

# **Evaluation of the project: Widening Democratic Space, Strengthening the Rule of Law and Promoting Respect for and Protection of Human Rights in Thailand**

## **Final Evaluation Report**

*A team of two external Consultants has prepared this report. The views expressed herein are those of the Consultants and therefore do not necessarily reflect the official opinion of OHCHR*

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## Acronyms and abbreviations

ASEAN	Association of Southeast Asian Nations
BHR	Business and Human Rights
CrCF	Cross Cultural Forum
CSO	civil society organization
DEXREL	Donor and External Relations Section
EHRD	Environmental and Human Rights Defender
FOTCD	Field Operations and Technical Cooperation Division
GEWE	Gender Equality and Women's Empowerment
HRBA	Human Rights-based Approach
HRC	Human Rights Council
HRD	Human Rights Defender
HRLA	Human Rights Lawyers Association
ICJ	International Commission of Jurists
LGBTI	Lesbian, gay, bisexual, transgender and intersex
LNOB	leave no-one behind
M&E	Monitoring and evaluation
MoU	Memorandum of Understanding
NGO	Non-governmental organization
NHRCT	National Human Rights Commission of Thailand
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner for Human Rights
OMP	OHCHR Management Plan
OPD	Organization of Persons with Disabilities
PPMES	Policy, Planning, Monitoring and Evaluation Service
RBM	Results-based management
RCO	Resident Coordinator's Office
ROM	Results Oriented Monitoring
SBP	Southern Border Province
SDG	Sustainable Development Goal
SEARO	South-East Asia Regional Office
SR	Special Rapporteur
TESPRDD	Thematic Engagement, Special Procedures and Right to Development Division
TLHR	Thai Lawyers for Human Rights
ToC	Theory of change
TOR	Terms of Reference
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNSDCF	United Nations Sustainable Development Cooperation Framework
UPR	Universal Periodic Review
UNW	UN Women

## Executive Summary and Recommendations

### Overview

The evaluation of OHCHR's Project "Widening Democratic Space, Strengthening the Rule of Law and Promoting Respect for and Protection of Human Rights in Thailand" took place between May and November 2022. The project was funded by the European Union (EU), which initially provided a two-year grant (2019-2021) of EUR 1 million. This was extended on 8 September 2020 until 31 December 2021, with the total available funding increased to EUR 1.5 million. Due to the COVID-19 pandemic, a further no-cost extension until 30 June 2022 was agreed. Implementation of the project was the responsibility of the OHCHR South-East Asian Regional Office (SEARO), through its Thailand National Team. By agreement with the EU, SEARO has implemented a major part of the project in partnership with a core set of grant beneficiaries, namely the International Commission of Jurists (ICJ) Asia-Pacific Regional Office and the Cross-Cultural Foundation (CrCF). ICJ further sub-contracted the Thai Lawyers for Human Rights (TLHR).

Despite the challenges and constraints imposed by the COVID-19 pandemic since early 2020, the EU's resourcing of the project made a measurable difference in enabling work to successfully move forward to meet the following three Specific Objectives (SOs). These were revised under the addendum agreed in June 2020 to extend the project, as outlined above.

SO1: To contribute to strengthening of national capacity to monitor and document human rights issues and violations with a focus on freedom of opinion, expression and right to information;

SO2: To contribute to strengthening of capacity of the key government agencies, including law enforcement, to prepare them to effectively implement Thailand's human rights obligations including during and post COVID-19 context;

SO3: Enhanced strategic and evidence-based advocacy contributing to improvements in the human rights situation in Thailand.

Conducted by a team of two independent consultants, the evaluation consisted of a comprehensive document review and a combination of online and in-person individual and focus group interviews. The interviews involved representatives of 13 national and local civil society organizations (CSOs); the Thailand Ministry of Justice and Ministry of Foreign Affairs; the National Human Rights Commission of Thailand (NHRCT); and four members of the United Nations Country Team (UNCT) in Thailand. Consultations were also conducted with the Thailand Delegation of the European Union (EU); two Thailand-based human rights experts (one of whom is a current United Nations Special Rapporteur) and senior management and programme staff from OHCHR Headquarters (HQ) in Geneva and SEARO.

Among the various documents reviewed, the evaluation drew on mid-term Results Oriented Monitoring (ROM) review report, 9 March 2021 and an evaluation of the

implementation of the project from a gender equality perspective.<sup>1</sup> A mixed method qualitative/quantitative approach was followed, with use of semi-structured interview processes and triangulation of qualitative and quantitative data.

A number of key lessons have emerged from project implementation to date. These are summarized in Section III and have relevance for a next phase of EU / OHCHR cooperation in Thailand. Four case studies illustrating selected dimensions of the project and several good practice examples are also set out for reference in future planning.

### **Summary of key findings by criteria**

**Relevance:** *Very satisfactory.* The focus areas of project were validated, along with the ongoing need for concerted attention in these areas which each corresponds to significant human rights challenges in the Thailand context. The project responded to the needs of target groups/end beneficiaries and the evaluation has found overwhelming evidence of its relevance across a wide range of stakeholders. In fact, COVID-19 and the recent political and social unrest have strengthened the intervention's overall relevance. The intervention has provided much-needed capacity-building support to rights holders and duty bearers, lending legal aid to human rights defenders and producing high-quality knowledge products that are relevant to the identified needs of both target groups and serve to raise awareness among final beneficiaries. The intervention's method of implementation constituted a key strength, since it combined the diverse complementary expertise of organizations involved through clearly defined roles. The high calibre of the human capital involved is highlighted as another strength, as is the overall level ownership and engagement of local stakeholders. Government ownership, however, is best still described as work in progress, with OHCHR still tending to drive the agenda overall.

**Coherence:** *Very satisfactory:* The project demonstrated good coherence with relevant policies, plans, programmes and priorities of stakeholders and counterparts at regional and national levels. These included the international human rights commitments of the Government of Thailand and specific elements of the national human rights policy architecture, such as the National Action Plan on Business and Human Rights, 2019, while recognizing that impediments to the protection and promotion of human rights continue to be presented by certain domestic laws and related actions. Good alignment and synergies are demonstrated with other OHCHR workstreams at regional and national levels, particularly with the Sida-funded projects 'Strengthening the Capacity of Regional Actors to Promote Human Rights, Accountability, Democratic Space and Gender in the Asia-Pacific Region;' and 'Enhancing Women's Access to Justice in Asia and the Pacific: Bridging the gap between formal and informal systems through women's empowerment.'

Internal coherence, communications and working relationships within OHCHR at all levels (global, regional and national), have been positive and mutually supportive.

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<sup>1</sup> An Evaluation report on "The Evaluation for the EU project and its implementation on Gender Equality, First draft, December 2021.

OHCHR's comparative advantage, which contributed inter alia to coherence in delivering the project, is well recognized and understood by stakeholders. The OHCHR was found to be working diligently in line with this.

**Effectiveness:** *Very Satisfactory:* Despite the challenges posed by the COVID-19 pandemic and limited human and financial resources (aggravated by staffing gaps as a result of the UN Regular Budget freeze for two years), the project delivered good quality results in line with the project plans, indicators and targets (revised via the 2020 Addendum). Important strengths of the project have been the strong and diverse partnerships which have provided the foundations of implementation; the strengthening cooperation between and among national and local CSOs; the flexibility allowed for the principal sub-grantees to develop activities according to their areas of expertise and emerging opportunities within the project's scope; and its inclusive approach to implementation, enabling outreach to and engagement with a wide range of stakeholder groups. With respect to project design, the absence of a theory of change at project level, within OHCHR's global Organizational Management Plan (OMP), is noted. It is proposed that this should be a key element in developing the next phase of EU/OHCHR cooperation. This evaluation concurs with the assessment of the ROM review (elaborated in Section EQ E3) with respect to several gaps in the intervention logic as set out in the initial project logframe, recognizing that modifications were made through to address these in the project Addendum in 2020.

**Efficiency.** *Satisfactory:* The project employed available human and financial resources efficiently and transparently in demanding circumstances, including the pandemic and subsequent requirement to move work online and reschedule activities. The project's organizational arrangements generally functioned efficiently and gained strength through the project period, centered around the three core CSO partners who were part of the Steering Committee, and a small, dedicated Thailand team within SEARO. However, efficiency was constrained by the challenges to the timely disbursement of grants by OHCHR HQ which resulted in significant pressure and time requirements on SEARO staff, as OHCHR is not well set up to be a grant-giving body.

The flexibility and adaptive approaches that were shown by OHCHR, the EU and core CSO partners were key factors in maintaining project momentum and ensuring efficient use of resources, despite delays caused by the pandemic and the need to adjust project planning following the addendum introduced in September 2020. The project demonstrated good internal monitoring, evaluation and learning arrangements, including (i) the ROM review and gender evaluation of the project which has also informed this report, and (ii) a structured set of interactive platforms such as the project steering committee and monthly CSO protection meetings through which collective monitoring and learning was conducted.

**Impact.** *Satisfactory:* Assessing the impact of the work of OHCHR can be challenging, given its essentially long-term normative nature. In this context, considering the making of "significant contribution to the longer-term enjoyment of rights" in Thailand is a

complex task, with many factors to be taken into account both politically and legally. However, while achieving impact remains very much work in progress in the current country context, the evaluation finds that work undertaken under the project to date has both demonstrated impact in some key areas and laid important foundations for longer term impact. It is also noted that tools and approaches exist to strengthen OHCHR's ability to assess the impact of its engagement in Thailand. These could be deployed in the next phase of EU-funded cooperation and provide valuable lessons and insights for future planning and implementation in Thailand and elsewhere.

**Sustainability.** *Satisfactory:* Evidence was found of good foundations for sustainability. Capacity-building efforts are contributing to positive personal and organizational changes that will support the continuation of benefits (e.g. the annual HRD School, awareness of and engagement with UN human rights mechanisms and Special Procedures among CSOs and HRDs), while knowledge and data generated through research reports and documentation will continue to inform future work of implementing partners, as well as government policy. Moreover, the project technical input to draft national legislation has durably embedded international human rights law standards in Thailand's national law and policy framework. The above-mentioned levels of commitment and ownership by key stakeholders, while variable among government stakeholders, augurs well for their ongoing engagement in advancing the project's Specific Objectives in Thailand. The level of ownership of the three core CSO partners, in particular, has been pivotal to successful project implementation. Relations with government counterparts to date (including the Royal Thai Police and the Royal Thai Army), as well as with the judiciary and National Human Rights Commission of Thailand (NHRCT), have been open, positive and constructive and are continuing to develop in a generally positive way.

**Gender and human rights (disability inclusion) integration.** Gender mainstreaming and gender-specific engagements under the project are assessed as *satisfactory*. Human rights integration is assessed as *very satisfactory*.

The project significantly contributed to achieving gender equality and human rights outcomes in several ways, even if no explicit gender strategy was developed or available to draw upon. The project targeted different groups of women beneficiaries, including women HRDs, women in protests and female immigration detainees. The implementing partners also worked closely with the LGBTI+ community to develop their capacity and support them whenever they are in conflict with the law and have encouraged LGBTI+ activists to take part in the HRD School. The intervention adheres to the working principles of the rights-based approach. On the one hand, it considers stakeholders who are rights holders with legal entitlements and who are in need of acquiring more knowledge and skills in order to claim their rights. On the other hand, the intervention also considers government authorities, who are duty bearers and also require strengthening their knowledge and capacity so that they can protect and promote human rights.

However, there was no explicit attention to disability inclusion in the original project design, which is reflected in the lack of visibility in interventions under the project and

an absence of systematic disability mainstreaming, despite some discrete instances of focus on and engagement with persons with disabilities in project activities. A set of strategies to strengthen engagement in this respect is suggested in this report (refer to EQ GHR 5).

### **Recommendations:**

The following recommendations are proposed for action by OHCHR with respect to the design and implementation of the next EU-funded project. These take account of the feedback from the evaluation data collection and document review. They further reflect and build on the recommendations of the ROM review of the project (March 2021), the gender evaluation conducted of the project (December 2021), and the evaluation of the Sida-funded project: Strengthening the Capacity of Regional Actors to Promote Human Rights, Accountability, Democratic Space and Gender in the Asia-Pacific Region (May 2022).

The recommendations recognize and validate the continued relevance of the three Specific Objectives and overarching results areas of the project in light of the ongoing human rights challenges faced by Thailand, particularly with respect to protection.

It is further recognized that negotiations for the next phase of EU/OHCHR cooperation were already finalized when this final report was submitted, with a new project agreement about to be signed. This includes agreement on modalities for ongoing criteria-based funding of CSOs in Thailand, a strengthened focus on protection, an ongoing focus on capacities for CSO use of and access to UN Special Procedures, and increased engagement with the NHRCT.

The recommendations are divided into two categories. The first has a longer-term application during the next EU/OHCHR project period. The second is designed to be directly applicable to the design of the next project. By agreement with OHCHR, the latter recommendations were submitted earlier in order to feed into deliberations on the new project design. It is acknowledged that these have largely already been reflected.

<p><b><i>Category I: Wider dimensions of OHCHR engagement in Thailand of relevance to progressing work under the new phase of the EU / OHCHR project.</i></b></p>
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**RECOMMENDATION I:** To enhance synergies and mutual reinforcement between the EU-funded project and other OHCHR regional and national workstreams in Thailand, develop a **simple internal OHCHR country strategy** within the context of the new OHCHR Management Plan 2024-2027; the regional OHCHR vision and strategy which is currently under development; revised regional, subregional and country notes (late 2023/early 2024, estimated); and the next EU/OHCHR project in Thailand (to be signed in December 2022).

Such country strategy should set out a clear theory of change in this context and provide an easily monitored framework to (i) bring together all OHCHR workstreams in Thailand in a coherent and mutually-reinforcing way; (ii) provide a national pillar for the OHCHR regional framework and resource mobilization; and (iii) contribute to and

reinforce synergies, shared expertise, shared lessons and mutual learning at country and regional levels.

Actions to be taken	Timeline	Lead responsibility
In the context of the various documents listed above, map all the various regional and national OHCHR inputs into the protection and promotion of human rights in Thailand. Draft concise/brief strategy in context of the regional vision and strategy. Consult with members of the new EU project steering committee.	Within the first year of the project, and in alignment with the timeline of new OMP and revised regional/country notes.	Thailand team within SEARO.

**RECOMMENDATION 2:** In the above context, continue to foster explicit linkages between the **EU project and other human rights-focused projects active in Thailand** (whether through OHCHR or other agencies) which are funded by the EU or its member states.

Actions to be taken	Timeline	Lead responsibility
Continue current dialogue on synergies with other UN agencies already funded by the EU, including through (i) the annual session of the EU/OHCHR Project Steering Committee at which they will be present; and (ii) the HR Resource Group of like-minded states in Bangkok, as appropriate.	Continue to build on engagements already underway.	SEARO /Thailand team within SEARO.

**RECOMMENDATION 3:** Strengthen **the monitoring of project impact and associated lessons** by (i) drawing on current good practice within SEARO to conduct longer-term online 6 or 12 monthly impact assessments of selected key activities (e.g. the annual HRD school); and (ii) conduct an impact assessment of the role, use of and access to Special Procedures in Thailand as a relatively unresearched field with wide relevance, to serve as a pilot for a potential later wider regional study.

Actions to be taken	Timeline	Lead responsibility
Select key activities for 6 or 12 monthly impact follow-up. Identify	Implement on a phased basis as the necessary	Thailand team within SEARO and SEARO

<p>suitable software for this purpose and obtain the necessary permission to use.</p> <p>Develop a TOR and plan for a Special Procedures impact study. Include in Thailand programme and budget planning.</p>	<p>internal capacity is developed within SEARO via the planned establishment by SEARO of a full time M&amp;E Officer.</p>	<p>management in liaison with (i) OHCHR HQ evaluation team within PPMES and (ii) the Special Procedures Division in HQ.</p>
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**RECOMMENDATION 4:** Enhance longer-term **project sustainability** by:

- embedding consideration of end-of-intervention and follow-up scenarios (including exit strategies in specific areas where feasible) into the Project Steering Committee agenda, the design of all activities conducted under the new project and annual reporting to the donor
- using OHCHR links with relevant CSO-oriented funders in Thailand and the region to facilitate contact between Thailand human rights CSOs and alternative funding sources as appropriate
- drawing on OHCHR’s relationships with regional human rights CSO networks to facilitate increased linkages between these and Thailand-based local CSOs, particularly within ASEAN.

Actions to be taken	Timeline	Lead responsibility
<p>Routinely apply the above steps in project / activity planning as appropriate, as well as in engagements with partners at regional and national levels.</p>	<p>From the commencement of the new project, including in the context of the partnership strategy recommended by the Sida/OHCHR regional project evaluation.</p>	<p>Thailand team within SEARO.</p> <p>SEARO resource mobilization officer.</p> <p>Relevant SEARO staff (e.g. under the Sida/OHCHR regional project).</p>

**RECOMMENDATION 5:** Draw on the **UN Disability Inclusion Strategy**<sup>2</sup> (UNDIS) as a key reference for new project and activity design, resourcing, planning and implementation, as well as for the proposed Thailand country strategy, to reinforce their disability inclusion and LNOB dimensions. In line with the UNDIS, strengthen engagement with Thailand Organizations of Persons with Disabilities (OPDs) across all types of impairment (physical, sensory, psycho-social and intellectual); proactively link work under the EU project with other relevant OHCHR national and regional disability rights workstreams, as well as with the disability-related engagements of other UNCT members; encourage engagement with the Special Rapporteur on the Rights of Person with Disabilities; embed disability indicators and targets in project and activity results

<sup>2</sup> [https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN\\_Disability\\_Inclusion\\_Strategy\\_english.pdf](https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN_Disability_Inclusion_Strategy_english.pdf)

frameworks (also refer to Recommendation 10); and encourage persons with disability to apply for OHCHR employment opportunities.

Actions to be taken	Timeline	Lead responsibility
Include the above provisions in the development of (i) the new EU/OHCHR project; (ii) the proposed Thailand country strategy; (iii) activity design under the new project; and (iv) SEARO recruitment practices.	Within the design of the new EU/OHCHR project (also see the Category 2 recommendations below), and throughout the new project period.	Thailand team within SEARO.  SEARO HR team.  OHCHR HQ and SEARO team working with the EU delegation on the design of the new EU/OHCHR project.

**RECOMMENDATION 6:** Strengthen **gender mainstreaming and responsiveness** in the new project and related activity design, resourcing, planning and implementation, as well as in the above-proposed Thailand country strategy, by:

(i) Drawing inter alia on the gender evaluation carried out of the previous project, conducting a gender baseline assessment and developing a gender M&E plan at the beginning of the next project phase to ensure gender is adequately incorporated into all aspects of implementation.

(ii) In addition to continuing the current focus on engagement of WHRDs and LGBTQI+ persons in training activities under the project, further (a) strengthening the comprehensive embedding of gender dimensions into all aspects of capacity development, including with respect to deepening understanding of gender dynamics in society and how these are reflected in everyday roles and interactions; and (b) promoting ILO Convention C190 on as a key training reference (refer to Recommendation 10 for attention to embedding gender indicators and targets in project and activity results frameworks).

Actions to be taken	Timeline	Lead responsibility
Review/revisit the recommendations and findings of the gender evaluation conducted under the previous project; put the necessary arrangements in place to conduct the proposed gender baseline assessment (already included in the new project proposal) and develop an M&E plan on this basis; continue to deepen the embedding of	Within the design of the new EU/OHCHR project (also see the Category 2 recommendations below), and throughout the new project period, taking account of (i) the proposed appointment of an additional project manager (who will assist with the monitoring plan),	Thailand team within SEARO, the planned SEARO M&E Officer (once established/appointed).  A suitably qualified locally-based consultant to be contracted to support the gender baseline assessment and M&E plan

<p>gender dimensions in all training planning and delivery.</p> <p>Incorporate commitments to taking these steps into the new project design, with reference to Recommendation 10.</p>	<p>and (ii) the establishment of a SEARO M&amp;E Officer position.</p> <p>The baseline assessment to be carried out within the first 6 months of the new project's commencement.</p>	<p>development.</p> <p>Support from the OHCHR HQ gender and evaluation teams.</p>
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**RECOMMENDATION 7:** In developing the arrangements for the planned criteria-based non-contestable and “open call” CSO grants components of the new project, work with OHCHR HQ to develop more **streamlined and expeditious approaches to the disbursement of and reporting on use of such funding.**

Actions to be taken	Timeline	Lead responsibility
<p>Note: The 2021-2022 Sida-funded regional project evaluation also recommended this in light of work already being undertaken at OHCHR HQ level in this respect.</p> <p>Continue engagement in this respect with OHCHR HQ to develop more streamlined and expeditious approaches to the disbursement of and reporting on use of CSO funding.</p>	<p>Current and ongoing in the new project period, taking into account the following factors which will help to create a positive basis for progress: (i) a planned roll-out by OHCHR HQ of a level of delegation of authority to the regional offices; and (ii) the inclusion in the new EU/OHCHR project proposal of an additional project manager role which can assist with grant-making functions, pending the strengthening of SEARO resources in this area.</p>	<p>Thailand team and administration/finance team within SEARO, in collaboration with PSMS.</p>

***Category 2: Specific to the immediate design of the next project phase. As noted above, by agreement with OHCHR, these recommendations were submitted earlier in order to feed into deliberations on the new project design. It is acknowledged that these have largely already been reflected.***

**RECOMMENDATION 8:** Take account of and reflect the **assessment of the results framework** of the previous project provided by the ROM review and endorsed

by this evaluation, recognizing changes already made to the previous project design as a result of the June 2020 Addendum.<sup>3</sup>

Actions to be taken	Timeline	Lead responsibility
Use the ROM review assessment, along with comments in this report (Section 2.3) as a reference in design of the new project results framework, particularly its results framework components.	During the negotiations on the development of the new EU/OHCHR project.	OHCHR HQ and SEARO team working with the EU delegation on the design of the new EU/OHCHR project.

