

# CAPACITY ASSESSMENT MANUAL FOR

# NATIONAL HUMAN RIGHTS INSTITUTIONS



Empowered lives.  
Resilient nations.



OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



UNDP partners with people at all levels of society to help build nations that can withstand crisis, and drive and sustain the kind of growth that improves the quality of life for everyone. On the ground in 177 countries and territories, we offer global perspective and local insight to help empower lives and build resilient nations.

**UNDP Asia-Pacific Regional Centre**

United Nations Service Building,  
3rd Floor Rajdamnern Nok Ave.  
Bangkok 10200, Thailand  
<http://asia-pacific.undp.org>

Design and Layout: Inis Communication – [www.iniscommunication.com](http://www.iniscommunication.com)

# CAPACITY ASSESSMENT MANUAL FOR NATIONAL HUMAN RIGHTS INSTITUTIONS



*Empowered lives.  
Resilient nations.*

# Acknowledgements

This manual is the product of a partnership between the Asia Pacific Forum of National Human Rights Institutions, the Office of the United Nations High Commissioner for Human Rights, and the United Nations Development Programme Asia Pacific Regional Centre. It was authored by Heidi Han, who worked on six of the seven assessments and developed the capacity assessment for National Human Rights Institutes training module. The manual has benefited from comments and contributions from Francesca Albanese, Aparna Basnyat, Johanna Cunningham, Kieren Fitzpatrick, Emilia Mugnai, Sisi Shahizadeh, Chris Sidoti, and Sudarshan. Dipa Bagai, Niloy Banerjee, Robert Bernado, and Pauline Tamesis, and have also been supporters of the Capacity Assessments for NHRIs from the outset.

The team appreciates the insights, professionalism and friendship of the staff of the National Human Rights Institutions whose commitment to their work, and to doing their work even better, has driven this process and helped make these assessments so successful. The evolution of this methodology to its current level of sophistication and effectiveness is due to the contributions that they have made – by being open to experimentation; by reacting and commenting during their own assessments; by contributing to debates in workshops, training sessions and APF forums; and by generously sending staff to participate in assessment teams. Our particular thanks to Hashimah bt Nik Jaafar, Ahmad Ameen, Samar Tarawneh, Weerawit Weeraworawit, Hussein Bitar, and Randa Siniora who not only contributed to their own NHRI assessment but gave their time and efforts to the assessment of in other countries.

# Acronyms

<b>AIHRC</b>	Afghanistan Independent Human Rights Commission
<b>APF</b>	Asia Pacific Forum of National Human Rights Institutions
<b>APRC</b>	UNDP Asia Pacific Regional Centre
<b>CA</b>	Capacity Assessment
<b>CAP</b>	Capacity Assessment Partnership
<b>CSO</b>	Civil Society Organisations
<b>HRCM</b>	Human Rights Commission of the Maldives
<b>ICC</b>	International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights
<b>ICHR</b>	Independent Commission for Human Rights of the Palestinian Territories
<b>INGO</b>	International Non-Governmental Organisations
<b>NCHR</b>	National Centre for Human Rights in Jordan
<b>NHRCM</b>	National Human Rights Commission of Mongolia
<b>NHRCT</b>	National Human Rights Commission of Thailand
<b>NHRI</b>	National Human Rights Institutions
<b>NIRMS</b>	National Institutions and Regional Mechanisms Section, OHCHR
<b>NGO</b>	Non-Governmental Organisations
<b>OHCHR</b>	Office of the High Commissioner for Human Rights
<b>SUHAKAM</b>	Human Rights Commission of Malaysia
<b>UN</b>	United Nations
<b>UNCT</b>	United Nations Country Team
<b>UNDP</b>	United Nations Development Programme

# Table of Contents

I. Introduction	1
II. The capacity assessment approach for NHRIs	5
III. The step by step guide to conducting a capacity assessment for a national human rights institution	9
3.1 Preliminary – engaging with the NHRI	11
3.2. The preparatory visit	12
3.3 Before the assessment visit	14
3.4. The assessment visit	14
3.5 After the assessment visit	32
IV. Linking the capacity challenges to the response strategies	35
1. Strengthening independence and legitimacy	35
2. Strengthening the NHRI's institutional arrangements (internal policies, processes and plans)	37
3. Strengthening leadership and management functions	38
4. Strengthening human resource management	39
5. Strengthening knowledge and knowledge management	40
6. Strengthening partnerships and external relations	42
V. Country experiences: from Malaysia to Mongolia	45
The Human Rights Commission of Malaysia (SUHAKAM)	45
The Human Rights Commission of the Maldives (HRCM)	46
The National Center of Human Rights in Jordan (NCHR)	47
The National Human Rights Commission of Thailand (NHRCT)	47
Independent Commission for Human Rights of the Palestinian Territories (ICHR)	48
The Afghanistan Independent Human Rights Commission (AIHRC)	48
The National Human Rights Commission of Mongolia (NHRCM)	49

Annexes ..... 50

- Annex 1. Briefing Note on the Regional Capacity Assessment Partnership for NHRIs 51
  - Executive summary ..... 51
  - Project overview ..... 53
  - Implementation ..... 55
  - Benefits to NHRI ..... 58
  - Benefits to other NHRIs ..... 59
- Annex 2. The Capacity Assessment Matrix for National Human Rights Institutions (NHRIs) ..... 60
- Annex 3. Sample Capacity Assessment Worksheet ..... 68
  - Instructions and Worksheet ..... 68
  - Score/Rating: ..... 68
- Annex 4. Sample Excel Spreadsheet ..... 70
- Annex 5. List of Documents to Review ..... 75



Photo: UNDP Picture This / Leonardo Sexcion

## I. INTRODUCTION

*UNDP's experience of working with the Asia Pacific Forum and the Office of the High Commissioner in the past tells us that together we can make a big difference. For example, we jointly facilitated capacity assessment of the human rights commissions of Malaysia and the Maldives in 2008 and 2009, and this year have been implementing the same process in Thailand and Jordan. Now initial agreement has been reached to roll out the same process with the Palestinian and Afghanistan Commissions, and Sri Lanka has sought assistance too.*

*As well the Asia Pacific Forum's sister body in Africa, the Network of African National Human Rights Institutions, has expressed an interest in applying the capacity assessment methodology in its region.*

Helen Clark at the Bangladesh National Human Rights Commissions  
Regional Forum  
13 November 2010

In 2008 the Asia Pacific Forum of National Human Rights Institutions (APF), the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme Asia Pacific Regional Centre in Bangkok (UNDP APRC) began an initiative to strengthen National Human Rights Institutions through capacity needs assessment. That collaboration has since become known as the Capacity Assessment Partnership (CAP).

The partnership is based on the strengths and years of experience each organisation has in providing support to National Human Rights Institutions. In the Asia-Pacific region, UNDP has supported a number of NHRIs as part of the support to national systems for the promotion and protection of human rights. The Asia Pacific Forum is a member based organisation that supports the establishment and strengthening of independent NHRIs in the region. OHCHR has similarly had a long history of supporting the establishment and/or strengthening of NHRIs around the world. In July 2008, the CAP was developed to provide coordinated assistance to NHRIs in the region. The partners took the UNDP capacity assessment methodology – a generic assessment template for national institutions – and adapted it to the particular circumstances of NHRIs. The revised assessment methodology is intended to help the NHRI self-identify areas in which it needs to improve, and potential strategies to foster this improvement.

In 2008-09, two pilot capacity needs assessments of NHRIs in the region were conducted, first with the Human Rights Commission of Malaysia (SUHAKAM) and then with the Human Rights Commission of the Maldives. These assessments were valuable learning experiences that helped in developing a model methodology suitable for NHRIs.

Since the first two capacity assessments, the CAP partners have engaged with the National Centre for Human Rights in Jordan (NCHR), the Human Rights Commission of Thailand, the Independent Human Rights Commission in Palestine (IHRC), the Afghanistan Independent Human Rights Commission (AIHRC), and the National Human Rights Commission of Mongolia (NHRM). Each of these capacity assessments incorporated the lessons learned from the previous capacity assessments and have resulted in a much more comprehensive, systematic, yet flexible capacity assessment methodology for NHRIs.

The adapted methodology offers a very useful approach to strengthening NHRIs and increasing their effectiveness in the promotion and protection of human rights. It provides NHRIs with a process of self assessment assisted by external expert facilitators. It incorporates both qualitative and quantitative elements in assessing current capacities, forecasting future capacity requirements, identifying capacity gaps and, most importantly, developing strategies to close those gaps in the most significant areas. It also provides a firm basis for international cooperation to assist NHRIs when they undertake institutional strengthening.

This manual discusses what capacity assessment is and its relevance for NHRIs, the benefits that they can gain from it, and what is involved in doing it. It also provides an easy step by step guide for the conduct of a capacity needs assessment.

The CAP partners consider that their regional experiences of capacity assessment for NHRIs have global significance. They hope you agree!

***- The Capacity Assessment Partnership, 2011***



Photo: UNDP Picture This / HO NGOC SON

## II. THE CAPACITY ASSESSMENT APPROACH FOR NHRIs

This Capacity Assessment Manual for National Human Rights Institutions (NHRI) has been developed to describe a process of self assessment assisted by external expert facilitators and to provide a step by step approach to identifying specific organisational challenges. The assessment methodology incorporates both qualitative and quantitative elements in assessing the current situation of the NHRI, identifying weaknesses, and forecasting future capacity requirements.

The CAP, described above as a partnership between APF, OHCHR and UNDP, sought to develop a systematic approach to supporting NHRIs to fulfill their mandate as effectively and efficiently as possible, fully utilising the financial and human resources available to them. The assessment method identifies and analyses key challenges preventing the NHRI from achieving its goals, and, based on the analysis, develops strategies for organisational improvement. The assessment, which is based on UNDP's capacity assessment (CA) methodology, is a different kind of approach to working with NHRIs. It is not an evaluation – evaluations look to the past. It is a needs assessment – it looks to the future: what skills and processes, or capacities, does the NHRI need to build to be as effective as possible in the future?

Uniquely, the assessment process is not an external exercise, undertaken by outsiders with no intimate knowledge of the NHRI. It is a self-assessment, undertaken by the experts inside the NHRI itself—the commissioners and staff—with the assistance and support of a team of CA facilitators. Because it is an internal self-assessment, the NHRI has full ownership over the process and the product.

*It was a very useful tool for us because it's a self assessment process and it helped all of us, including the officers, to really analyze what we are doing and what we want to achieve as an organization.*

*Hashimah Nik Jaafar  
Secretary  
SUHAKAM*

The assessment considers the core factors involved in the full and effective functioning of a national human rights institution: the internal capacities of NHRIs to run efficiently and effectively (individual and institutional capacities); compliance with international standards such as the Paris Principles; and a policy climate that enables the NHRI to fulfill its mandates (e.g. NHRI enabling laws, as well as overall human rights laws and policies, attitudes and behaviors towards human rights, etc.).

A capacity assessment asks what the current strengths and weaknesses of the NHRI are and what developments are needed to improve the functioning of the NHRI over the next five years. In doing so, staff are invited to identify the 'capacity gaps' or deficiencies of the NHRI. The assessment's final report then proposes strategies to strengthen the NHRI as a whole, including developing the capacities of individual staff, and making the internal processes and procedures of the NHRI more efficient and more effective. It tries to identify strategies that are within

the current or reasonably obtainable resources of the NHRI. The report's primary objective is not to mobilise additional financial resources, physical resources or staff, although that may be a result. The CA team can also advise on opportunities to increase resources if required.

The capacity assessment complements the strategic planning, priority setting and work planning processes of NHRIs. It can be carried out in conjunction with the strategic planning process and is a valuable means of strengthening its implementation. The CA process also helps the NHRI review its organisational structure, operational functions and business processes as well as analysing stakeholder positions.



