement relevant recommendations of the PDO**
  - 3.4.3 Cooperation and follow-up with CSO monitors**

**STEP 7 – IDENTIFY S.M.A.R.T. ACTIVITY /OUTPUT INDICATORS FOR THE ACTIVITIES**

(Example shows objective 3.4 only)

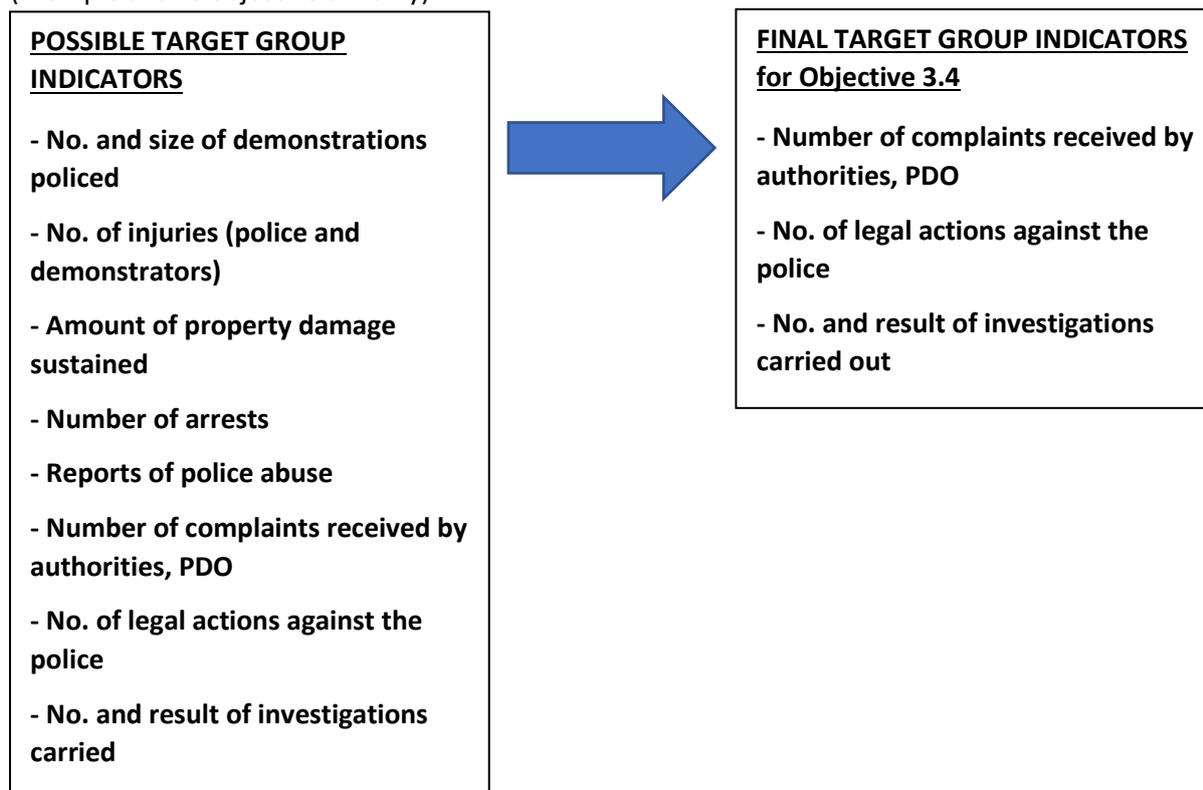
- STRATEGIC ACTIVITIES**
- 3.4.1 Police Headquarters to monitor follow-up to incident reports**
  - 3.4.2 Implement relevant recommendations of the PDO**
  - 3.4.3 Cooperation and follow-up with CSO monitors**



- OUTPUT INDICATORS**
- Number of reports of abuse**
  - Number incidents investigated**
  - Number of PDO recommendations implemented**
  - Percentage of demonstrations monitored by CSOs**

**STEP 8 – REVIEW, MODIFY AND SELECT TARGET GROUP /IMPACT INDICATORS**

(Example shows objective 3.4 only)



**STEP 9 – IDENTIFY THE DATA SOURCE FOR THE INDICATORS**

(Example shows objective 3.4 only)