**RECOMMENDATION 9:** Ensure **gender equality, disability inclusion, ethnicity and other LNOB markers** are explicitly specified in the country context and results framework of the new project, as well as in annual and activity plans and evaluation Terms of Reference. This should be the case at all levels, including at output, indicator and target levels, noting the project focus on WHRDs, ethnic communities and youth. Links should be made where possible and appropriate to relevant SDG and national indicators and targets. Outputs, indicators, and targets should be disaggregated by gender, age, disability and other categories as appropriate.

Actions to be taken	Timeline	Lead responsibility
Consider the appropriate gender equality, disability inclusion, ethnicity and other LNOB indicators and targets for inclusion in all aspects of the results framework as relevant, with reference to Recommendation 7 on the conduct of a gender baseline assessment and development of a gender M&E plan.	During the negotiations on the development of the new EU/OHCHR project.	OHCHR HQ and SEARO team working with the EU delegation on the design of the new EU/OHCHR project, with input / advice as necessary from OHCHR HQ gender and evaluation teams.

**RECOMMENDATION 10:** In the context of negotiations for the next project phase, pursue the concept to the extent feasible within EU policies and regulations of a **core funding approach** which enables OHCHR to make the decisions about selected/core

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<sup>3</sup> Particular gaps identified included (i) an incomplete results chain, with the outputs level missing and insufficient distinction between the levels presented; (ii) scope for stronger consistency between the Description of the Action (DoA) and the logframe; (iii) more attention needed to applying SMART and RACER criteria;<sup>3</sup> (iv) some overlaps between indicators, activities, targets and means of verification; (v) need for additional qualitative (rather than quantitative/numerical) indicators; and (vi) scope to strengthen sex-disaggregation at target level.

and contestable partners, as well as the disposition and classification of human resources to ensure effective and efficient project management and implementation.

Actions to be taken	Timeline	Lead responsibility
Mindful of EU policy in this regard, work to ensure that at least the above-mentioned elements of a core funding approach are reflected in the new project design.	During the negotiations on the development of the new EU/OHCHR project., recognizing (i) the EU’s acceptance of OHCHR’s choice within the parameters of the proposal for the most appropriate balance of staffing, activities and grants; and (ii) the inclusion within the proposal of measures to substantively increase the staff capacity of the Thailand Team.	OHCHR HQ and SEARO team working with the EU delegation on the design of the new EU/OHCHR project.

**RECOMMENDATION 11:** Noting the attention being given in the new project design to ensuring that the necessary human resources are adequately funded to meet coordination and administrative requirements, including grant administration, **ensure adequate resourcing is also available for** (i) direct engagement with CSOs, HRDS and victims of human rights violations at local level as part of the project’s protection function, (ii) the likelihood of an increase in human rights monitoring and protection required in the context of Thailand’s elections in 2023; and (iii) ensuring the necessary resourcing at project level for quality Monitoring, Evaluation, Accountability and Learning (MEAL) in the context of the potential strengthening of SEARO’s regional capacity in this regard; and (iv) national staff with Thai language abilities to engage directly with local stakeholders, including in the context of capacity building activities as appropriate.

Actions to be taken	Timeline	Lead responsibility
Ensure the highlighted considerations are part of the HR and budget planning for the new project.	During the negotiations on the development of the new EU/OHCHR project, taking account of the planned establishment a full time regional M&E Officer position.	OHCHR HQ and SEARO team working with the EU delegation on the design of the new EU/OHCHR project.

**RECOMMENDATION 12:** In line with **international good CSO funding practice**, ensure that CSO grants include (i) appropriate provision for organizational

capacity development and operational costs, including covering the human and financial costs of meeting OHCHR / EU accountability requirements and (ii) transparent analysis of the risks facing the CSO partners and appropriate mitigation measures.

Actions to be taken	Timeline	Lead responsibility
<p>Ensure the highlighted good CSO funding practices are considered as part of (i) the development of criteria for the new EU/OHCHR project funding windows; and (ii) HR and budget planning for the new project</p> <p>Develop a template to provide a basis for risk assessment and mitigation with and by CSO partners, with these covering risks anticipated by both the partner concerned and by OHCHR. Conduct open discussion on such risks to ensure transparency and shared understandings.</p>	<p>During (i) the negotiations for the development of the new EU/OHCHR project, and (ii) the design of the CSO funding windows, including criteria, procedures and reporting requirements.</p>	<p>OHCHR HQ and SEARO team working (i) with the EU delegation on the design of the new EU/OHCHR project; and (ii) the design of the CSO funding windows, including criteria, procedures and reporting requirements.</p>

**RECOMMENDATION 13:** Include a **formal inception period** to *inter alia* encompass recruitment of staff; further elaboration of implementation plans; the obtaining of baseline data where gaps exist for monitoring purposes (e.g. the above-recommended gender baseline assessment); and development of the above-proposed short Thailand country strategy in the context of the new regional vision and strategy.

Actions to be taken	Timeline	Lead responsibility
<p>To be on the table as part of negotiation for the new project design and resourcing.</p>	<p>During the negotiations for the development of the new EU/OHCHR project.</p>	<p>OHCHR HQ and SEARO team working with the EU delegation on the design of the new EU/OHCHR project.</p>

## I. Introduction

### I.1 Programme background

#### *OHCHR's presence in Asia and the Pacific*

The Office of High Commissioner for Human Rights (OHCHR) established an Asia and the Pacific Regional Office in Bangkok in 2002, and in 2005 separated the office into two offices: South-East Asia Regional Office (SEARO) and the Regional Office for the Pacific. SEARO covers all countries of the Association of Southeast Asian Nations (ASEAN), with the exception of Cambodia which has an OHCHR Country Office. OHCHR has Human Rights Advisors attached to offices of the Resident Coordinators and United Nations Country Teams (UNCTs) for Myanmar (located in Bangkok), Philippines, and Malaysia. Timor-Leste, while not yet fully an ASEAN Member State, also has a Human Rights Advisor.

SEARO acts as an expert resource and plays a catalytic and convening role in the region, helping to bring international human rights standards and mechanisms into discussions on political, social, economic and developmental issues among and between governmental and non-governmental actors. A combination of advocacy on human rights issues of concern and technical support and capacity building with key partners has formed the basis of the Regional Offices' work, including with governments, national human rights institutions, regional organizations, civil society and the UN. SEARO also aims to integrate gender into all areas of its work.

SEARO's presence in Bangkok falls under the UN Economic and Social Commission for Asia and the Pacific's (ESCAP) host agreement with the Ministry of Foreign Affairs of Thailand. The OHCHR Thailand Team which implemented the EU project under evaluation is part of SEARO's staffing structure and is located within the SEARO office.

SEARO's priorities are as follows:

- Conduct human rights monitoring and analysis of trends, developments, policies and legislations in the region.
- Provide technical cooperation to governments and state institutions in South-East Asia with the aim of supporting and strengthening their work to protect and promote human rights and to increase ratification and implementation of international human rights instruments.
- Advocate for the implementation of recommendations from various UN treaty bodies, Special Procedures and the Universal Periodic Review (UPR).
- Provide advice to UN Resident Coordinators and UNCTs on international human rights standards and ensure that human rights are mainstreamed throughout their programmes and activities.
- Provide technical support and guidance to civil society.
- Provide technical advice and guidance to the international community.

## **Country context**

Since the military coup in Thailand in May 2014, the country has been under a political transition that has included direct military rule, a new constitution adopted in 2017 following a 2016 referendum, and a national election held on 24 March 2019 that brought a nominally civilian government into place.

The period has seen increasing restrictions on fundamental rights and freedoms and with the military remaining a critical player in Thai politics, the human rights situation continues to be challenging with serious restrictions on freedoms of expression, opinion, and assembly.

Within this context, on January 13, 2020, the first case of COVID-19 outside mainland China was reported in Thailand. By mid-March 2020, the sharp rise in cases led to the imposition of emergency measures by the government under the Emergency Decree on Public Administration in Emergency Situation, 2005 (Emergency Decree 2005) which provides broad powers without judicial or parliamentary oversight. The use of this decree is and was perceived to go beyond what is necessary to manage the pandemic. The Emergency Decree was eventually lifted on October 1, 2022.

## **The EU Project in Thailand**

The Delegation of the European Union to Thailand (EUD) awarded OHCHR SEARO a two-year grant (2019-2021) of EUR 1 000 000 with the overall objective to widen democratic space, strengthen rule of law and to promote respect for and protection of human rights in Thailand, encompassing the regions outside of Bangkok (north, northeast, central, south and southern border provinces). On 8 September 2020, the EU awarded an extension to the implementation period by 10 months and 27 days until 31 December 2021 and revised the financing agreement to EUR 1 500 000. Due to the COVID 19 pandemic, a further no-cost extension until 30 June 2022 was agreed.

With respect to the main objectives of the project agreement, SEARO was engaged to focus on:

- **Expected result 1:** Strengthened capacity of national human rights defenders and CSOs to document human rights violations and to explore appropriate interventions, including provision of legal representation.
- **Expected result 2:** Increased capacity and awareness amongst the key government agencies including law enforcement officials to uphold rule of law, accountability and fundamental freedoms in line with Thailand human rights commitments.
- **Expected result 3:** Enhanced strategic and evidence-based advocacy leading to improvements on the human rights situation in Thailand.

By agreement with the EU, OHCHR has implemented a major part of the project with and through a core set of grant beneficiaries, namely the International Commission of Jurists (ICJ) and Asia-Pacific Regional Office and the Cross-Cultural Foundation (CrCF). ICJ further sub-contracted the Thai Lawyers for Human Rights (TLHR).

## **Current human rights trends and issues in selected areas**

The COVID-19 pandemic hit societies and economies across Asia and the Pacific, including Thailand, at their core, with devastating social, economic and political impacts. It exacerbated

existing gaps in human rights protection, leading to increased poverty, exclusion and violence (particularly gender-based violence) and deepening inequalities. In Thailand, as in many countries of the region, the pandemic led to increased restrictions on fundamental freedoms and democratic space. In this broader context, the following overview highlights trends and developments within the three thematic areas supported by the EU/OHCHR project.<sup>4</sup>

### ***Human rights issues in the context of democratic space***

The narrowing of civic space and democratic freedoms in Thailand was exacerbated by COVID-19, including in the context of digital space and large-scale protests. The exercise of the rights to freedom of expression, including digital expression and digital privacy rights, and to freedom of peaceful assembly and association, continued to be subjected to limitations undermining civic space and democratic governance.<sup>5</sup> As a result, it became more challenging for CSOs and HRDs to operate safely and freely. From March 2020, a series of strict measures were implemented under the Emergency Decree for Public Administration in Emergency Situations of 2005. These included a ban on gatherings of five or more persons and a state of emergency in Bangkok from 15 to 22 October 2020 to impede the pro-democracy protests led by young people. Freedom of expression related to COVID-19 was tightly surveilled by an anti-fake news centre established under the Ministry of Digital Economy and Society. The pro-democracy movement continued to call for change in the political order and faced a violent crackdown as police frequently used unlawful and excessive force to disperse peaceful protestors. Activists including youth from the pro-democracy movement continued to face multiple charges, arrest and pre-trial detention.

SEARO continued to observe restrictions of fundamental human rights extending into the online sphere, through the adoption of laws and regulations, such as cybercrime laws, “anti-fake news” laws, and the establishment of ‘fake news’ centres to monitor online and offline activities. This had a negative impact on the scope for media reporting, overall expression on issues of public concern and advocacy by human and environmental rights defenders (EHRDs), given the increasingly critical relevance of digital platforms for public discourse, advocacy and debate. According to Thai Lawyers for Human Rights, as of April 2022 more than 1600 individuals, including over 280 minors had been charged under the Emergency Decree (now revoked), Computer Crimes Act, unlawful assembly, and *lèse-majesté* provisions for joining protests.

In 2022, the Committee on the Elimination of Racial Discrimination in its Concluding observations expressed concern that human rights defenders, in particular those advocating for land rights, protection of the environment, and the rights of ethnic and ethno-religious groups and indigenous peoples, have increasingly become targets of killings, enforced disappearance, violence, threats, intimidation, reprisals and harassment, including judicial harassment, as a consequence of their human rights work (art. 5). The Committee recommended that Thailand conduct effective, prompt, thorough and impartial investigations into all incidents of killings, enforced disappearance, violence, threats, intimidation, reprisals and harassment of human rights defenders. It further recommended that Thailand continue cooperating with the Office of the United Nations High Commissioner for Human Rights and take measures necessary to ensure

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<sup>4</sup> <https://www.hrw.org/world-report/2022/country-chapters/thailand> accessed on November 15, 2022

<sup>5</sup> *ibid*

an open and safe space for the operation of civil society organizations, with a view to facilitating the work of human rights defenders free from all forms of intimidation, threats and reprisals.<sup>6</sup>

Likewise, the Committee on the Elimination of Discrimination Against Women expressed serious concern that women human rights defenders, in particular those advocating for land rights, protection of the environment and the rights of indigenous women, rural women, lesbian women, bisexual women, transgender women and Muslim women in the southern border provinces, have increasingly become targets of lawsuits, harassment, violence and intimidation by authorities and business enterprises because of their work.<sup>7</sup> The Committee recommended that Thailand adopt and implement, without delay, effective measures for the protection of women human rights defenders to enable them to freely undertake their important work without fear or threat of lawsuits, harassment, violence or intimidation, including by improving the effectiveness, in consultation with women human rights defenders, of the Witness Protection Office within the Ministry of Justice.<sup>8</sup>

The Working Group on the Universal Periodic Review of Thailand in 2021 recommended that Thailand ensure that the right to freedom of expression and opinion and the freedom of assembly are fully respected and protected, including in the context of a state of emergency.<sup>9</sup> Moreover, it was recommended that Thailand ensure that the rights of freedom of expression, opinion and peaceful assembly are not unduly restricted by cybersecurity laws and its criminal code.<sup>10</sup> Thailand accepted these recommendations.<sup>11</sup>

Throughout the course of the project, various Special Procedures of the Human Rights Council issued joint allegation letters to the Government of Thailand about issues including peaceful assembly and association, arbitrary detention, freedom of opinion and expression.

### ***Human rights and rule of law, accountability and fundamental freedoms***

Although there is no internationally accepted definition of the rule of law, key elements generally include: non-discrimination and equality before the law; primacy of the constitution and hierarchy of laws; the government is bound by law; the separation of powers between legislative, executive and judicial authorities; the independence and impartiality of the judiciary; and respect for human rights.<sup>12</sup> In Thailand, there has been limited capacity and awareness amongst the key government agencies, including law enforcement officials, to uphold the rule of law, accountability and fundamental freedoms in line with its human rights commitments.

Various UN Treaty Bodies have expressed concern about the administration of justice, including

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<sup>6</sup> Committee on the Elimination of Racial Discrimination (2022), Concluding observations on the combined fourth to eighth reports of Thailand, CERD/C/THA/CO/4-8, 2022

<sup>7</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Thailand, CEDAW/C/THA/CO/6-7/, 2017, para 30.

<sup>8</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Thailand, CEDAW/C/THA/CO/6-7/, 2017, para 31.

<sup>9</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Thirty-ninth session (2021), A/HRC/49/17, recommendation 52.55 (Czechia).

<sup>10</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Thirty-ninth session (2021), A/HRC/49/17, recommendation 52.49 (New Zealand).

<sup>11</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Addendum, (2022), A/HRC/49/17/Add.1.

<sup>12</sup> Schlaeppli, E. & McCabe, C. (2008), *Rule of Law, Justice Sector Reforms and Development Cooperation – Concept Paper*, Swiss Agency for Development and Cooperation, Bern.

impunity, and the rule of law in Thailand. The Human Rights Committee was particularly concerned about reports of torture and other ill-treatment, extrajudicial executions and enforced disappearances against, inter alia, human rights defenders, including in the context of the southern border provinces. The Committee was concerned about widespread impunity for those crimes and the slow progress in investigating such cases.<sup>13</sup> It recommended that Thailand ensure that cases are reported and that prompt, impartial and thorough investigations are carried out into all allegations and complaints concerning the unlawful and excessive use of force by law enforcement officials and the military, including torture, enforced disappearances and extrajudicial killings, including in the context of the southern border provinces.<sup>14</sup>

Moreover, the Committee on the Rights of Persons with Disabilities was concerned about the lack of accessibility to the justice system, including physical access, legal aid, sign language interpreters in the courtroom, and procedural accommodation, particularly in rural areas.<sup>15</sup> The Committee recommended that Thailand implement physical, informational and communicational accessibility, including through the provision of professional sign language interpreters, the use of Braille and other procedural accommodation; ensure the training of court personnel, judges, police officers and prison staff so as to uphold the rights of persons with disabilities, including the right to a fair trial, and amend the Civil Procedure Code to ensure the right to testify on an equal basis with others.<sup>16</sup>

The Committee on the Elimination of Discrimination Against Women also expressed concern about the persistence of multiple barriers impeding women and girls from obtaining access to justice and effective remedies for violations of their rights, in particular for rural women, indigenous women, women belonging to ethnic and religious minority groups and women with disabilities.<sup>17</sup> Recalling its general recommendation No. 33 (2015) on women's access to justice, the Committee recommended that Thailand strengthen the gender responsiveness and gender sensitivity of the justice system, including by increasing the number of women in the justice system and providing systematic, capacity-building training to judges, prosecutors, lawyers, police officers and other law enforcement officials on the Convention, as well as on the Committee's jurisprudence and its general recommendations.<sup>18</sup>

The Working Group on the Universal Periodic Review of Thailand in 2021 recommended that Thailand take further steps to ensure a safe and enabling environment for human rights defenders, stop all forms of harassment, violence and intimidation against them and ensure prompt, transparent and independent investigation of all reported cases.<sup>19</sup> Moreover, it was recommended that Thailand ensure the protection of civic space and human rights defenders, including youth, members of civil society, lawyers, media and academics, so that they can operate

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<sup>13</sup> Human Rights Committee (2017), Concluding observations – Thailand, CCPR/C/THA/CO/2, para 21.

<sup>14</sup> Human Rights Committee (2017), Concluding observations – Thailand, CCPR/C/THA/CO/2, para 22.

<sup>15</sup> Committee on the Rights of Persons with Disabilities (2016), Concluding observations on the initial report of Thailand, CRPD/C/THA/CO/1, para 27.

<sup>16</sup> Committee on the Rights of Persons with Disabilities (2016), Concluding observations on the initial report of Thailand, CRPD/C/THA/CO/1, para 28.

<sup>17</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Thailand, CEDAW/C/THA/CO/6-7/1, 2017, para 10.

<sup>18</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Thailand, CEDAW/C/THA/CO/6-7/1, 2017, para 11.

<sup>19</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Thirty-ninth session (2021), A/HRC/49/17, recommendation 52.84 (Czechia).

freely and fully exercise the rights to freedom of expression, including online, and freedom of peaceful assembly and association.<sup>20</sup> Thailand accepted these recommendations.<sup>21</sup>

### ***Issues related to promoting respect for and protecting human rights***

Thailand has ratified seven core international human rights treaties, including CERD (2003), CEDAW (1985), ICCPR (1996), CRPD (2008), ICESCR (1999), CAT (2007), CRC (1992). However, promoting respect for and protecting the human rights affirmed in those instruments has been challenging. For instance, in 2014 the Committee Against Torture expressed concern at the numerous allegations of torture and ill-treatment during the state of emergency in the southern border provinces and notes that the state of emergency has been prolonged and that the exercise of fundamental human rights has been restricted.<sup>22</sup> It recommended that Thailand ensure that the absolute and non-derogable nature of the prohibition of torture is incorporated into its legislation, and that the legislation is strictly applied, in accordance with article 2, paragraph 2, of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. Moreover, it recommended that Thailand assess the need for the special laws, bearing in mind that the conditions for declaring an emergency and enacting emergency laws are strictly and narrowly defined and should be limited to exceptional circumstances.<sup>23</sup>

In 2022, the Committee on the Elimination of Racial Discrimination remained concerned about the impact that the so-called special laws and their application under the protracted state of emergency that was initially declared in 2005 and continuously extended since, and under martial law, declared in 2004, have had on ethnic and ethno-religious groups living in the southern border provinces. It was particularly concerned about the reports of torture and other ill-treatment, extrajudicial killings and enforced disappearances of members of these groups, including reports of cases allegedly involving law enforcement and military personnel.<sup>24</sup> Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommended that Thailand enact into law the prevention and suppression of torture and enforced disappearance bill, ensuring its compliance with international human rights norms and standards, and take the measures necessary for its implementation, including by setting up an independent mechanism for the prevention and suppression of torture and enforced disappearance.<sup>25</sup>

The Committee on the Elimination of Discrimination Against Women was concerned about women who have become widows and heads of household as a result of male family members having been arrested, disappeared or killed, and who face stigma and difficulties in earning a living

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<sup>20</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Thirty-ninth session (2021), A/HRC/49/17, recommendation 52.82 (United Kingdom of Great Britain and Northern Ireland).

<sup>21</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Addendum, (2022), A/HRC/49/17/Add.1.

<sup>22</sup> Committee against Torture (2014), Concluding observations on the initial report of Thailand, CA T/C/THA/CO/I, para 11.

<sup>23</sup> Committee against Torture (2014), Concluding observations on the initial report of Thailand, CA T/C/THA/CO/I, para 11.

<sup>24</sup> Committee on the Elimination of Racial Discrimination (2022), Concluding Observations – Thailand, CERD/C/THA/CO/4-8, 2022, para 23.