## III. THE STEP BY STEP GUIDE TO CONDUCTING A CAPACITY ASSESSMENT FOR A NATIONAL HUMAN RIGHTS INSTITUTION

### ***1 Preliminary – engaging with the NHRI***

- a. Conduct an initial exchange with the chairperson of the NHRI to introduce the CA methodology to the institution and invite an expression of interest
- b. Provide the chairperson with a short briefing paper that introduces the CA process in simple terms, pointing out the benefits in undertaking a CA
- c. If the NHRI is interested, propose a preliminary visit to brief commissioners and staff more fully, to seek the necessary formal approval
- d. Appoint members to the CA team

### ***2 The preparatory visit***

- e. Brief commissioners and staff
- f. Have the NHRI appoint a senior person as its Liaison Officer
- g. With the Liaison Officer identify documents to be reviewed and outside stakeholders to be interviewed
- h. Brief the UN Country Team

### **3 Before the assessment visit**

- i. Obtain and read the relevant documents, supplied by the Liaison Officer
- j. Make an initial list of likely core issues, based on discussions during the preliminary visit and the documents read
- k. Agree on the program and scheduling for the assessment visit
- l. Arrange for the Liaison Officer or UNDP Country Office to make appointments for the assessment team to interview the outside stakeholders during the assessment visit

### **4 The assessment visit**

- m. Conduct separate focus group discussions with commissioners, directors and with the staff to identify core issues, required functional/technical capacities, and possible strategies to address capacity gaps
- n. Interview external stakeholders to collect information on coordination, collaboration, and past and planned engagement with the NHRI
- o. Finalise the set of core issues using the capacity assessment matrix
- p. Prepare the worksheets from the matrix
- q. Administer worksheets separately to commissioners and staff
- r. Analyse qualitative and quantitative information from focus groups and worksheets
- s. Develop strategies
- t. Prepare a draft report, with findings and recommended strategies
- u. Present the draft report to commissioners and directors and brief them on it

### **5 After the assessment visit**

- v. Finalise the draft report for the commissioners and directors for comment
- w. Finalise the report considering comments made by NHRI commissioners and directors and provide it to the NHRI
- x. Obtain a formal response to the report from the NHRI, together with an implementation schedule
- y. Monitor and evaluate implementation

### 3.1 Preliminary – engaging with the NHRI

The essential first step is to ensure that the NHRI is fully on board for the CA. This begins with an offer: would the NHRI be interested in a CA to identify its needs for capacity building and develop strategies to meet those needs? The offer is raised and discussed with the head of the NHRI, preferably in person but, if that is not possible, then in writing.

Upon initial interest, the chairperson of the NHRI should be provided with a short explanatory paper or briefing note to explain clearly what is offered and why it is beneficial to the NHRI. A model briefing note is attached (Annex 1). The note should be adapted for the particular situation of the specific NHRI, as appropriate. The NHRI should be able to understand from the briefing note what is proposed and make an informed decision whether to proceed to the next stage: a preparatory visit by the assessment team. Agreeing to the preparatory visit is an indication of support for the CA; however, formal approval by the NHRI is necessary during the visit, as described in section 3.2.

When the NHRI confirms a preparatory visit the members of the CA team are appointed by and drawn from the sponsoring organisations, though not all members of the team will undertake the preparatory visit. In the Asia Pacific region the project is being sponsored by the CAP members, the UNDP Asia Pacific Regional Centre (UNDP APRC), the Office of the High Commissioner for Human Rights (OHCHR), and the Asia Pacific Forum of National Human Rights Institutions (APF). A senior officer of an NHRI that has already undertaken a CA joins the team, providing valuable experience from both the perspective of an NHRI staff member and as a subject of an assessment. Under no circumstances should the CA team exceed five persons. It becomes unwieldy to manage and can be perceived as overpowering by the NHRI being assessed.

The members of the team should be consistent throughout the CA process. Having members come and go wastes time and it difficult to develop consensus approaches and best strategies. To ensure this continuity the team members should agree at this point on dates for each step of the process and then, with NHRI confirmation, adhere strictly to them.

## 3.2. The preparatory visit

Prior to the assessment itself, the CA must be explained to the commissioners and all staff of the NHRI. They must understand clearly what is involved – the process and the results – and agree to undertake the exercise on that basis. A preparatory visit of two to three days, about a month before the actual assessment visit, is important for this. It is not necessary for all of the CA team to be involved in the preliminary visit but there should be at least two members present.

During the preparatory visit the team briefs the commissioners and staff of the NHRI. The team explains the objectives of the assessment, the process by which it will be conducted, the time it will take as well as any other demands it will place on commissioners and staff, and the product they will receive when it is over. It is important to explain that every commissioner and all staff will need to make time to meet with the assessment team and to fill out the worksheets, but that this is not overly onerous – about 90 minutes for a focus group discussion and about two hours to complete the CA worksheets. It is also useful to provide perspectives from NHRIs that have previously undertaken an assessment as to the required time a CA needs, but also as to the ensuing benefits from this investment. The briefing is an opportunity to clarify objectives and process, answer questions and resolve doubts and anxieties. The important message is that the actual CA is a process that is undertaken by the NHRI, for the NHRI and that it is intended to be of direct and immediate benefit.

Commissioners should be briefed before NHRI staff. It is important to ensure that there are no surprises for them when the CA takes place. They should be familiar with how key issues will be identified, the assessment worksheets and the kinds and number of stakeholders the CA team would need to meet. They should be assured of the confidentiality of the final report. It should be stressed that the final report can be shared with stakeholders only if the NHRI agrees to do so.

During the preparatory visit, on the basis of the briefing and full understanding of what a CA entails, the NHRI should provide formal agreement to proceed with the CA. The NHRI then appoints a senior person to be Liaison Officer for the facilitation team.

Together the Liaison Officer and the team identify outside stakeholders to be interviewed. They should be people with existing knowledge and experience of the NHRI and its work. They should be drawn from a broad range of interest areas to ensure different perspectives, for example, government, NGOs, international organisations, academic centers, and the media. These interviews are not external evaluations of NHRI performance included in the review. Instead, they serve as confirmation of (or opposition to) internal perceptions in order to validate or challenge what those inside the NHRI think. They are not selected to be representative of NHRI partners or focus areas but simply provide a means of obtaining an external perspective on potentially subjective data sources. For that reason it is not necessary or desirable to try to interview every stakeholder who might have something to say; usually there are no more than eight interviews, of about an hour each.

The Liaison Officer and the team also identify key background documents that the team should read and analyse as they begin the assessment. Background documents can include internal strategic plans, work plans, documents on the structure of the NHRI, legal documents and relevant reports. They can also include external documents, from government ministries and agencies, local NGOs and CSOs, INGOs, academic researchers, APF, UNDP, OHCHR, and other national, regional and international actors. The Liaison Officer gathers the documents and provides them to the team, if possible during the preparatory visit, or by e-mail as soon as possible after.

*The timing of the capacity assessment was useful because we could link it to our current Strategic Plan which we finalized not too long ago...*

*Atchara Shayakul  
International Human Rights  
Affairs Bureau  
National Human Rights  
Commission of Thailand*

During the preparatory visit the assessment team also makes contact with the local UN Country Team, usually through the UNDP Resident Representative. The CA team should meet with relevant officials in the UNCT and brief them about the CA project, the team's schedule for the assessment and any assistance the team might require from the UNCT. Sometimes the UNCT will take a keen interest in the assessment and seek to be involved at a number of key points, including in meetings with the NHRI commissioners. The assessment team should encourage this interest as the UNCT can play important parts in assisting

the NHRI in the implementation of the CA report. However, the team will need to make sensitive judgments about the appropriateness of UNCT officials participating in meetings.

### **3.3 Before the assessment visit**

The documentation collected during the preparatory phase of the assessment is analysed and assessed by the CA team before the assessment visit. The documents provide a basic understanding of the NHRI's mandate, legal framework and authority, and give a sense of the technical and functional capacities the NHRI needs to operate effectively. The team can make a provisional list of possible core issues to be addressed during the assessment based on these documents. A list of the background documents that should be collected and reviewed can be found at Annex 5.

The schedule should be finalised and confirmed between the Liaison Officer and the assessment team in the lead up to the assessment, including the hour-long interviews with external stakeholders. The Liaison Officer usually takes responsibility for this; however in some cases the assistance of the UNDP Country Office has been required.

### **3.4. The assessment visit**

Good preparation can reduce the pressure during the assessment period, but the team should expect a very intensive schedule. Typically assessments are conducted over two weeks. In the first week, the CA team begins individual and focus group discussions and external interviews. Generally, over the weekend midway through the visit, the team will prepare the worksheets for the quantitative data collection which the NHRI staff complete early in the second week. The team then collects the quantitative data, combines with qualitative findings from the discussions, and analyses both to identify possible recommendations and capacity development strategies. They then draft the report and present it to the commissioners and directors. Each of these steps are discussed in further detail here.

### **3.4.1 Focus group discussions and interviews**

The assessment visit begins with an introductory meeting between the commissioners and the team. The team reminds the commissioners of the purpose, process, anticipated results, and schedule of the assessment. The first focus group discussion is held with the commissioners (either at this introductory meeting or very shortly after it), followed by separate discussions with the directors and the staff in appropriate, small groups, for example, from each of the NHRI's departments or sections or from different categories of staff. There should be no more than 15 persons in any group.

Ideally all staff of the NHRI should be involved in these group discussions. In very large NHRIs, however, this may be impractical. If only some of the staff are to be involved, it is important to ensure that they are representative of the whole organisation. The number involved should be a sufficiently large proportion of the total staff number to be a valid sample for the NHRI as a whole. They should be selected from all departments and from all categories and levels of position within the NHRI. Different departments and different categories and levels of position may have different capacity needs. It is important to understand the issues both horizontally and vertically.

The group discussions focus on three main questions:

1. What are the NHRI's strengths? What does it do well?
2. What are the NHRI's weaknesses? What could it do better?
3. What can be done to overcome these weaknesses?

### **3.4.2 Interviews with external stakeholders and partners**

The interviews with the external stakeholders ask the same three questions. As noted above, the purpose of the external stakeholder interviews is only to validate the findings from the focus group discussions with the NHRI commissioners and staff and from the documentation previously provided to the CA team. It is not to obtain a performance evaluation of the NHRI.

### **3.4.3 Defining the core issues and capacities: the matrix**

The capacity assessment framework divides and classifies core development issues, technical capacities and functional capacities. These form the basis of the worksheets that are the quantitative component of the assessment.

Some standard core development issues are:

**Internal human rights policy formulation:** This refers to the institutional ability to develop and implement internal procedures and processes in order to carry out its functions and mandate effectively. This includes the existence of a clear mission and strategy, clear business processes, effective human resource management, and good use of information and communications technology. This is considered in relation to the NHRI's human, financial and physical resources.

**Leadership:** Leadership capacity refers to the abilities of the commissioners and senior to middle management, to:

- Ensure the independence of the NHRI
- Foster plural representation within NHRI staff
- Strengthen relationships with external stakeholders
- Develop, communicate, and guide the NHRI vision, mission and values, based on the universal standards of human rights
- Create an environment that motivates and supports right holders, including NHRI staff.

**Knowledge:** Refers to the capacity to put in place and operationalise a long-term staff development strategy aimed at strengthening the individual skills and general understanding of NHRI staff to better carry out their mandate and improve their overall functioning. This includes the internal standard operating procedures and structures, as well as the national and international human rights framework.

**Mutual accountability:** Refers to the institutional ability to ensure accountability in their responsibilities towards preventing human rights violations and enforcing human rights laws. These capacities include the ability to:

- Strengthen national integrity of the NHRI
- Increase public participation and build coalitions
- Increase access to and use of information
- Regular monitoring and evaluation of internal projects and programs.

Standard technical and functional capacities refers to a particular individual skill set and asks, is the individual (or unit) capable of performing a necessary

action to fulfill a task required by the NHRI? A capacity to perform a necessary function may require a number of skills. Technical skills may include sufficient background knowledge and a deep understanding of the issues, and functional skill might include the ability to monitor and evaluate. Some standard technical and functional capacities are:

- Assess a situation and define vision and mandate
- Formulate policies and strategies
- Investigate, handle and manage complaints
- Conduct human rights analysis
- Advocate and raise human rights awareness
- Engage with stakeholders
- Monitor, evaluate and report.

The model assessment matrix in Annex 2 encapsulates all the possible core issues and the technical and functional capacities that could be considered in a self-assessment for NHRIs. Not all of these will be priorities for the particular NHRI being assessed. The CA team determines which of the issues and capacities identified in the model matrix are of priority concern to the NHRI on the basis of the analysis of information collected in focus groups and stakeholder interviews, and the documentation. The team then develops a 'tailor made' matrix which then becomes the blueprint for the capacity assessment worksheets for the commissioners and staff.

