

# **Australia-China Human Rights Technical Cooperation Program**

## **Program Design Document July 2012**

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## Abbreviations

ACWF – All China Women’s Federation  
ACR – Activity Completion Report  
AHRC – Australian Human Rights Commission  
AusAID – Australian Agency for International Development  
GoC – Government of China  
HR – human rights  
HRD – Australia-China Human Rights Dialogue  
HRTCP – Australia-China Human Rights Technical Cooperation Program  
MFA – China’s Ministry of Foreign Affairs  
M&E – monitoring and evaluation  
NHRI – National Human Rights Institution  
NPFPC – National Population and Family Planning Commission  
PRC – People’s Republic of China  
QAI – Quality At Implementation  
UNAC – United Nations Association of China  
WoG – Whole of Government

## Executive Summary

The new Australia-China Human Rights Technical Cooperation Program (HRTCP) has been designed by AusAID and the Australian Human Rights Commission (AHRC) building on a program that has been implemented for the last 14 years.

The goal of the HRTCP is to build commitment of the People’s Republic of China (PRC) Government to apply human rights principles and practices in a rapidly changing context.

The objective of the program is that Australian and Chinese agencies will collaborate on key Chinese-identified priorities for human rights reform; developing relationships, trust and influence over time.

Implementation of the program will draw on the experience and expertise of Australia’s National Human Rights Institution; and will involve engaging progressively and at different levels, building networks and coalitions of leaders, and advocating for human rights. Activities, such as exchanges, study tours and workshops, will facilitate dialogue on human rights practice between Chinese and Australian individuals and organisations.

The Australian Human Rights Commission will manage and implement the program, working closely with the Ministry of Foreign Affairs (the coordinating agency in China) and other Chinese partner agencies. The budget for the program is \$10.165 million across a 4 year implementation period, commencing in August 2012.

## INTRODUCTION

The Australia-China Human Rights Technical Cooperation Program (HRTCP) started in 1998 as a result of the first Australia-China Human Rights Dialogue (HRD) in August 1997. It is funded by AusAID, implemented by the Australian Human Rights Commission (AHRC), and coordinated in China by the Ministry of Foreign Affairs (MFA).

During this 14 year period, the program has implemented activities of up to one year and worked with a range of Chinese partner organisations (currently approximately 12). The activities aimed to strengthen the administration, promotion, and protection of human rights in China.

A review of the program in February 2011 recommended the HRTCP be redesigned to respond to changes in the environment<sup>1</sup>. External consultants prepared a design that AusAID and AHRC felt was too prescriptive to be most effective in the environment and so in early 2012 AusAID and AHRC jointly designed this new program (assisted by external facilitators) to build on the experience of the past program. Due to the iterative nature of the program, the aim of this design document is to articulate the overarching approach for the program including specifying how and by whom future decisions will be made, rather than to provide detailed implementation plans for the full four year period.

## ANALYSIS AND JUSTIFICATION

***AHRC and AusAID have invested 14 years in building strategic relationships and credibility in human rights in China.*** This program is the result of this work, learning from the past experience and building on its successes. Notable successes include developing positive and productive relationships with partners in China and strong collaboration with Australian agencies providing training, technical advice and mentoring. By working in a culturally and politically sensitive manner the program has enabled discussion on progressively more sensitive topics. Working at multiple levels has also allowed contributions to reforms from the grassroots to central levels. These relationships, ways of working and the situation in China have evolved during the previous program period and inform this new iteration of the program.

***In a rapidly changing environment in China, there have been encouraging signs of reform towards adoption of human rights principles.*** Relevant changes domestically include increasing government capacity and interest in deeper engagement on human rights; and internationally include the opportunities to nurture reform created by changes such as the Universal Periodic Review. Many steps towards reform are, however, incremental and their longevity may be uncertain. Positive changes in the legal and administrative systems and increasing understanding of human rights in Chinese government, academia and civil society need to be nurtured in order to be maintained and expanded. Continual changes in the environment require a flexible and responsive approach to ensure continued relevance. For this reason, the HRTCP will no longer be limited to three themes (as in the previous program) but may implement activities across the spectrum of human rights issues.

***Australia has an ongoing interest in pursuing dialogue with China on human rights and in providing practical support.*** Relations with China are maturing with the phasing out of

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<sup>1</sup> Information on the review can be found at Annex A

bilateral aid, but ongoing work on human rights remains vitally important, in line with the governance strategic goal of *An Effective Aid Program for Australia*. This program is strategic in focusing on duty-bearers as well as rights-holders, and in being connected to the Human Rights Dialogue at the political level. The program's significance lies not only in opportunities to contribute to human rights domestically but also regionally and internationally, considering China's strategic global position and expanding role in aid and trade. There is strong Ministerial and agency commitment in Australia to the Human Rights Dialogue for high-level engagement and the associated HRTCP for practical human rights support and for increasing links, understanding and access. This includes with the Ministry of Foreign Affairs (MFA), the HRTCP coordinating agency, to which AusAID does not have other ongoing connections.

***Australia's National Human Rights Institution (NHRI), the Australian Human Rights Commission, is well positioned to continue its international role and use its expertise, reputation and access in China.*** The unique role played by NHRIs means that the AHRC has the expertise and experience required to conduct a program that – uniquely among similar human rights programs in China – works directly with a range of government agencies. As a Status A institution and member of international networks<sup>2</sup>, the AHRC brings stature and international connections to ensure its work is informed by international good practice and advancements particularly relevant to countries with nascent human rights frameworks. The AHRC has a similar program in Vietnam, offering opportunities for synergies between the work and management efficiencies. In addition, the AHRC is well positioned to bring benefits to Australia – ensuring that learning is mutual by connecting its domestic and international work and building understanding in Australia of the situation in China; using its brokering role to link individuals and institutions between the two countries and adding its specialist expertise; and providing a cost-effective service by working with AusAID on a cost-recovery basis as a public institution.

***Advancing human rights reforms in China will continue to be a gradual and long-term challenge.*** Reforms will only be sustained when identified, led and implemented by committed individual leaders and agencies in China. Programs need to be responsive and flexible, work within the environment and have realistic expectations of what can be achieved. This may sometimes mean implementing activities that have limited immediate tangible human rights results but build relationships and trust, establish comfort with the language of human rights and start discussions on “softer” human rights issues that may lead to more contentious areas in the future. Some activities – such as three requested by the Chinese coordinating agency, MFA – are also strategic in facilitating China's support for the HRTCP. The very presence of the AHRC and the HRTCP is important in itself for human rights in China, but by working progressively and prioritising relationships, the AHRC is able to most effectively advocate for human rights and gently push boundaries in what remains a sensitive issue in China.