<sup>25</sup> Committee on the Elimination of Racial Discrimination (2022), Concluding Observations – Thailand, CERD/C/THA/CO/4-8, 2022, para 24.

and supporting their families.<sup>26</sup> The Committee recommended that Thailand adopt temporary special measures targeting Muslim women in the southern border provinces so as to ensure their substantive equality with men in all areas, in particular widows and women heads of household, including by providing sufficient financial and social support.<sup>27</sup>

The Working Group on the Universal Periodic Review of Thailand in 2021 recommended that Thailand undertake actions to strengthen women's access to justice, in particular for rural, indigenous women and those belonging to ethnic and religious minorities and women with disabilities.<sup>28</sup> Thailand accepted this recommendation.<sup>29</sup>

### **Human rights and the sustainable development goals**

Human rights anchor the 2030 Agenda for Sustainable Development and the SDGs. The 2030 Agenda explicitly states that it is grounded in the Universal Declaration of Human Rights and international human rights treaties. The OCHCHR / EU project particularly links with the following SDGs:

Goal 16: Peace and Justice Strong Institutions: The project aims to contribute to targets of reduction in violence; promotion of rule of law; equal access to justice for all; contributing to effective, accountable and transparent institutions; contribute to responsive, inclusive, participatory and representative decision-making at all levels; advocate for public access to information and protection of fundamental freedoms, in accordance with national legislation and international agreements and advocate for non-discriminatory laws and policies.

Goal 5: Gender Equality: The project aims to contribute to the associated target of elimination of violence against women in public and private sphere by focusing on women HRDs and women victims. The project supports advocacy for equal participation by collaborating with HRDs working on environmental rights and political participation of women.

Goal 17: Partnerships to achieve goals: This SDG is reflected in its core triangular partnership structure involving the EU, OHCHR and the designated three major CSO partners.

The project also indirectly contributed to other SDGs in areas including the orderly, safe, regular and responsible migration and mobility of people, with the implementation of planned and well-managed migration policies a focus in this regard (SDG 10).

## **1.2 Evaluation background**

*For further elaboration of the evaluation methodology and the data collection tools, refer to Annexes II and III.*

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<sup>26</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Thailand, CEDAW/C/THA/CO/6-7/, 2017, para 22.

<sup>27</sup> Committee on the Elimination of Discrimination against Women, Concluding observations on the combined sixth and seventh periodic reports of Thailand, CEDAW/C/THA/CO/6-7/, 2017, para 23.

<sup>28</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Thirty-ninth session (2021), A/HRC/49/17, recommendation 52.72 (Peru).

<sup>29</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review – Thailand, Addendum, (2022), A/HRC/49/17/Add.1.

Based on the funding agreement with the EUD, OHCHR was requested to conduct an independent evaluation of the project in accordance with the OHCHR policy. The OHCHR evaluation unit consequently included this evaluation in the Office's Evaluation Plan 2022-2023.

The **purpose** of this evaluation is to assess the project, and produce recommendations in terms of the following evaluation criteria:

- **Relevance** – the extent to which the project is relevant to the situation in the country/region, the mandate of OHCHR, its comparative advantage, the SDGs and the needs of stakeholders (both duty bearers and right-holders);
- **Coherence** - the compatibility of the project with other interventions in the country/region, sector or organization;
- **Efficiency** – the extent to which the project has economically converted resources into results in the course of its term;
- **Effectiveness** – the degree to which planned results and targets have been achieved, at outcome and output levels;
- **Impact orientation** – the extent to which the strategic orientation of the project points toward making a significant contribution to broader, long-term, sustainable changes on human rights issues;
- **Sustainability** – the extent to which the net benefits of the project continue, or are likely to continue;
- **Gender, human rights and disability inclusion integration** – the degree to which a gender and human rights perspective has been integrated in the project, and the degree to which the results obtained have contributed to gender and human rights principles of non-discrimination and equality, with emphasis on women rights and how disability inclusion can be incorporated into future interventions in the work of the office.

The **objectives** of the evaluation are:

- To identify areas of strength and areas of weakness in the planning and achievement of results – including in the area of gender and human rights integration;
- To produce useful lessons learned and good practices that illustrate successful and unsuccessful strategies in the achievement of results;
- To produce clear and actionable recommendations identifying concrete actions and responsibilities for OHCHR to undertake towards these ends.

**Overview of evaluation methodology** (refer to Annex II for elaboration): The evaluation took both a summative and a formative approach in this context, in that it looked at results achieved or not achieved so far (summative) with a view to informing SEARO and possibly other field presences' work in the future (formative). This approach aimed to contribute to OHCHR's accountability and learning, as per OHCHR's Evaluation Policy.

Conducted by a team of two independent consultants between May and November 2022, the data gathering aspect of the evaluation consisted of a comprehensive document review and a combination of online and in-person individual and focus group interviews with representatives of 13 national and local civil society organizations (CSOs); the Thailand Ministry of Justice and Ministry of Foreign Affairs; the National Human Rights Commission of Thailand (NHRCT); and four members of the United Nations Country Team (UNCT) in Thailand. Consultations were also conducted the Thailand Delegation of the European Union (EU); two Thailand-based human rights specialists (one of whom is a current UN Special Rapporteur) and senior management and programme staff from OHCHR Headquarters (HQ) in Geneva and SEARO.

Among the various documents reviewed, the evaluation drew on mid-term Results Oriented Monitoring (ROM) review report, 9 March 2021 and an evaluation of the implementation of the project from a gender equality perspective.<sup>30</sup> A mixed method qualitative/quantitative approach was followed, with use of semi-structured interview processes and triangulation of qualitative and quantitative data.

The evaluation followed the United Nations Evaluation Group's (UNEG) Norms and Standards<sup>31</sup> for Evaluation in the UN System, as well as the UNEG Handbook for Conducting Evaluations of Normative Work.<sup>32</sup>

The primary users of the evaluation findings and recommendations will be OHCHR and the EU.

**Gender equality and disability inclusion:** Although the evaluation matrix includes a separate section on 'gender equality and (disability inclusion) integration' in line with the evaluation Terms of Reference, such considerations were integrated throughout all aspects of the evaluation through the addition of supplementary gender and other inclusion questions as necessary under all core lines of enquiry. Secondary research was pursued to inform the analysis, findings and recommendations of the evaluation report with respect to gender equality and inclusion more generally, including with respect to the rights of persons with disabilities. The evaluation followed the UNEG Guidance on "Integrating Human Rights and Gender Equality in Evaluations"<sup>33</sup>: The "UN SWAP Evaluation Performance Indicator Scorecard"<sup>34</sup> and the "Guidance on integrating disability inclusion in evaluations and reporting on the UNDIS accountability framework evaluation indicator" were used as reference documents by the evaluation team (refer to Annex II for elaboration).

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<sup>30</sup> An Evaluation report on "The Evaluation for the EU project and its implementation on Gender Equality, First draft, December 2021.

<sup>31</sup> <http://www.uneval.org/document/detail/1914>

<sup>32</sup> <http://www.uneval.org/document/detail/1484>

<sup>33</sup> <http://www.uneval.org/document/detail/1616>

<sup>34</sup> <http://www.uneval.org/document/detail/1452>

**Additional issues prioritized for attention by the evaluation Inception Report:** The following considerations were highlighted by the scoping phase of the evaluation to be taken into account during the stakeholder interviews. They are reflected in the findings and recommendations.

- i. The main project funding modality based on OHCHR acting as an intermediary conduit for funding three pre-selected CSOs (one international and two national) who in turn work with and provide sub-grants to smaller local CSOs: A consideration in this context was whether there are other more suitable partnership and funding options which can be identified which would efficiently and effectively contribute to implementation of the project objectives.
- ii. The anticipated decline in the availability of EU (and other donor) resourcing, in the short term at least, due to other international priorities: Scoping phase feedback prompted the need for consideration of (i) how to best to manage and resource the ongoing project workstreams in the short-term if sufficient resourcing was not available, and (ii) the potential need for a multi-year OHCHR strategic framework for engagement in Thailand which can provide a basis for longer term coordinated programme planning and resource mobilization.
- iii. Project management structure and resourcing: The project had proceeded without a dedicated project manager and is being delivered in the context of a wider range of activities in Thailand under the SEARO Annual Work Plans. The need for attention to the efficacy of this approach was highlighted, along with possible options for the ongoing management of the work supported by the project.
- iv. Follow-up of the findings and recommendations of the ROM review (09/03/202): As well as examining follow-up steps, success factors, challenges and options for further implementation, the evaluation considered the actions taken to follow-up the subsequent “Evaluation for the EU project and its implementations on Gender Equality” (Draft, December 2021).
- v. Alignment with recommendations of the evaluation of the Sida-funded project ‘Strengthening the Capacity of Regional Actors to Promote Human Rights, Accountability, Democratic Space and Gender in the Asia-Pacific Region.’ Such alignment was assessed via the relevant EU project evaluation interviews and examination of the OHCHR/Sida project evaluation report findings and recommendations.

### **Evaluation limitations**

Although the evaluation process was able to engage with representative range of stakeholders, and OHCHR were unfailingly responsive and proactive in supporting the process through ensuring staff and documentation were available, there were certain limitations that also need to be highlighted. These were:

- The constraints on direct engagement with stakeholders, internal and external, due to the ongoing (although diminished) COVID-19 pandemic. In the event, improving conditions allowed a number of interviews to be conducted in person

in Bangkok, as one of the evaluators was required to be in that location for other UN commitments.

- The respective timings of the final evaluation report (November 2022) and the submission to the EU of final reporting on the project by OHCHR (end of December 2022). The final data with respect to meeting project indicators and targets were as a result not available for inclusion and reference in this report.
- The evaluation timetable also did not fully align with the process of negotiations between OHCHR and the EU to design a new project phase, which will be signed-off by the parties in December 2022. It was agreed between OHCHR and the consultants that a preliminary set of findings and recommendations be submitted to feed directly into the new project design process. As a result, the recommendations of this final evaluation report is divided into two categories, as follows: (i) longer term recommendations which are applicable throughout the project implementation cycle; and (ii) recommendations which were particularly (but not wholly) immediately applicable to the design process then already underway. In the event, several elements of the category (ii) recommendations were already reflected in the OHCHR project proposal for the next phase, even before the current report was finalized.

## II. MAIN FINDINGS PRESENTED ACCORDING TO EVALUATION CRITERIA

The findings summarized below follow the criteria and questions set out in the evaluation Terms of Reference. They follow the indicators set out for each evaluation question in the Inception Report.

### 2.1 Relevance

**Overview:** *Very satisfactory.* The focus areas of project were validated, along with the ongoing need for concerted attention in these areas which each correspond to significant human rights challenges in the Thailand context. The project responded to the needs of target groups/end beneficiaries and the evaluation has found overwhelming evidence of its relevance across a wide range of stakeholders. In fact, COVID-19 and the recent political and social unrest have strengthened the intervention's overall relevance. The intervention has provided much-needed capacity-building support to rights holders and duty bearers, lending legal aid to human rights defenders and producing high-quality knowledge products that are relevant to the identified needs of both target groups and serve to raise awareness among final beneficiaries. The intervention's method of implementation constituted a key strength, since it combined the diverse complementary expertise of organizations involved through clearly defined roles. The high calibre of the human capital involved is highlighted as another strength and the ownership and engagement of local stakeholders, particularly the three core CSO partners, have been pivotal to successful project implementation. Relations with government counterparts to date (including the Royal Thai Police and the Royal Thai Army), as well as with the judiciary and National Human Rights Commission of Thailand (NHRCT), have been open, positive and constructive and are continuing to develop in a generally positive way. Government ownership, however, is best still described as work in progress, with OHCHR still tending to drive the agenda overall.

**EQ RI: How relevant to the country human rights situation, the needs of the stakeholders (rights holders and duty bearers), the Office's mandate, OHCHR's Management Plan 2018 – 2021 and the extension from 2022 – 2023, and the Sustainable Development Goals has the project been in the period evaluated?**

The project has been extremely relevant to the human rights situation in Thailand. The military coup in 2014, which was the key instigator and impetus for the original project, led to political and social unrest and shrinking civic space, which were compounded during the COVID-19 pandemic and Thailand's response so have strengthened the intervention's overall relevance. The project has been highly relevant for strengthening responses to human rights violations against particularly vulnerable groups in Thailand, including women human rights defenders, environmental human rights defenders, indigenous peoples, children, migrants, LGBTQTI, victims of torture and enforced disappearances and their families, and other affected populations. The human rights

violations have involved civil and political rights, such as the rights to freedom of expression, opinion, peaceful assembly, the right to a fair and public hearing, to life, non-discrimination, the right to be free from torture, right not to be subjected to enforced disappearance, and the right not to be arbitrarily arrested or detained.

Moreover, the project has been greatly relevant for the needs of the stakeholders, rights holders and duty bearers. In terms of duty bearers, the project met the needs of the Ministry of Justice, Ministry of Foreign Affairs, and the National Human Rights Commission of Thailand by providing technical advice and expertise relevant for engagement with the United Nations human rights mechanisms, in particular various Special Procedures, Treaty Bodies and the Universal Periodic Review of Thailand. It also met the needs of rights holders, the three core grantees and the vulnerable groups mentioned above, by providing technical advice, awareness raising and capacity building for these groups to claim their rights and to participate in the various UN human rights mechanisms, and to monitor and document violations of human rights in Thailand.

In addition, the intervention was relevant for the mandate of the Office of the High Commissioner for Human Rights, and the OHCHR Management Plans for 2018-2021 and 2022-2023. In particular, it was relevant for OHCHR's work under all thematic pillars for 2018-2021, namely (i) support to UN human rights mechanisms; (ii) mainstreaming of human rights within peace and security efforts; (iii) mainstreaming of human rights within development efforts; and advancement of the core human rights principles of (iv) non-discrimination, (v) accountability and (vi) participation. It was also relevant for OHCHR's work under two 'shifts', namely prevention of conflict, violence and insecurity; and expansion of civic space.<sup>35</sup> Regarding the OHCHR Management Plan 2022-2023, it was relevant for OHCHR's work under all pillars, namely (i) advance sustainable development through human rights; (ii) enhance equality and counter discrimination; (iii) enhance participation and protect civic space; (iv) increase implementation of the outcomes of international human rights mechanisms; (v) prevent violations and strengthen protection of human rights, including in situations of conflict and insecurity; and (vi) strengthen the rule of law and accountability for human rights violations. It was also relevant for the same 'shifts'.<sup>36</sup> OHCHR's promotion of human rights, provision of technical expertise in human rights law and standards as well as its protection and monitoring mandates are all quite specific and unique within the UN system.

Finally, the project was very relevant for the Sustainable Development Goals, in particular SDG 5 on gender equality, SDG 16 on peace, justice and strong institutions, and SDG 17 on partnerships to achieve the SDGs. The project contributed to SDG indicator 5.2 on elimination of all forms of violence against women and girls in public and private spheres by focusing on women human rights defenders and women survivors of violence; and SDG indicator 5.5 on women's full and equal participation by collaborating

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<sup>35</sup> OHCHR's Management Plan 2018-2021.

<sup>36</sup> OHCHR's Management Plan 2022-2023.

with human rights defenders working on environmental rights and political participation of women. The project was highly relevant for SDG 16, particularly the indicators on violence, rule of law and access to justice, participatory decision making, access to information, effective and accountable institutions, and promotion of non-discriminatory laws and policies, including through the trial observations, provision of technical and legal support for human rights defenders and victims, supporting the government in its engagement with Treaty Bodies, Special Procedures and the Universal Periodic Review, and human rights documentation. Moreover, the project contributed to SDG 17 indicators on capacity building in developing countries and civil society partnerships, by provision of capacity building workshops for government partners, civil society partners, and human rights defenders.

**EQ R2: Was a context analysis conducted during the planning of the intervention? Were risks and assumptions considered during this process?**

The project document situation analysis provided a comprehensive context analysis during the project planning stage. It provided a detailed presentation and analysis of the problems and their interrelation, a detailed description of the target groups and final beneficiaries, the specific problem addressed by the action, and the perceived needs and constraints of the target groups, as well as the specific added value elements of the action. However, the context analysis could have been strengthened with respect to gender analysis, which is discussed in more depth in the gender section below.

In terms of the risks and assumptions, the project document contained a risk analysis matrix which identified five specific risks and associated mitigation measures. One of these risks came to pass, namely, emergency laws were reintroduced (albeit due to the pandemic rather than political instability). However, OHCHR's risk mitigation measure, namely to adapt its programmes based on the human rights and political situation of the country, was effective to deal with the pandemic restrictions. Since the project focused on Thailand and did not require international travel, many of the project activities could still take place. During periods of lockdown, some capacity building activities took place online, rather than in-person. And since OHCHR is viewed as a neutral UN organization with a mandate to protect and promote human rights and its voice has been taken seriously even by the military government, OHCHR was able to navigate this unprecedented set of circumstances and move the project activities forward, with the help of several project extensions. Moreover, the pandemic response heightened the focus on civic space, freedom of association and freedom of expression and the associated pieces of legislation, further intensifying these issues. Furthermore, Thai Lawyers for Human Rights stayed abreast of the monthly situation analysis, issuing its monthly reports, which were an important asset at national level (e.g. in briefings of the diplomatic community), as well as informing global ILO analysis and planning during uncertain times.

**EQ R3: Are there priorities for human rights in the country that have not been addressed yet by the project? What changes in the project could be made to address those priorities?**

The major area standing out from evaluation interviews and document review for more systematic, comprehensive mainstreaming and direct attention in future project design and implementation is the rights of persons with disabilities, in line with the UN Disability Inclusion Strategy (UNDIS). As elaborated in the commentary under EQ GHR 5 on disability strategies relevant to future interventions, disability inclusion was not an explicit part of the project design, although some productive engagements did occur in practice in this area.

Other areas which were already part of the project emerged as warranting deepened attention alongside that provided by other international and domestic actors, building on OHCHR partnerships and engagements to date. Most prominent among these are:

- Technical advice regarding law reform, legislative drafting and advocacy, particularly around draft laws which are problematic from a human rights perspective, such as the draft NGO Law which had raised concerns within Thai civil society and among UN Special Rapporteurs.<sup>37</sup> The positive input of the project regarding the law on torture, despite its flaws, demonstrates the potential in this regard.
- The rights of indigenous peoples, vulnerable groups and migrants (in line with Global Compact on Migration), along with human rights and the environment/climate change and business and human rights. These areas are also the focus of the Sida-funded regional project, with potential for ongoing synergies and mutual reinforcement between regional and national interventions.
- Continuing to strengthen the mainstreaming of human rights in the work and planning of the UNCT in Thailand, building further on the inter-linked roles and contributions of the OHCHR Thailand Team and the Sida-funded regional project.

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<sup>37</sup> The Draft Act on the Operations of NGOs was proposed by the Thailand Council of State and was under consultation since March 2021. The latest indications (December 2022) are that it will now not proceed further. Concerns about provisions in the draft Act were conveyed by the UN Special Rapporteurs on the right to freedom of peaceful assembly and of association; the promotion of the right to freedom of opinion and expression; and the situation of Human Rights Defenders. The concerns include the potential detrimental impact on civic space, potential restrictions on the independence of NGOs, burdensome financial and reporting obligations and restrictions on foreign funding of NGOs.

## **Case study I: Targeting the intersection of business and human rights, indigenous rights and environmental and land rights.**

**Background:** The period of the EU project saw an increased focus by OHCHR with its core and local CSO partners on the intersection of business and human rights, indigenous rights and environmental and land rights. An important normative framework for this engagement was provided by the National Action Plan (NAP) on Business and Human Rights which was adopted on the 29 October 2019. Thailand is the first country in Asia to have such a stand-alone plan. Four priority areas are set out in the NAP, as follows: (i) labour; (ii) community, land, natural resource and environment; (iii) human rights defenders; and (iv) cross border investment and multinational enterprises.

### **Results to date:**

- **Increased awareness of the National Action Plan on Business and Human Rights (NAP), particularly its provisions on protection of HRDs:** Examples included (i) an ICJ presentation on the issue of the SLAPP law and judicial harassment of HRDs in Thailand at a workshop organized by the MoJ with more than 50 governmental authorities who were designated to be implementors of the NAP; (ii) ‘1-Year Progress Review’ review of the NAP co-hosted by ICJ with representatives of populations affected by business operations and CSOs from all regions of Thailand; and (iii) submission by ICJ and the Human Rights Lawyers Association (HRLA) of recommendations to MOJ on Thailand’s draft NAP, particularly to ensure adequate legal and other protections for HRDs and to prevent the judicial harassment of HRDs through the use of SLAPP <sup>38</sup>cases.
- **Strengthening capacities of indigenous peoples and EHRDs:** Examples included (i) a virtual training workshop by OHCHR on “UN Human Rights Mechanisms and Right to Information for Indigenous Communities;” (ii) the formation by CrCF of an HRD network in indigenous Karen communities in Om Koi district of Chiang Mai; and (iii) training for anti-mining HRDs among Karen villagers in Om Koi in areas including indigenous peoples’ rights, international human rights mechanisms, environmental law and mining law.
- **Strengthening awareness and use of international human rights mechanisms:** Examples include engagement by indigenous representatives in an OHCHR-facilitated online session with MoJ, MoFA and CSOs on Thailand’s upcoming UPR; and engagement with Special Procedures on indigenous, land and environmental rights issues. In 2020, for example, the Special Rapporteurs issued nine communications to Thailand including three Urgent Appeals in areas which included indigenous peoples, business and human rights, slavery, poverty and the environment. Specific examples during the project period included:
  - February 2019 – a joint communication on rights of the indigenous Karen peoples in the Kaeng Krachan Forest Complex (KKFC) by the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on the rights of indigenous peoples;
  - December 2020 – a joint communication on the attempted killing of a human rights defender in a land rights case in Surat Thani Province from Special Rapporteur on the situation of human rights defenders and Special Rapporteur on extrajudicial, summary or arbitrary executions; and

- June 2021 – a follow-up joint communication on the above case concerning the rights of the indigenous Karen peoples by the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Rapporteur on the rights of indigenous peoples.
- **Trial observations in areas related to the intersection between business, environment and indigenous peoples:** All of the 10 trial observations conducted by OHCHR and partners in 2020, for example, were for cases involving violations of business and human rights, including with respect to use by the authorities of SLAPP cases.
- **Shadow report to Thailand’s Combined Fourth to Eighth Periodic Reports to CERD:** CrCF together with other national NGOs submitted a shadow report which was particularly focused on the human rights challenges faced by people of the SBPs and indigenous peoples. The situation of Thai women of Malay ethnic origin in the SBPs received special attention.
- **Successful protection from use of SLAPP cases:** On 8 June 2020 OHCHR issued a public statement welcoming the acquittal of two HRDs who had been charged with criminal defamation by a Thai poultry producer Thammakaset. In the public statement, the Regional Representative of OHCHR stated, “This judgement shows how individuals raising legitimate concerns about alleged business abuses can and should be protected from SLAPP cases in accordance with the UN Guiding Principles on Business and Human Rights.” Other business and environment-related cases were supported by OHCHR and project partners, including in cooperation with the NHRCT. OHCHR also observed that SLAPP cases can have a detrimental impact on even the most experienced and well-resourced HRDs. Given that most of the HRDs facing SLAPP cases are women, the burden is more onerous
- **Strengthening the research base on issues related to the business, environment and local communities:** In 2020, ICJ published a report on ‘The Human Rights Consequences of the Eastern Economic Corridor and SEZs <sup>39</sup>in Thailand’. This identified gaps and weaknesses in the current law and policy governing investment in areas that have been designated for economic development and documented alleged human rights violations and abuses against affected communities, as well as the adverse impact on the environment and working conditions of migrant workers.
- **Strengthening interaction, knowledge sharing and collaboration among OHCHR and project stakeholders:** In addition to Project Steering Committee meetings, ad hoc meetings to this end were held on issues including freedom of expression and opinion, the security of HRDs, ongoing SLAPP cases against journalists and HRDs, the revival of the use of Article 112, use of force and land rights and indigenous rights issues.