When identifying specific issues and capacities for a detailed assessment, care should be taken to keep the total number within manageable limits. Each identified issue corresponding capacity will require a separate worksheet and all commissioners and staff complete all worksheets. If the matrix in Annex 2 were used without amendment or reduction, over 50 worksheets would have to be prepared and completed by each individual, making completing and translating the worksheets and analysing the data in them a very complex and time consuming task. Some core development issues will simply not be issues of concern or not a priority for the particular NHRI and so can be deleted, others, such as 'human resources' and 'knowledge', may be combined to help reduce the total number. It is the responsibility of the CA team to reduce the number of areas in the matrix as much as possible. The final number will usually total around 30. It should never exceed 40.

## NHRIs and GENDER

*National Human Rights Institutions are vitally important to ensuring the protection of women's rights and building an environment for gender equality. The NHRI must reflect this in both its external work and its internal policies.*

*Integrating gender elements to the capacity assessment process translates and instills key gender concepts into the NHRIs' mandate and function and also provides opportunity to identify and implement long-term strategies to strengthen the way gender issues are approached within the organization. The latter includes working towards an appropriate gender balance among staff (both in numbers and professional posts); providing learning opportunities on basic gender concepts to staff; understanding and acting upon the needs of female staff as they carry out their human rights protection and promotion work; developing technical capacities to conduct gender responsive budgeting. To improve the institutional mandate to protect and promote women's rights in the country the NHRI also requires technical capacities to collect and collate sex disaggregated data.*

*Guide statements from the 'Capacity Assessment Framework for Gender Mainstreaming' have been incorporated into the CA process to ensure that women's empowerment and gender equality, both within the institution and in wider human rights work, are visible and prioritised.*

### **3.4.4 The capacity assessment worksheets**

The worksheets provide the quantitative component of the assessment. As noted above, one worksheet is prepared for each core capacity identified in the matrix for the NHRI but each worksheet can include a number (three or four) of separate issues associated with that core capacity. The worksheets relate each identified core issue (i.e. *internal policies, procedures and processes; leadership; or human resources and knowledge*), with the key technical and functional capacities required for it (i.e. *assessing situation and defining mandate, formulating policies and strategies, and budgeting, managing and implementing* etc). So for example, one worksheet would be developed to obtain perspectives on 'leadership' and the technical and functional capability to 'assess [the] situation and define [the] mandate'. A model worksheet, including instructions for its completion, can be found in Annex 3. The model worksheet addresses a combined core issue, *human resources and knowledge*.

## Process

All the worksheets are completed by all commissioners and staff, sitting in groups with one or two members of the CA team to provide guidance and answer questions if required. The team members make sure that before the group starts completing the worksheets everyone understands what has to be done. The completion of all the worksheets generally takes about two hours. The worksheets are supposed to be anonymous and individual; however group discussion on the indicators is fine.

## Indicators

Indicators (or guide statements) are adapted for each NHRI. There are no fixed rules as to the number of indicators or to the way the indicators should be phrased, as long as the assessment team and NHRI agree that they appropriately represent the issues and skills that should be assessed. In some cases, the indicators may be phrased as questions, such as ‘Can the NHRI engage partners and stakeholders in developing a long term strategy?’. However, sometimes this is considered too direct by NHRI staff.

*It was a very detailed set of worksheets which made us think about our strengths, our potential, and where we can do better. The worksheets also made staff feel like their voice is important.*

*Samar Tarawneh  
National Center for Human Rights in Jordan*

### An example of indicator statements

*For the core issue internal policies, processes, and procedures and the technical and functional capacity assess the situation and define vision/mandate, those completing the worksheet rate the following indicators or guide statements, taken from the matrix:*

- *The NHRI has the capacity to proactively identify and understand current and emerging human rights needs and determine priorities (e.g. women’s rights, ESC rights, children’s rights, etc.)*
- *The NHRI has the capacity to exercise its independence under the legal framework.*

## Rating system

Staff completing the worksheet give an overall rating (out of 5) of the level the NHRI is currently at for that particular skill, and a second **required** rating: 'what do you need to be able to do your job effectively over the following 5 years?' (Also out of 5). This allows for comparison in the data analysis phase discussed below. Decimals can be used. However, it is recommended to limit those filling the worksheets to decimals of .5 for practical reasons. The rating system works like this:

### Score/Rating:

- 1 *Very Low Very low level or no existing capacity exists*
- 2 *Low Only basic or low level of capacity exists*
- 3 *Medium Partially developed level of capacity exists  
(for example, irregular to basic implementation)*
- 4 *High Well developed level of capacity exists  
(for example, partial to full implementation)*
- 5 *Very High Fully developed relevant capacity exists  
(for example, active monitoring and evaluation after implementation)*

## Evidence

In completing the worksheets, respondents are asked to provide evidence in support of their ratings and recommendations. Requiring evidence to support the rating in the worksheets makes it more likely that the team will be able to review objective facts, rather than subjective interpretations of NHRI functions and capacities. Locating the source of the problem through evidence also assists the CA team to analyse both quantitative and qualitative data before developing response strategies. It is also important for the CA team to validate the ratings based on their analysis of what was discussed during the focus group discussions, interviews, and review of background information.

## **Translations**

Where necessary, worksheets must be translated into and from the local language; obviously this will have time and cost implications the team should consider. Where worksheets are not translated and English is used, it is important to keep the language of the worksheets simple and free of jargon.

### **3.4.5 Analysing the data**

The analysis of the data, both qualitative and quantitative, is the critical part of the CA report. It reflects back to the commissioners and staff of the NHRI their own understanding of the current level of function and effectiveness in the NHRI and their views on how the organisation can and should realistically improve in five years. In many NHRIs, perhaps most, there is no organisational consensus on weaknesses and challenges faced. The assessment process reveals, articulates, and disseminates an analysis of the challenges to enable a common understanding by everyone at the NHRI.

Once collected, the qualitative data from the focus groups and the quantitative data from the worksheets are analysed and cross-checked. Analysis of the qualitative data begins immediately after the focus groups discussions and forms the basis for refinement of the issues and preparation of the worksheets. This process allows the assessment team to identify the core issues raised in the discussions; distinguish between issues common across the NHRI and issues that are particular to any group, section, category or level of position; and develop proposals to address the challenges. The qualitative analysis can be written up in draft form while the worksheets are being completed by the NHRI commissioners and staff.

*I found the quantitative data useful in initiating discussions with the executive team and all the staff about the different perspectives on the Commission's capacity and performance. It led to productive exchange and increased understanding among staff.*

*-Randa Siniora, Executive Director,  
Independent Commission for  
Human Rights in Palestine*

The quantitative data is best collated through an excel spreadsheet. A snapshot of the excel template which encapsulates the quantitative analysis can be found in Annex 4. Each of the columns that are numbered (e.g. 1 to 4) represent the number of worksheets submitted i.e. number of staff participating in the assessment. The very first column contains the core issue, followed by the functional/technical capacity and capacity indicators/guide statements. It should be noted that the snapshot in Annex 4 is a condensed version of the analysis, calculating merely four worksheets, or the worksheets of four staff in total. The number of staff can reach to over 300, thereby requiring an equal number of columns as well. For NHRIs with a larger number of staff (or larger number of staff participating in the CA), the analysis can also be disaggregated among the different offices or departments to highlight specific challenges and priority capacity areas based on the NHRI's organisational structure.

The model spreadsheet in Annex 4 collates the current and future required ratings from each worksheet completed by the NHRI staff member. This shows:

1. Capacity development indicator (per row)
2. Function/technical capacity (for 'formulate policies and strategies' clustered together from rows 6 to 8, the final current average is 2.83 and the future required average rating is 4.5)
3. Total current average and required future capacity average, found in the right hand bottom corner of the snapshot.

Calculating the ratings for each core issue and technical and functional capacity reveals the average rating of current capacity and of required future capacity. It shows where the NHRI is strongest and where it is weakest according to the perspectives of the commissioners and staff. The data can be further analysed to reveal 'capacity gaps' in the difference between the required capacity and the current capacity, i.e. what additional capacity the commissioners and staff think is required for the NHRI to function effectively and efficiently. In these 'high scoring' gap areas, capacity development responses are needed to help the NHRI reach the future required capacity in the timeframe identified.

The data can reveal ways to help the NHRI prioritise its capacity development needs: areas in which the gap between ‘current’ and ‘required’ is greatest can be areas which the NHRI chooses to focus on first and most intensively. Alternatively, smaller gaps can be interpreted as potential ‘quick wins’ for the NHRI.

It also should be noted that in many cases the information gathered from a variety of sources (focus group discussions, external stakeholders, worksheets, etc.) may provide conflicting insights. The assessment team may consider further exploration of those areas in question, either formally through continued assessment or informal discussions with key stakeholders.

### ***Practical analysis exercise***

Two different ways of summarising the quantitative results are shown in the following tables (Table 1 and 2). It is up to the CA mission team to select which table format is the most appropriate and effective in presenting the findings from the quantitative analysis. For example, for a NHRI which has a number of units and/or divisions, it will be useful to disaggregate the current averages, future averages, and capacity gaps. This can be seen in Table 1 where each capacity indicator is presented based on the ‘overall ratings’, the ratings from Commissioners, as well as the ratings from six units. Disaggregating the data based on the organisational and management structure of the NHRI allows for a more detailed look at perceived capacity gaps based on each unit and/or division. In the experiences of the CAP, results of the quantitative analyses have been disaggregated based on such organisational and management structures, as well as the regional and provincial offices of the NHRI.

On the other hand, for an NHRI with fewer staff and fewer units and/or divisions, it will be useful to use a format similar to Table 2 as it presents the overall ratings of the NHRI as a whole.

Table 1. Sample Summary Assessment Results Based on Core Capacity, 'leadership'

Functional Capacity/ Capacity Indicators	Current Capacity Rating							
	Overall	Commissioners	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6
CAPACITY TO FORMULATE POLICIES AND STRATEGIES								
leadership has the capacity to lead the formulation and implementation of strategic plans and work plans for the Commission	2.18	3.17	1.00	2.00	1.71	2.00	2.60	2.33
leadership has the capacity to identify critical staffing and organisational competency needs within the Commission to ensure fulfillment of its mandate and functions	1.94	3.00	1.83	1.33	1.29	1.58	2.40	2.00
leadership has the capacity to proactively guide all staff to effectively carry out its mandate (motivation and incentive)	1.68	2.67	1.33	1.00	1.29	1.08	2.20	2.00
leadership has the capacity to ensure that the rights of staff are protected and promoted	1.86	3.17	1.50	1.33	1.86	0.83	2.00	2.00
leadership has the capacity to mainstream human rights issues in its policies (including advocacy activities)	2.00	3.00	1.67	1.67	1.57	1.33	2.40	2.33

Functional Capacity/ Capacity Indicators	Current Capacity Rating							
	Overall	Commissioners	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6
The NHRI has adequate leadership structure that ensures appropriate distribution of responsibility and authority among Commissioners, Secretary General, and Directors	1.83	3.00	1.83	1.67	1.14	0.67	2.40	2.67
<b>Average</b>	<b>1.92</b>	<b>3.00</b>	<b>1.53</b>	<b>1.50</b>	<b>1.48</b>	<b>1.25</b>	<b>2.33</b>	<b>2.22</b>
CAPACITY TO ASSESS THE SITUATION AND CREATE VISION AND MANDATE								
leadership has the capacity to convince or influence policy makers, general public, and decision makers on the competence and credibility of the Commission	1.86	3.00	1.33	1.33	1.71	1.25	1.80	2.33
leadership has the capacity to understand critical issues that affect the human rights situation in the country and proactively guide the organisation towards formulating guidelines to address such issues	2.06	3.17	2.00	1.33	1.42	1.58	2.40	3.00
<b>Average</b>	<b>1.99</b>	<b>3.08</b>	<b>1.67</b>	<b>1.33</b>	<b>3.24</b>	<b>1.42</b>	<b>2.10</b>	<b>2.67</b>

Functional Capacity/ Capacity Indicators	Current Capacity Rating							
	Overall	Commissioners	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6
CAPACITY FOR INVESTIGATIONS, COMPLAINTS HANDING, AND MANAGEMENT								
leadership has the capacity to decide to handle, accept or reject complaints based on the Commission's mandate	2.06	3.67	1.67	2.00	1.58	1.33	1.80	2.33
leadership has the capacity to conduct effective and independent investigations of possible human rights violations	2.00	3.33	1.67	1.67	1.71	1.33	2.00	2.00
<b>Average</b>	<b>2.09</b>	<b>3.50</b>	<b>1.67</b>	<b>1.83</b>	<b>1.63</b>	<b>1.33</b>	<b>2.30</b>	<b>2.17</b>
CAPACITY FOR ADVOCACY AND AWARENESS RAISING								
leadership has the capacity to proactively advocate human rights issues and put in place mechanisms to work with the media and civil society	2.00	3.00	1.33	1.00	1.29	2.00	2.20	3.00
leadership has the capacity to strategies and priorities human rights advocacy for the general public	1.86	3.17	1.50	1.67	1.14	1.33	1.80	2.67
<b>Average</b>	<b>1.93</b>	<b>3.08</b>	<b>1.42</b>	<b>1.33</b>	<b>1.21</b>	<b>1.68</b>	<b>2.00</b>	<b>2.83</b>
Average Current Capacity Rating	2.80	3.17	1.57	1.50	1.49	1.42	2.18	2.47
Average Required Capacity Rating (within 5 years)	4.27	4.54	3.58	4.75	3.68	3.67	4.05	4.00
<b>CAPACITY GAP</b>	<b>1.47</b>	<b>1.38</b>	<b>2.01</b>	<b>3.25</b>	<b>2.19</b>	<b>2.25</b>	<b>1.87</b>	<b>1.53</b>

The Table 1 is a summary of the results computed in the excel template. Each core issue is translated into a table (the one above is a table for the core issue *Leadership*). Each capacity development indicator/guide statement receives a rating, which is disaggregated by unit. This also shows that this particular NHRI had six units. The Commissioners constitute a distinct group. The first column, after the indicators, contains the overall current rating for each capacity indicator and functional/technical capacity.