***The development of a comprehensive human rights framework in China's context will only be achieved by achieving a critical mass of supply and demand – rights-holders demanding change and duty-bearers supplying policy and practice.*** Working with government at national and provincial levels, with a particular focus on mid-level officials, gives access to current and future decision-makers. Building connections across these partners in China and Australia has the potential to nurture a coalition of individuals and agencies committed,

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<sup>2</sup> The AHRC is accredited by the International Coordinating Committee of NHRIs as complying with the Paris Principles (which set out the standards for NHRIs), enabling access to the UN and other bodies. The AHRC is a member of regional fora and hosts the Commonwealth Forum of NHRIs.

skilled and positioned to pursue human rights reforms. This includes advancing space for civil society as an essential contributor to human rights efforts. Engaging with agencies that have less understanding and commitment to human rights is also essential as part of the long-term strategic approach towards gradual and sustainable reform. Disparate but inter-linked activities are needed to stimulate dialogue across the spectrum and build sustained momentum for human rights.

## PROGRAM

### Development Purpose and Theory of Change

**Goal:** The HRTCP aims to build commitment of the PRC Government to apply human rights principles and practices in a rapidly changing context.

**Objective:** Australian and Chinese agencies will collaborate on key Chinese-identified priorities for human rights reform; developing relationships, trust and influence over time.

The approach to influencing change is to select key strategies with a clear rationale for why these are expected to lead to positive outcomes. In order to achieve the goal of building commitment to human rights, therefore, the HRTCP will employ the following key strategies, selected based on the past experience of the program:

- engaging progressively and at different levels (to ensure appropriate emphasis on relationships and trust and to be able to respond to different needs in a diverse and changing environment)
- building networks and coalitions of leaders (to nurture a critical mass in support of human rights at provincial and national agencies and in civil society)
- advocating for human rights (to gently push boundaries and progress the depth and breadth of human rights reform)
- drawing on the experience and expertise of Australia's National Human Rights Institution (acknowledging that the AHRC's very presence in China is influential and that it has a unique role to play in progressing human rights).

Informed by these strategies, the program will support activities at three levels - relationship-building and exposure to human rights; short-term, one-off activities; to long-term strategic engagement. These activities, such as exchanges, study tours and workshops, will facilitate dialogue on human rights practice between Chinese and Australian individuals and organisations. Governance and management processes are designed to ensure that strategies are adhered to and that learning is incorporated into the program.

Due to the progressive and sensitive nature of human rights reform, the design aims to support Chinese momentum for reform, staying flexible and responsive and not predicting specific activities or human rights topics. It is not possible therefore to predict specific changes in laws and policies influenced by the program.

Monitoring of the program will therefore focus on two areas - output activity level data that gives information about the number and types of participants; and program outcome level data on the effectiveness of the strategies implemented in achieving the program objective. Measuring success will particularly focus on qualitative outcomes at the program level – measuring the extent to which the program has contributed to changes in the commitment

to human rights and the effectiveness of the strategies used. This is outlined in the Monitoring and Evaluation section and draft framework at Annex F.

## Operational arrangements

The AHRC is responsible for the majority of the operational arrangements of the HTRCP in cooperation with the MFA, other partners and AusAID. AusAID will continue to directly manage a small activity with the MFA (see Level 3 activities at page 8).

### Partners

The HTRCP operates in close cooperation with a group of up to twelve partners. Partners are government organisations (central Ministry and provincial levels), semi-government bodies and non-government organisations. As well as one non-government partner, civil society is primarily supported by working with the Ministry of Civil Affairs, to influence the regulatory environment for the sector. Partners to date have included: All-China Women's Federation, Beijing Legal Aid Office, Ministry of Civil Affairs, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Public Security, National Judges College, National Population and Family Planning Commission, State Ethnic Affairs Commission, Supreme People's Court, Supreme People's Procuratorate, and United Nations Association of China.

The engagement with partners, when viewed together, has the following characteristics:

- *Strategic* – partners are chosen for their potential for influence, whether in influencing future leaders; their provincial position which allows influencing both up and down; the wide reach of their work; or their capacity to pilot something in one province that could be replicated elsewhere.
- *Focused on dialogue* – this runs throughout the engagement, whether with those committed to human rights where it is possible to support considerable change; or agencies where human rights concepts are new, poorly understood or resisted, and progress is likely to be much slower.
- *Progressive and relationship-based* – as trust is built over a number of years the engagement may shift from general exposure to training broadly on human rights before work on a specific reform is proposed.
- *Partner-led* – promoting ownership and sustainability by responding to partner-identified needs and providing inputs that will strengthen understanding with the assumption that this is likely to lead to change in individuals and organisations over time.
- *Responding to supply and demand* – activities with one partner may focus on the demand for human rights at the grassroots, while another activity works on legislative change. Seemingly separate activities are often mutually-supportive and can lead to greater results than if they were implemented alone
- *Supporting leaders* – working with champions of change, strengthening their exposure and understanding of human rights, and connecting them through the HTRCP.
- *Complementary rather than duplicating* – staying informed of other donor programs in human rights particularly through the annual donor's rule of law roundtable and letting partners lead to help prevent duplication with other donors' activities.

### Activities

The activities implemented with partners are grouped into three categories, which support each other. A partner may engage with the program through activities implemented in any

of these categories. The type of engagement may shift during the life of the program. Activities will be planned each year and outlined in the annual plan<sup>3</sup>.

**Level 1 – building relationships and opportunistic engagement:** this aims to build and maintain relationships with potential new partners and existing partners that are not currently involved in other program activities; expose key strategic decision-makers to human rights issues in an opportunistic and strategic manner; and facilitate networks across Chinese partners and with Australian experts. Examples of activities at this level are:

- AHRC meeting with new partners or partners not currently implementing funded activities during visits to China to build relationships and over time discuss human rights issues and potential involvement in the program
- Using Australian experts' visits to China to host a lunch of key players involved in their subject area or holding a public lecture, or meeting with strategic decision-makers that are not partners such as National Peoples' Congress or Central Party School
- Events that bring together "alumni" of the HRTCP, such as a Human Rights Day function hosted by the Australian Ambassador, to help facilitate a coalition of human rights leaders in China.

**Level 2 – one-year activities:** these activities aim to work with partner agencies on a specific human rights issue implemented for a period of up to a year. Activities are proposed by the Chinese partner agency on an annual basis and selected by the AHRC based on selection guidance<sup>4</sup>. Based on current experience, at least ten such activities are expected to be run in the first year ensuring engagement with a cross-section of key agencies identified by AHRC and approved by MFA. Numbers may reduce over the following years if the proportion of multi-year activities increases but is unlikely to drop below six. AHRC works closely with partners on developing their proposals. Activities are formally approved annually by the MFA and AusAID. The AHRC acts as a broker to find the most appropriate experts and ensures they use the most effective approach to further human rights in the context. Examples include:

- A workshop in China to assist Ministry of Foreign Affairs and other officials implement recommendations from the Universal Periodic Review of China by the UN Human Rights Council, facilitated by AHRC and Australian government officials responding to Australia's Universal Periodic Review
- A study tour to Australia for officials from the Ministry of Justice to increase understanding of non-custodial sentencing options for persons who commit minor offences, visiting a state department of correctional services and relevant civil society organisations.