**Lessons and success factors:** The leveraging of the Business for Human Rights NAP in support of efforts to address human rights violations affecting some of the most vulnerable and remote groups in Thailand society; the attention given to HRDs on the frontline of human rights violations in the business / environment / indigenous peoples context; the ability of the project’s core partners to engage with key stakeholders at all levels, from local indigenous communities to government; the focus on building knowledge of and supporting the use of Special Procedures in a way that enables autonomous future such actions action by HRDs and

<sup>38</sup> Strategic Lawsuits Against Public Participation

<sup>39</sup> Special Economic Zones

CSOs; the ability to combine legal responses with research and advocacy, community mobilization, awareness-raising and capacity development.

## 2.2 Coherence

**Overview:** *Very satisfactory:* The project demonstrated good coherence with relevant policies, plans, programmes and priorities of stakeholders and counterparts at regional and national levels. These included the international human rights commitments of the Government of Thailand and specific elements of the national human rights policy architecture, such as the National Action Plan on Business and Human Rights, 2019, while recognizing that impediments to the protection and promotion of human rights continue to be presented by certain domestic laws and related actions. Good alignment and synergies are demonstrated with other OHCHR workstreams at regional and national levels, particularly with the Sida-funded projects ‘Strengthening the Capacity of Regional Actors to Promote Human Rights, Accountability, Democratic Space and Gender in the Asia-Pacific Region;’ and ‘Enhancing Women’s Access to Justice in Asia and the Pacific: Bridging the gap between formal and informal systems through women’s empowerment.’

Internal coherence, communications and working relationships within OHCHR at all levels (global, regional and national), have been positive and mutually supportive. OHCHR’s comparative advantage, which contributed inter alia to coherence in delivering the project, is well recognized and understood by stakeholders. The OHCHR was found to be working diligently in line with this.

**EQ R4: How does the project align with and support national/regional plans, programmes and priorities of local stakeholders, partners, donors or other UN agencies on those issues that should be considered as human rights priorities, taking into account OHCHR’s comparative advantages?**

The project design and implementation demonstrated good alignment with relevant stakeholder plans, programmes and priorities.

**Thailand policies and plans:** A key relevant overarching national plan is the 3rd National Human Rights Plan (2014-2018), which has not yet been replaced with a 4<sup>th</sup> such plan. However, the plan remains to be comprehensively implemented. Of greater immediate relevance to the project was the National Action Plan (NAP) on Business and Human Rights which was adopted on the 29 October 2019. Thailand is the first country in Asia to have such a stand-alone plan. Four priority areas are identified based on the regional consultations and discussions with various sectors during the drafting process of the NAP 2016-2019. These four priority areas are (i) labour; (ii) community, land, natural resources and environment; (iii) human rights defenders; and (iv) cross border investment and multinational enterprises. Linkages with the SDGs are explicitly elaborated within the NAP. The promotion of such plans is a global priority of the EU

and has also been actively supported by the Sida/OHCHR regional project in Thailand and other Asia-Pacific countries.

**ASEAN:** The project aligns with the broader commitment under the ASEAN Human Rights Declaration, which commits member states to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are party. The overarching ASEAN Human Rights Declaration sits alongside the Declaration of the Advancement of Women in the ASEAN Region and the Declaration on the Elimination of Violence against Women in the ASEAN Region, both of which are relevant to the project's Specific Objectives.

**The UN in Thailand:** The principal framework to which the current work of OHCHR and the latter part of the project aligns is the United Nations Sustainable Development Cooperation Framework (UNSDCF), 2022-2026. This is closely aligned to Thailand's 20-Year National Strategy and the draft 13th National Economic and Social Development Plan (NESDP). These two core documents are of particular relevance to the next phase of EU/UNHCHR cooperation. Issues of rights and non-discrimination are covered under NESDP Strategic priority No. 2 which focuses on the development of a high opportunity society for Thailand's transformation, and NESDP Strategic Priority No. 4 which deals with key enablers for Thailand's transformation. Encompassed under these outcomes are commitments to addressing issues related to human rights and HIV, child protection, migration, business and persons with disability.

UNSDCF Outcomes of particular relevance to EU/UNHCHR cooperation are:

Outcome 2: Human capital needed for social and inclusive development is improved through strengthening of institutions, partnerships and the empowerment of people.

Outcome 3: People living in Thailand, especially those at risk of being left furthest behind, are able to participate in and benefit from development, free from all forms of discrimination.

It is noted in this context that SEARO has taken a positive initiative to engage with other UN agencies already funded by the EU as part of the negotiations process for the next EU/OHCHR project phase. It is further being proposed by SEARO that a revamped project governance arrangement be established which would include an annual session of the EU/OHCHR Project Steering Committee at which relevant UN counterparts would be present. Such developments will constructively enhance the coherence and collaboration between OHCHR and UN counterparts active in the same space in Thailand. It is also positively noted that the HR Resource Group of like-minded states in Bangkok provides another potential forum for building coherence, and this group is on the SEARO radar in this respect for the next EU/OHCHR project phase.

**The project within wider OHCHR regional and national programming:** The 'Annual Work Plan – Regional Office for South-East Asia (2012)' situates work in

Thailand within the wider regional OHCHR planning framework. Elements of OHCHR work in Thailand which are funded by the EU project and supported by the SEARO-based Thailand Team are identified alongside others funded by the regular budget or other sources.

Within this broader framework, alignments with the following Sida-funded regional workstreams are of particular relevance:

- i. the project 'Strengthening the Capacity of Regional Actors to Promote Human Rights, Accountability, Democratic Space and Gender in the Asia-Pacific Region' which during the same timeframe as the EU project was supporting initiatives to mainstream human rights work within the UN system; strengthen human rights mechanisms within ASEAN; and address issues related to human rights and migration, human rights and climate change (including business and human rights) and the shrinking of digital democratic and civic space
- ii. the project 'Enhancing Access to Justice for Women in Asia and the Pacific: Bridging the gap between formal and informal systems through women's empowerment UN Women,' in partnership with UN Women and ICJ – although Thailand was not a target country per se, synergies with the project and internal OHCHR staff interactions were of technical benefit to the EU /OHCHR project in Thailand
- iii. a project on enhancing digital safety for environmental activists, human rights defenders and journalists, which included Thailand linkages.

**Local project stakeholders:** The shared commitment to the protection and promotion of human rights which brings the stakeholders together around the three specific objectives of the EU project provides the foundation of the project and its success to date. This includes the project's outreach to and active collaboration with smaller local human rights CSOs and HRDs in the north and south of Thailand which are active in areas such as indigenous peoples and land rights, human rights and the environment, enforced disappearances and judicial killings.

**The European Union:** Human rights are at the core of both EU internal and external action and policy. The Lisbon Treaty (article 2 and article 21) stipulates that the Union's action on the international scene shall be guided by the values that have inspired its own foundation. EU policy includes: promoting the rights of women, children, minorities and displaced persons; opposing the death penalty, torture, human trafficking and discrimination; defending civil, political, economic, social and cultural rights; and defending human rights through active partnership with partner countries, international and regional organizations, and groups and associations at all levels of society.<sup>40</sup> Within this wider framework, the engagement with OHCHR on this project fits within and aligns with the EU's national two-year human rights strategy for Thailand. The EU has further

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<sup>40</sup> European Union: Human rights and democracy. Available at [https://european-union.europa.eu/priorities-and-actions/actions-topic/human-rights-and-democracy\\_en#](https://european-union.europa.eu/priorities-and-actions/actions-topic/human-rights-and-democracy_en#)

produced highly relevant guidelines on HRDs as well as policy documents and tools in areas such as human rights and climate change, environmental protection and the death penalty. Some organizations collaborating with OHCHR and the subgrantees under the project have also been engaged in other EU-funded interventions, such as the Indigenous People's Foundation for Education and Environment-IPFEE.

**Other spaces for alignment and synergies:** Another relevant OHCHR/project stakeholder alignment was provided outside the direct scope of the project by the UN Voluntary Fund for Victims of Torture managed by OHCHR. This funded CrCF in 2020 to coordinate four local CSOs and train some 100 volunteers to support torture victims and their families and monitor the human rights violations, directly linking to local work supported under the project.

The project implementing partners also interacted within their shared engagement with organizations such as Protection International (PI), which supports WHRDs, including women with disabilities. For example, many of the HRDs that PI works with are also TLHR's clients. Synergies included the organization of field visits for OHCHR and joint trial observation.

**OHCHR comparative advantage:** In this diverse and evolving context, OHCHR's comparative advantages, including vis-à-vis other UN agencies in Thailand, were well recognized by all stakeholders who were interviewed. Comparative advantage in turn is closely linked to each of the core criteria underpinning this evaluation and is a critical success factor in the performance of the project. Particular elements highlighted by stakeholders were OHCHR's:

- global human rights mandate and expertise, and ability to communicate this
- ability to facilitate links to international treaty systems and special procedures
- protection role and steadfastness in standing-up for human rights in Thailand
- ability to engage directly with government on legal, policy and human rights advocacy matters and act as a bridge between government and local CSOs
- presence, role and advocacy for greater attention to human rights within the broader UN system
- openness to working directly with local CSOs, including through field visits at community level – supported by the Thailand Team's ability to engage directly with local CSOs in Thai language
- convening role - providing safe space for CSOs and HRDs to meet, network and strategize
- human rights awareness raising and capacity development role
- human rights research and communications role to strengthen public and government awareness, increase national human rights knowledge base and contribute to advocacy.

**Table I: Stakeholder comments on OHCHR comparative advantage**

<i>provides a bridge between local CSOs and the government – OHCHR has access to government in a way that we don't</i>	<i>strategic and savvy in the way it works with the government and within the UN system</i>	<i>has opened opportunities for us (CSO)s to have our case heard internationally</i>
<i>gives us confidence and increases our morale when OHCHR is present – the authorities behave better when OHCHR is involved</i>	<i>stand-up for human rights in ways that other agencies don't - in a meeting on civic space and the NGO law, it was the OHCHR representative who gave the speech, which added lots of weight</i>	<i>important role in providing space for CSOs to meet safely - we now have stronger networks with other CSOs and work together more –</i>
<i>is able to work closely with CSOs such as ours in Thai language</i>	<i>responds quickly to CSO concerns and needs</i>	<i>quite easy to work with compared to other UN agencies</i>
<i>provides a buffer between human rights CSOs and the government – they help to provide credibility to human rights events</i>	<i>good at going to monitor cases in court, engaging with CSOs and families and intelligence gathering</i>	<i>our relationship with OHCHR gives us credibility and protection</i>

**EQ R5: What have been the roles of local stakeholders, partners, donors or other UN agencies in the achievement of results? What has been the strategy and methodology used to work together, communicate and disseminate results among them?**

**(i) Roles of local stakeholders, partners, donors or other UN agencies in the achievement of results.**

**Core project partners – ICJ, TLHR and CrCF:** Central to the project design and implementation from the beginning, the three core partners are part of the Project Steering Committee along with OHCHR and the EU (as an observer). They contribute to the achievements of the Specific Objectives in line with their own comparative advantage, roles, skills and constituencies. Their roles and contributions are described throughout this report, including in the case studies and good practice examples.

**Government:** Participation in and collaboration on human rights awareness raising and training events under the project. Examples included sessions on 'Human Rights and Globalization; treaty body reporting in partnership with MOFA, with focus on CRPD in preparation for Thailand's upcoming periodic report in 2022; international human rights law and standards on land rights in Thailand (organized by MOJ with a presentation from ICJ); and an OHCHR facilitated MoJ and MoFA online engagement with CSOs on Thailand's upcoming UPR (indigenous representatives joined the consultation).

Participation in mock sessions in preparation for international treaty reporting and UPR engagement have been an important element of government engagement under the project, although constrained by the impacts of the pandemic.

**Judiciary:** Participation in and collaboration on human rights awareness raising and training events under the project, for example an OHCHR and ICJ presentation to officers of the Judge Advocate General Office on international law and standards on investigation and interviewing.

**Police and military authorities:** Engagement, including at community level, with OHCHR and partners on international human rights obligations with respect to public demonstrations, enforced disappearances, judicial killings and torture.

**NHRCT:** Participation in and collaboration on capacity development of officers of the Commission; for example, an OHCHR virtual training workshop for mainly new staff on ‘Strengthening the Officers of the National Human Rights Commission in implementing mandates of the National Human Rights Institution.’ NHRCT officers have also participated in annual HRD School training.

**EU:** Beyond its role as a funder, the EU has been a key partner for OHCHR in Thailand through participating in public events and training (e.g. opening presentations by the Ambassador as part of the agreed visibility agenda), working alongside OHCHR as a human rights advocate within the diplomatic community and being part of project discussions and planning in the context the changing conditions in Thailand, particularly as a result of the COVID-19 pandemic.

**UNCT:** Key UNCT partners with which the project has collaborated have been UNICEF (child protection monitoring); UN Women (partner in the Women’s Access to Justice project funded by Sida); IOM and OHCHR (migration); UNDP (civic space), DPA (the intersection of peace and human rights) and the UN RCO more generally with respect to the human rights dimensions of the UNSDCF and the UN Secretary-General’s Call to Action for Human Rights.

### **Good practice example 1: Multiplying presence and visibility through joint action**

An important strength of the EU project which was highlighted during CSO partner interviews was the space, facilitation and opportunity provided to strengthen inter-CSO cooperation and networking at both national and local levels. An example at the national level was the joint supplementary submission made on 24 April 2020 by ICJ, TLHR and CrCF to the UN Human Rights Committee (HRC) on Thailand’s implementation of its human rights obligations under the International Covenant on Civil and Political Rights (ICCPR).<sup>41</sup> The submission detailed shared concerns about Thailand’s failure to implement the Committee’s recommendations, including the ongoing human rights shortcomings of the country’s Constitutional and legal framework; the continued lack of domestic legislation criminalizing torture, other ill-treatment

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<sup>41</sup> <https://www.icj.org/thailand-the-icj-and-other-human-rights-groups-make-supplementary-submission-to-the-un-human-rights-committee/>

and enforced disappearance; and reports of torture and other ill-treatment. The three organizations also conveyed concerns that measures imposed under the COVID-19 Emergency Decree may constitute a blanket restriction on fundamental freedoms, including the rights to free expression, opinion, information, privacy and freedom of assembly and association, with no opportunity for the courts to review these extraordinary measures.

**(ii) Strategy and methodology used to work together, communicate and disseminate results among them.**

Key platforms for project stakeholders to work together, communicate and disseminate results have been:

- The Project Steering Committee which was established at the beginning of implementation as a cornerstone of project governance, composed of OHCHR (chair), CrCF, ICJ and TLHR. EUD attends as an observer. Three meetings were held annually. OHCHR plays a coordinating role and supports the meeting through the compilation of data provided by the sub-grantees on a monthly basis. CrCF highlighted the value of these meetings in their case, as they enabled regular interaction with other key project stakeholders and the opportunity to remain well connected with national development concerning human rights in Thailand.
- The CSO Protection Group or Network established under a previous EU-funded intervention (2015-2017) continued under the project to regularly bring together 20-30 CSOs and provide a safe space to enable the development of synergies and cooperation among organizations working on human rights in Thailand. CSO representatives highlighted the importance of this platform to promote increased information sharing, networking, coordination, collaboration and joint strategizing by CSOs.
- Training events, both online and in-person prior to the COVID-19 pandemic, which as well as their capacity development value also enable linkages to be established and experience to be shared and networks to be extended and strengthened. The value of the annual HRD School was cited by several CSO interviewees in this regard.
- Public events, including online, to present legal/human rights findings by OHCHR, ICJ, TLHR and CrCF for awareness raising and advocacy purposes.
- Briefings of the diplomatic community, drawing on human rights monitoring data and analysis generated under the project.

In addition, transparent and productive direct communications were maintained (albeit with depth and regularity effected by the pandemic) between SEARO and the EU Delegation in Bangkok. This was conducted at different levels, primarily: (i) Ambassador level on policy issues and human rights monitoring findings; and (ii) at a practical collaboration/technical level on project delivery and contractual obligations.

Overall, the level and quality of interactions and communications between project stakeholders at all levels was assessed as appropriate, positive and productive.

### **Good practice example 2: Advocacy and communications serving organizational objectives**

Expanding public outreach and awareness raising, along with increased visibility for the EU and OHCHR on national human rights matters, are important elements of EU/OHCHR cooperation under the project. The SEARO Communications Unit has played an important role in supporting the outreach of the project and promoting its work and results, particularly through the revamped SEARO website and social media posts to promote and support public events such as the annual HRDs school, training workshop and relevant International Days (e.g. International Human Rights Day). The Unit further produced and disseminated videos on key human rights themes and supported one OHCHR field mission to the southern provinces to meet with state officials as well as families affected by enforced disappearances. The increased visibility of OHCHR has seen the Thai media increasingly come to OHCHR for statements on human rights issues.

### **EQ R6: How has been the communication and coordination among the project, the country/regional office, and other units within OHCHR in terms of programmatic, financial and administrative issues?**

All indications received from internal stakeholders indicated an effective working relationship between HQ-based management and relevant programme, finance and administrative units and the SEARO-based Thailand team, including with respect to the work specifically funded by the EU. Feedback from OHCHR HQ GVA further indicated that the regular and well-presented human rights situational reports produced by the project (primarily through the documentation work of TLHR) was of high quality and contributed to global planning, analysis, advocacy and communications.

The relationship between the above-mentioned Sida regional project and the work of the OHCHR Thailand team demonstrates how complementary regional and national OHCHR expertise and resources can come together to deliver results at country level, particularly when it comes to monitoring and protection work. The focus of the EU project in areas related to the fundamental rights to freedom of assembly and expression particularly aligned with Result 3 of the regional project on 'strengthened capacity of regional actors to promote and protect democratic space.'

In this context, the Thailand team *inter alia* developed and managed initiatives under the EU project to develop HRD skills and knowledge, advocate to the government on HRDs' rights and facilitate links between CSOs and international human rights mechanisms. Working together on the Thailand aspects of a regional training initiative for women journalists (which was supported by the OHCHR/Sida regional project) was one aspect of this interaction. In this case and others, regional project staff provided access to expertise, resource people and tools for national training purposes - for example through participation of the relevant project staff member as a resource person in training activities for the Thailand NHRI and CSOs. The additional resources made available under the funding 'Top-Up' arrangement for the Sida-funded regional project further supported national-level research in Thailand on issues related to digital civic space, as well as scoping, investigation and monitoring visits related to work on civic

space and climate change and human rights. Women HRDs, land rights and indigenous peoples' rights were priorities in this context, with a view to moving towards a stronger focus in Thailand on economic, social and cultural rights.

### **Case study 2: Collaboration with UNICEF on child rights protection, advocacy and technical advice on protecting civic space in Thailand**

**Background and actions taken:** Thailand has been under military rule since 2014 following a *coup d'état*, with increasing restrictions on fundamental rights and freedoms. Civic space in Thailand continues to be curtailed, notably fundamental freedoms including digital expression and digital privacy rights, making it more challenging for CSOs and HRDs to operate safely. The pro-democracy movement has continued to call for change in the political order and has faced a growing violent crackdown. Police have frequently used unlawful and excessive force to disperse peaceful protestors. Activists including youth from the pro-democracy movement continued to face multiple charges, arrest and pre-trial detention. According to Thai Lawyers for Human Rights, as of April 2022 more than 1600 individuals, including 280+ minors have been charged under the Emergency Decree, Computer Crimes Act, unlawful assembly, and *lèse-majesté* provisions for joining protests.

A key focus of ongoing OHCHR work in Thailand is civic space, particularly the fundamental rights to freedom of assembly and expression, freedom from arbitrary arrests and detention, and the right to a fair hearing. In this regard, OHCHR maintained a leading role in the UN Country Team on protection-related matters, notably over the past two years on the human rights implications of the pro-democracy movement and its work with the Resident Coordinator and relevant UN agencies, including collaboration with UNICEF on child rights advocacy related to minor activists, technical advice on protecting civic space in Thailand, trial observations, and facilitation of links between CSOs and international human rights mechanisms.