The *capacity to formulate policies and strategies* is averaged together in the 7th row, marked Average and shaded in gray. The average ratings therefore would be 1.92 (Overall), 3.00 (Commissioners), 1.53 (Unit 1), 1.50 (Unit 2), 1.48 (Unit 3), 1.25 (Unit 4), 2.33 (Unit 5), and 2.22 (Unit 6). The overall averages for the current ratings and future required ratings are presented in the last three rows, ending with the CAPACITY GAP. It is interesting to note that, for most of the past capacity assessments for NHRIs, leadership provided relatively higher current ratings than staff did; disaggregating the data based on function, unit and/or division, and the management structure will allow the capacity assessment to highlight such difference in perspectives and will ultimately add value to the analysis. The same can be said for the capacity gaps which can be found on the last row of the table. The Commissioners in this example have provided an overall capacity gap of 1.38 while individual units provided much higher capacity gap. The results of table 1 highlight not only the difference in perception regarding the current capacities of the NHRI but also the capacities required in the future for the NHRI to effectively fulfill its role and mandate.

Presenting the summarised ratings in the format above is useful as it provides a detailed view of how each unit/division/department rates the NHRI's capacity in Leadership and the four functional/ technical capacities. Another format is for tables to be based on each functional/technical capacity, as in Table 2. The format for Table 2 captures the overall ratings for each technical and functional capacity (or the capacity guide statements). Table 2 differs from table 1 as it provides an overall snapshot of the ratings of the entire NHRI. This format is useful for NHRIs with smaller numbers of staff (e.g. one to two staff per unit). As discussed in the previous sections, it is important to protect the identity of the staff filling in the worksheets. For an NHRI where each unit has a small number of staff, presenting the data based on unit and/or division will increase the likelihood of connecting the results of the worksheets with individual staff.

Table 2. Sample Summary Assessment Results Based on Functional/Technical Capacity, ‘Situation Analysis and Creating a Vision/Mandate’

Core Issue and Capacity Statements/Indicators	Current Level	Required Level (by 2016)
Functional Capacity: Situation Analysis and Creating a Vision and Mandate		

**Core Issue 1: Leadership**

Capacity Statements/Indicators:

- |                                                                                                                                                                                                                                |      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1. ABC leadership has the capacity to develop a long-term vision for ABC.                                                                                                                                                      | 2.67 |
| 2. ABC leadership has the capacity to initiate and guide the design and management of effective capacity development programs/plans                                                                                            | 1.82 |
| 3. ABC leadership has the capacity to effective policy formulation, implementation                                                                                                                                             | 2.22 |
| 4. ABC leadership has the capacity to coordinate with other ministries, agencies and localities to ensure effective data collection, and information systems, for effective policy formulation, implementation and monitoring. | 2.55 |

Average capacity rating for cross-section of Visioning & Leadership	2.31	3.09
---------------------------------------------------------------------	------	------

**Core Issue 2: Policy and Legal Framework**

Capacity Statements/Indicators:

- |                                                                                                                                                                    |      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1. ABC has the capacity to understand information needs that will guide the effective formulation of policies and programs to enhance human rights in the country. | 2.50 |
| 2. ABC has the capacity to coordinate with other government agencies to develop and implement a standard procedure for human rights monitoring                     | 2.08 |
| 3. ABC has the capacity to review and analyse lessons learned and emerging issues on civil service capacity development programs                                   | 2.22 |
| 4. ABC has the capacity to align and integrate the office’s work plan and budget to national planning and budgeting processes.                                     | 2.66 |
| 5. ABC has the capacity to develop a common reporting system among government and donors.                                                                          | 2.50 |

Core Issue and Capacity Statements/Indicators	Current Level	Required Level (by 2016)
Average capacity rating for cross-section of Situation Analysis/ Visioning & Policy/Legal Framework	2.40	3.16

### Core Issue 3: Mutual Accountability Mechanisms

Capacity Statements/Indicators:

- |                                                                                                                             |      |
|-----------------------------------------------------------------------------------------------------------------------------|------|
| 1. ABC has the capacity and tools to effectively monitor and evaluate internal performance                                  | 1.97 |
| 2. ABC has the capacity to develop mechanisms for processing suggestions and complaints on the performance of its staff     | 2.11 |
| 3. ABC has the capacity to systematically document best practices methodologies and tools for partners                      | 2.13 |
| 4. ABC has the capacity to provide timely access to information on its programs and activities to its clients and partners. | 2.30 |

Average capacity rating for cross-section of Situation Analysis/Visioning and Mutual Accountability Mechanisms	2.13	2.93
----------------------------------------------------------------------------------------------------------------	------	------

### Core Issue 4: Participation of Stakeholders in Developing a Long Term Strategy

Capacity Statements/Indicators:

- |                                                                                                                                                                                  |      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 1. ABC has the capacity to engage partners and other stakeholders in developing a long term strategy that would directly respond the human rights situation needs of the country | 2.28 |
| 2. ABC has the capacity to influence government agencies to ensure that human rights are integrated in national policies.                                                        | 2.33 |

Average capacity rating for cross-section of Situation Analysis/Visioning and Stakeholder Participation	2.31	3.71
Overall Level of the Organisation for Analysing a Situation and Creating a Vision	2.29	3.22
<b>Capacity Gap</b>	<b>0.93</b>	

There are no fixed rules as to the number of indicators or to the way the indicators should be phrased, as long as the assessment team.

The Table 2 shows the current average ratings for a particular technical capacity, in this case 'Situation Analysis and Creating a Vision/Mandate'. This table, not disaggregated by unit, better shows the overall high and low scoring capacities, in order to identify gaps more easily. The overall average for the whole Commission on 'situation analysis and creating a vision/mandate' is 2.29. The required future rating is 3.22, indicating a capacity gap on 0.93. This gap can be compared to the gaps in other functional capacities.

### **3.4.6 Developing strategies in response to gaps**

Every NHRI faces different challenges specific to their social, political, and economic contexts. Strategies for improvement thus require contextualisation and adaptation. The quantitative and qualitative data analysis of the assessment provides sufficient understanding of an NHRI's particular context from which to identify necessary development strategies.

For example, an assessment may point out human resource management – specifically, setting up and implementing a fair performance evaluation for staff – as a particular weakness leading to a number of negative consequences throughout the organisation. An example response strategy could be *the development and enforcement of a transparent, fair and merit based performance evaluation with specific indicators and target*.

The response strategies and recommendations should be practical, within the NHRI's existing mandate and resources and achievable, and should together form a comprehensive approach to the challenges faced by the NHRI. These strategies should be short-term to long-term, supported by a clear plan which includes high-priority, medium-term initiatives and immediate or quick-impact activities as the basis for continuous capacity development of the NHRI. The strategies can be the basis of further collaboration between the NHRI and CAP partners – APF, OHCHR and UNDP.

A detailed discussion of some commonly recommended strategies is provided in Section 4 of this report.

### 3.4.7 Prepare the draft report and present it to the NHRI

The CA team spends the last days of the assessment visit preparing the draft report. The draft report contains:

1. Background information on the CA, including:
  - 1.1 Objectives of the CA
  - 1.2 Composition of the team
  - 1.3 CA methodology
  - 1.4 Basic information about the NHRI
  - 1.5 Basic information about the country's human rights situation
  
2. The findings of the CA, including:
  - 2.1 Information from the document review
  - 2.2 Information from the stakeholder interviews
  - 2.3 Qualitative data from the focus group discussions
  - 2.4 Quantitative from the worksheets
  - 2.5 Technical and functional capacities selected for the quantitative analysis
  - 2.6 Detailed information on the core development issues
  
3. Recommended strategies for improving effectiveness and efficiency in fulfilling the institutional mandate.

On the final day the team briefs the commissioners and directors on the draft's contents. This final day allows time for commissioners and directors to ask questions and clarify issues arising from the draft and the briefing. The team attempts to provide the NHRI with a draft prior to the briefing, but they are unlikely to have had sufficient time with the report to consider formal responses and so should not be pressed immediately for a definitive position. It is better to encourage questions for clarification and then time to give the report careful consideration.

*The experience of facilitating the CA for SUHAKAM was a very positive experience for the UNDP country office ... The structured methodology and approach was also successful in focusing the vast amount of in-depth thematic experiences and knowledge that was brought to the exercise by the various team members and stakeholders.*

*James Chacko  
Assistant Resident Representative  
and Head of Programmes  
UNDP Malaysia*

At the final briefing the CA team also explains the process after the visit and the anticipated timetable. The timetable should be agreed for consideration of the report, a formal response from the commission, and finalisation by the team.

### 3.5 After the assessment visit

Promptly after the assessment visit the team refines the draft report and forwards it formally to the commissioners and directors for their consideration and comment. After receiving the comments from the commissioners and directors, the team finalises the report. They formally present it to the NHRI and request an official response, including an implementation plan, within the agreed timetable. Again, it should be noted that time and funds for translation

(including commissioner/director comments) should be considered in the report drafting process.

After the assessment the APF, UNDP and OHCHR retain their commitment to supporting the NHRI. They explore with the NHRI ways in which they can be of assistance in implementing the recommendations of the report and building capacity as well as by

offering and providing technical assistance and monitoring implementation of therecommendations.

UNDP APRC in particular, through regular contact with the UNDP Country Office, is often able to monitor implementation and the activities of the NHRI generally. They can also assist in identifying other national, regional and international actors that might have skills or resources to support implementation.

*We have seen changes since the capacity assessment was conducted – our staff are also happy...*

*Moomina Waheed  
Director Corporate Affairs Department  
Human Rights Commission  
of the Maldives*



## IV. LINKING THE CAPACITY CHALLENGES TO THE RESPONSE STRATEGIES

The findings from the assessments provide the starting point for formulating a capacity development response for NHRIs. Generally, the core issues identified in an assessment are mutually reinforcing. A capacity development response will be more effective if it combines actions for improvement across more than one of the issues. For example, 'Incentives for good leadership can be incorporated in a reformed human resources management system'. Often too, response strategies for NHRIs have also addressed more than one specific level of capacity; e.g. developing response strategies to address human rights protection constraints at the enabling environment or policy level.

Recommendations made to individual NHRIs are confidential and so this discussion includes only some recommendations frequently made to NHRIs for the purposes of informing practitioners and NHRIs staff of the kinds of common strategies for improvement.