INDICATOR	DATA SOURCE
Number of complaints received by authorities and national HR institutions (PDO)	Independent Police Complaints Commission Human Rights Commission, PDO
Number of reports of abuse	NGOs, media
Number and result of investigations carried out	Police reports
Number of PDO recommendations implemented	Police reports and PDO
Number of legal actions against the police	State Attorney's Office
Percentage of demonstrations monitored by NGOs	Police reports

**STEP 10 – REVIEW RISK ANALYSIS (STEP 3), CONSOLIDATE OR FURTHER ELABORATE AS NECESSARY AND LIST THE RISKS**

- Recognition by demonstration organizers of their responsibilities
- Ability and commitment of organizers to maintain control
- Inadequate funds to properly equip and train police
- Need to monitor police performance after training and during demonstrations
- Need to ensure effective dialogue with demonstration organizers and monitoring organizations

- *Ineffective dialogue with CSOs and PDO*
- *Enforcement of new standards and procedures*
- *New protocols and procedures may need further revision*

(See finalized log frame in Table A below)

**STEP 11 – IDENTIFY ANY COOPERATING PARTNERS AND ANY ADDITIONAL RESOURCES REQUIRED**

(See finalized log frame in Table A below)

**B. Applying the Reporting Guidelines for the Annual Report**

**STEP 1** -- *Fill in values for the quantitative indicators (lengthy qualitative assessments can be entered under "comments")*

Indicators
<u>Results of review</u> : Updated Police Code of Conduct; New protocol restricting live ammo distribution and strengthening the chain of command; Requirements for active dialogue with CSOs and PDO; Investigations procedures and penalties for abuse strengthened
<u>Codes and procedures conform to international standards</u> : follow-up to be reported to the UN Human Rights Committee
<u>Percentage police trained</u> : 37%
<u>Percentage of police stations trained</u> : 26%
<u>Geographic coverage</u> : 3 of 10 provinces and 2 largest cities
<u>Positive evaluation of training</u> : 86% of participants scored it “useful” or “very useful”
<u>Percentage police stations equipped</u> : 15 per cent, including 2 largest cities <u>Equipment type and training provided</u> : body protection (helmet, body armor, shields, gloves); batons, tear gas, gas masks and pepper spray
<u>Number of events</u> : 5 demonstrations, estimated 1800 participants; no police injuries, 7 civilian injuries, 5 arrests, no fatalities; <u>Number of incidents</u> : 2 reports abuse filed and investigated by PDO and Internal Affairs; <u>Results of investigations</u> : 3 officers disciplined for withholding medical assistance, no prosecutions; Local follow-up to PDO recommendations

**STEP 2 – REFERRING TO THE REPORTING GUIDELINES:**

- *DRAFT A BRIEF NARRATIVE ON THE RESULTS BASED ON THE INDICATORS AND A REVIEW OF THE RISKS;*
- *RESTRICT THE LENGTH OF THE NARRATIVE TO NO MORE THAN 100 WORDS PER OBJECTIVE;*
- *COMBINE RELATED OBJECTIVES FOR THE SAME GOAL MAY INTO A SINGLE NARRATIVE.*