**Results to date:** OHCHR and UNICEF called for the protection of children and young people amid protests in Thailand and called on all parties to de-escalate and uphold children and young people's right to freedom of expression, and to protect them from all forms of violence and intimidation. Together they encouraged CSO partners to send individual submissions on the 14 children charged with *lèse-majesté* to the Committee on the Rights of the Child, since Thailand has ratified the relevant Optional Protocol on communications. OHCHR and the Ministry of Justice's Rights and Liberties Protection Department held a training workshop for law enforcement, government forensic experts, doctors and lawyers on the Istanbul and Minnesota Conventions relevant for torture, extra-judicial killings and use of force. Together with the Resident Coordinator's Office, they engaged in advocacy and technical support to the Government of Thailand regarding revision of the use of force protocol by police, providing feedback on the draft rules which have now been adopted. With the NGO Childline Thailand, they have been working with police, children and youth to ensure those under 18 are identified by wearing colour bands at protests. The regular trial observations have reportedly assisted in the modification of behavior of authorities and increased OHCHR's visibility.

**Lessons and success factors:** OHCHR and UNICEF’s mandates complement each other and have underpinned a constructive and collaborative approach to child protection, advocacy and technical advice regarding civic space in Thailand. OHCHR’s protection role, in areas ranging from trial monitoring to engagement with local CSOs and HRDs, is much valued by CSOs with reported beneficial effects on the behavior of the authorities. The joint efforts of OHCHR and UNICEF to keep the spotlight on existing and new legal impediments to the enjoyment of human rights and contributing within the project objectives and scope (e.g. research and capacity development) to addressing these has been appreciated – e.g. (i) the retention and continued use of the now revoked COVID-19 Emergency Decree to restrict democratic space and target HRDs; (ii) the introduction of a restrictive ‘NGO Law’ which aimed inter alia to restrict local CSO access to international financial support (now unlikely to proceed); and (iii) the use of national security considerations to undermine positive legislative developments and application. One lesson highlighted was that the Secretary General’s Call to Action is a good entry point for advocacy with the Government of Thailand, with the Resident Coordinator’s Office leading with support from OHCHR and UNICEF. This document calls for an increase in UN support at field level for the promotion of laws and policies that protect the right to equal participation and civic space and for Resident Coordinators and UN Country Teams to develop partnerships with civil society organizations to contribute to an enabling environment for civic space. Society is stronger and more resilient when women, men, girls and boys can play a meaningful role in political, economic and social life, contributing to policy-making that affects their lives, including by accessing information, engaging in dialogue, expressing dissent and joining together to express their views.

## 2.3 Effectiveness

**Overview:** *Very satisfactory.* Despite the challenges posed by the COVID-19 pandemic, limited human and financial resources (aggravated by staffing gaps as a result of the Regular Budget freeze for two years), the project delivered good quality results in line with the project plans, indicators and targets (revised via the 2020 Addendum). Results included a wide range of knowledge and research products – e.g. enhanced technical capacities as a result of training workshops and programmes for government officials, CSOs and HRDs; strengthened government and CSO links to international human rights mechanisms, including Special Procedures in the case of CSOs; provision of safe platforms to enable CSOs to strengthen information sharing, networking and cooperation; regular reporting (and dissemination and use of this) on Thailand’s evolving human rights context; evidence-based advocacy with the Thailand Government on human rights-related policies and legal developments, with a positive influence observed in the case of the Draft Prevention and Suppression of Torture and Enforced Disappearances Act; and victims of human rights abuses and their families receiving legal support and associated care. The flagship annual Human Rights Defenders School was found to have justified its widely cited reputation as a cornerstone of the project’s impact and influence.

Important strengths of the project have been the strong and diverse partnerships which have provided the foundations of implementation; the strengthening cooperation between and among national and local CSOs; the flexibility allowed for the principle sub-grantees to develop activities according to their areas of expertise and emerging opportunities within the project scope; and its inclusive approach to implementation, enabling outreach to and engagement with a wide range of population groups. The diligent adherence by OHCHR to its comparative advantage, which is covered as a key element of relevance in the previous section, is also highly pertinent to considerations of effectiveness. With respect to project design, the absence of a theory of change is noted. It is proposed that this should be a key element in developing the next phase of EU/OHCHR cooperation. This evaluation concurs with the assessment of the ROM review with respect to several gaps in the intervention logic as set out in the project logframe, recognizing that modifications were made through the addendum in 2020.

**EQ E1: What evidence of positive results obtained by the project can be found? To what extent were planned results actually achieved?**

While final project reporting is not yet available for review, interview feedback and a review of the following documents indicates that all targets were well on track to being met or exceeded by project end in June 2022: ROM review report, 9 March 2021; Interim Narrative Report on the project, 5 February 2019 - 4 February 2020; Annex VI, Second Interim Narrative Report to the EU, 5 February 2020 - 4 February 2021; Project report on 'Work Done,' 5 February 2021 - 31 December 2021; and the summary of planned EU Project Activities – No Cost Extension, 2022.

The results achieved by the project were in line with regional and national planning documents, which were adjusted and updated as required in light of experience and changing circumstances, particularly as a result of the COVID-19 pandemic.

Major activity areas under the three Specific Objectives (SOs) as revised in June 2020 included:

**Table 2: Snapshot overview of project implementation**

Strategic objective (as revised under June 2020 addendum)	Indicators and targets <sup>42</sup>	Key areas of engagement to implement the Specific Objectives
<p>SO 1: To contribute to strengthening of national capacity to monitor and document human rights issues and violations with a focus on freedom of opinion, expression and right to information.</p>	<p>(1.1) number of CSO activists, NHRCT staff and HRDs (especially women HRDs at local, regional and national level) regularly monitoring, documenting and advocating for human rights issues including using the national and international human rights mechanisms (120 HRDs trained)</p>	<ul style="list-style-type: none"> <li>• continued successful annual HRD school, contributing to a growing alumni pool with which contact is maintained</li> <li>• regular targeted trainings, including at local level (particularly in the SBPs), for HRDs and CSOs, with focus on WHRDs, EHRDS and LGBTI+ persons</li> <li>• training for NHRCT officers, particularly new staff, and participation by NHRCT staff in the HRD school</li> <li>• the TLHR documentation project (monthly situation reports and six-monthly analytical reports)</li> <li>• wide-and growing range of observations by all 4 core partners, including trial and protest observations/ monitoring</li> <li>• technical, legal and other support to HRDs facing particular issues</li> <li>• local level monitoring and advocacy with respect to enforced disappearances, judicial killings and environment/human rights and indigenous peoples' rights</li> <li>• support for victims and families through local CSOs</li> <li>• monthly CSO Protection Network meetings as well as numerous ad hoc OHCHR / CSO meetings which provided opportunities for information sharing, joint strategizing and</li> </ul>
	<p>(1.2) number of HRDs, with a special focus on female HRDs receiving technical, financial and legal support, including trial and session monitoring of such HRDs and other victims (20 HRDs, 50 cases monitored)</p>	
	<p>(1.3) number of CSOs, activists and HRDs with capacity built regarding international standards on Fundamental Freedoms during crisis situation similar to COVID-19 and deploying these skills</p>	

<sup>42</sup> As noted, final project reporting was not yet available when this evaluation was finalized, thus final data on meeting targets was not yet accessible. However, all indications from earlier reporting and interviews indicated that targets would be met if not exceeded.

	(25 HRDs and 12 video clips produced)	coordination, monitoring and networking
	(1.4) number of WHRDs with capacity built, especially regarding right to information, right to privacy, meaningful consultation and inclusion and deploying these skills and knowledge in their work (25 WHRDs)	
SO2: To contribute to strengthening of capacity of the key government agencies, including law enforcement, to prepare them to effectively implement Thailand's human rights obligations including during and post COVID-19 context.	(2.1) number of state officials including official related to judiciary trained on human rights and the rule of law (60 government officials)	<ul style="list-style-type: none"> <li>• capacity building, awareness raising and technical support on human rights and the rule of law for MOJ, MOFA, Royal Thai Police Force, Royal Thai Armed Forces and other relevant government agencies, as well as NHRCT and judicial officials</li> <li>• increased engagement with Special Procedures, with communications released by a range of Special Rapporteurs on issues raised by Thailand HRDs</li> <li>• technical and capacity development support for engagement with UN treaty mechanisms (UPR, CERD and CRPD), including through mock sessions and facilitation of dialogue with CSOs</li> <li>• technical support for and advocacy with relevant government bodies providing support to HRDs.</li> </ul>
	(2.2) strengthened government engagement with UN treaty bodies and special procedures (3 mock sessions conducted)	
	(2.3) relevant government ministries and departments providing support to HRDs including those having issues with emergency measures and other citizens and victims affected by the measures imposed in COVID-19 context	
SO3: Enhanced strategic and evidence-based advocacy contributing to improvements in	(3.1) monitoring and documentation of human rights incidents, before and during COVID-19 situation undertaken in five regions of	<ul style="list-style-type: none"> <li>• TLHR human rights documentation project (monthly reports and 6-monthly analysis)</li> <li>• active engagement with the diplomatic community, including dissemination of human rights analysis as a basis for</li> </ul>

the human rights situation in Thailand	Thailand (2 analytical reports)	international reporting and advocacy with government
	(3.2) legal research related to human rights issues and themes related to COVID-19 context undertaken (1 legal research)	<ul style="list-style-type: none"> <li>• legal research related to human rights issues and themes, including in relation to COVID-19</li> <li>• regular and ad-hoc public and private advocacy engagements with authorities</li> <li>• supporting advocacy efforts by international mechanisms</li> </ul>
	(3.3) regular and ad-hoc; public and private advocacy engagements with authorities; supporting advocacy efforts by international mechanisms; holding promotional and outreach activities with CSOs, NGOs and relevant government entities (8 field missions, 5 public advocacy events, 20 advocacy meetings, 12 cases of HRDs)	<ul style="list-style-type: none"> <li>• activities (online following the onset of COVID-19) to present legal/human rights research findings to CSOs, NHRCT representatives, relevant government entities and others</li> <li>• public awareness raising via the SEARO website, including on International Human Rights Day and other relevant International Days</li> <li>• engagement with the Lower House of Parliament and several standing committees, especially the Standing Committee on Legal Affairs, Justice and Human Rights and the Standing Committee on Children, Youth, Women, Elderly and the Disabled and the Standing Committee on Natural Resources and Environment</li> <li>• input into the draft law on torture and enforced disappearance.</li> <li>• monitoring of implementation of the Business and Human Rights National Action Plan</li> <li>• OHCHR and partner field missions to particular local sites of human rights interest, particularly with respect to enforced disappearances, judicial killings, WHRDs, indigenous rights and land rights, and EHRDs, including in the context of business and human rights cases</li> </ul>

## **EQ E2: Where positive results of the project were found, what were the enabling factors and processes?**

Key enabling factors and processes for the progress made to date by SEARO and its Thailand team in implementing the project have included:

- The availability of dedicated staff time, albeit limited by staffing gaps due to the Regular Budget freeze for two years and under heavy pressure in relation to the project requirements, as noted elsewhere.
- Working diligently to OHCHR's comparative advantage in order to maximize the added value of the agency's unique global mandate and expertise and ensure the effective application of limited human and financial resources.
- OHCHR's unique access to UN Special Procedures and international human rights mechanisms, and related ability to link these with stakeholders and associated capacity development within the project's key results areas.
- The adaptive capacities and flexibility in the light of a rapidly evolving context, demonstrated by the EU, OHCHR, the core CSO sub-grantees and other CSO partners, and government and NHRCT counterparts. This included the extension of the initial project to the end of December 2021 to take into account human rights and delivery challenges related to the pandemic, followed-by a no cost extension until June 2022.
- A focus on effective development of and long-term investment in substantive results-focused partnerships at both the core sub-grantee level and with a growing number of local CSOs, especially in the north and south of Thailand.
- The effectiveness of the organizational cornerstone stones of the project, particularly the core partnerships with ICJ, TLHR and CrCF, the Project Steering Committee, the CSO Network meetings and the flagship annual HRDs school which is experienced increasing demand (100 EOIs for 23 places in 2022)
- The central role played by the three core sub-grantees, including with respect to their mutual support for each other and their collaboration with and support for other local CSOs.
- Ensuring continuity and consolidation of progress and key partnerships by building on previous EU/OHCHR cooperation, experience and lessons. The annual HRD School provides a key example in this respect, having adapted and evolved its programme and approach for over seven years. As a result, EU/OHCHR cooperation has contributed to strengthening networks and building and replenishing a pool of HRDs over time.
- Openness to working with CSOs, including at local levels in challenging circumstances, the commitment and ability to make field visits to the degree possible taking account of pandemic context, and ability to engage with local CSOs, government officials and NHRCT representatives in Thai language.
- The quality of office leadership at regional and Thailand team levels, well as the professional and support staff backstopping project implementation in challenging and under-resourced circumstances.

### **Good practice example 3: Promoting space for the exercise of fundamental freedoms**

Facilitating constructive dialogue and improved understandings about rights to fundamental freedoms of free expression, opinion, information, privacy and freedom of assembly and association have been an important focus of OHCHR's role under the EU project, including in the context of the nationwide youth protests during COVID-19 pandemic period. On 3 July 2020, OHCHR, in co-ordination with Amnesty International (AI) Thailand and local NGOs, facilitated a one-day training on the monitoring of demonstrations with young Thai young rights activists and students. The training supported the participants to carry out and disseminate human rights monitoring on freedom of assembly in Bangkok and other provinces. Resource persons were involved from national and international CSOs, NHRCT, OHCHR, UN agencies, the Royal Thai Police (RTP), MOJ and one political party. The project's engagement in this sphere also encompassed international mechanisms in 2021 with support by TLHR of a submission by OHCHR to the UN Working Group on Arbitrary Detention (WGAD). This concerned the arbitrary arrest and detention of 17 pro-democracy activists under different laws including Article 112 (lèse-majesté) of Thailand's Criminal Code for exercising their fundamental freedoms of expression and opinion and the right to peaceful assembly during the COVID-19 pandemic.

Such engagement was an important contribution towards creating improved conditions for peaceful participation by citizens in public discourse on pressing national issues.

### **EQ E3: Are there areas where it is not possible to identify positive results on human rights issues in the region? What prevented the project from achieving results?**

At a more general level, it has been noted elsewhere in this report that there are several legal and political impediments to significant progress on human rights more broadly in Thailand. As a result, despite the excellent results achieved by the project as described, the expansion and deepening of broader enjoyment of human rights in Thailand remains elusive. The project's specific objectives were each and collectively designed to address these impediments over time through the various means described elsewhere. Maintaining continuity around the same core results areas in the next and future phases of EU/OHCHR cooperation in Thailand will be important in this context.

The following areas emerged for intensified (rather than new) attention within the same core EU/OHCHR framework which underpinned the previous project:

**The rights of persons with disabilities:** As elsewhere indicated, this critical rights-based dimension of application of the SDG principle of 'leaving no-one behind' was not explicitly included in the project design, although it is noted that work under the project included supporting the government in its preparations for its treaty body review of CPRD in 2022. The existence of the recently adopted and promulgated United Nations Disability Inclusion Strategy (UNDIS) provides the foundation for sustainable and transformative progress on disability inclusion in future project design and implementation

### **Engagement with Special Procedures under the UN Human Rights Council:**

This is already on the agenda for increased attention in the next project phase, which accords with the successes already achieved in this area and the potential for expansion, the proven value-added of this approach in other ASEAN countries (e.g. Philippines and Sri Lanka), and advice from CSO and human rights expert interviewees.

**Engagement with the NHRCT:** This revitalized body, which enjoys a restoration of its 'A Status' under the Paris Principles, is a cornerstone of the national human rights architecture. It has been increasingly engaged in activities under the project, including one dedicated training session for mainly new staff. There is potential to increase the level and depth of capacity development support for NHRCT officials in association with OHCHR's engagement with the ASEAN Intergovernmental Human Rights Commission (AICHR). Key substantive focus areas for increased OHCHR / NHRCT include freedom of speech and assembly, the right to information, enforced disappearances, judicial killings and torture, the protection of HRDS (particularly WHRDs and EHRDs), gender equality, disability rights, indigenous rights, land rights, human rights and climate change/the environment, and business and human rights.

### **Project design**

**Overview:** The EU project 2019-2021 was conceived in the context of the military coup in Thailand in 2014. The circumstances of the coup made it problematic for the EU to continue directly funding the work of three key EU CSO partners: ICJ, TLHR and CrCF. Based on the convergence of respective EU and OHCHR priorities, mandates and agendas in Thailand, an agreement was reached whereby OHCHR would act as the funding intermediary for the three CSOs as part of a wider project arrangement which also included funding (30 percent of the budget) for a wider set of agreed human rights interventions. Over time, the flexibility and openness demonstrated by SEARO, the EU and all the core partners enabled the project design to evolve in response to experience, lessons learned and changing circumstances on the ground, not the least of which was the impact in Thailand of the COVID-19 pandemic.

In the latter context, the log-frame with which the project commenced in 2019 was revised to include activities added by addendum (top-up) related to human rights issues in the context of the pandemic. Some of the specific objectives were also reformulated. During the Result-Oriented Monitoring (ROM) review conducted in February 2021, a number of areas requiring strengthening and clarification were highlighted. Recommendations were made to revise and reform the log-frame to address these concerns. This evaluation largely concurs with the ROM review assessment of the original project results framework and proposes that they remain on the table as a reference in the design of the next project iteration.<sup>43</sup>

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<sup>43</sup> Several gaps were identified with regards to the intervention logic as presented in the logframe. Although modifications were introduced through the addendum in 2020, the following were still noted in the ROM review (9 March 2021)

In the meantime, the results chain was duly simplified and links between outcomes and outputs were clarified. OHCHR also requested (and was granted) a No-Cost-Extension for six months till 30 June 2022. This was necessitated by the savings accrued in ‘Staffing and Personnel’ costs during the project period to date due to the freeze on new UN RB positions. These savings were used for funding staff and activities in the final six months of the project.

**Theory of change:** It is observed in this context that the project doesn’t have a dedicated theory of change (TOC) *per se* but fits within the larger theory of change set out in OHCHR’s Organizational Management Plan (OMP). In particular it aligns with the Participation Pillar (enhancing participation and protecting civic space); the Shifts supporting a global constituency for human rights; working to protect and expand civic space; and helping to prevent conflict, violence and insecurity. The Frontier Issue related to digital space is further prioritized.

Noting the potential value of a theory of change at project level to underpin implementation and clarify how the various project components will interlink and contribute towards the Overall Objective and Specific Objectives, it is proposed that the project be a core component of the theory of change for the higher-level Thailand country strategy which is proposed by this evaluation. The development of such strategy and theory of change will need to take account of the new OHCHR Management Plan 2024-2027; the regional OHCHR vision and strategy which is under development in the later part of 2022; revised regional, subregional and country notes (late 2023/early 2024, estimated); and the next EU/OHCHR project design for Thailand (to be signed in December 2022).

A very simple example of a theory of change diagram at project level is set out in Annex I as an example of how such an approach may look. This may provide a useful reference for the design of the next project phase, as well as for the Thailand country strategy development process, and is derived from the Grant Contract between OHCHR and the EU, supplemented by the SEARO Regional Work Plan for 2021.

**Learning and adaption:** It is found that the project design has learned from and built on progress, experience and lessons of previous EU-funded activities, implemented by the same partners and maintaining the same core focus and scope of activities in light of

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- an incomplete results chain, with the outputs level missing and insufficient distinction between the levels presented
- lack of consistency between the Description of the Action (DoA) and logframe, with each presenting different formulations of SOs and different indicators.
- clearer definition of the three Specific Objectives (SOs) required to fully meet SMART criteria
- some overlaps between indicators, activities, targets and means of verification
- insufficient clarity of some indicators included in the logframe from a RACER (Relevant, Accepted, Credible, Easy to monitor and Robust) perspective
- a need for additional qualitative (rather than quantitative/numerical) indicators
- sex-disaggregation only included in a few targets.

the ongoing pressing human rights challenges and stakeholder needs. The project design and implementation have continued to demonstrate ongoing adaptation to contextual changes and review feedback (particularly related to COVID-19 and the ROM review), including an increased focus on developing working relations with the NHRCT and MOJ and the ongoing adaptation of the HRDs school training programme and approach since 2014.

**Attention to assumptions and risks:** With respect to risks, although none are explicitly included in the logframe, a detailed risk analysis matrix is part of the Description of Action (DoA) and was updated to reflect the effects of the COVID-19 pandemic. The highlighted risks remain relevant. With respect to key assumptions, those related to the country context (e.g. challenges related to the domestic political situation) still hold and have been reinforced by the retention and continued use until October 1 of the COVID-19 Emergency Decree, the restrictive conditions (including on external funding sources) of the 'NGO Law' currently moving through the legislative process; and the use of 'national security' rationales as an impediment to progressing with the implementation of more progressive legal provisions.

## 2.4 Efficiency

**Overview:** *Satisfactory.* As noted in the commentary on effectiveness, good results were produced in line with the project objectives and priorities as a result of the ability of OHCHR and its implementing partners to efficiently leverage and focus the use of limited human and financial resources. The project employed available human and financial resources efficiently and transparently in demanding circumstances, including the pandemic and subsequent requirement to move work online and reschedule activities. The project's organizational arrangements functioned effectively and gained strength through the project period, centered around the three core CSO partners which were part of the Steering Committee and (ii) a small, dedicated Thailand team within SEARO. However, efficiency was constrained by the challenges to the timely disbursement of grants by OHCHR HQ which resulted in significant pressure and time requirements on SEARO staff, as OHCHR is not well set up as a grant-giving body.