**Level 3 – long-term activities:** AHRC will work with a small group of partners on activities across multiple years. While some content will be similar to the annual activities, a longer-term approach to engagement will allow greater flexibility for key partners to plan ahead, align the activities with their internal planning processes and implement strategic initiatives across up to four years. AHRC will approach existing partners to gauge interest in participating in long-term activities. Selection will be based on those that have shown individual and organisational commitment to human rights and the HRTCP, have applied the knowledge and skills gained in the earlier program, have a strategic approach in their work and have the potential to influence change. The partner will submit a long-term proposal and report annually on progress.

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<sup>3</sup> A draft annual plan template is at Annex B

<sup>4</sup> Draft selection guidance can be found at Annex C



The All China Women's Federation, National Population and Family Planning Commission and Beijing Legal Aid Office are possibilities for multi-year activities. It is likely that partners will move from one-year to long-term at different times. It is estimated that one may move each year, but this will depend on their interest and capacity and will be reviewed at the Annual Meeting that is part of the program monitoring (see M&E section). In addition, the United Nations Association of China (UNAC) is likely to implement their Model UN Human Rights Council across multiple years, as requested by the MFA; and there will be study tours for two MFA officials annually to study human rights in Australia.

The third area requested by MFA is continued support for their development activities for ethnic minorities in two counties in Yunnan. This has been supported by AusAID for some years and has previously focused on small infrastructure projects. Under the new HRTCP it will continue to be managed directly by AusAID, as AusAID has the more appropriate capacity to support poverty reduction work than an NHRI. However, over the life of the new program it will align and become more integrated into the rest of the HRTCP. AusAID will work closely with MFA, with technical human rights support from AHRC as needed, to increase the training element and explore human rights themes within the activity.

### Implementation cycle

The program's annual cycle (Table 1) takes into consideration a range of factors: AusAID, AHRC and MFA corporate requirements, key annual holidays in Australia and China, timing of the Vietnam HRTCP, the preparation required for each activity, and partners' preferred timing for activities. The cycle will be flexible wherever possible and timing of monitoring visits, for instance, may vary depending on activities, partners' availability and timing of other meetings in China, such as sharing information with other human rights programs.

Table 1: HRTCP Implementation Cycle

July	ROU negotiated in July 2012, covering 4 year grant period with option for review annually First tranche payment to AHRC <sup>5</sup> AHRC review and planning mission to China to meet with partners, AusAID and MFA <sup>6</sup> – finalise proposals, and aid memoire shared by AusAID with MFA for endorsement of activities to be implemented in the following year.
August	AHRC submits annual plan to AusAID (using template) outlining proposed activities AHRC submits financial report for previous financial year AHRC prepares short summary of activities from previous financial year
September	Annual Government approval - AusAID approves annual plan and MFA approves activities Technical Adviser works with AHRC on Synthesis Report for previous financial year, based on Activity Completion Reports (ACRs) and updates
October	Synthesis Report circulated to AusAID and AHRC Activities in annual plan implemented from October - long-term activities throughout year; 2-3 months preparation usually needed for one-year activities
Throughout year	Activity Completion Reports for one-year activities and annual updates/ACRs (using template) for long-term activities prepared by AHRC throughout year

<sup>5</sup> In year 1, this will be paid in August. In future years, it will be paid in July.

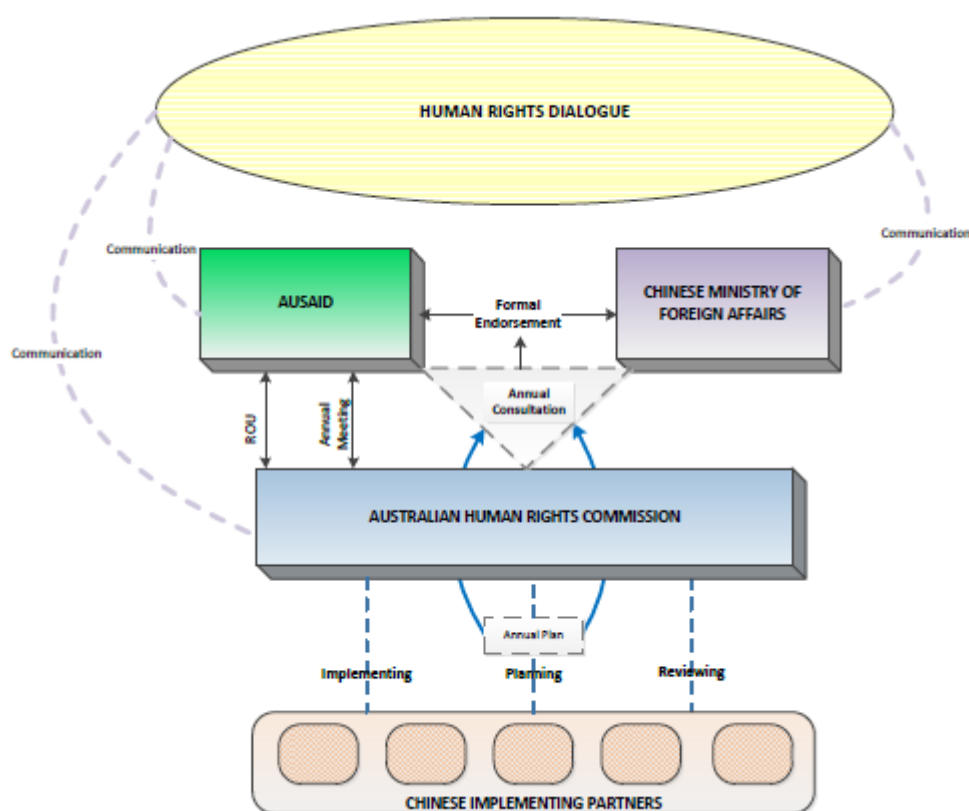
<sup>6</sup> In year 1, this visit will occur in August. In future years it will be planned for July.

	and submitted to AusAID
November	Annual Meeting between AHRC and AusAID facilitated by Adviser AHRC monitoring visit to China
December	Minutes from Annual Meeting agreed by AusAID and AHRC
January	Second tranche payment to AHRC
March	AusAID prepares Quality At Implementation report based on Synthesis Report and Annual Meeting minutes
April	AHRC monitoring visit and early planning with partners
May	Activity proposals sought from partners (using template)

## Governance and Management

The program is built on relationships, primarily between AHRC and partners in China (notably MFA), as well as with AusAID. The governance and management arrangements acknowledge and support this. These arrangements are outlined in Diagram 1.