### 1. Strengthening independence and legitimacy

An important element of the approach is to understand the enabling environment in which the NHRI operates. The capacity assessments for

NHRIs have involved a thorough examination of the NHRI's independence and legitimacy, starting with the enabling acts or legislative framework for the NHRI, and the NHRI's capacity to interpret the legislation. The absence of legislation constitutes a significant challenge for an NHRI and, as such, recommendations specifically highlighting potential legislative enactment or reform can be included as part of the overall package of response strategies for greater independence and legitimacy for the NHRI. Response strategies may include recommendations that the NHRI review and, where necessary, seek to have the Parliament amend the NHRI's legislation; recommendations that the NHRI propose changes to government administrative policies and procedures concerning the NHRI; and/or recommendations that the NHRI adopt a more expansive interpretation of the existing legislative provisions. In the instance of the latter, it has also been recommended that NHRIs examine their mandate more closely and adopt realistic but creative ways to overcome perceived deficiencies within the context of the existing law. It should be remembered that the fundamental interpretative principle in human rights law is that rights and mechanisms for their protection should be interpreted expansively and limitations on rights and on protective mechanisms should be interpreted narrowly.

During the document review in the pre-assessment phase, the CAP team will also examine the comments and concerns provided by the ICC Sub-committee on Accreditation specifically pertaining to the independence, transparency and degree of civil society involvement in the process of selecting members of the NHRI. Based on this evaluation, the team may develop strategies to strengthen the NHRI's capacity to advise the government on adopting new and more transparent procedures.

Recommended capacity development response strategies aiming to strengthen the NHRI's independence and powers often touch upon:

1. Greater and more strategic public support for the NHRI, for example by awareness raising throughout about the NHRI's own functions and powers
2. Better human rights knowledge inside and outside the NHRI
3. Expanding the NHRI's accessibility, including at the local levels
4. Increasing the scope of the NHRI's work and including all categories of human rights.

## 2. Strengthening the NHRI's institutional arrangements (internal policies, processes and plans)

As explained in the previous chapter, the existence and efficient operationalisation of internal policies, processes, and plans—including the overall appropriateness of the organisational structure—is a pose challenges for most institutions. *Institutional arrangements* have also emerged as critical core issue in some previous assessments. Response strategies aimed to revisit the NHRI's organisational structure, internal policies, processes, strategic and annual work plans, and standard operating procedures are common in assessment reports.

To improve standard operating procedures, strategic planning and implementation of internal work plans based on problems identified in the assessment, some of the following response strategies have been recommended:

- Clarify the operational procedures and rules by which the NHRI works and ensure that all staff are fully aware of rules and operating procedures applying to them and the whole organisation
- Adopt formal procedures and rules for the operation of the NHRI itself, including in relation to :
  - Internal policy development and decision making processes
  - Responsibilities, procedures and scope of work of the NHRI's working groups, committees, etc. (based on the NHRI's structure) including clear terms of references
- Develop procedures manuals in key areas to promote more effective and more efficient work, including on:
  - Complaint handling – including a database to increase transparency in the handling of complaints
  - External relations
  - Media relations
  - Public inquiries
  - Human rights education and awareness raising
- Develop and implement unit and division level work plans to ensure unit/division level contributions to the implementation of the strategic plan and key results for the year

- Provide clear indicators and measures for evaluation and accountability in the strategic plan and annual activity plans
- Develop and disseminate good procedural manuals standardising and streamlining operations and make them publicly available
- Include databases that are informative and easy to use on the NHRI's website as a means of increasing transparency and making the NHRI's work accessible for the public
- Provide structures for good communications within the NHRI and across departments to ensure regular coordination, for example, by planning and implementing regular meetings of staff, both within units and generally, and the establishment of cross-departmental committees and working groups.

### 3. Strengthening leadership and management functions

Leadership is a function and responsibility shared by all those who have decision making and supervisory authority within the NHRI. Depending on the NHRI, it may include commission members, the executive director (or secretary-general), and directors. The development of NHRI leadership capacities is a critical component to the full and effective functioning of an NRHI. Under the issue of leadership, the following response strategies have been relevant to many NHRIs.

- Improve the NHRI's management systems by employing a structured approach to management, including clarification of roles and responsibilities of those in leadership positions and the development and adoption of clear operational procedures and rules
- Delegate to managers the authority they require to manage the affairs of the NHRI in accordance with their roles and responsibilities while ensuring accountability to their supervisors
- Provide opportunity and time for leadership and all staff to meet to exchange information and views, receive feedback on the progress of the NHRI's initiatives, and develop proposals on the overall objectives, priorities and strategies of the NHRI, its performance and its challenges
- Provide leadership development in accordance with leadership areas appropriate to that position through training courses, learning events, study tours and other activities relating to some of the following areas:

- Strategic planning, particularly engaging stakeholders in policy formulation and setting up organisational and operational work plans for implementing, managing, and monitoring progress in strategic plans;
- Results-based management and change management, particularly with regard to building coalitions, alliances and finding/targeting champions
- Ethics and integrity
- Team building, negotiation and consensus building
- International human rights law, the international human rights system, contemporary human rights issues and strategic planning.

#### 4. Strengthening human resource management

For an NHRI, human resource capacities require individual skill sets (technical and functional capacities), appropriate technical background of staff members vis a vis their relevant functions, and the relevant institutional mechanisms (e.g. incentive systems, performance management, staff retention and development, team relations, organisational vision, etc). The NHRI assessments to date have highlighted the need to strengthen and implement mechanisms that allow for a fair, transparent, and merit-based human resource management system that protects and motivates staff to carry out their functions. Applicable to many NHRIs, recommended response strategies on human resource management have included:

- Ensure an appropriate staff structure with adequate number of qualified and professional staff
- Adopt a staffing structure that ensures proper lines of supervision and accountability, and offers opportunities to staff for internal promotion and career development
- Require for each position within the structure a clear job description, the competencies required for the position on the basis of that job description, and selection criteria for appointment to the position
- Develop, as a matter of urgency where it does not exist, a personnel policy and a standard set of terms and conditions, including formal salary scales and ranges, for all staff
- Identify the staff training and development required for the NHRI as a whole, to ensure that the NHRI has the necessary range of knowledge, skills and abilities to implement its mandate and its strategic plan, and allocate an appropriate annual budget for staff development

- Require that each member of the staff has an individual, personal training and development plan to identify and address the NHRI's needs and priorities
- Implement an annual cycle of individual staff performance appraisal to be conducted by each staff member's immediate supervisor and the individual staff member
- Introduce a scheme of staff incentives (financial and non-monetary) to encourage excellent performance, and provide through a fair, transparent and performance based procedure in a system of regular performance appraisal of all staff.

## 5. Strengthening knowledge and knowledge management

NHRIs require staff with expertise and experience in international human rights law, the domestic human rights situation, and ways to increase the promotion and protection of human rights. Increasing this expertise among the staff and making use of the expertise are important challenges for NHRIs in building their capacity. Capacity assessments of NHRIs to date have always identified this as a capacity development priority. Capacity development response strategies that looked specifically at technical and functional capacities and skill sets of the staff have also been recommended for the NHRIs.

For technical capacities, these include:

- Recognising human rights issues that are objectively significant, without regard to political sensitivity
- Analysis and regular monitoring of the activities of the government in relation to compliance with international and national human rights standards
- Evidence and fact based research and data collection, with analysis for reliability and relevance to human rights issues
- Knowledge of international human rights law, with a good analysis of the relevant domestic law
- Transparent and efficient complaints handling and database management.

For functional human rights capacities, the response strategies recommended to some NHRIs concern the following:

- Strengthen internal planning, management , budgeting, and implementation
- Develop programs for Training of Trainers including the development of training manuals, methodologies and materials to ensure consistently high standards of training, and the introduction of a system for evaluation and follow up of every training course delivered through participant questionnaires at the conclusion of each course and 12 months after each course
- Provide language skills training in English, to better understand the processes and procedures of the international human rights system, and in local languages, in order to become more responsive to the needs of local groups.

In relation to strengthening the knowledge of staff, setting up a properly running and adequate information technology infrastructure within the NHRI has also been an important response strategy recommended to the NHRIs, to ensure that the NHRI is making the most use of existing information and communications platforms and portals, as well as streamlining electronic processes to handle data and information. The following response strategies have been pertinent in the NHRI capacity assessments:

- Upgrade existing portals and communication platforms for internal and external communication purposes. It is important to understand how those purposes differ: internally, staff will need updates on management decisions, as well as databases for internal documents such as reports and complaints. The public (and NHRI staff) need to be able to access information on human rights in the international sphere and at the national level including new laws, relevant statistics, treaty body reports, reports from international human rights mechanisms, among others.
- Ensure that the NHRI's website is regularly updated with reports and activities and is regularly reviewed to ensure its accessibility and usefulness.
- Introduce new software (e.g. MS Access) to enable electronic processing of key NHRI functions to the fullest extent possible, including complaint handling, inspection scheduling and reporting, down to staff movements and administrative and financial processes

## 6. Strengthening partnerships and external relations

While the assessments have shown the extensive human rights awareness raising work conducted by the NHRIs, human rights advocacy towards government ministries, the parliament, and the judiciary have emerged as areas needing more focus. In response, the following strategies have been presented:

- Ensure NHRI participation in meetings with key personnel in the relevant government ministries and agencies
- Hold regular meetings with key committees and members of the parliament
- Identify and engage stakeholders outside the government who have influence on governmental decision making, including faith based and religious groups where relevant.

Engagement with civil society organisations (CSOs), non-governmental organisations (NGOs), the media, and human rights defenders has also emerged as an area in which greater focus might yield better overall results for the NHRI. Recommendations to this effect have included:

- Closer and more collaborative links with CSOs and NGOs, including through regular public dialogues on specific issues and broad general annual consultations
- Create opportunity for more regular exchange between government and civil society by convening regular tripartite meetings (NHRI, government, NGOs and human rights defenders ) to exchange views on critical human rights issues
- Increased work and collaboration with international human rights mechanisms, particularly the treaty monitoring bodies and Special Procedures of the Human Rights Council
- Participation in national, regional and international human rights events and meetings to learn about emerging international views and practices that would benefit NHRIs.

Under the partnerships strategy, the NHRI should develop more strategic engagement with the media. This could include regular dialogues with the media as part of a NHRI-media partnership for human rights. The engagement with the media should be directed to

- Increasing the media's understanding of international human rights law and standards
- Bringing to public attention human rights situations of concern in the country
- Promoting the NHRI's views, reports and recommendations and building support generally for its work.



Photo: UNDP Picture This / LUIS PEREIRA

## V. COUNTRY EXPERIENCES: FROM MALAYSIA TO MONGOLIA

### **The Human Rights Commission of Malaysia (SUHAKAM), February 2009**

The first capacity assessment for NHRIs under the Capacity Assessment Partnership was conducted for SUHAKAM from December 2008 till February 2009. The capacity assessment was divided into two substantive missions; the first focused on staff in the Kuala Lumpur Office (head office) and the second mission engaged with staff in the regional offices, including external stakeholders. The assessment resulted in 39 recommendations to address capacity gaps. SUHAKAM accepted the majority of the recommendations and developed a strategy to support the implementation of the priority recommendations from the assessment. The UN Country Team in Malaysia is actively exploring areas of substantive collaboration to support SUHAKAM in the implementation of the plan. Joint activities have also now been initiated since 2010 on key areas of human rights in Malaysia.



As the capacity assessment for SUHAKAM was the first pilot exercise for the CAP, there were a number of lessons learned; these include the need to ensure NHRI ownership throughout the process, the value of strengthening internal coordination with the NHRI staff and leadership, and providing sufficient time to inform and guide staff through the process.

### **The Human Rights Commission of the Maldives (HRCM), October 2009**



Following the capacity assessment of SUHAKAM, the next assessment took place for the Human Rights Commission of the Maldives. The findings and the recommendations of the capacity assessment report were submitted by the CAP partners during

the HRCM's Strategic Plan (2010 -2014) drafting process. This ensured that the findings and recommendations were practically incorporated into the Strategic Plan, in particular those recommendations relating to complaints handling, investigations and monitoring. The engagement also led to tangible changes in the internal management structure of the HRCM to improve coordination between the different staff levels. The capacity assessment for the HRCM highlighted the strengths of the Commission, particularly its vision to continue to work in accordance with international best practice and with both regional and international human rights actors. Joining the capacity assessment mission in the Maldives was an officer of SUHAKAM, to promote country experience sharing and to provide a step by step learning opportunity to the SUHAKAM staff on how to conduct a full scaled capacity assessment. The UN programme supporting the capacity development of the HRCM was developed drawing on the recommendations of capacity assessment.