The flexibility and adaptive approaches that were shown by both OHCHR and the EU were key factors in maintaining project momentum and ensuring efficient use of resources, despite delays caused by the pandemic and the need to adjust project planning following the addendum introduced in September 2020. This latter extended the contract until December 2021 with an additional contribution of 500,000 EUR to address COVID-19 related challenges.

The project demonstrated adequate internal monitoring, evaluation and learning arrangements, including (i) the ROM review which has also informed this report and led to an in-depth gender assessment of the project; and (ii) a structured set of interactive platforms through which collective monitoring and learning was conducted. The efficient

carrying out of these functions contribute critically to effectiveness, impact and sustainability.

**EQ E1: How efficient has the project been in using the human, financial and intellectual resources at its disposal to achieve its targeted outcomes? To what degree do the results achieved justify the resources invested in them?**

The project employed available human and financial resources efficiently and transparently in demanding circumstances, including the pandemic and subsequent requirement to move work online and reschedule activities. This included tapping into synergies with and technical support from the Sida regional project and other SEARO workstreams (e.g. on protection and risk), as well as technical support and advice from relevant teams in Geneva.

However, the overall positive factors in terms of efficiency were counter-balanced by the pressures placed on SEARO human and financial resources by the absence of funded capacity for project coordination and administration. Gaps in staffing due to recruitment delays and a freeze on new RB posts within the UN further contributed to a situation where the project's success leaned heavily on a heavy workload for the principle national staff member. This was the focus of regular comment and supportive concern by stakeholders.

In addition, internal challenges to the timely disbursement of grants by OHCHR HQ placed a heavy management and administrative burden on the wider office as well as on partners who experienced delays in receiving funding. Delays in the disbursement of grants from OHCHR to the grantees (including the sub-granting from ICJ to TLHR in the initial period of the project) were cited in interviews as a source of some frustration. CrCF just received its final tranche of funding in September 2023, although the project formally ended in July 2022.

Contracting delays between project partners also contributed to some inefficiencies in delivery of agreed activities, for example, in the case of additional funds to address the impact of emergency measures on human rights and the deterioration of civic space caused by charging, arrest, and detention of pro-democracy activists. The activities supported by this additional funding were to start from 1 July 2020. However due to delays in the contracting process between OHCHR and the EU and subsequently between OHCHR and the grant beneficiaries, the funds were released later in the year, causing delays in delivery. Delays associated with contracting processes further meant that the project as a whole only effectively started implementation in July 2019, instead of towards the beginning of the year as initially planned. This affected funding for partners, especially in the case of ICJ and TLHR due to the above-mentioned double-umbrella arrangement.

At the same time, it is noted that the following developments at the time this report was being completed provide a positive basis for addressing the above-described

concerns: (i) a planned roll-out by OHCHR HQ of a greater level of delegation of authority to the regional offices; and (ii) the inclusion in the new EU/OHCHR project proposal of an additional project manager role which can assist with grant-making functions, pending the strengthening of SEARO regional resources in this area.

No indications were observed or reported of excessive or non-entirely justifiable expenditure or misuse of EU funds.

### **Internal workstream synergies**

An important aspect of efficiency is the degree of synergies and mutual reinforcement between different components of the project, as well as between the project and other OHCHR regional and national workstreams in Thailand. Good evidence was noted of effective synergies in both respects – e.g. (1) collaboration with the women journalists training under the Sida-funded project: Strengthening the Capacity of Regional Actors to Promote Human Rights, Accountability, Democratic Space and Gender in the Asia-Pacific Region; and (2) the creation of space within the HRDs annual training school for participation by officials from the THRC and government.

The blend of project partners, both the core group of implementing partners and the wider group of local CSOs, furthermore brought together diverse and complementary sets of experience, expertise and constituencies which contributed towards overall efficiency of effort the achievement of project objectives. The “double-umbrella” of the ICJ / TLHR arrangement, whereby ICJ acted as the funding intermediary for TLHR was positively regarded in this context.

### **EQ E2: Have the organizational arrangements used in the project to achieve results been adequate to the local priorities, context and stakeholders?**

The project’s organizational arrangements functioned effectively and gained strength through the project period, centered around (i) the three core CSO partners which were part of the Steering Committee, cascading out to smaller local CSOs which participated in training and networking fora, alongside (ii) an in-depth capacity development and advocacy engagement with the government and enforcement agencies and (increasingly) with the NHRCT; and (iii) coordinated by a small dedicated (but under-resourced) Thailand team within SEARO.

A key factor in the success of the organizational arrangements was the commitment of the three core partners to the objectives of the project, the continuity of their relationships with OHCHR and the balance of skills, experience and constituencies between the partners. Each brought additional resources to the work under the project (e.g. ICJ brought its international expertise and linkages, as well as its ability to act as the funding intermediary for TLHR; TLHR brought its legal expertise, national presence and volunteers from among its members; CrCF brought its knowledge of dynamics in the south, local volunteers and local community and CSO links.

The Steering Committee, within which the EU was an observer, provided an important platform for collective oversight and planning, helping to strengthen linkages and mutual support.

**Q E3: How effectively does the project management monitor and evaluate the performance and results? Is relevant information and data systematically collected and analyzed to feed into management decisions?**

The project demonstrated adequate internal monitoring, evaluation and learning arrangements, including (i) the ROM review which has also informed this report and led to an in-depth gender assessment of the project; and (ii) a structured set of interactive platforms through which collective monitoring and learning was conducted. The efficient carrying out of these functions contribute critically to effectiveness, impact and sustainability.

There is good evidence that monitoring and evaluation data (e.g. from the ROM review, regular project reporting and collective monitoring processes) was taken into account in project planning and informed decision-making on adjusted implementation modalities during the COVID-19 pandemic period. The key collective monitoring and learning processes under the project were:

- The Project Steering Committee which reviewed progress and oversaw adjustments to project planning and approaches as necessary in light of changing circumstances and needs.
- CSO Protection Network meetings, which *inter alia* provide an opportunity to collectively monitor progress, report on results and developments and highlight challenges.
- A monitoring arrangement between ICJ and TLHR through the MOU that covers the sub-granting relationship and sets out the supporting documents to be provided (e.g. staff timesheets and monthly progress reports).
- Use by implementing partners of participants' registration forms to gather sex-disaggregated data.
- Use of pre and post-training tests to assess participants' knowledge as well as evaluation forms on satisfaction levels. The latter also gather information on prior experiences and feedback on improvements and expectations for future sessions. However, as noted in the commentary on impact, there is scope for specifically strengthened attention to monitoring and capturing impact.

## 2.5 Impact

**Overview:** *Satisfactory*, noting that (i) this area is a work in progress within a limited timeframe to date and (ii) the close inter-relationship between progress made with respect to impact and sustainability respectively.

Assessing the impact of the work of OHCHR can be challenging, given its essentially long-term normative nature. In this context, considering the making of “significant contribution to the longer-term enjoyment of rights” in Thailand is a complex task, with many impediments to be navigated both politically and legally. However, while achieving impact remains very much work in progress in the current country context, the evaluation finds that work undertaken under the project to date has both demonstrated impact in some key areas and laid important foundations for longer term impact. It is also noted that tools and approaches do exist to strengthen OHCHR’s ability to assess the impact of its engagement in Thailand. These could be deployed in the next phase of EU-funded cooperation and provide valuable lessons and insights for future planning and implementation in Thailand and elsewhere.

**EQ II: To what extent is the project making a significant contribution to broader and longer-term enjoyment of rights? Or how likely is it that it will eventually make this contribution?**

The following examples both demonstrate impact achieved to date by the project (building on previous EU-funded OHCHR activity) and provide foundations for increased impact in the areas highlighted. To the extent that these examples are sustained in terms of their influence and outreach, and are increasingly interlinked, they hold potential to significantly contribute over time to a broader and longer-term enjoyment of rights in Thailand.

- Increased knowledge and capacities of CSOs and government officials in areas such as (i) Thailand’s international human rights obligations with respect to issues relevant to the project objectives; and (ii) access to and engagement with the international human rights system (e.g. Special Procedures, the UPR and the human rights treaty system and its reporting requirements).
- Enhanced collaboration, networking and mutual support achieved between and among both the major implementing CSOs under the project and local human rights CSOs in Thailand.
- Increased community level capacities of local CSOs and HRDs (particularly WHRDs in the south and indigenous, land and environmental HRDs) who are directly on the frontline of human rights violations with respect to enforced disappearances, judicial killings, indigenous land rights and environmental /human rights abuses.
- Increased local CSO awareness of and capacities to access and Special Procedures of the UN Human Rights Council, with several Special Rapporteur communications issued to date as a result of project support and facilitation.
- Moderation, at least temporary, of official behaviours through the protection, observation and monitoring roles of OHCHR and CSO stakeholders in the judicial system, during protests and at community level. This evaluation confirms the assessment from the first iteration of the EU project in 2015-17 that the physical presence of human rights observers during engagement of rights holders with the duty bearers strongly contributes to the protection and promotion of human rights. It is further noted that the previous category of ‘Trial Observations’ within the

project has been broadened to 'Observations' to include the more diverse range of engagements that OHCHR and the grant beneficiaries are undertaking in this respect under the project.

- Improvements, including through OHCHR and stakeholder advocacy, to the Draft Prevention and Suppression of Torture and Enforced Disappearances Act, finally passed in a challenging political and legislative environment, by Thailand's House of Representatives 15 years after Thailand became a State Party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).
- A stronger profile for marginalized voices, (including women, indigenous peoples, migrant workers, youth and HRDs) in national human rights discourse through opportunities for participation in training activities such as the HRD school, CSO protection meetings and human rights training sessions on a range of themes critical to the Thailand context.
- Increased attention given by Special Procedures (reflected in reports produced) to human rights issues in Thailand as a result of enhanced capacities (awareness, knowledge and connections) of grassroots human rights CSOs and HRDs.
- An enhanced human rights knowledge base to inform advocacy and programme planning of multiple stakeholders in Thailand as a result of the development, dissemination and use of research products by project stakeholders.

At the same time, rights holders in Thailand demonstrated acute awareness during evaluation of key constraining factors in making further progress. Prominent among these are

- Push-back by the Thai authorities on the increased international attention being given to enforced disappearance cases in Thailand by the Working Group on Enforced or Involuntary Disappearances chaired by OHCHR (one of the thematic special procedures overseen by the United Nations Human Rights Council). It was reported to the evaluators that that enforced disappearance situations registered with the Working Group are being followed-up at local level by Thai government through pressure on families to withdraw the cases.
- New legal impediments to the enjoyment of human rights in Thailand – e.g. (i) the retention and continued use of the COVID-19 Emergency Decree until its withdrawal on 1 October 2022 to restrict democratic space and target HRDs; (ii) the deployment of the Computer Crime Act to restrict digital democratic space; and (iii) the introduction of a restrictive 'NGO Law' (see earlier references) which had aimed inter alia to restrict local CSO access to international financial support. The use of national security considerations to undermine the application of positive legislation and developments with respect to human rights was also cited by CSO interlocutors as a major challenge.

Project CSO stakeholders highlighted the need to continue active engagement on these issues within the objectives, scope and resources of the project (e.g. through capacity development, research, awareness raising, advocacy and use of Special Procedures).

One core partner also observed that the impact of collective policy advocacy efforts could be strengthened through more opportunities for regular strategic level discussion about shared objectives and respective roles as well as identifying ways for OHCHR for CSO partners to be appropriately appraised of what transpires in OHCHR / government dialogue, while respecting the confidentiality of such meetings.

#### **Good practice example 4: Enhancing the diplomatic community's engagement on the protection and promotion of human rights in Thailand**

A key role played by OHCHA's Thailand team with EU Project support was engagement with the with diplomatic community to both increase awareness of key human rights issues in the country and facilitate and encourage coordinated advocacy around these. In 2021 for example TLHR, jointly with UN OHCHR, UNICEF, Amnesty International, and the Embassy of Sweden organized a diplomatic briefing on the prosecution of minors with offences, particularly lèse-majesté law, for their political participation. In 2020. As the pandemic took hold, OHCHR and project partners participated in and contributed to at least 15 human rights briefings and updates to the diplomatic community on themes including enforced disappearances, fundamental freedoms, Article 112, restrictions of civic space in the context of COVID-19 and issues pertaining to the national institutions, including the NHRCT. A briefing was also held for ASEAN Parliamentarians. The 2019 Human Rights Defenders School included a public panel discussion with at which the Canadian and Switzerland diplomatic missions shared information with the public and media about the HRD protection and support mechanisms their countries have in place. The EU Ambassador closed the programme and also distributed the certificates for the HRDs participating in the school.

Engagement under the project with the diplomatic community has added weight and greater outreach to advocacy efforts on the protection and promotion of human rights in Thailand, at both national and international levels. A cornerstone of such engagement is the monitoring and documentation of the country's human rights situation carried out under the project, with the TLHR's monthly human rights situation reports and six-monthly analytical reports a core element.

#### **Improving impact assessment**

As noted in the earlier section on effectiveness (project monitoring and learning), a number of practices are currently used under the project to obtain useful implementation monitoring data and lessons. However, there is scope to strengthen these from an impact assessment perspective through (i) the use of available online platforms for six- or 12-month impact surveys, drawing on a current good practice in this regard within SEARO under the Sida-funded regional project; and (ii) specifically targeted impact studies (e.g. on the results of use of Special Procedures, as proposed in the evaluation recommendations).

The former approach was adopted with useful results six months after the completion of the regional women journalists training programme conducted by the Sida regional project. The latter approach could be developed alongside and in synergy with a proposed longitudinal impact assessment in a selected thematic priority area supported

by the Sida-funded regional project. The approach would aim to provide in-depth feedback on impact, lessons and good practices to inform ongoing work with Special Procedures under SEARO and the OHCHR Pacific Regional Office (PRO). Such assessment would be conducted over a multi-year period in line with OHCHR METS guidelines on assessing impact of human rights education and capacity building.

### **Case study 3: Building the pool and effectiveness of HRDs in Thailand**

**Background:** Now in its 9<sup>th</sup> year, the annual Human Rights Defenders School run by OHCHR in collaboration with the Mahidol University Institute of Human Rights and Peace Studies is the flagship of EU/OHCHR cooperation in Thailand. Each year around 20 HRDs are selected to participate in two sessions held separately in the first and second part of the year. Demand for places is high, with about 100 people applying to attend the 2022 school. Particular attention is paid to the participation of WHRDs (the majority of participants overall), EHRDs, indigenous HRDs and persons identifying as LGBTQI+.

The separation of the two sessions aims to give HRDs the opportunity to practice what they have learned with a view to sharing their experience and being able to raise questions or concerns related to the practical implementation of the course contents. In the first 2022 session, the HRDs learned about UN human rights standards, human rights data collection and interviewing skills, physical and digital security and coordination with government agencies. The second session covered the obligations and human rights mechanisms of the UN, human rights campaigning, and coordination with UN human rights mechanisms, embassies and civil society organizations within the country. The programme has evolved since its inception, taking into account the changing context of Thailand as well as lessons about effective learning.

An important feature of the programme is the maintenance of ongoing contact with participants, including support for the human rights activities they engage in. One HRD participant interviewed for the evaluation noted that five years later they still have contact with their trainers and support from OHCHR for their local CSO work. Ongoing links with trainers and co-participants are supported via secure social media linkages and regular check-ins.

**Results to date:** The pool of HRDs active in Thailand in a context of pressing human rights challenges has been expanded, strengthened and better interconnected as a result of the school. As of 2022, some 180 participants have improved their skills, knowledge, networks and effectiveness. The school's impact is illustrated by the following statement by a 2021 participant: "The programme helped me a lot in terms of building confidence to stand up for community rights. I participated in negotiations with government for our community and did advocacy for our rights. Now, I am a farmer and WHRD who has knowledge to work professionally." Ms. Nittaya Muangklang, community rights activist from Sab Wai village, Chaiyaphum province, quoted in Annex VI, second interim narrative report from OHCHR to the EU, 5/02/2020-4/02/2021

**Lessons and success factors:** The importance of seeing HRD capacity development as an ongoing one including follow-up and the facilitation of ongoing CSO / HRD networks and collaboration; the collaboration with Mahidol University, providing a national institutional base for the school which both draws on and contributes to its own teaching programme; the openness to adaptation of the programme's content and approach in light of experience and changing circumstances in Thailand; the embedding of the programme in international human rights instruments and mechanisms and enabling participants to better understand and access

these; the opportunity for HRDs to develop links and understandings with MOJ, other government entities, the NHRCT and also the EU, thus enabling future engagement; the opportunities for the trainers to also develop links with each other and with the emerging generation of youth HRDs; the platform provided for the development of further specific successful training programmes for WHRDs, particularly in the SBPs, who have then trained other WHRDs at community level. While gender dimensions of human rights are included in the programme, some evaluation feedback noted the need to further and more deeply embed gender into all its aspects, including a focus on the personal behaviours and interactions of HRDs and the importance of mainstreaming gender equality into ongoing CSO and HRD life and work generally.

## 2.6 Sustainability

**Overview:** *Satisfactory*, noting that (i) this area is a work in progress within a relatively limited timeframe to date and (ii) the close inter-relationship between progress made with respect to impact and sustainability respectively.

This evaluation has found evidence of good foundations for sustainability. Capacity-building efforts are contributing to positive personal and organizational changes that will support the continuation of benefits (e.g. HRD School, awareness of and engagement with UN human rights mechanisms and Special Procedures among CSOs and HRDs), while knowledge and data generated through research reports and documentation will continue to inform future work of implementing partners, as well as government policy. Moreover, the project technical input to draft national legislation has durably embedded international human rights law standards in Thailand's national law and policy framework. Overall, there has been a good level of commitment and ownership of the stakeholders involved.

### **EQ SI: Are the results, achievements and benefits of the project likely to be durable?**

In terms of sustainability, the project contributed technical expertise and recommendations on the Draft Prevention and Suppression of Torture and Enforced Disappearances Act, which has durably embedded international human rights law standards relevant for torture and enforced disappearance in Thailand's national law and policy framework.

Furthermore, the project 'flagship', the Human Rights Defender school, has a well-established national institutional base within Mahidol University, reinforcing the sustainability of the school. This evaluation concurs with the ROM review finding that the school is having important effects not only on participants who acquire new knowledge and skills, but also among trainers who come from different organizations and see the school as an opportunity to network with fellow HRDs and connect with the new generations of HRDs. This is considered particularly important at a time when the power and influence of youth, including many minors, is being witnessed in protests across the streets of Thailand and will remain important beyond this intervention.

The human rights monthly reports produced by TLHR have documented violations of human rights through the network of HRDs established in the regions. As one interlocutor stated, “the project has been writing human rights history, in a world of misinformation and disinformation. It is not just about seeking a remedy, but about memorialization, and documentation of human rights history in this country.” This evaluation agrees with the ROM review finding that knowledge and data generated through research reports and documentation will continue to inform future work of implementing partners, as well as government policy.

In terms of publications, CrCF drafted a research publication, “*Recommendations on the Protection of Those who Exercise their Rights and Freedoms from Strategic Lawsuits Against Public Participation*”, together with Human Rights Lawyers Association in Thai and English to advocate for strong Anti-SLAPP (Strategic Lawsuits Against Public Participation) laws and mechanisms.<sup>44</sup> The publication developed out of a public discussion to inform the public about the impact of the SLAPP lawsuits on HRDs in Thailand and to conduct advocacy for protection against such judicial harassment. Publications such as this collect evidence on human rights abuses to inform advocacy and influence policymaking.

There is evidence of ownership in that the United Nations Sustainable Development Cooperation Framework for Thailand 2022-2026 embeds human rights by applying a human rights-based approach to development, referencing international human rights norms and standards, and policy frameworks including business and human rights; and that the project manager was a member of the UN Country Team.

#### **Good practice example 5: Building legal knowledge at local levels**

Developing the capacities of community level paralegals and HRDs, especially WHRDs, has been an important focus for work under the project carried out by CrCF. In two training workshops conducted in 2020 in Pattani Province, paralegals and HRDs from local human rights local groups shared their experience, issues, problems related to their field work and exchanged best practices and case studies. The workshops covered pressing local issues such as the application of martial law, the Emergency Decree, the Internal Security Act and criminal procedures as applied in the SBPs. Training was provided by practicing lawyers from the Muslim Attorney Center (MAC) as well as CrCF staff working on advocacy and health personnel treating torture victims.

Such training helps to build the knowledge, capacities and resilience at local levels to respond to immediately and directly to human rights issues and support local individuals and communities to be aware of and obtain their rights.

#### **EQ S2: Are the local stakeholders able and committed to continue working on the issues addressed by the project? How effectively has the project built national ownership and necessary capacity?**

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<sup>44</sup> Publication available from [http://naksit.net/2019/10/thailand-strategic-lawsuits-against-public-participation/?fbclid=IwAR1FR36kzo4V9wPe0WYtFV7rXfY-D5-13TTIP4Qd\\_iQru746br9uVQggzM](http://naksit.net/2019/10/thailand-strategic-lawsuits-against-public-participation/?fbclid=IwAR1FR36kzo4V9wPe0WYtFV7rXfY-D5-13TTIP4Qd_iQru746br9uVQggzM)

Local stakeholders are able and committed to continue working on the issues addressed by the project. The Ministry of Justice is very appreciative of OHCHR's technical support, particularly support to engagement with treaty bodies and other UN human rights mechanisms. The Ministry of Justice has been co-funding training sessions and has had a long-standing collaboration with OHCHR, all of which suggest commitment beyond the life of the project. The Ministry of Foreign Affairs has similarly appreciated the technical support during the treaty body processes, and since its staff typically stay with the ministry on a long-term basis, such knowledge will be retained there. The core grantees and human rights defenders will continue working on the issues addressed by the project as these thematic areas are already a fundamental focus of their ongoing interventions. Stakeholder feedback demonstrates increased knowledge and networking amongst CSOs working in the same areas, suggesting sustainable capacity improvement amongst civil society as well as government partners. However, the national human rights institution observed that its staff could have benefited more from capacity building events if there was more support available in Thai language.