Diagram 1: HRTCP Governance and Management Arrangements



The **Australia-China Human Rights Dialogue** (HRD) provides the overarching policy framework for the HRTCP. The HRTCP is the practical effort that complements the political dialogue – discussions at the HRD are considered by the HRTCP and may lead to activities if HRTCP criteria are met. The HRTCP also feeds information into the HRD process, including by tabling at the HRD an annual update on the HRTCP. Although there are links between the HRTCP and HRD, there is no formal governance or accountability relationship and the ongoing contributions of the HRTCP are not contingent on the HRD.

The highest level of governance and oversight of the HRTCP is the **AusAID and MFA relationship**. AusAID Beijing and MFA meet annually with AHRC to review the program and discuss planned activities for the year ahead and in addition, AusAID Beijing is in regular contact with the MFA.

The **MFA** facilitates PRC Government approval for the program, including formally approving all funded activities with partners before they proceed. The MFA coordinates the program as a whole on the Chinese side, including participating in planning, monitoring and evaluation, and intervening as needed to help resolve issues that arise in implementation. The MFA also facilitates new relationships and networks for the HRTCP. As well as its coordination role, the MFA is an individual partner agency in the program, which includes nominating officials for the annual study tour program, and engagement in the ongoing refinement of the HRTCP activities in Yunnan.

**Partner agencies** are responsible for the effective implementation of their HRTCP activities. This includes providing designated contact persons within their agency and ensuring their availability for ongoing liaison. It also includes effective and timely reporting (including financial acquittals) and participation, as required, in planning and monitoring processes.

**The AHRC is responsible for managing and implementing the HRTCP**, to be outlined in a Recording of Understanding between AusAID and AHRC. This includes responsibility for: developing and maintaining strategic and productive relationships with agencies in China; planning and implementing activities with partners including acting as a broker for the required Australian expertise; financial management and acquittal; and reporting to enable accountability, monitoring and learning. The International Programs Unit of the AHRC will implement the HRTCP. Further detail is at Annex D.

An **Annual Meeting** will be held between senior AHRC and AusAID representatives each year to reflect on the program and set strategic direction into the future. It will be a one-day meeting facilitated externally (see Monitoring and Evaluation section) and informed by the Synthesis Report. The meeting will be held each November and is timed to inform the HRTCP annual planning process for the following year and AusAID's quality reporting processes.

The agenda of the Annual Meeting will include:

- new developments (in the environment in China such as new laws or policies; in human rights; and in the Australian aid program);
- reflections on the year's activities, including the range of activities, partners, use of Australian expertise, links established between Australia and China and learning to inform implementation and continuing development of the HRTCP;
- risks, including reviewing the risk matrix;
- input into the Monitoring and Evaluation framework at the first meeting; and
- strategic ideas for the program going forward.

## **Monitoring and evaluation**

Monitoring and evaluation (M&E) will be conducted at the activity level and program level. To maximise involvement of partners a very simple activity level reporting process will be used. The main focus will be at the program level. Where possible, the M&E will be aligned with the Vietnam HRTCP. While the underlining concepts between the two programs are similar, the approach and therefore monitoring tools are different. Therefore alignment will largely be in terms of the data sets collected in reporting.

### **Program level**

The major focus is program level outcome data – the collection and analysis of qualitative information to assess the effectiveness of the strategies used towards achieving the program objective.

The program operates in a complex environment and is only one relatively small input that may influence changes in commitment to human rights reform in China. There are multiple factors and players outside the program that will affect change in human rights in China. In such an environment, it is not valid to measure attribution of the program to specific change at an individual or agency level or a specific human rights reform. However, it is possible to assess the extent to which the program has contributed to changes at these levels and the effectiveness of the strategies used. This will be done through qualitative approaches using key performance questions and case study methodology that report on change in individuals, agencies and certain human rights areas. Information will be collected from key stakeholders – AHRC and Australian agencies; and Chinese partner agencies and individual participants.

At the program level, M&E tools include:

- Key performance monitoring questions to stakeholders to test the assumptions underpinning the program's theory of change and to test the validity and effectiveness of the strategies chosen to achieve the program objective. Examples of the types of questions are in Annex F.
- An Annual Meeting between AusAID and AHRC, facilitated by the M&E Technical Adviser (see below), to reflect on the program over the previous financial year
- The Synthesis Report prepared by the Technical Adviser and AHRC and circulated prior to the Annual Meeting, which will draw on information from the ACRs and annual update of activities. The first of these reports will act as the baseline, building on a range of other information available at the beginning of the program.
- Reports from three monitoring visits each year by AHRC staff, including Annual Planning and Review Mission
- Record of meetings between AusAID Beijing, AHRC and MFA

### **Activity level**

To maximise involvement of partners a very simple activity level reporting process will be used. The tools for M&E at the activity level will include:

- Activity Completion Reports for all funded activities and annual updates for long-term activities, including AHRC observation of process and content (discussions, questions asked and participants' plans for follow up activity)
- Activity reports prepared by partners
- Annual activity summary
- Annual financial acquittal of funding provided to partners

### **M&E Framework**

A Technical Adviser<sup>7</sup> with expertise in M&E (as well as understanding of China and human rights, and who has seniority and credibility) will be contracted by AusAID to provide support throughout the program. S/he will develop the details of the M&E framework and process in the first six months of the program, ensuring a mix of qualitative and quantitative indicators. S/he will also provide additional technical assistance to strengthen the M&E capacity of AHRC staff.

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<sup>7</sup> Terms of reference for the Technical Adviser are at Annex E

A draft Monitoring and Evaluation framework is at Annex F, to be further developed by the Technical Adviser and AHRC. This shows the approach to M&E, with an emphasis on testing the strategies being used and their success to advancing commitment to human rights. The first Annual Meeting will provide input into the draft M&E framework, which will then be subject to peer review in AusAID within eight months of the start of the HRTCP, with approval by the relevant Assistant Director General at AusAID.

An independent review of the program will be scheduled early in the last year of the program so that findings can inform future directions of the program. Terms of reference for the review will be agreed at the Annual Meeting.

The M&E framework will produce a synthesised analysis of the outcomes of the program against the Goal and Objective, provide data and qualitative assessments against the Strategies, and provide data at the Activity level. The following is an illustration of the scope of anticipated achievements from the program, but is NOT to be regarded as set of pre-determined targets.