### **The National Center of Human Rights in Jordan (NCHR), October 2010**

In October 2010, the CAP partners conducted a capacity assessment for the National Center for Human Rights in Jordan. The capacity assessment focused on making the structure of the NCHR more efficient and strengthening

internal coordination between the different units within the Center. The assessment in Jordan was the first time the CA methodology was adapted and used for an NHRI outside the UNDP Asia-Pacific region. As such, the engagement also provided space to strengthen South-South knowledge exchange (an officer from the Human Rights Commission of the Maldives participated in the NCHR Jordan capacity assessment) and cross-regional collaboration. The capacity assessment and the capacity assessment report has led to an internal structural review and the formalisation of regular meetings and consultations between leadership and staff, which have also increased staff motivation. With the support of the UNDP Country Office and Regional Centre in Cairo, a senior consultant has been hired to assist with the implementation of the assessment recommendations.



### **The National Human Rights Commission of Thailand (NHRCT), November 2010**



The National Human Rights Commission of Thailand became the fourth NHRI to participate in the CAP. Following a series of internal strategic planning exercises, the NHRCT utilised the findings from the capacity assessment to develop a comprehensive and practical

implementation plan for its institutional work plans. The assessment provided an opportunity for NHRCT staff to reflect on internal organisation and process of the NHRCT and voice their recommendations on how to overcome capacity challenges. The assessment helped in pinpointing critical achievements of the NHRCT as well as opportunities to replicate similar success in all areas of their work – from awareness raising and promotion activities to human rights reporting, research, and analysis.

## Independent Commission for Human Rights of the Palestinian Territories (ICHR), April 2011

The second capacity assessment for the UNDP Arab region took place in Palestine with the Independent Commission for Human Rights (ICHR). The assessment highlighted the high level of commitment of staff at all levels and the difficulties of working in a very complex political environment. While it was important for the CAP partners to involve all staff, including those in the Gaza Strip, interviews with the Gaza regional office could only be done through videoconferencing. The recommendations of the assessment were provided during the finalisation of the new strategic plan for 2011-2013. Based on the strong work already delivered by the ICHR, the recommendations focused on strengthening its internal structure and mechanisms, improving its external relationships, and enhancing the accountability mechanisms. Again, the presence of a staff from the National Human Rights Commission of Thailand, which led to the exchange of experiences, was perceived as particularly useful by ICHR staff.



## The Afghanistan Independent Human Rights Commission (AIHRC), May – July 2011



The previous four NHRIs participating in the CAP averaged not more than 150 staff per Commission. The AIHRC, on the other hand, have over 600 staff and more than 10 Regional and Provincial Offices, requiring a four week assessment visit. One of the most important elements of the CAP's approach to capacity assessments is the interaction with all staff members of the institution regardless of level, number of years spent in the institution, and function. As such the CAP partners consulted with over 450 staff members. The experience in Afghanistan was also unique as it was the first case in which the overall security of the Commission and staff members emerged as a major priority issues. Similar to the previous NHRIs, the

assessment also highlighted the dedication of staff and leadership to promote and protect human rights in the country. A staff member from the Jordan National Center for Human Rights participated in the capacity assessment of the AIHRC.

## **The National Human Rights Commission of Mongolia (NHRCM), August 2011**



The NHRCM is by far the smallest NHRI in the Asia Pacific region. It has three full time commissioners and 16 staff and an annual budget of USD\$225,000. The next smallest NHRI in the region has almost three times the resources. Yet Mongolia is an extremely large country with

a small, very sparsely distributed population and very poor transportation. Nonetheless, in only ten years the NHRCM has become well established and well known. It has been particularly effective in addressing the treatment of persons in detention, particularly the elimination of torture. The NHRCM's greatest capacity challenge is to reach out to people across the vast expanse of Mongolia. To do this it requires a very significant increase in both financial and human resource and effective strategies to be present for people across the country. The UNDP Country Office is currently reviewing options for a project in collaboration with the NHRCM which will support the implementation of the capacity assessment's recommendations. The Executive Director of the Independent Commission for Human Rights of Palestine, joined the CAP team for the NHRCM capacity assessment.

## Annexes

**Annex 1** – Briefing Note on the Capacity Assessment Partnership for NHRIs

**Annex 2** – The Capacity Assessment Matrix for NHRIs

**Annex 3** – Sample Capacity Assessment Worksheet and Instructions Page

**Annex 4** – Sample Excel Spreadsheet for Quantitative Analysis

**Annex 5** – Checklist of Documents to Review

# Annex 1. Briefing Note on the Regional Capacity Assessment Partnership for NHRIs

## Executive summary

The United Nations Development Programme Asia Pacific Regional Centre (UNDP-APRC), the Asia Pacific Forum of National Human Rights Institutions (APF) and the National Institutions and Regional Mechanisms Section of the Office of the High Commissioner for Human Rights (OHCHR-NIRMS), have developed a project to support the institutional capacity development of National Human Rights Institutions (NHRIs) in the Asia-Pacific region.

The objective of the project is to assist NHRIs in the region to generate an understanding of their capacity strengths and needs and to develop strategies to fill capacity gaps. One of the first steps of the capacity development process is a capacity assessment, a self-assessment used to identify capacity strengths and needs of the NHRI. UNDP, APF and OHCHR will act as facilitators to the process by which the NHRI can assess its own capacities and identify and prioritise capacity development needs. In close consultation with the NHRI, they will produce an analytical report, measuring required future capacities

of the NHRI against its current capacities and making recommendations for capacity development strategies. This report will be presented to the NHRI in draft form for discussion and joint finalisation.

The capacity assessment complements strategic planning, priority setting and work planning processes of NHRIs. The objective of the assessment is to systematically understand existing capacity strengths and gaps of the NHRI and subsequently develop capacity development strategies and responses to help the NHRI fulfill its mandate and the goals and objectives set out in the Strategic Plan. In order to do so the capacity assessment process also helps the NHRI analyse stakeholder positions and review its organisational structure, operational functions and business processes. The capacity assessment is complementary to the Strategic Planning process. It can be carried out in conjunction with that process and will be particularly effective to support its implementation.

The potential benefits for NHRIs in developing and implementing capacity development strategies that result from capacity assessments are great. This approach looks systematically at the capacity strengths and needs of the NHRI in order to perform its mandate effectively. It fosters engagement of NHRI members and staff and key external stakeholders, often across sectors. It leads to capacity development initiatives that are strategic, longer term and integrated, rather than ad hoc and fragmented.

This regional project complements and enhances the support projects being implemented by UNDP Country Offices and UN Country Teams for NHRIs at the national level and informs the development of tailored capacity development interventions to support NHRIs on a continuing, comprehensive basis.

## **Project overview**

### ***Objective***

To assess and develop strategies to address the most important capacity needs of the National Human Rights Institution.

## ***Approach***

- To enable the NHRI to assess its current capacities against the capacities it requires to implement its strategic plan;
- To identify the capacity gaps that are the most important and most urgent to be addressed;
- To develop strategies to address the identified capacity gaps in a long-term manner.

## ***Participants***

The process is a self assessment approach in which:

- NHRI members and staff are the principal participants;
- Key external stakeholders are also invited to contribute their perspectives on the basis of their experience with NHRI;
- A joint UNDP-APF-OHCHR project team facilitates the process, in consultation with a NHRI contact person or group;
- A senior officer from an NHRI which has undergone the same process previously will be joining the facilitation team in the spirit of peer-to-peer exchange (for example, the Secretary of SUHAKAM was part of the team that facilitated the assessment of the Maldives HRC). A senior manager from the NHRI currently undergoing the assessment would be invited to join the facilitation team for a future assessment of another NHRI in the region.

## ***Methodology***

Information is collected through:

- Individual and group discussions with NHRI members and staff;
- Background material shared by NHRI;
- Completion of an analytical “worksheet” by NHRI members and staff;
- Individual and group interviews with key external stakeholders.

## ***Timetable***

- One or two days to introduce the process to the Commissioners and staff;
- Two weeks for the assessment itself, at the end of which a draft report will be presented to the NHRI for comment;
- A final report will be submitted about a month after the completion of the assessment mission.

### ***Expectations on the NHRI:***

The NHRI is expected to provide:

- One senior person as liaison officer or CA focal point, with administrative support from the Commission's sections and departments, to work with the team and assist in identifying and providing relevant documents and arranging internal and external meetings. The team will request the appointment of the liaison person or group when the project proposal is approved by the NHRI;
- Availability of staff of each section for two sessions with the assessment teams. Each session will not exceed 90 minutes. The first session will take place during the first week of the assessment mission and the second one during the second week;
- The costs of the assessment team will be borne by the partners (APF, UNDP, and OHCHR).

### ***Product***

A comprehensive report of the self assessment, with:

- Analysis of the qualitative and quantitative data to illustrate the key capacity challenges facing NHRI in implementing its Strategic Plan and realising its mandate, and;
- Proposal of strategies to address identified priority needs for capacity development prepared jointly by the NHRI and the project team.

### ***Result***

The capacity development strategy recommendations, once endorsed by the NHRI, can be developed into an implementation plan to strengthen the NHRI. Support, if required, can be provided by UNDP, OHCHR and APF in the implementation of the recommendations.

### **Implementation**

The process will be facilitated by the project team in close consultation with the NHRI liaison person or group. Implementation involves five steps, using the Capacity Development Framework developed by the UNDP Capacity Development Group.

## **1. Scoping**

The NHRI and the project team first clarify and define the objectives and expectations of the project and plan for the assessment itself. This occurs during an initial two day preliminary visit to the NHRI. The scoping mission has a two-fold goal of:

- (1) briefing all the Commissioners and staff on the purpose and process of the Capacity Assessment and clarifying any questions and concerns on it;
- (2) identifying and collecting relevant background documents;
- (3) Developing a schedule for the capacity assessment dates including meetings with the external stakeholders.

During the scoping, a small number of key external stakeholders are identified for inclusion in the assessment process. They can be drawn from government, parliamentary committees, civil society, the judiciary, academia and any other area of relevance. The NHRI contact group will play an important role in refining the list of key external stakeholders to ensure that it is manageable in number and includes the most significant commentators.

## **2. Capacity assessment by Commissioners and staff**

The capacity assessment missions usually take place within 2 months of the scoping mission and lasts for about 2 weeks. Commissioners and staff undertake their individual assessments of the NHRI current capacities and required capacities, through focus group discussions and in depth interviews in the first week and subsequently, in the second week, by using a “worksheet” or questionnaire prepared by the project team.

The focus group discussion in the first week enable the team to make an initial identification of key issues that will be the principal focus of the self assessment. These issues can concern the current and required capacities in relation to:

- The external environment in which the NHRI works;
- Organisational issues for the NHRI;
- NHRI members and staff.

Issues might include:

- Institutional development: mission and strategy, business processes, human resource management, information and communications technology;
- Institutional management: ability to foster independence of the NHRI, ensure plural representation and strengthen relationships with external stakeholders, develop, communicate and give direction on vision, mission and values based on the universal standards of human rights, and create an environment that motivates and support right holders including NHRI staff;
- Knowledge: training and education of NHRI staff and rights holders;
- Mutual accountability: capacity to ensure accountability through prevention and enforcement, strengthen national integrity of the NHRI, increase public participation and build collaborations; increase mobilisation, access to and use of information, work with the international community including the ICC and the Asia Pacific Forum.

The identification of key issues enables the preparation of the assessment worksheets. The worksheets focus attention on these issues. By seeking assessments of present and required capacities, they reveal the capacity gaps in the organisation and the extent of the gap to be met. The data produced by the worksheets is both qualitative (what kinds of gaps? how important are they?) and quantitative (how many people see this as a gap? what is the extent of the gap that they see?).

The worksheets are completed by Commissioners and staff in small groups of similar nature. For example, Commissioners in leadership positions in working groups might work together and other Commissioners work together; staff in director level positions might work together; administrative staff might work together. Each individual member of the Commission or staff completes a personal, anonymous set of worksheets. By working in a group environment, however, there are also opportunities for discussion and sharing of perspectives and views.

### ***3. Interviews with key external stakeholders***

During the scoping, a small number of key external stakeholders will have been identified. The project team conducts individual interviews with these

stakeholders during the first week of the assessment visit to provide an external perspective on the capacity needs of the NHRI. These interviews are directed towards an external assessment of the NHRI's capacities, current and required, not of its work. The persons interviewed will not be given the worksheets or asked to complete them but will participate in a short interview to seek their overall perceptions and comments. The information collected during the scoping and interviews will be shared with the NHRI.