This evaluation is in accord with the ROM review finding that key stakeholders have acquired the necessary capacities to ensure the continued flow of benefits at different levels beyond the duration of this intervention. Stakeholders confirmed that they have been applying the knowledge and skills acquired to their work and sharing them with colleagues and/or their communities, suggesting that the flow of benefits will continue. For instance, the four organizations involved in implementation have been strengthening their respective capacities during this initiative through cross-learnings and mutual support as part of attempts to maximize complementarities. This evaluation also agrees with the ROM review finding that access to benefits generated by this intervention is likely to be affordable for target groups over the long term since the main benefits gained are linked to capacities, knowledge and skills that will remain with target groups and beneficiaries beyond the life of the project. The implementing partners and other organizations involved in implementation share a strong commitment to human rights issues as illustrated by aspects such as their long histories of engagement or the involvement of pro-bono lawyers and volunteers in the work of these organizations. They will continue to generate capacity-building opportunities and awareness raising initiatives as part of their work, since these elements constitute central aspects of their operational strategies.

In terms of national ownership, Thai Lawyers for Human Rights played a leading role in developing reports coming from their cases, and one can observe that their documentation is far more gender sensitive as a result of the influence of the project providing technical support on gender mainstreaming. ICJ was involved in observation of proceedings of parliamentary sub-committees, including the Sub-Committee on Legal Affairs, Justice and Human Rights, which was an important focus for advocacy - albeit an unstable one due to transience of Members of Parliament. There is some national ownership demonstrated by the Ministry of Justice and the Ministry of Foreign Affairs as discussed above. However, strong national ownership would also involve taking autonomous initiative, rather than OHCHR still driving the agenda, for example by embedding the associated international human rights standards in national laws and

regulations. Thus, on the government side, national ownership is still a work in progress. However, on the civil society side, there was a high level of stakeholder ownership and commitment after several years of collaboration.

#### **Case study 4: Leveraging the United Nations Special Procedures of the Human Rights Council to move the civil and political rights agenda forward in Thailand**

**Background and actions taken:** The project supported the engagement of human rights defenders (HRDs) and CSOs with international human rights mechanisms, including the Special Procedures of the Human Rights Council (SP). The SPs are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. With the support of OHCHR, special procedures: (i) undertake country visits; (ii) act on individual cases of reported violations and concerns of a broader nature by sending communications to States and others; (iii) contribute to the development of international human rights standards, and (iv) engage in advocacy, raise public awareness, and provide advice for technical cooperation.

During the project period, HRDs and CSOs sent multiple submissions to SPs. The focus of these submissions was on civil and political rights such as arbitrary detention, torture, extra-judicial executions, enforced disappearances, freedom of expression and opinion, freedom of assembly and association, and slavery, as well as a focus on vulnerable groups such as human rights defenders, indigenous people, women and girls, internally displaced persons, and migrants. Other issues included business and human rights, counter terrorism, extreme poverty, environment, hazardous substances and wastes, adequate housing, water and sanitation, and the right to food. OHCHR and the grant beneficiaries not only developed the capacity of HRDs and CSOs but also contributed to their engagement with international and national mechanisms and bodies. The project supported CSOs in collecting and organizing the information according to the SPs' required standards and procedures. It also engaged with the SPs to follow-up on the submission of information by CSOs. OHCHR interacted with those SPs that were most engaged on the human rights situation of Thailand. These included the Working Group on Enforced or Involuntary Disappearance, Special Rapporteur (SR) on HRDs, SR on Freedom of Expression, SR on Freedom of Assembly and Association, SR on Indigenous People, Working Group on Arbitrary Detention, Working Group on Business and Human Rights, SR on Migrants and SR on Extra-Judicial Killing.

**Results to date:** As a result, between February 2019-June 2022 25 communications were submitted by SPs to the Government of Thailand. These included SPs issuing joint allegation letters or joint urgent appeals, as well as comments on pending or recently adopted legislation, regulations or policies. The above activities directly contributed to achievement of SO. 2.2 - strengthened government engagement with UN treaty bodies and special procedures. OHCHR has been advocating with MoFA and MoJ about extending an invitation to at least one SP mandate holder per

calendar year. Despite Thailand issuing a standing invitation to SPs in 2011, between then and 2020 only three mandate holders have undertaken an official country visit to Thailand. Due to project advocacy, the Ministry of Justice, through OHCHR, requested to have a technical visit from the Working Group on Enforced or Involuntary Disappearance, which took place online during September 2022. Beyond the protection element, and regardless of whether such advocacy leads to a remedy, an important impact of this work is human rights documentation and memorialization, recording human rights history for posterity - both with the Special Procedures and the Government of Thailand – in a world of mis- and dis-information.

**Lessons and success factors:** Key factors cited in evaluation feedback as being influential in OHCHR's role were its human rights expertise; its role as a buffer between human rights CSOs and the government; its role in facilitating local CSO awareness of and access to Special Procedures, which has opened opportunities for CSOs to have their cases heard internationally, and provides a long-term and user-friendly option for pursuing human rights concerns; its ability to work closely with CSOs in Thai language; and the ability to draw on relevant experience of other countries. This regular engagement with and support to HRDs who participated in previous Human Rights Defenders School Programmes helps to bring their acquired knowledge into direct practice. This follow-up work with alumni HRDs also strengthens networks and coordination between OHCHR, grant beneficiaries, partner CSOs and HRDs. An important lesson is that engagement with the Special Procedures can be quick and efficient, as one may send an online form to Geneva and will get a response in a few weeks, creating leverage with the government without the need to exhaust domestic remedies (in contrast to the procedures required with individual complaints to the Treaty Bodies). In a sub-region where civil and political rights are sensitive issues, and local entities may have political allegiances, the 58 Special Procedures create another avenue for accountability in cases of human rights protection for human rights defenders. However, it is important in this context to be alert to unintended outcomes that may arise from positive developments, for example the increased profile for enforced disappearance cases in Thailand at the Working Group on Enforced or Involuntary Disappearances, and in the work of special procedures, is being followed up at local level by Thai government pressure on families to drop cases.

## 2.7 Gender, human rights, and disability inclusion

**Overview:** Gender mainstreaming and gender-specific engagements under the project are assessed as *satisfactory*. Human rights integration is assessed as *very satisfactory*.

The project was found to have significantly contribute to achieving gender equality and human rights outcomes in several ways, even if no explicit gender strategy was developed. The project has targeted different groups of women beneficiaries, including women HRDs, women in protests and female immigration detainees. The implementing

partners have also been working closely with the LGBTQTI community to develop their capacity and support them whenever they are in conflict with the law, and have encouraged LGBTQTI activists to take part in the HRD School. The intervention adheres to the working principles of the rights-based approach. On the one hand, it considers stakeholders who are rights holders with legal entitlements and who are in need of acquiring more knowledge and skills in order to claim their rights. On the other hand, the intervention also considers government authorities, who are duty bearers and also require strengthening their knowledge and capacity so that they can protect and promote human rights. However, there was no explicit attention to disability inclusion in the original project design, which is reflected in the lack of visibility in interventions under the project and an absence of systematic disability mainstreaming, despite some discrete instances of focus on and engagement with persons with disabilities in project activities.

### **EQ GHR 1: Did the project plan and achieve results that contributed to gender equality?**

In terms of project results that contributed to gender equality, the evaluation found that the promotion of women's participation and engagement in all activities constituted a key aspect of the intervention, with significant contributions to gender equality and human rights being identified. Women human rights defenders in the Southern Border Provinces were a focus for capacity building and networking activities, and to receive technical, legal and other support for their cases. During the first year of the project around 155 (34 men, 119 women – 30 WHRDs from SBP - and 2 LGBTQTI+) HRDs, community activists, environmentalists and indigenous rights workers participated in stand-alone capacity building activities. Moreover, during the first year of the project 119 government (MOJ, MOFA) and NHRI officials were trained (43 men, 76 women). Core grantees commented that their staff improved attention to gender as a result of OHCHR influence and support, including in relation to monthly reporting, gender disaggregated statistics, and attention to vulnerable groups including LGBTQTI+. Another interlocutor commented in relation to an OHCHR training workshop with SOGI groups in the Southern Border Provinces that the simple fact that OHCHR was present on the ground was empowering for women and LGBTQTI+ HRDs and the local community, as well as boosting morale, giving a sense of safety and support, and bringing a higher likelihood that the behaviour of the authorities would change.

However, these contributions are not the result of a prior gender analysis nor of a gender strategy and are hence, not captured in depth, despite the positive results achieved. For instance, none of the indicators associated with expected results were gender disaggregated, although ER 1 indicators included a focus on female HRDs, and one baseline included sex disaggregation (but not gender disaggregation). Therefore, the project only planned to a very limited extent results intended to contribute to gender equality.

It should be further noted in this context that the specific gender-related activity supported under the project is reinforced by participation of the SEARO Thailand team leader in the Thailand UN Country Team's thematic group on gender, as well as specific collaboration with other UNCT members, e.g. with UNDP on LGBTI+ issues in Thailand.

**Good practice example 6: Putting the spotlight on the project's gender dimensions**

A gender evaluation conducted of project design and activity in 2021 helped to put the spotlight on areas where the project was doing well (for example, in levels of women's participation in CSO project training activities at national and local levels) and where improvements were needed. The latter includes strengthening the attention to gender dynamics within mixed training activities; increasing women's participation in government-focused training; including the understanding of gender power dynamics in all female training; broadening observation activities to include a specific gender focus; and strengthening the substantive participation by women in mock sessions conducted for treaty-body reporting processes.

The evaluation concluded that consideration should be given to the preparation of a gender strategy to guide the work off OHCHR and the three core partners. This should be informed by an in-depth study on the multiple and intersecting grounds of discrimination which women experience. While the project disaggregates data in its reporting on training activities, this presents only part of the picture. Increased attention to the substantive gender dynamics of activities is also needed, with a stronger focus on meaningful and equal participation. Such steps will help strengthen the gender equality and women's empowerment dimensions of the next project iteration.

## **EQ GHR 2: Were women consulted during the planning and implementation of the project?**

The project document stated that special focus would be given to the rights of women in general and to women HRDs in particular, and that OHCHR and grant beneficiaries would seek to ensure gender balance, responsiveness and sensitivity in all activities implemented under the project. However, there was no indication of whether or not women were consulted during the project planning phase. The implementing partners did not conduct a gender analysis prior to implementation, nor was there any gender disaggregation in the logical framework of the original project document.

On the other hand, women were specifically targeted during the implementation of the project, the capacity building programme for HRDs ensured the participation of at least 50 percent women, and a special capacity building programme for women HRDs was developed. This evaluation agrees with the ROM review finding that the intervention significantly contributes to achieving gender equality outcomes in several ways, even if no explicit gender strategy has been developed and additional resources would be required to gain a deeper understanding of the gender perspective of the intervention.

## **EQ GHR 3: Has the project been monitoring data disaggregated by sex?**

There was no gender disaggregation in the logical framework of the project document, which did not encourage project monitoring of data disaggregated by gender or sex. For instance, as in the case of the indicators, sex-disaggregation has only been included in a few targets. Disaggregation of indicators (gender, age, ethnicity, disability) is key for ensuring inclusive targeting and particularly relevant for this intervention, given its focus on WHRDs and the growing importance of supporting youth in the current context. Therefore, the positive gender results of the intervention were not fully captured, only WHRD-related results.

However, the first-year project report included gender disaggregated data (men, women, LGBTQI+) related to capacity building activities, both for HRDs, community activists, environmentalists and indigenous rights workers, and for government and NHRI officials who were trained. Moreover, the second-year project report included gender disaggregated data (men, women, LGBTQI+) and also included four data sets identifying persons with disabilities. There is no subsequent project report yet available, with the final project report still in the drafting stage at the time of this evaluation. There was some disaggregation in the monthly human rights situation reports, as well as some references to women and SOGI groups, which one core grantee commented was as a result of OHCHR technical advice. There was a gender equality evaluation carried out in 2021 which noted gender disaggregation in training events held subsequent to the first year. It recommended that grant beneficiaries motivate government agencies to nominate women as training participants, particularly in male dominated agencies. The evaluation report also highlighted the need for a gender approach to training which involves males and females to ensure that women have “an equal opportunity to men to demonstrate their presences and voices throughout the process of training.”

#### **EQ GHR 4: Do the benefits of the project accrue equally to women?**

There is evidence of attention to targeted gender interventions in project implementation and activity design, since women HRDs were a focus for training through the HRD School, the activities relating to refugee detainees benefited women and children exclusively, and women were a focus in the monitoring by TLHR. Every effort was made to ensure that the HRD School was gender balanced in terms of participation. For example, the gender evaluation underlined that grant beneficiaries aimed to ensure that at least 50 percent of participants to the HRD school were women, and in practice 75 percent of participants are women. However, as one interlocutor emphasized, for benefits to accrue equally to women, it is about more than just numbers; it is also about deeply embedding the principles and practice of gender equality in the school's culture and training.

It is recognized, however, as highlighted by some interview feedback, that the wider gender dynamics in society are also reflected within Thailand's broader human rights and civil society movement, including with respect to verbal and online harassment of women and/or LGBTQTI+ persons. Given the preeminent importance of training provided by the HRD school in Thailand, it is proposed in this context that gender dimensions of the programme be reinforced by further embedding gender across all aspects of the curriculum, as well as in training activities generally. It would also be helpful and relevant in this context to give prominence to International Labour Convention C190 on violence and harassment in the world of work.<sup>45</sup> Interview feedback underlined that gender inclusiveness is not only about gender balance, but how to share knowledge, dignity, values and to ensure participants well understand gender sensitivity, responsiveness and mainstreaming with respect to all genders. As the gender equality evaluation (First Draft, December 2021) highlighted, being attuned to gender power dynamics in training contexts and ensuring women's active participation and voice within all facets is crucial. The evaluation also proposed widening the criteria for observations carried by OHCHR and its partners to include threats and intimidation to women human rights defenders, particularly by online media agencies.

With respect to the capacity building activities targeted to government agencies, including law enforcement, the gender evaluation found that the benefits tended to accrue more to men for the workshops on rule of law, accountability and fundamental freedoms. It recommended that grant beneficiaries motivate government agencies to nominate women to participate in such events, involve gender experts as resource persons in such workshops, and to cover gender equality and SOGI topics in the course curriculum. Whilst the gender evaluation recognized that the workshops around engagement with UN human rights mechanisms involved more than 50 percent women (due to the make up of MOFA staff), in panel discussions and mock sessions women's representation on panels was relatively low. The evaluation further indicated that more

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<sup>45</sup> C190 - Violence and Harassment Convention, 2019 (No. 190). Adopted by the International Labour Conference (ILC) on 21 June 2019. Available at [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

attention should be paid to the level of women's participation in mock sessions, as they were usually tasked as assistants to prepare documents and other essential materials.

In terms of verified benefits accruing to women's organizations/networks and individual women as a result of OHCHR /partners activities supported by the project, there are particular groups of women who have benefited from project activities: (i) women HRDs have had their cases monitored and trials observed if they faced prosecution; (ii) women environmental human rights defenders in the Southern Border Provinces have been trained on how to protect themselves against human rights abuses by corporations; (iii) project activities have targeted female sex workers through specialist organizations; (iv) the project supported women whose husbands have been disappeared with investigation and advocacy; (v) project activities supported women activists involved in protests who have been arbitrarily arrested; (vi) LGBTQTI+ have been supported when in conflict with the law.

#### **Good practice example 7: Linking WHRDs with international gender equality instruments**

In line with the EU project's focus on developing the capacities of WHRDs, OHCHR delivered the two briefing sessions in 2020 for 30 WHRDs in the SBPs on women's rights under CEDAW, women and security, the SDGs and the links between the SDGs and human rights. Local staff of the Rights and Liberties Protection Department (RLPD) of MOJ also participated. At one of the briefings, OHCHR also arranged for a panel discussion on 'Women as Peace Builders' in Pattani with participation from women officials from the Royal Thai Armed Forces. While the briefing focused on the contribution of women to the peace process, issues related to the protection of WHRDs and LGBTI+ defenders were the centre of attention in discussion that followed.

The sessions brought two particular sustainability benefits, among others. They enabled WHRDs and LGBTI+ defenders to be familiar with the leverage opportunities available through Thailand's international commitments and opened-up opportunities for improved dialogue between community-based human rights defenders and the authorities at local level.

#### **EQ GHR 5: What strategies relevant to the integration of disability inclusion could be adopted by the Office for future interventions in the areas covered by the project?**

As noted earlier, there was no explicit attention to disability inclusion in the original project design, which is reflected in the lack of visibility in interventions under the project and an absence of systematic disability mainstreaming. There were some discrete instances of focus on and engagement with persons with disabilities, for example on immigration detainees with disabilities, and on persons with psycho-social disabilities who are survivors of violence. There was a training session for MOFA on treaty body reporting, with a focus on CRPD. Moreover, the Mid Term Review noted that Protection International, a CSO partner, supports women human rights defenders including women with disabilities. The second-year project report had four data sets identifying persons with disabilities, which is a good progression. In future, it would be

even better to disaggregate this data by the four categories of impairment referred to in the UN Convention on the Rights of Persons with Disabilities, namely, physical, sensory, psycho-social and intellectual impairment.

In terms of disability inclusion strategies, some suggestions include (i) Draw on the UN Disability Inclusion Strategy<sup>46</sup> (UNDIS) as a key reference for new project design and resourcing, as well as for the proposed Thailand country strategy, to reinforce their disability inclusion and LNOB dimensions; (ii) Map, reach out to, and establish partnerships with Organizations of Persons with Disabilities (OPDs) and their connections and constituencies in the project's thematic areas; (iii) Regularly consult and engage with persons with all types of impairment (physical, sensory, psycho-social and intellectual), including through their organisations, to ensure their systematic participation in activity planning; (iv) Reach out to and engage with disability focal points in other UN agencies, including ESCAP, UNDP, UNICEF and UN Women; (v) Give due attention to CRPD in OHCHR human rights mainstreaming efforts within the UNCT; (vi) Encourage engagement with the Special Rapporteur for the Rights of Persons with Disabilities; (vii) Strengthen the explicit reference to engagement on the rights of persons with disabilities, and with national OPDs, in future formulation of theories of change, results frameworks and project plans with respect to the project results, including in indicators, targets and outputs; (viii) Reflect persons with disabilities in project communications; and (ix) Consider proactively encouraging persons with disabilities to apply for project staff positions for the next project phase (and more generally within the office), e.g. by including an explicit statement of encouragement in the job advertisements and by reaching out to OPDs with job advertisements.

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<sup>46</sup> [https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN\\_Disability\\_Inclusion\\_Strategy\\_english.pdf](https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN_Disability_Inclusion_Strategy_english.pdf)

### III. Lessons Learned

A number of lessons stand out from stakeholder feedback and the review of documentation on implementation of the project. These provide useful inputs into the design and implementation of the next phase of EU/OHCHR cooperation, as well as other OHCHR workstreams in Thailand and the region.

The lessons identified highlight the importance and value of:

1. being very clear about and diligently working to OHCHR's comparative advantage, which has been a key factor in successful project implementation to date
2. the focus of the project as reflected in the three results areas, which remain crucially relevant to the current and evolving context in Thailand, including with respect to the elections planned for 2023
3. the continuity of focus and partnerships across successive project iterations, allowing the consolidation of progress, partnerships, networks and capacities at both governmental and CSO levels, thus enhancing impact and sustainability
4. OHCHR's protection role, in areas ranging from trial monitoring to engagement with local CSOs and HRDs – this is much valued by CSOs with reported beneficial effects on the behavior of the authorities
5. OHCHR's role in facilitating local CSO awareness of and access to UN Special Procedures, which provides a long-term and user-friendly option for pursuing human rights concerns
6. OHCHR's role in providing safe space (e.g. via the annual HRD training school and monthly CSO protection meetings) for CSOs to identify shared priorities, improve coordination and develop self-sustaining and mutually supportive networks
7. a well-established national institutional base for the project 'flagship,' the HRD school, which was based within Mahidol University, reinforcing the sustainability of the school
8. having the ability to work with national and local stakeholders in Thai language, including in the context of training and awareness raising activities
9. synergies with other OHCHR regional and national workstreams which complement and add value to the EU-funded work– e.g. Sida regional support to OHCHR initiatives to mainstream human rights work within the UN system in Thailand and address issues related to human rights and migration, human rights and climate change (including business and human rights) and the shrinking of digital democratic and civic space.
10. while not a specific focus of the EU project, the OHCHR voice and advocacy role on human rights mainstreaming within the UNCT in Thailand, based *inter alia* on the common human rights obligations of all UN entities and the SG's Call to Action –

CSOs representatives supported under the project interact with other UNCT members, e.g. UNDP, UNICEF, UNODC and UN Women

11. continuous review of the context within which OHCHR operates based on regular and rigorous data gathering and analysis - a key factor in the ability of OHCHR and partners to continuously adapt the project to ensure relevance, including the reorientation of implementation modalities to take account of the impact of the pandemic on direct engagement with stakeholders
12. in the above context, being alert to unintended outcomes that can arise from positive developments – e.g. the increased profile for enforced disappearance cases in Thailand at the Working Group on Enforced or Involuntary Disappearances, and in the work of special procedures, is being followed-up at local level by Thai government pressure on families to drop cases
13. keeping the spotlight on existing and new legal impediments to the enjoyment of human rights and contributing within the project objectives and scope (e.g. research and capacity development) to addressing these – e.g. (i) the retention and continued use of the COVID-19 Emergency Decree to restrict democratic space and target HRDS (now revoked); (ii) the introduction of a restrictive ‘NGO Law’ which had aimed inter alia to restrict local CSO access to international financial support; and (iii) the use of national security considerations to undermine positive legislative developments and application
14. an open and transparent relationship between OHCHR and the donor, combined with openness on the part of the donor to adapt to emerging needs of the project, including in terms of adjusting the balance between the funding of the principle three CSOs and other important workstreams which were developed in line with project objectives
15. ensuring that all aspects of managing, coordinating and administering the project are adequately resourced so that undue pressures are not placed on OHCHR’s wider regional human and financial resources
16. ensuring that attention is explicitly built into project and activity design to the mainstreaming of gender equality, disability inclusion and LNOB, supported by attention to continuous review and learning through the steering committee and ongoing project planning, review and evaluation
17. including an inception period in project design and implementation planning in recognition of the time requirements built into UN recruitment processes as well as the need to ensure project implementation foundations are in place.