Table 2: Illustrative examples of achievement using the draft M&E framework indicators

<p><b><u>Goal</u></b></p> <p>Commitment of PRC Government to apply human rights principles and practices in a rapidly changing context</p>	<p><b><u>Illustrative example of achievement using the draft M&amp;E framework indicators</u></b></p> <p><i>In this year, 4 central Chinese agencies have progressed human rights reforms through the policy development and legislative drafting stages, in areas related to HRTCP activities. One agency has had legislation adopted (named here) which will benefit up to (name beneficiary group eg 20 million vulnerable children with disabilities). Other agencies face considerable internal and external challenges to progress reforms – while resistance is likely from official channels, civil society and mid-level officials support is relatively strong.</i></p> <p><i>Of the 400+ officials engaging in the program in different ways in this year, there are more women participating (eg now up to 30%) and the PRC government has supported a higher participation of civil society representatives in training events than previously (eg now 5%).</i></p> <p><i>Chinese responses to specific incidents of human rights raised by Australia (and other international groups) in this period did not involve any changes in policy, although Australia continues to have better access and capacity to raise these concerns than reported by others.</i></p> <p><i>Civil society groups (eg x) have reported some progress on resolving specific human rights issues with mid-level and Provincial administrations (eg X and Y) but face continuing challenges in relation to areas of systemic reform such as (eg X and Y) and resolution of particular incidents.</i></p>
<p><b><u>Objective</u></b></p> <p>Australian and Chinese Agencies will collaborate on key Chinese-identified</p>	<p><b><u>Illustrative example of achievement using the draft M&amp;E framework indicators</u></b></p> <p><i>Other international representatives (eg the UK, US and Canada in particular) have noted a more favourable reception from Chinese counterparts to discussions in human rights issues this year in</i></p>

priorities for reform	<p><i>their interactions, and credit the Australian engagement at official levels with the increased understanding and capacity to engage from the Chinese side.</i></p> <p><i>Australia (DFAT and other official channels) observes more constructive engagement with China on international human rights issues in this period (in negotiations directly with Australia, but also reported by others in their discussions leading up to the X,Y,Z forums), while noting that considerable tensions and differences remain on positions related to (eg X,Y,Z). China made positive human rights announcements on policy reform intentions at (eg x and y) international events in this period.</i></p>
<p><b><u>Strategies</u></b></p> <p>Progressive engagement</p> <p>Leadership, networks and coalitions</p> <p>Advocacy and messaging</p> <p>Drawing on the expertise and experience of Australia's national human rights institution</p>	<p><b><u>Illustrative example of achievement using the draft M&amp;E framework indicators</u></b></p> <p><i>25 agencies participated in level 1 (compared to 16 last period); 10 in level 2 (4 last period) and 3 in level 3 (3). 15 Activities were implemented in this period covering legislative drafting and policy reform (4); training (5); study tours and exposure to Australian and international systems (4); other (2). Topics included: (eg list here)</i></p> <p><i>500 participants (75% m; 25% f) were engaged representing senior PRC officials (20%) mid level (75 %) and junior (5%) from central agencies (65%) and provincial or civil society groups (35%); over 78% were satisfied or highly satisfied with the level of learning from their participation; and more than 60% reported that the outcome of the event was directly applicable to their daily work. A post activity evaluation of 3 projects from past years showed that 50% of participants were able to identify a specific reform or input they provided to their workplace resulting from their earlier participation.</i></p> <p><i>AHRC conducted or facilitated 27 informal and formal events in China this period with participants from 4 (round table discussion) to 250 (public open lectures) focusing on the topics of: international human rights principles and standards; the workings of the international HR architecture; and experiences from Australia on (eg indigenous health, people with disabilities, and national insurance schemes).</i></p> <p><i>14 Australian agencies and statutory authorities from 3 states and territories participated in activities this period, 4 for the first time (name them). 18 Australian professionals engaged in the program (3 members of the judiciary; 4 senior public servants; 4 academics and 7 independent consultants (total 13 men, 5 women).</i></p>
<b><u>Activities</u></b>	<p>Individual project reports on participation of agencies, individuals, and project objectives and results would be reported in separate activity reports, and synthesised to provide the above analysis.</p>

## Key reports and documents

As discussed in the implementation cycle and monitoring and evaluation, the program will prepare a number of reports for monitoring, accountability and learning. These are outlined in Table 2.

Table 3: Requirements for reporting and key documents

Report	Timing	Responsibility	Purpose
Activity completion reports	As activity completed	AHRC	To provide a summary of the activity (activity type, cost, gender breakdown of participants), objectives and whether they were met, background on previous engagement on the topic/with the partner (where relevant), recommendations on future activities on the topic/with the partner. Required - sent to AusAID
Monitoring visit report	After each visit	AHRC	To summarise meetings with partners, inform program level reporting and highlight any issues arising from these meetings and implications for future activities. For AHRC monitoring – available to AusAID
Annual activity summary	August	AHRC	To monitor multi-year activities across their implementation. For AHRC monitoring – available to AusAID
Financial report and acquittal	August	AHRC	Program expenditure tracking to support AusAID's financial reporting requirements. Required – sent to AusAID
Annual Plan	August	AHRC	Through the Annual Plan AusAID and AHRC will agree on the activities for the coming year and AHRC will report on their planning process and changes to the human rights context in China. Required – sent to AusAID for approval
Synthesis Report	October	Technical Adviser	To inform the annual meeting by providing qualitative analysis identifying patterns and trends in data from program documentation and information on the overall effectiveness and impact of the program. Required – sent to AHRC and AusAID prior to Annual Meeting
Annual meeting minutes	December	AusAID	The minutes will be used by AusAID for quality reporting and will inform AHRC's annual planning process. Required – prepared by AusAID and approved by all present
HRTCP update	When HRD held	AHRC	To be tabled at the HRD to provide an update on HRTCP activities. Required – prepared by AHRC and approved by AusAID

## Finances

A total budget of \$10.165 million has been allocated for this 4 year program, commencing in July 2012. This allows an average annual program budget of \$2.5 million plus 140,000 over four years for the technical adviser position. AusAID will make annual payments to AHRC through two tranche payments each July and January, with acquittal each August for the previous financial year. An indicative budget is included at Annex G.

The exchange rate to be used in the budget will be agreed annually between AHRC and AusAID. This may allow for increased or decreased activities. In addition, as there is no indexation over the life of the program, the extent of activities may need to be reduced slightly in later years to accommodate any increase in implementation costs. This will be determined annually and acknowledged in the ROU schedule. As the program is flexible and responsive to needs the full budget is not committed in advance, allowing flexibility to deal with changes to available funding caused by changes to the exchange rate or costs and thereby managing partners' expectations.

The budget is split into direct and indirect costs. Direct costs are divided into funding to be provided to partners for one-year activities and for long-term activities. The three activities that are requested by MFA – the Model UN Human Rights Council implemented by UNAC, and the human rights training and ethnic minority rights activities in Yunnan both implemented by the MFA – are expected to continue throughout the project and so have been specified within the budget at Annex G. Other activities will be selected through the program cycle and so the cumulative amounts are included as estimates, with actual costs depending on partners' proposals and implementation costs. It is expected that the proportion of money allocated to long-term activities will increase over the years, but again this is an estimate and the split between these lines is likely to vary across the years.

Indirect costs are divided into fixed management, corporate overheads and Level 1 activities (staffing, communications, meetings with partners, strategic engagement etc); and reimbursable management (travel and other costs that are dependent on the detail of the activities). These are a relatively high proportion of the budget, based on past experience in the program where close involvement of the AHRC in all activities is required for success. These indirect costs cover inputs required for *building relationships and opportunistic engagement (Level 1 activities)*, which is largely staffing and travel costs. These may also be supported from other sources – a function hosted by the Ambassador for instance, or holding side functions while an Australian human rights expert is in China for another activity.