Goal 3: Eliminate the excessive use of force in policing demonstrations and civil unrest										
Objective	Indicators	Data Source	Activity	Risks	Responsible Agency	Cooperating Partners	Completion Deadline	Status	Additional Funds needed	Source of Additional Funds
3.1 Ensure applicable procedures in line with international standards	Results of review	Reports of the Legal Adviser. Ministry of Internal Affairs and Ministry of justice	3.1.1 Identify relevant international standards and best practices	New protocols and procedures may need further revision	MIA	- HR Secretariat - OHCHR	2017 Q1	Completed	None	None
	Codes and procedures conform to international standards		3.2.2 Review and amend internal codes and disciplinary procedures		MIA	None	2017 Q3	Completed	None	None
3.2 Ensure police are trained on relevant standards and practice	Percentage police trained	Police Academy records and reports	3.2.1 Develop training course content, materials, and training plan	Enforcement of new standards and procedures	MIA	Police Academy	2017 Q4	Completed	None	None
	Percentage of police stations trained		3.2.2 Conduct the course		MIA	Police Academy	2018 Q3	Partially complete	None	None
	Geographic coverage		3.2.3 Evaluate the success of the training through testing and follow-up survey		MIA	Police Academy	2018 Q4	Partially complete	None	None
3.3 Equip police with protective gear and a full range of non-violent tactics and non-lethal responses	Percentage police stations equipped	Police Headquarters	3.3.1 Identify equipment needs	Inadequate funds to properly equip and train police	MIA	None	2017 Q1	Completed	None	None
			3.3.2 Conduct inventory at all stations		MIA	None	2017 Q3	Completed	None	None
	Equipment type and training provided		3.3.3 Supply needed equipment		MIA	None	2018 Q2	Partially complete	\$450,000 USD (est.)	International donor
			3.3.4 Provide training on proper use of equipment		MIA	Police Academy	2018 Q2	Ongoing	None	None
3.4 Ensure prompt investigation and follow-up of reports of excessive use of force	- No. reports investigated - Results of investigation - No. PDO recommendations implemented	Police Office of Internal Investigations; reports of the Public Defender	3.4.1 Police Headquarters to monitor follow-up to incident reports	- Ability and commitment of civil organizers to maintain control - Ineffective dialogue with CSOs and PDO	MIA	PDO	Ongoing	Ongoing	None	None
			3.4.2 Implement relevant recommendations of the PDO.		MIA	PDO	Ongoing	Ongoing	None	None
			3.4.3 Cooperation and follow-up with CSO monitors		MIA	PDO	Ongoing	Ongoing	None	None

**Table A: Example of a completed log frame corresponding to a quarterly report (the log frames for an annual report would show, where possible, the values of the indicators)**

(In the following example, the discussion -- description, any successes, any failures, recommendations -- for each of the four objectives was combined in a narrative not exceeding 400 words in total length)<sup>49</sup>. This entry could also be included in a Treaty Body, UPR, or other international report.)

[HRNAP ANNUAL REPORT]

Chapter 1(c) -- "Human Rights and Law Enforcement"

Goal 3 -- Eliminate the excessive use of force in policing demonstrations and civil unrest

Objectives 3.1 – 3.4

As a result of an internal legal review, the Code of Conduct for Law Enforcement Officers was strengthened with sections dealing with the use of force, based on international standards. A new Protocol was adopted for working with demonstration organizers and civil monitors; the deployment of lethal force; a strengthened chain of command; and strengthened investigations procedures and penalties. The review was carried out in consultation with the Public Defender's Office and relevant CSOs. The new provisions will be monitored as they are implemented to identify any gaps or need for further elaboration.

Thirty-seven percent of the police force representing 26 per cent of all police stations located in three provinces were trained on the relevant international standards, the new Code of Conducts, the new protocols for dealing with demonstration organizers and NGOs. The priority was to train the police in the two largest municipalities, where large demonstrations have been most likely to occur.

Fifteen per cent of all police stations, including those in the two largest municipalities, were equipped with basic protective gear and training on its proper use. Police were also trained on and provided with a range of non-lethal means, including batons, pepper spray and CS gas.

The new procedures were successfully tested during five large demonstrations with an estimated 1800 total participants, resulting in 7 civilian injuries, five arrests but no fatalities, which represents a significant improvement over past performance. Two reports of police abuse were filed and investigated by the PDO and police Internal affairs. Three officers were disciplined for withholding emergency medical assistance. There were no prosecutions and police in the two municipalities followed up with the PDO to implement its recommendations.

The equipping of the police force was limited by the availability of additional funds. It is hoped that those will be secured for equipping and training police in three more municipalities during the next year. Relevant training should continue in order to ensure that all senior commanders deployed in all provinces will be trained on the new standards and procedures. To that end, plans are underway to integrate the training into the curriculum of the Police Academy for both induction and in-service courses. The implementation of the new procedures and protocols should continue to be monitored, particularly in cooperation with the PDO to ensure effective enforcement.

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<sup>49</sup> 100 words allotted for each objective x 4 objectives = 400-word limit for the entire passage.