## Management response

### Evaluation of the “EU/OHCHR Project: Widening Democratic Space, Strengthening the Rule of Law and Promoting Respect for and Protection of Human Rights in Thailand”

#### Recommendation I:

To enhance synergies and mutual reinforcement between the EU-funded project and other OHCHR regional and national workstreams in Thailand, develop a **simple internal OHCHR country strategy** within the context of the new OHCHR Management Plan 2024-2027; the regional OHCHR vision and strategy which is currently under development; revised regional, subregional and country notes (late 2023/early 2024, estimated); and the next EU/OHCHR project in Thailand (to be signed in December 2022).

Such country strategy should set out a clear theory of change in this context and provide an easily monitored framework to (i) bring together all OHCHR workstreams in Thailand in a coherent and mutually-reinforcing way; (ii) provide a national pillar for the OHCHR regional framework and resource mobilization; and (iii) contribute to and reinforce synergies, shared expertise, shared lessons and mutual learning at country and regional levels.

**Management position on recommendation: Accepted**

**(Accepted/Partially Accepted/Not accepted)**

#### Management comment:

A full-fledged Asia-Pacific Strategy (referenced as well in Recommendation 2 of the SIDA Evaluation) will be prepared later in early 2024, taking into account the timeline for the new OMP, to be issued in early 2024, the directions provided by the High Commissioner, developments on the HQ/Regional and Country Presences strengthening agenda (OE2.0) and revised regional, subregional and country notes.

Therefore the country strategy for Thailand will be embedded within the overall regional strategy, in line with the revised country note.

The country strategy will be informed by a mapping of all OHCHR inputs for the protection and promotion of human rights in Thailand, and consulted with members of the EU project steering committee.

It should be noted that the new funding agreement with EU, for Phase 2 of the project, has been already signed in December 2022, as required by the EU due to their internal funding deadlines.

Key Action	Responsibility	Time-frame
1. OHCHR internal country strategy for Thailand drafted, approved by Senior Management and embedded into the overall Asia Pacific Strategy document	SEARO and OHCHR HQ (APS/FOTCD)	Q2 of 2024
<p><b>Recommendation 2:</b></p> <p>In the above context, continue to foster explicit linkages between the <b>EU project and other human rights-focused projects active in Thailand</b> (whether through OHCHR or other agencies) which are funded by the EU or its member states.</p>		
<p><b>Management position on recommendation: Accepted</b></p>		
<p><b>Management comment:</b></p> <p>SEARO will map relevant projects in consultation with the EU Delegation in Thailand, the Steering Committee members of the new project and key members of the UNCT for Thailand (including under the umbrella of the Call for Action, where key linkages exist).</p> <p>In addition SEARO will be able to benefit from the insights and information to be gathered from the NGO community, through its participation to the Protection Working Group (for example for linkages on issues related to the use of force, Freedom of Expression and Freedom of Expression and Freedom of Peaceful Assembly and of Association).</p> <p>Finally, SEARO will engage with human rights donors in the country, through its quarterly interaction with the group of like-minded States (and in particular its working group on funding), to map relevant human rights initiatives.</p> <p>The specific linkages to OHCHR's work in Thailand which will be identified will therefore be included and reflected in the future country strategy.</p>		
Key Action	Responsibility	Time-frame
1. Mapping of relevant projects with the EU Delegation, members of the EU Project Steering Committees, UNCT members, civil society, and other relevant stakeholders.	SEARO	Q3-Q4 of 2023
2. Analysis and inclusion of linkages in the internal OHCHR country strategy.	SEARO	Q1 of 2024
<p><b>Recommendation 3:</b></p> <p>Strengthen <b>the monitoring of project impact and associated lessons</b> by (i) drawing on current good practice within SEARO to conduct longer-term online 6 or 12 monthly impact assessments of selected key activities (e.g. the annual HRD school); and (ii) conduct an impact assessment of the role, use of and access to Special Procedures in Thailand as a relatively unresearched field with wide relevance, to serve as a pilot for a potential later wider regional study.</p>		

**Management position on recommendation: Accepted**

**Management comment:**

This recommendation has two components: regular monitoring of impact of activities and a longer term impact assessment of a specific thematic area.

The first part of the recommendation is about monitoring impact of key activities on regular intervals. SEARO is in agreement with this recommendation, as this is fully in line with the methodology the Regional Office already uses for its work.

The second part of the recommendation is about conducting an impact assessment of the role, use of and access to Special Procedures in Thailand. While SEARO broadly agrees on the usefulness of such exercise in the mid-term, it considers that it will not be in a position to complete it within the current implementation timeframe of the Evaluation and of the Phase 2 of the EU project, which has already commenced in January 2023, after signature of the funding agreement with the EU Delegation in December 2022).

Firstly, there are budgetary limitations, as the budget of Phase 2 does not allow to include this costly exercise within its financial envelope.

Secondly, methodologically speaking, this exercise should be preceded by a baseline study on the current interactions with Special Procedures (already foreseen in Phase 2 of the project, which started in January 2023). In addition, as one of the aims of Phase 2 of the Project is precisely to increase the engagement of authorities and CSOs with Special Procedures, it might be worth allowing the appropriate time for Phase 2 to be completed, before an impact assessment is conducted. Within the timeframe of Phase 2 SEARO can, aside from assessing the baselines, draft the TOR of the future impact assessment, which would be conducted as one component of Phase 3 of the project, starting in 2025.

<b>Key Action</b>	<b>Responsibility</b>	<b>Time-frame</b>
1. Select key activities and conduct 6-12 monthly impact follow up exercises	SEARO	ongoing
2. Establish baselines for current engagement with Special Procedures and TOR for the impact assessment	SEARO in consultation with METS and PPMES	By Q3 of 2024
3. Conduct an impact assessment of the role, use of and access to Special Procedures in Thailand	SEARO in consultation with METS and PPMES	Phase 3 of the project, from 2025 onwards

**Recommendation 4:**

Enhance longer-term **project sustainability** by:

- embedding consideration of end-of-intervention and follow-up scenarios (including exit strategies in specific areas where feasible) into the Project Steering Committee agenda, the design of all activities conducted under the new project and annual reporting to the donor
- using OHCHR links with relevant CSO-oriented funders in Thailand and the region to facilitate contact between Thailand human rights CSOs and alternative funding sources as appropriate
- drawing on OHCHR’s relationships with regional human rights CSO networks to facilitate increased linkages between these and Thailand-based local CSOs, particularly within ASEAN.

**Management position on recommendation: Accepted**

**Management comment:**

The EU project funds ongoing work of the Regional Office, based on an analysis of the key HR concerns and opportunities in the country, as well as on the added value of OHCHR and interventions of other stakeholders, including the UN System in Thailand. Therefore end-of-intervention considerations will be based on the evolution of the human rights situation in the country and on the assessed increased capacities of local stakeholders (the government, NHRI, CSOs), rather than on the potential planning envelopes of the EU or other donors. This said, the scope of work of the Steering Committee of the EU project, under Phase 2, do include discussions on implementation progress, results, challenges (including funding) and synergies with other EU funded projects. In due course, when conceptualising Phase 3 of the project (under the umbrella of the future Asia Pacific strategy and country strategy for Thailand), SEARO will ensure that future strategic interventions will be informed by the lessons learned of the implementation of Phase 2, including, when appropriate, phasing out of interventions which will not be relevant or adapted, anymore.

Concerning SEARO’s role in the facilitation of contacts between CSOs and donors, while noting that the human rights donor pool is the same for the Office and civil society, SEARO will nevertheless encourage tripartite engagement with the working group on human rights funding of the Like Minded group of Donors in Bangkok. In addition, further modalities for partnerships will be explored once the OHCHR Partnership Strategy will be detailed in 2024, under the new OMP.

Concerning SEARO’s role in facilitating the engagement between national and regional CSOs, SEARO will consider inviting regional CSOs (as well as like minded donors) at the regular protection meetings it leads, enabling meaningful networking among participants.

Key Action	Responsibility	Time-frame
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1. Review relevance, suitability and sustainability of interventions, including progress on results through the meetings of the EU project Steering Committee and in reporting to the donor	SEARO	ongoing
2. Embed lessons learned on the review of interventions into the future phase of the project	SEARO	By Q4 of 2024
3. Facilitate engagement between national CSOs and donors, and between regional and national CSO	SEARO	Ongoing

**Recommendation 5:**

Draw on the **UN Disability Inclusion Strategy**<sup>47</sup> (UNDIS) as a key reference for new project and activity design, resourcing, planning and implementation, as well as for the proposed Thailand country strategy, to reinforce their disability inclusion and LNOB dimensions. In line with the UNDIS, strengthen engagement with Thailand Organizations of Persons with Disabilities (OPDs) across all types of impairment (physical, sensory, psycho-social and intellectual); proactively link work under the EU project with other relevant OHCHR national and regional disability rights workstreams, as well as with the disability-related engagements of other UNCT members; encourage engagement with the Special Rapporteur on the Rights of Person with Disabilities; embed disability indicators and targets in project and activity results frameworks (also refer to Recommendation 10); and encourage persons with disability to apply for OHCHR employment opportunities.

**Management position on recommendation: Accepted**

**Management comment:**

Indicators related to PWDs as well as enhanced engagement of SEARO with national CSOs working with PWDs, and of CSOs themselves with Special Procedures, including the SR on the Rights of PWDs have already been embedded into Phase 2 of the EU project.

Concerning the full roll out of the UNDIS into the planning and work of SEARO in Thailand, it will be done in the context of the conceptualisation of the internal country strategy (see Recommendation 1).

SEARO will continue advocating and assisting the UNCT Thailand to engage with the relevant UN human rights mechanisms, particularly the Committee on the Rights of Persons with Disabilities, the Universal Periodic Review (UPR) and the relevant Special Procedures to promote and protect the rights of persons with disabilities, including through promoting the implementation of the recommendations emanated from these mechanisms. SEARO actively participates and contributes to the discussions of various thematic groups envisaged under the

<sup>47</sup> [https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN\\_Disability\\_Inclusion\\_Strategy\\_english.pdf](https://www.un.org/en/content/disabilitystrategy/assets/documentation/UN_Disability_Inclusion_Strategy_english.pdf)

Sustainable Development Cooperation Framework (2022-2026), such as Data and Monitoring Group. SEARO also sits in the UN regional WG on Disability and Inclusion.

SEARO also encourages and provides support to the UNCT Thailand to implement the SG's Call to Action for Human Rights. One of the key focus areas is to promote dialogue between the UNCT and CSOs, including the organisations of persons with disabilities (OPDs) so as to collaborate better to advocate with the government for legal and policy reforms in line with the relevant international human rights standards, such as UN Convention on the Rights of Persons with Disabilities.

Concerning the encouragement of PWDs to apply to OHCHR employment opportunities, SEARO will ensure that its vacancy announcements for positions in the Regional Office, starting with the two NOAs to be recruited under the EU Project for Thailand, include explicit reference to this. In addition, SEARO might explore with donors and UNV the possibility to create UNV and JPO positions within the Regional Office (like, for example, University UNVs) specifically dedicated to PWDs.

Key Actions	Responsibility	Time-frame
1. Embed PWDs indicators in Phase 2	SEARO	completed
2. Embed key elements of the UNDIS into internal OHCHR country strategy for Thailand	SEARO with assistance from TESPRSDD (Disability Advisor)	Q2 of 2024
3. Encourage PWDs to apply to OHCHR positions and consider the creation of JPO/UNV positions dedicated to PWDs	SEARO	ongoing
4. Link the work of the EU project with other relevant OHCHR national and regional disability rights workstreams, as well as with the disability-related engagements of other UNCT members	SEARO	Ongoing

**Recommendation 6:**

Strengthen **gender mainstreaming and responsiveness** in the new project and related activity design, resourcing, planning and implementation, as well as in the above-proposed Thailand country strategy, by:

- (i) Drawing inter alia on the gender evaluation carried out of the previous project, conducting a gender baseline assessment and developing a gender M&E plan at the beginning of the next project phase to ensure gender is adequately incorporated into all aspects of implementation.
- (ii) In addition to continuing the current focus on engagement of WHRDs and LGBTQTI+ persons in training activities under the project, further (a) strengthening the comprehensive embedding of gender dimensions into all aspects of capacity development, including with

respect to deepening understanding of gender dynamics in society and how these are reflected in everyday roles and interactions; and (b) promoting ILO Convention C190 on as a key training reference (refer to Recommendation 10 for attention to embedding gender indicators and targets in project and activity results frameworks).

**Management position on recommendation: Accepted**

**Management comment:**

The results framework of Phase 2 of the EU project, as discussed, reviewed, and approved by the EU Delegation (including through an independent review by an EU Consultant) already incorporates the outcomes of the gender evaluation carried out under the previous project.

Phase 2 of the EU Project has embedded a baseline study, including a gender baseline assessment, to be conducted by a consultant. The parameters of the baseline study will be consulted with WHRGS at HQ.

Regular monitoring will be assured by the Project Assistant (in whose TOR such function has been embedded), under the supervision of the P4 Thailand Team Leader and in collaboration with the new P3 PMO.

Phase 2 has also embedded the focus on engagement with WHRDs and LGBTQTIs.

Key Actions	Responsibility	Time-frame
1. Conduct a gender baseline study and develop a gender M&E plan	SEARO, in collaboration with WHRGS	Q3-Q4 of 2023
2. Continue current focus on engagement with WHRDs and LGBTQTIs in training activities	SEARO	Ongoing

**Recommendation 7:**

In developing the arrangements for the planned criteria-based non-contestable and “open call” CSO grants components of the new project, work with OHCHR HQ to develop more streamlined and expeditious approaches to the disbursement of and reporting on use of such funding.

**Management position on recommendation: Accepted**

**Management comment:**

The OHCHR Delegation of Authority (from HQ to the field) process, along with the strengthening of the back-office programme capacity with a dedicated Program Assistant for

Phase 2 of the EU Project (under recruitment), and the establishment of a local grants committee (to process the open call and advise the OHCHR Grants Committee on the selection of grantees) will contribute to streamline the approval and disbursement of grants throughout the implementation period (January 2023 to December 2024).

It should be noted that streamlining processes will also require a look into the issue of Umoja Grants Management module and the lack of access to local users, as the current processes need to be spread around the house, including the field, rather than as currently being HQ centric. To this end, relevant staff in SEARO will be trained in Q4 of 2023, once their recruitments have been finalised.

Key Actions	Responsibility	Time-frame
1. Streamline approaches to grant disbursement	SEARO, with support from PSMS	Ongoing
2. Complete SEARO staff training and full roll out of use of UMOJA,	SEARO, with support from PSMS	Q4 of 2023

**Recommendation 8:**

Take account of and reflect the **assessment of the results framework** of the previous project provided by the ROM<sup>48</sup> review and endorsed by this evaluation, recognizing changes already made to the previous project design as a result of the June 2020 Addendum.

**Management position on recommendation: Accepted**

**Management comment:**

The results framework for Phase 2 has been revised together with the European Union Delegation and its independent consultant, in November 2022. It has been embedded in the new project proposal approved by the EU in December 2022.

Key Actions	Responsibility	Time-frame
1. Revise the result framework for Phase 2	SEARO	Completed

**Recommendation 9:**

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<sup>48</sup> Results Oriented Monitoring Review, conducted by the EU.

Ensure **gender equality, disability inclusion, ethnicity and other LNOB markers** are explicitly specified in the country context and results framework of the new project, as well as in annual and activity plans and evaluation Terms of Reference. This should be the case at all levels, including at output, indicator, and target levels, noting the project focus on WHRDs, ethnic communities and youth. Links should be made where possible and appropriate to relevant SDG and national indicators and targets. Outputs, indicators, and targets should be disaggregated by gender, age, disability, and other categories as appropriate.

**Management position on recommendation: Accepted**

**Management comment:**

The narrative and the results framework for Phase 2 have been revised together with the European Union Delegation and its independent consultant, in November 2022. It has been embedded in the new project proposal approved by the EU in December 2022.

It should be noted however that baselines and targets, as explained below, will be established once the baseline study has been completed. This could therefore also have an impact into the choice of indicators and markers.

Ethnicity and other LNOB markers will be included in Phase 3 of the project, in 2025.

The links with SDGs and other national indicators and targets will also be explored further in Phase 3 of the project, when a larger component for introducing HRBA to Data could be envisaged.

<b>Key Actions</b>	<b>Responsibility</b>	<b>Time-frame</b>
1. Ensure gender equality and disability inclusion, are included in new proposal, including in results framework.	SEARO	Completed
2. Include ethnicity and other LNOB markers in future phases of the project	SEARO	Phase 3 of the project, from 2025 onwards

**Recommendation 10:**

In the context of negotiations for the next project phase, pursue the concept to the extent feasible within EU policies and regulations of a **core funding approach** which enables OHCHR to make the decisions about selected/core and contestable partners, as well as the disposition and classification of human resources to ensure effective and efficient project management and implementation.

**Management position on recommendation: Accepted**

**Management comment:**

While EU rules for funding from a local EU Delegation did not allow for fully core contributions (i.e. with no detailed earmarking), as a project proposal with a detailed budget had to be submitted, the EU Delegation has respected OHCHR's prerogatives, as an EU strategic partner, and not as a mere implementing partner.

Therefore the new funding agreement and proposal negotiated with the European Union in October and November 2022 for Phase 2 gave full authority to OHCHR to select the grantees it wanted to support under the open call and direct call mechanisms, with no further EU interference.

In practice this means OHCHR can independently establish criteria for the selection of direct call grantees as well as establish its own selection process (local grants committee) and modalities for the open call mechanism. It also means OHCHR can build the correct mix of human resources necessary for the implementation, to be paid under the project.

Key Actions	Responsibility	Time-frame
I. Negotiate parameters within the funding agreement and proposal that enable OHCHR to make decisions on grantees and human resources.	SEARO	Completed

**Recommendation II:**

Noting the attention being given in the new project design to ensuring that the necessary human resources are adequately funded to meet coordination and administrative requirements, including grant administration, **ensure adequate resourcing is also available for** (i) direct engagement with CSOs, HRDS and victims of human rights violations at local level as part of the project's protection function, (ii) the likelihood of an increase in human rights monitoring and protection required in the context of Thailand's elections in 2023; and (iii) ensuring the necessary resourcing at project level for quality Monitoring, Evaluation, Accountability and Learning (MEAL) in the context of the potential strengthening of SEARO's regional capacity in this regard; and (iv) national staff with Thai language abilities to engage directly with local stakeholders, including in the context of capacity building activities as appropriate.

**Management position on recommendation: Accepted**

**Management comment:**

Concerning human resources, the negotiation with the EU allowed to embed within the proposal the necessary human resources to implement - fully - the project, including the creation of two new positions (as a national human rights officers) and a program assistant to manage the grants and assist with monitoring of progress.

It should be noted that cost recovery has also been embedded into the project, as the donor will now cover 50% of the salary of the P4 Thailand team leader (which was previously fully unearmarked) and some work months of the administrative assistant supporting the project.

Concerning resourcing for a full roll out of MEAL functions, an initial element of this recommendation will be implemented through the inclusion in the TOR of the EU funded G7 Program Assistant of M&E responsibilities. A similar element was included in the newly established P3 Programme Management Officer.

<b>Key Actions</b>	<b>Responsibility</b>	<b>Time-frame</b>
1. Ensure adequate human resources for engagement with stakeholders and enhanced human rights work.	SEARO	Completed
2. Ensure MEAL capacity in the Regional Office.	SEARO, in consultation with PPMES	Ongoing/M&E capacity foreseen in ToR of P3 PMO and G7 Program Assistant

**Recommendation 12:**

In line with **international good CSO funding practice**, ensure that CSO grants include (i) appropriate provision for organizational capacity development and operational costs, including covering the human and financial costs of meeting OHCHR / EU accountability requirements and (ii) transparent analysis of the risks facing the CSO partners and appropriate mitigation measures.

**Management position on recommendation: Accepted**

**Management comment:**

Phase 2 of the EU Proposal already includes a sizeable component for grants to civil society, which can cover institutional support, as well as accompanying measures to mitigate potential risks to their work.

<b>Key Actions</b>	<b>Responsibility</b>	<b>Time-frame</b>
1. Ensure CSO grants include appropriate provision for organizational capacity development and operational costs, as well as accountability-related costs.	SEARO	Completed

**Recommendation I3:**

Include a **formal inception period** to *inter alia* encompass recruitment of staff; further elaboration of implementation plans; the obtaining of baseline data where gaps exist for monitoring purposes (e.g. the above-recommended gender baseline assessment); and development of the above-proposed short Thailand country strategy in the context of the new regional vision and strategy.

**Management position on recommendation: Accepted**

**Management comment:**

Phase 2 of the EU Project does include an inception period of six months to conduct a baseline study and recruit the new staff.

<b>Key Actions</b>	<b>Responsibility</b>	<b>Time-frame</b>
I. Ensure an inception in the new proposal	SEARO	Completed