Monitoring and evaluation costs amount to around four per cent of total program expenditure and include activity monitoring and reporting by AHRC and the Technical Adviser costs.



## FEASIBILITY

### Risks

A risk matrix is attached at Annex H. It will be updated for discussion at each Annual Meeting. Key risks for the program are:

**Political environment risks:** there are risks around the political climates in China and Australia, sensitivity of human rights cooperation and ongoing commitment to the program. There are also risks related to the Australia–China relationship more generally that could impact on the Human Rights Dialogue and the program. In the context of the phasing out of Australian bilateral aid to China, ongoing commitment for human rights cooperation is particularly important for this program. Management strategies include: maintaining relevance and responsiveness to Chinese priorities and adapting emerging needs; and maintaining links to the HRD process.

**Relationship risks:** breakdown in relationships, in particular with MFA, would be detrimental for the program. As part of managing this, care has been taken to include the three activities that MFA strongly supports. The activity in Yunnan, however, has certain specific risks related to conducting poverty reduction efforts within a human rights program and in the context of phasing out the bilateral aid program. Efforts will therefore be made to align these activities more closely with the wider HRTCP – MFA supports this but it may take some time. AusAID will also manage this activity directly.

There are also risks that relate to relationships with Chinese partner agencies, particularly potential confusion over the redesign of the HRTCP as an initial design was not pursued. As many key features of the program remain, there is likely to be continued support, but clear communication (particularly between AusAID and MFA) will support this. The redesign may raise expectations among potential partners, which will be carefully managed by AHRC on an individual agency basis to be clear about different ways of engaging. Including long-term activities also raises the risk of complacency among partners, but AHRC will challenge partners to extend their work and may reduce the activities if the partner is not achieving.

Another risk in the new design relates to ensuring that the Annual Meeting occurs – having the timing set in advance and the consistent role of the Technical Adviser will assist in managing this.

**Capacity risks:** The capacity of partners varies considerably and so all activities may not fully achieve expected outcomes. Enabling different levels of engagement in the new program is designed to respond to this. Another risk relates to financial management and acquittal of grants provided to partners for activities – AHRC works closely with partners on this, providing part payment in advance and the remainder on completion of the activity and also attends each activity to minimise risk of financial impropriety.

There is also a risk that it won't be possible to identify Australian expertise in the topics requested. AHRC will therefore maintain good networks of organisations and individuals, and will refuse activities in areas where there is no available expertise.

### Sustainability

A key element of the HRTCP's sustainability strategy is the choice of partners – by working with government at multiple levels, the program supports those responsible under

international human rights law and principles for realising human rights. This is accentuated by the focus on ownership of activities – partners identify the issues, and propose and manage the activities themselves – balanced by AHRC encouraging partners to explore new human rights topics so that the HRTCP is used to pilot activities rather than fund them on an ongoing basis. With the introduction of multi-year activities in the new program, care will be taken to manage expectations among partners about ongoing funding, particularly where there is poor performance. Issues related to sustainability will be included in the M&E framework.

### Cross-cutting issues

The main AusAID cross-cutting issues considered in this program are gender, disability, anti-corruption, child protection and environment. The new Gender and Inclusion Strategy for the program also considers minorities as a cross-cutting issue.

**Gender:** Gender is acknowledged as an important human rights issue which will be addressed in both the content of activities and the way they are implemented. The AHRC is currently developing a Gender and Inclusion Strategy for the HRTCP, which will be finalised and implemented in the new program from July 2012. A draft will be shared with AusAID's Gender section for input. Key aspects of the Strategy include:

- women's rights and gender equality are a feature of the HRTCP – activities with partners such as All China Women's Federation (ACWF) focus on this and it is expected that the ACWF will be implementing long-term strategic activities in the new program
- all partners are requested to ensure gender equality in activities, unless there is a specific reason why this is inappropriate (many of the ACWF activities for instance are aimed principally at women). Where this does not occur, AHRC will follow up with the partner to encourage equality in future participation
- gender equality issues are considered in the selection of activities and partners other than just ACWF are encouraged to engage on gender rights issues
- women are encouraged to actively participate in all activities
- gender equality issues will be included in the M&E framework to be developed in the first six months of the program and relevant data will be disaggregated by gender.

**Disability:** the AHRC has extensive expertise in disability issues and considers accessibility in all activities. In recognition of the scope to do more activities in disability rights, the AHRC has started discussions with the China Disabled Persons Federation to explore working with them in the new program.

**Anti-corruption:** all partners must acquit expenses for activities, with part payment in advance and the balance on completion. AHRC participation in all activities acts as a monitor on expenditure. Anti-corruption content is also included in activities where appropriate.

**Child protection:** HRTCP activities are very unlikely to include contact with children. To ensure compliance with AusAID's Child Protection Policy, the activity proposal form will include a question on whether the activity requires contact with children and if so, the partner will be required to have a Child Protection Policy. As a human rights issue, child protection may also be included in activity content where appropriate and relevant.

**Environment:** HRTCP activities implemented by AHRC tend to be workshops in China, exchanges or study tours in Australia. They are therefore very unlikely to impact on the environment. To ensure compliance with the aid program's Environmental Management

Guide, the activity proposal form will include a question on possible environmental considerations to ensure that this is identified and addressed by AHRC prior to implementation. A similar process will be used by AusAID for the activities in Yunnan (for which AusAID will directly fund MFA).

## Annex A: How the design responds to the review of the HRTCP

A review of the HRTCP was conducted by two independent consultants in February 2011. Full recommendations can be found in the review – abbreviated versions are used here to indicate how they have been considered and incorporated into the new design.

**1.Move to higher-level and longer-term cooperation** – by including multi-year activities, the new program allows for more strategic, longer-term cooperation with the partner agencies that have the capacity to manage these.

**2.Improve information flow to HRD participants about the HRTCP** – the new annual synthesis report will improve the quality of information available about the HRTCP at a strategic level. Information will be shared with HRD participants where possible, noting that facilitating the HRD (which has not been annual in recent years) is not in the remit of the HRTCP.

**3.Information-sharing between HRTCP and similar initiatives** – the AHRC will continue to make efforts for greater information-sharing, including (where possible) timing visits to China to enable participation in coordination meetings. Decisions on which activities and agencies the HRTCP will support will also be supported by the guidelines at Attachment B.

**4.Inclusion of international best practice:** the AHRC uses its membership of international fora to maintain up-to-date information on human rights. The new annual meeting with AusAID will assist in sharing relevant information on aid and development.

**5. 6. 23. and 24.Improve monitoring and evaluation:** improvements in the new design include – clearer program language to ensure greater clarity regarding what is to be monitored; improved understanding between AusAID and AHRC on expectations achieved by collaborating on the design; agreement that a mix of quantitative and qualitative indicators will be used; a Technical Adviser with expertise in M&E to support AHRC in synthesizing learning annually and strengthen AHRC capacity; and a new annual meeting to monitor progress at the strategic level.