#### ***4. Data analysis and development of strategies***

Following the completion of the focus group meetings and worksheets by Commission members and staff and the interviews with external stakeholders, the project team collates and analyses the data and other information. In close consultation with the NHRI contact person or group it begins to develop possible strategies to address the most important capacity gaps identified. Those possible strategies are tested with other senior NHRI Commission members and staff, refined and further developed.

The strategies will be practical and able to be implemented. They will address the most important capacity gaps within a comprehensive framework that reflects the needs and priorities of the NHRI as a whole.

#### ***5. The report***

The capacity needs assessment culminates in a report that identifies the capacity gaps, indicates priorities, provides the analysis and offers strategies. The project team, in close consultation with the NHRI contact person or group, will produce a draft report for presentation to and discussion with the NHRI members and directors at the end of the two week assessment mission. After a period for comments from the NHRI, the report will be finalised and submitted to the NHRI.

The report is owned by the NHRI and the NHRI has full authority over its circulation and implementation. After the presentation of the report, the Commissioners are able to decide what to do with it and how to proceed with the implementation of the strategies recommended by the self-assessment. While UNDP, OHCHR and APF, as the project team, will have copies of the report, the distribution of the report will be in the hands of the NHRI. It may

decide to make it public, give it limited distribution as desirable or keep it entirely as an internal document. The project team would recommend a wide distribution in order to use it to broaden the understanding of and support for the NHRI and its work and to ensure implementation of the report's strategies. The NHRI can decide how best to move forward with the report after the final report is received.

### ***Implementation of the strategies***

The production of the report is the end of the project but it is not its principal objective. The principal objective is strengthening the capacity of the NHRI to do what it wishes and needs to do in order to operate more effectively and efficiently, including through implementation of the report's strategies. UNDP, OHCHR and APF will be available after the project to support the NHRI in its endeavors to implement the strategies. The UN Country Team and UNDP Country Office can play an important role at this stage. The report will also encourage UN agencies and other partner organisations to plan future targeted assistance tailored to the needs of the NHRI.

Through participation in the needs assessment project, UNDP, OHCHR and APF commit themselves to continuing support for the NHRI capacity development.

### **Benefits to NHRI**

Participation in the capacity needs assessment project will give the NHRI:

- An understanding of its current organisational capacities;
- A rigorous assessment of its capacity needs;
- Clear priorities for capacity development;
- Sound strategies both short-term and long-term for capacity development;
- A strong analytical report that can assist in securing the support needed to implement the strategies;
- A baseline assessment of capacity that can be used to measure improvement and achievement over time;
- An additional means to improve its effectiveness;

- Key NHRI personnel trained in capacity needs assessment and development;
- The opportunity to lead capacity development for other NHRIs in the region and globally;

## **Benefits to other NHRIs**

If the NHRI decides to participate in the capacity assessment project, it will be benefiting not only itself but NHRIs generally. There is growing interest from other NHRIs in the region and globally in this initiative. As it develops, the project aims at increasing the skills of people from Asia Pacific NHRIs in capacity needs assessment and development through peer-to-peer exchanges and learning, so that at the regional level NHRIs themselves and their members and staff can be self sufficient in assisting each other in this work, an example of cooperation that could also be offered to NHRIs in other regions.

## Annex 2. The Capacity Assessment Matrix for National

	Assess Situation and Define Vision/ Mandate	Formulate Policies and Strategies	Budget, Manage and Implement	Investigation, Complaints Handling and Management
Internal Policies, Procedures, and Processes	<p>The NHRI has the capacity to proactively identify and understand current and emerging human rights needs and determine priorities (e.g. Women's rights, ESC rights, children's rights, etc.)</p> <p><i>The NHRI has the capacity to exercise its independence under the legal framework</i></p> <p><i>The NHRI has the capacity to put in place a clearly defined vision and mandate also based on the Universal Human Rights Standards</i></p>	<p>The NHRI has the capacity to develop overall annual work plans, and strategic plans for the institution and units which accurately matches functions and activities of the units</p> <p>The NHRI has the capacity to put in place coordination mechanisms between units, and within the NHRI as a whole</p> <p>The NHRI has the capacity to ensure that gender is mainstreamed into all of its policies</p>	<p>The NHRI has the capacity to implement its annual work plans, and strategic plans for the institution and units</p> <p>The NHRI has the capacity to</p> <p>The NHRI has the capacity to identify priority funding needs</p> <p>The NHRI has the capacity to develop a strategic plan and internal work plans and identify resource requirements</p> <p>The NHRI has the capacity to ensure that financial and procurement regulations are streamlined</p> <p>The NHRI has the capacity to develop and maintain an internal database and/ or resource center for staff on both human rights and internal planning processes</p> <p>The NHRI has the capacity to ensure data collection and management at the district level</p>	<p>The NHRI has the capacity to receive and address complaints from any person, group of persons or NGO alleging human rights violations</p> <p>The NHRI has the capacity to develop and implement standard processes to conduct independent investigations of human rights violations and discriminatory practices</p> <p>The NHRI has the capacity to develop and provide appropriate recommendations for</p> <ul style="list-style-type: none"> <li>• Remedies for human rights violations and</li> <li>• Precautionary measures to prevent irreparable harm.</li> </ul> <p>The NHRI has the capacity to use the justice system for the advancement of human rights</p> <p>The NHRI has the capacity to address human rights violations through mediation and conciliation</p>

# Human Rights Institutions (NHRIs)

Human Rights Analysis and Research	Advocacy & Awareness Raising	Stakeholder Engagement Partnerships	Monitoring and Reporting
<p><i>The NHRI has the capacity to undertake a human rights analysis of laws (including religious law), regulations, policies of government, and judicial decisions</i></p> <p>The NHRI has the capacity to analyse situations in terms of international human rights law</p>	<p>The NHRI has the capacity to formulate a communications strategy to inform the public, including at the provincial and local levels, and other stakeholders of its functions and human rights and the obligations of duty-bearers</p> <p>The NHRI has the capacity to disseminate information on human rights and on its mandate of the commission to the general public and develop and disseminate brochures, booklets and other advocacy materials and have them readily available</p> <p>The NHRI has the capacity to provide human rights training for identified groups, including government officials, civil servants, police and parliamentarians</p>	<p><i>The NHRI has the capacity to engage with key stakeholders in formulating policies and priorities and implementing recommendations for human rights in the country</i></p> <ul style="list-style-type: none"> <li>• government</li> <li>• parliament</li> <li>• judiciary</li> <li>• civil society</li> <li>• media</li> </ul> <p>The NHRI has the capacity to engage with key stakeholders at the provincial and local levels</p> <p><i>The NHRI has the capacity to engage with international human rights mechanisms and advocate for the implementation of its international human rights obligations and the recommendations of the Human Rights Council, Treaty Bodies, Special Procedures, etc</i></p>	<p><i>The NHRI has the capacity to promote and monitor implementation of recommendations</i></p>

	Assess Situation and Define Vision/ Mandate	Formulate Policies and Strategies	Budget, Manage and Implement	Investigation, Complaints Handling and Management
Leadership	<p>The NHRI's leadership has the capacity to develop and implement ethical guidelines in decision making within the Commission</p> <p><i>The NHRI's leadership has the capacity to promote and ensure the Commission's independence and credibility</i></p> <p>The NHRI's leadership as the capacity to motivate and proactively guide all staff to effectively carry out their functions, roles, and responsibilities</p> <p>The NHRI has the capacity to ensure that members of the leadership broadly reflect the society</p>	<p>The NHRI's leadership has the capacity to lead the formulation and implementation of strategic plans and work plans for the Institution (Commission)</p> <p>The NHRI's leadership has the capacity to identify critical staffing and organisational competency needs within the Commission to ensure complete fulfillment of its mandate and functions</p> <p>The NHRI's leadership has the capacity to ensure that the rights of staff are protected and promoted through a fully implemented code of conduct</p> <p>The NHRI's leadership has adequate leadership structure that ensures appropriate distribution of responsibility and authority among the leadership and senior management (e.g. Commissioners, Heads of Units or Directors, Secretary-General, etc.)</p>	<p>The NHRI's leadership capacity to mobilise human, technical and financial resources according to needs of the NHRI</p>	<p>The NHRI's leadership has the capacity to decide to handle, accept or reject complaints based on the Commission's mandate</p> <p><i>The NHRI's leadership has the capacity to convince policy makers on NHRI's investigative powers</i></p> <p>The NHRI's leadership has the capacity to ensure the implementation of transparent mechanisms and procedures for receiving and acting on complaints and disciplinary measures</p>

Human Rights Analysis and Research	Advocacy & Awareness Raising	Stakeholder Engagement Partnerships	Monitoring and Reporting
<p>The NHRI's leadership has the capacity to decide to handle, accept or reject complaints based on the Commission's mandate</p> <p>The NHRI's leadership has the capacity to convince policy makers on NHRI's investigative powers</p> <p>The NHRI's leadership has the capacity to ensure the implementation of transparent mechanisms and procedures for receiving and acting on complaints and disciplinary measures</p>	<p>The NHRI's leadership has the capacity to be effective, credible public advocates for the Commission and its views, policies and recommendations</p>	<p><i>The NHRI's leadership has the capacity to engage at the highest levels with government, the parliament, the judiciary, law enforcement agencies and key community sectors</i></p> <p>The NHRI's leadership has the capacity to identify and mobilise key allies to support the NHRI's work and recommendations</p>	<p>The NHRI's leadership has the capacity to ensure the implementation of a merit and results-based monitoring and evaluation framework to measure the impact of the Commission's work</p> <p>The NHRI's leadership has the capacity to lead the development of a monitoring and evaluation plan to measure the effectiveness of its work</p>

	Assess Situation and Define Vision/ Mandate	Formulate Policies and Strategies	Budget, Manage and Implement	Investigation, Complaints Handling and Management
Human Resources and Knowledge	<p><i>The NHRI staff have qualified staff members to understand basic human rights concepts and theories, as well as their practical applications for the country</i></p> <p>The NHRI staff have the capacity to understand emerging human rights needs of the country</p> <p><i>The NHRI staff have the capacity to proactively and effectively address the rights of the marginalised and vulnerable, particularly the rights of the child, women, and refugees, asylum seekers, and migrant workers</i></p>	<p>The NHRI has the capacity to develop and put in place long-term human resources development framework including career development to ensure adequate staffing and staff competencies</p> <p>The NHRI staff have the capacity to link individual functions to overall organisational mandate and objectives (job descriptions match responsibilities)</p> <p>The NHRI has the capacity to put in place proper performance measurement mechanisms</p> <p>The NHRI staff have the capacity to perform the functions of their positions, with the necessary knowledge, skills and experience, including, as relevant, of international human rights law, investigation, dispute resolution, and law review</p> <p>The NHRI staff have the capacity to be sensitised to gender concepts, and mainstream gender into their work</p>	<p>The NHRI has the capacity to translate work plans into action plans and/or implementation plans</p> <p>The NHRI has an adequate number of qualified staff members to fulfill its mandate</p> <p>The NHRI staff members have the capacity to access and adapt international policies and best practices on addressing and responding to human rights violations in the country</p> <p>The NHRI staff members have the capacity to incorporate gender and human rights needs into its internal policy and programs</p>	<p>The NHRI staff have the capacity to differentiate between human rights and non-human rights violations and suggest appropriate remedies</p> <p>The NHRI staff have the capacity to investigate detention or protective facilities</p> <p>The NHRI staff have the capacity to engage with the right stakeholders to conduct an investigation</p>

Human Rights Analysis and Research	Advocacy & Awareness Raising	Stakeholder Engagement Partnerships	Monitoring and Reporting
<p><i>The NHRI staff have the capacity to analyse human rights situation in the country in accordance with international human rights law</i></p> <p>The NHRI staff have the capacity to conduct evidence and fact based research and prepare reports on the human rights situation s in the country including for international human rights mechanisms</p> <p>The NHRI staff have access to human rights information and databases</p> <p>The NHRI staff have the capacity to produce human rights data and statistics as well as work with research institutes</p>	<p>The NHRI staff have the capacity to conduct human rights trainings and advocacy programs for relevant stakeholders (including civil society)</p> <p>The NHRI staff have the capacity to educate the public at the central and local levels on human rights issues</p> <p>The NHRI staff have the capacity produce and disseminate public human rights information and advocacy materials</p> <p>The NHRI staff have the capacity to work with the media in disseminating human rights information</p>	<p><i>The NHRI staff have the capacity to articulate their ideas and opinions openly with key external stakeholders including the government, judiciary, parliament, police, and military to assist the NHRI to perform its responsibilities more effectively</i></p> <p>The NHRI staff have the capacity to engage with NGOs and actively work with them for the promotion and protection of human rights</p>	<p>The NHRI staff have the capacity to set benchmarks, indicators, and targets</p> <p>The NHRI staff members have the capacity to implement standard procedures (e.g. financial, procurement, Human Resources manuals, etc)</p> <p>The NHRI has the capacity to set up feedback mechanisms as part of performance assessment mechanisms for continued staff growth and career development</p> <p>The NHRI has the capacity to design and conduct periodic staff surveys with forums for open discussion on findings of such surveys</p>