**7.Greater clarity on financial reporting:** financial reporting requirements will be explicitly outlined in schedules to the Head ROU between AusAID and the AHRC.

**8.AHRC to use a more realistic exchange rate:** this has been noted by AHRC and will be used in implementing the new program.

**9.Determine the best types of activities funded under the program:** a mix of activities (eg study tours, workshops etc) will continue to be funded under the program to ensure responsiveness to the partners' needs. These will be decided on a case-by-case basis.

**10.Conduct a financial review of the HRTCP, including a cost-benefit analysis of in-country representation:** a financial review was not conducted as there are non-financial reasons why it is unlikely to be possible for the AHRC to have representation based in China.

**11.AusAID provide guidance to AHRC on “skill set” required to manage the HRTCP:** the design improves clarity on management structures and during the design process, AHRC and

AusAID improved shared understanding of reporting and M&E requirements. A Technical Adviser will support the AHRC in their work, particularly related to monitoring.

**12. Develop a HRTCP gender strategy:** the AHRC is developing a Gender and Inclusion Strategy which will be implemented in the new HRTCP.

**13. Develop a risk matrix:** a risk matrix will be developed in the first four months of the program, ready for review at the first Annual Meeting. Risks will be reviewed annually at the Annual Meeting.

**14. Roles and responsibilities of AHRC clearly defined:** these are articulated in the Governance and Management section of the design, and have been collaboratively developed and agreed during the design process.

**15. Clarity on roles and responsibilities of AusAID, MFA and AHRC in providing strategic direction:** these are articulated in the Governance and Management section of the design. The new annual meeting will be a useful opportunity not only for setting direction, but also reviewing these arrangements if necessary.

**16. AusAID work more closely with the AHRC in designing the program:** the new HRTCP was designed through a collaborative workshop with key staff from AusAID and AHRC and the design document has been contributed to and agreed by both.

**17. AusAID and AHRC assess the possibility of establishing an in-country presence:** this has been discussed but has been rejected as unrealistic.

**18. Introduce a LogFrame approach:** different approaches to M&E were discussed in the design workshop – a LogFrame was seen as too prescriptive for a program of this nature and so will not be adopted. However a more rigorous approach to M&E is included in the new program, thereby responding to concerns expressed in the review.

**19. Identify program performance indicators:** these will be included in the M&E framework to be developed in the first six months of the program

**20. Baseline document:** the first of the annual Synthesis Reports prepared by the Technical Adviser and AHRC will provide this baseline information.

**21. AHRC develop standard requirements from partners in Activity Completion Reports (ACRs):** a new ACR template will be developed with standard questions and all partners will be encouraged and supported to provide all information required.

**22. If case studies are used in M&E, develop methodology for their use:** this will be considered as part of the development of the M&E framework.

**25. Streamline reporting and monitoring and evaluation activities:** reporting has been streamlined and all reports now have a specific purpose and contribute to M&E.

**26. Redesign the program:** as recommended, a collaborative approach was taken for the redesign process and has resulted in a design that is communicable and evaluable.

**27. Change to a three-year cycle:** the new program will run for four years and will include a mix of annual and multi-year activities to cater for varied capacities in partners.

**28.Reduce the number of agencies and prioritise strong performers:** the new program has three levels of activities to ensure different options for engagement with different partners. While strong performers are prioritised for longer-term strategic engagement, the design team noted that it is important for the HRTCP to continue to engage with some poor performing agencies to encourage greater commitment to human rights.

**29.Use a LogFrame for better communication about program objectives:** these are more clearly articulated in the new design, although a LogFrame has not been used.

**30.Redesign the Yunnan activities for better alignment with the HRTCP:** AusAID will work closely with MFA to improve alignment of activities.

**31.Recommend against introducing a “flexible component” linked to the HRD discussions:** this is not included in the design.

**32.Develop guidelines to assist agencies develop activity proposals:** a template for activity proposals will be used and the AHRC will provide support in its use.

**33.More analysis on participants in activities:** the annual Synthesis Report will include this analysis, based on standard information provided in Activity Completion Reports.

**34.Agencies informed of requirement to provide gender disaggregated data:** this will be included in the appropriate templates and explained to partners.

**35.Support gender equity and representation of minority communities:** this is included in the Gender and Inclusion Strategy.

## **Annex B: Draft Annual Plan Template**

### **Executive Summary**

#### **Background**

- HRTC Program Context
  - 2012 redesign
  - Program goal, objective and change theory
- AusAID Country Program context
- Political context – relevant human rights developments and reforms
- Socio-economic and development context

#### **Annual Plan Process**

- Planning mission dates, team and methodology

#### **Annual Plan for [Insert commencement and end dates]**

- Overview - timetable and list of activities
- Selection of partner agencies
- Descriptions of recommended activities:
  - Level 1 - building relationships and opportunistic engagement
  - Level 2 – one-year activities
  - Level 3 – long-term activities
- Budget for [period of plan]
  - Overall budget
  - Individual activity budgets
- Operational and reporting arrangements
- Gender and social inclusion
- Monitoring and evaluation
- Risk management

## Annex C: Draft guidelines for selecting HRTCP activities

Proposed activities are discussed with Chinese partners during annual planning, including the suitability of the activity. Some proposals will not be supported as they do not meet the requirements of the program. Key characteristics to be demonstrated in activities include:

- Activities should have a strong focus on human rights. This would exclude, for example, activities that deal primarily with commercial issues.
- Activities should address areas of high priority for the work of the Chinese partner to ensure a sense of ownership and increase sustainability.
- Activities should focus on practical issues and be designed to achieve concrete outcomes. Outcomes may occur at different levels - “big picture” systemic changes such as new laws and policies, or change at the grassroots by supporting local pilot programs. Activity proposals should as far as possible demonstrate clear links to relevant PRC reform initiatives.
- Activities with a research or academic focus are generally not favoured, although there is some flexibility – these may be accepted if they assist the partner’s practical work.
- Australia must have relevant experience and expertise in the area proposed.
- Activities should mostly involve training and/or other forms of capacity building. Activity proposals that involve capital expenditure or “topping up” the operational budgets of cooperating organisations will not be supported.
- Ideally, there should be some continuity in the subject for HRTC activities. Examining a subject over several activities is considered more conducive to achieving sustainable outcomes. This is essential for longer-term activities.
- However, partners should not pursue the same activity or subject area indefinitely – proposals that largely repeat earlier activities are unlikely to be supported. Activities should reflect a desire to seek new challenges and opportunities, rather than doing ‘more of the same’ over an extended period.
- HRTC activities should complement rather than duplicate activities the partner may be undertaking with other donors.
- Partners should aim to achieve gender balance among Chinese participants in activities.
- The HRTCP is a bilateral program and activities that seek to fund participation outside Australia will not be supported.
- In selecting activities, consideration will be given to the partner’s past performance. Organisations that have shown a strong commitment and achieved good results in previous activities are seen as more likely to achieve success in upcoming activities. Consideration will also be given to the overall quality of the written proposal, favouring detailed and well-written proposals that have clearly articulated objectives and outcomes.