	Assess Situation and Define Vision/Mandate	Formulate Policies and Strategies	Budget, Manage and Implement	Investigation, Complaints Handling and Management
Financial Resources	<p>The NHRI has the financial resource capacity to translate and implement its vision into mandate</p> <p>The NHRI has the financial resource capacity to conduct comprehensive and thorough human rights situation analyses and research throughout the country</p>	<p>The NHRI has the capacity to formulate and implement fund raising strategies (capacity to mobilise additional resources)</p> <p>The NHRI has the financial resources to ensure adequate remuneration for all staff</p> <p>The NHRI has the capacity to develop and implement a realistic financial management work plan based on the Commission's strategic and annual plans</p>	<p>The NHRI has the capacity to mobilise and secure resources based on the priorities in the Strategic Plan and/or internal Work Plans</p> <p>The NHRI has the capacity to implement its internal annual budget based on its Strategic Plan</p> <p>The NHRI has the capacity to manage its budget and develop a contingency plan</p>	<p>The NHRI has the financial resources capacity as well as to procure adequate equipment to carry out investigations on human rights violations</p> <p>The NHRI has the financial resources capacity as well as to procure adequate equipment to receive and handle complaints</p>
Accountability	<p>The NHRI has the capacity to undertake a comprehensive situation analysis which involves all staff at all levels to promote change management and institutional accountability</p> <p>The NHRI has the capacity to undertake a comprehensive situation analysis which seriously considers the reports and analyses of key stakeholders</p>	<p>The NHRI has the capacity to develop and manage accountability mechanisms to ensure formulation of clear policies and strategies</p> <p>The NHRI has the capacity to ensure complaint grievance mechanisms and a participatory and consultative decision making process that involves all staff</p>	<p>The NHRI has the capacity to carry out regular monitoring and evaluation on the implementation status of its activities, projects, and programs</p> <p><i>The NHRI has the capacity to make publicly available information on its annual budget and how the budget is spent</i></p> <p>The NHRI has the capacity to develop proper and adequate reports on its I budget</p>	<p>The NHRI has the capacity to make public the number of complaints and percentage of those addressed</p>

Human Rights Analysis and Research	Advocacy & Awareness Raising	Stakeholder Engagement Partnerships	Monitoring and Reporting
<p>The NHRI has the financial resources capacity as well as to procure adequate equipment to carry out research on the human rights situation in the country</p>	<p>The NHRI has financial resources capacity to effectively carry out sustainable human rights training programs</p> <p>The NHRI has the financial resource capacity to develop advocacy materials on human rights and disseminate them effectively</p> <p>The NHRI has the financial resource capacity to provide advocacy and awareness raising activities at the local levels (e.g. regions and provinces within the country)</p>	<p>The NHRI has the financial resource capacity to engage with the public including CSOs and NGOs</p> <p>The NHRI has the financial resource capacity to actively participate with regional and international human rights mechanisms</p> <p>The NHRI has the financial resource capacity to effectively engage with stakeholders at the local level (e.g. provincial, village, etc.)</p>	<p>The NHRI has the financial resource capacity to carry out regular and effective monitoring and reporting on the human rights situation in the country</p> <p>The NHRI has the financial resource capacity to regularly carry out monitoring and evaluation missions to evaluate the impact of the NHRI's work throughout the country</p>
<p>The NHRI has the capacity to conduct human rights analysis and research on all human rights issues important to the country</p> <p>The NHRI has the capacity to share findings from research with the public</p>	<p>The NHRI has the capacity to ensure proper and effective follow-up for participants of its trainings and advocacy activities</p> <p>The NHRI has the capacity to conduct human rights training and awareness-raising programs with and for all stakeholders including civil society and the general public</p>	<p><i>The NHRI has the capacity to engage with all relevant stakeholders in the government including the military, prisons, and the police</i></p> <p>The NHRI has the capacity to engage with all human rights civil society organisations and NGOs and collaborate on human rights programs, projects, and activities</p>	<p><i>The NHRI has the capacity to institutionalise and strengthen oversight mechanisms and accountability measures</i></p> <p><i>The NHRI has the capacity to develop mechanisms for processing feedback /complaints about organisational performance</i></p> <p><i>The NHRI has the capacity to ensure independent audits are conducted on a regular basis</i></p>

# Annex 3. Sample Capacity Assessment Worksheet

## Instructions and Worksheet

The following assessment worksheets will allow each participant to rate technical/functional capacities using capacity indicators that are defined and indicated in each worksheet.

Please complete each worksheet by filling up the appropriate spaces. The suggested order for filling up each worksheet is as follows:

1. Please read through each of the guide statements in Section B.
2. Indicate your required capacity rating for (five years ahead) in Section A.
3. Indicate a current capacity rating for each guide statement in the worksheet in Section B. Please provide evidence or justification for the ratings that you provided
4. Indicate the Commission's relevant strengths in Section B and weaknesses in Section C in relation to this functional capacity in the appropriate spaces.
5. Indicate recommendations in relation to the functional capacity in Section D.

The rating system uses a five-point scale defined as follows. Please don't forget to provide justification or evidence for each rating that you provide!

Score/Rating:	
1. Very Low	Very low level or no existing capacity exists
2. Low	Only basic or low level of capacity exists
3. Medium	Partially developed level of capacity exists (for example, irregular to basic implementation of plans)
4. High	Well developed level of capacity exists (for example, partial to full implementation of plans)
5. Very High	Fully developed relevant capacity exists (for example, active monitoring and evaluation after implementation)

Development Issue: HUMAN RESOURCES AND KNOWLEDGE		A. Rating that best reflects required capacity (in five years ahead)
<b>Functional Capacity: Investigation, Complaints Handling and Management</b> <i>This category relates to the capacity of staff and relevant units to conduct investigations, handle and manage complaints</i>		
<b>B. Please indicate a capacity rating for each guide statement:</b> 1. The NHRI staff have the capacity to differentiate between human rights and non-human rights violations and suggest appropriate remedies 2. The NHRI staff have the capacity to investigate detention or protective facilities 3. The NHRI staff have the capacity to engage with the right stakeholders to conduct an investigation	Rating	Evidence
<b>C. Strengths</b>		<b>D. Weaknesses</b>
<b>E. Recommendations</b>		

# Annex 4. Sample Excel Spreadsheet

Internal Policies, Procedures and Processes	1		2		3		4		AVERAGE	
	Current	Future								
Core Issue										
Functional/ Technical Capacity										
Formulate Policies and Strategies										
capacity to develop overall annual work plans, and strategic plans for the institution and units which accurately matches functions and activities of the units	3		3		3		3		3.00	
capacity to implement overall annual work plans and strategic plans for the institution and units	3		3		3		2		2.75	
Capacity Indicators										
capacity to formulate a communications and media strategy to inform the public and other stakeholders of its functions and mandate	3		3		3		2		2.75	
Average	3.00	4.00	3.00	5.00	3.00	5.00	2.33	4.00	2.83	4.50
Overall	2.83	4.50								
Investigations, Complaints Handling and Management										
capacity to conduct field visits, interview witnesses, inspect and monitor places where people are deprived of their liberty and make necessary recommendations	3		4		3		3		3.25	



capacity to engage with key stakeholders in formulating policies and priorities for human rights in the country - government		3	4		3	3		3		3		3.25	
capacity to engage with key stakeholders in formulating policies and priorities for human rights in the country - parliament		2	3		3			3		3		2.75	
capacity to engage with key stakeholders in formulating policies and priorities for human rights in the country - judiciary		1	3		3			3		3		2.50	
capacity to engage with key stakeholders in formulating policies and priorities for human rights in the country - civil society		3	3		4			3		3		3.25	
capacity to engage with key stakeholders in formulating policies and priorities for human rights in the country - media		3	4		3			3		3		3.25	
capacity to engage with international human rights mechanisms and advocate for the implementation of its international human rights obligations and the recommendations of the Human Rights Council, Treaty Bodies, Special Procedures, etc		2	3		2			2		2		2.25	
Average		2.33	3.33	4.00	4.00	3.00	4.00	2.83	5.00	2.88		4.25	
Overall	2.88	4.25											



Microsoft Excel - Raw Data - CDS 30 May v2.xls

Type a question for help

File Edit View Insert Format Tools Data Window Help Adobe PDF

100%

Reply with Changes... Epl Review...

	A	B	C	D	E	F	G	H	I	J	K	L
	ABS											
1	Situation Analysis (30 May)											
2												
3			Current	Future								
4												
5	<b>Leadership</b>											
6	long-term vision		2.67									
7	design/manage CD programmes		1.82									
8	policy formulation		2.22									
9	coordination/data collection		2.65									
10	Average		2.31	3.09								
11	<b>Overall</b>											
12	<b>Policy and Legal Framework</b>											
13	information needs		2.50									
14	coordination/CD system		2.08									
15	lessons learned		2.22									
16	align budget and workplan		2.66									
17	common reporting system		2.55									
18	Average		2.40	3.16								
19	<b>Overall</b>											
20	<b>Mutual Accountability Mechanisms</b>											
21	MAE tools		1.97									
22	feedback mechanisms		2.11									
23	good practice documentation		2.13									
24	timely access to info		2.30									
25	Average		2.13	2.93								
26	<b>Overall</b>											

Situation Analysis & Visioning / Budgeting, Mgt & Impl / Sheet3 /

start

100%

7:09 PM

## Annex 5. List of Documents to Review

### Checklist for Collection of Documents/Resources for Capacity Assessments

Stakeholder	Document/Resource Type	Remarks	Check
From organisation /institution being assessed	<ol style="list-style-type: none"> <li>1. Organogram(s) or Diagrams on Divisions/Units/Working Groups of Organisation</li> <li>2. List of staff (divided by temporary, permanent, full time or part time) in the organisation</li> <li>3. Copy of the Act or Law leading to the creation of the organisation/institution</li> <li>4. Annual Reports and/or Monthly, Weekly Reports by the organisation/institution</li> <li>5. Information packages/brochures on the organisation/institution published by organisation/institution</li> <li>6. Materials used for staff development - Induction materials - Training materials</li> <li>7. Any operational guidelines within the organisation/institution</li> </ol>	<p>Do any of these documents need translation?</p> <p>Focus on collecting documents and resources available only from the organisation/institution</p>	
From UNDP and other Partner Agencies e.g. UNCTs	<ol style="list-style-type: none"> <li>1. Project Documents</li> <li>2. Mid-Term (or other progress) evaluation reports</li> <li>3. TOR of past missions on the organisation/institution</li> <li>4. Documents on the issue (same mandate of the organisation/institution) e.g. Governance, Poverty Reduction, etc.</li> <li>5. Minutes of meetings with the organisation/institution or on the organisation/institution with partners</li> <li>6. Reports on the overall situation in the country</li> </ol>	Some of the documents that need to be collected by the organisation/institution can be supplied by UNDP	
From External Stakeholders	<ol style="list-style-type: none"> <li>1. Information on the stakeholder e.g. brochure on specific stakeholder</li> <li>2. Minutes of meetings with the organisation/institution or on the organisation/institution with other stakeholders</li> <li>3. Reports by the external stakeholder on the organisation/institution being assessed or on the issue</li> </ol>	These are secondary resources, supplementing the document/information collected from the organisation/institution and UNDP	

#### Key Points:

1. Ensure the collection of documentation and resources are provided well ahead of the Capacity Assessment. If more documentation is provided after the scoping or during the assessment, these can be used in the CA Report
2. Make sure materials which need translation are provided well ahead of the CA in order to save time
3. The process of collection documentation/information should be in the Work Plan (of the CA), and planned weeks before the CA









*Empowered lives.  
Resilient nations.*

**UNDP Asia-Pacific Regional Centre**

United Nations Service Building,  
3rd Floor Rajdamnern Nok Ave.  
Bangkok 10200, Thailand  
<http://asia-pacific.undp.org>