## **Annex D: Role of the Australian Human Rights Commission**

The AHRC is responsible for managing and implementing the HRTCP. Details of this role and responsibilities will be included in the Recording of Understanding between AusAID and AHRC. An overview is included below.

The AHRC will be accountable for implementation of approved HRTCP activities and effective management of the program as a whole. This includes planning, implementing and managing activities with partners, including acting as a broker for the required Australian expertise. It also includes financial management and acquittal.

Activities will as far as possible be implemented to a high standard and within agreed time-frames. However, implementation standards will be affected to some extent by external factors beyond the AHRC's control such as the political environment and capacity and performance levels of partner agencies. On those issues, the AHRC's accountability is for appropriate risk management.

The AHRC will provide AusAID with timely reporting on program and financial issues in the agreed format and will work closely with AusAID and the Technical Adviser in ongoing planning, and monitoring and evaluation of the Program. To ensure a strong information base for the program, the AHRC will maintain and update its knowledge of relevant contextual issues including political and human rights developments in China and activities of other donors and international partners on human rights in China. The AHRC will also maintain and continue to develop strategic and productive relationships with a range of agencies and individuals in China.

The AHRC will allocate the level of staffing resources needed to ensure effective management and implementation of the program. This will include staff directly involved in the program and less direct support through corporate services and other areas. For staff working directly on the program, recruitment and professional development measures will take into account the need for appropriate skills and capacities in areas integral to the success of the HRTCP. These include project and financial management, monitoring and evaluation, gender and social inclusion, as well as some major thematic areas being addressed in the HRTCP.

Sourcing technical expertise required for HRTCP activities will be an important part of the AHRC's role. This will include from staff directly responsible for HRTC activities, as well as from wider policy and portfolio areas of the AHRC and other relevant Australian agencies. To ensure the best possible technical input for the program, the AHRC will develop and maintain networks with a wide of Australian agencies and stakeholders that have potential to contribute to the program, and ensure experts are briefed and supported for their role in the program.

## Annex E: Technical Adviser Terms of Reference

### 1. Objective of the position

To support and facilitate the partnership between AusAID and the Australian Human Rights Commission (AHRC) as managers and evaluators of the Australia-China Human Rights Technical Cooperation Program ('the program'). This is not simply a technical monitoring and evaluation (M&E) role, but will also involve significant partnership work.

### 2. Background

The goal of the program is to build commitment of the Chinese Government to apply human rights principles and practices in a rapidly changing context. The objective of the program is that Australian and Chinese agencies will collaborate on key Chinese-identified priorities for human rights reform; developing relationships, trust and influence over time.

Implementation of the program will draw on the experience and expertise of the AHRC; and will involve engaging progressively and at different levels, building networks and coalitions of leaders, and advocating for human rights. Activities, such as exchanges, study tours and workshops, will facilitate dialogue on human rights practice between Chinese and Australian individuals and organisations.

### 3. Key responsibilities

The technical adviser will provide support and analysis for program M&E by:

- a. Preparing strategic and policy analysis of the human rights context in China and analysis of the program;
- b. Facilitating an annual meeting between senior AHRC and AusAID staff; and
- c. Providing support and advice to AHRC staff on M&E as needed.

### 4. Specific tasks

4.1 In the first six months of the program the technical adviser will develop the details of the M&E framework and process, ensuring a mix of qualitative and quantitative indicators. An early draft is at Annex F, providing guidance on the approach. The emphasis is on qualitative monitoring at the program level and testing the implementation processes for the program. The technical adviser will also develop or improve existing templates for proposals and activity/program completion reports.

4.2 On an annual basis, the technical adviser will:

- a. **Review program documentation** including activity completion reports, monitoring visit reports, annual activity summaries, and the annual financial report;
- b. **Prepare a synthesis report** by working with the AHRC to prepare a qualitative analysis that will identify patterns and trends in data from program documentation, and provide information on the overall effectiveness and impact of the program;
- c. **Summarise the human rights context in China** by drawing on recent literature to prepare a summary of new developments in the human rights environment in China, including the nature and type of policy and practice reforms adopted;
- d. **Facilitate the annual meeting between AusAID and the AHRC.** Topics will include:

new developments in the human rights environment in China; reflections on activities in the previous year, including the range of activities, partners, the use of Australian expertise and links established; risks, including reviewing the risk matrix; strategic directions for the program; and other areas as mutually agreed;

- e. **Review minutes of the annual meeting** (prepared by an AusAID note-taker); and
- f. **Provide ad hoc advice for program partners**, including additional technical assistance, analysis and advice to strengthen the capacity of the program partners.

## 5. Duration

Task	Maximum number of days per task annually
Drafting of synthesis report and review of program documents	7 days
Annual meeting facilitation – including preparation and reviewing minutes	2 days
Monitoring and reporting on human rights context	7 Days
Ad-hoc advice and research, to be drawn on only as directed by AusAID and the AHRC	10 Days

In the first six months of the program an additional 15 days will be allocated to develop the M&E Framework and templates in collaboration with the AHRC and AusAID. Depending on the location of the annual meeting and where the technical adviser is based, additional days may be included for travel.

## 6. Reporting

The following reports will be provided for each year of the program:

Description of report	Format	Quantity	Due Date
Summary of recent literature	Electronic submission in Microsoft Word	One	August
Synthesis Report for previous financial year			October
Minutes from Annual Meeting			December

The M&E Framework is to be submitted electronically in first six months of program, with the date to be agreed between the Technical Adviser, the AHRC and AusAID.

## 7. Recruitment and Accountability

The technical adviser will be remunerated at the AusAID Adviser Remuneration Framework short-term C3 level and recruited through a pre-qualified tender process. The selection panel will consist of AusAID and AHRC staff members and an independent person.

S/he will be contracted directly by AusAID. While ultimate reporting responsibility will be to AusAID as the contracting body, the technical adviser will work closely with key representatives from AusAID and AHRC, with ongoing three-way communication.

## 8. Selection Criteria

- a. Good working knowledge of the human rights and political context in China;
- b. Demonstrated experience in M&E of development programs and in developing M&E frameworks;
- c. Ability to facilitate high level meetings; and
- d. Committed to involvement in the program for 4 years.

## Annex F: Draft Monitoring and Evaluation Framework and Performance Questions

This draft **Monitoring and Evaluation Framework** will be expanded and finalised by the Technical Adviser, and then peer reviewed prior to approval.

<i>Design feature</i>	<i>Indicators/Indications of Change</i>	<i>Tools</i>	<i>Resources</i>
<b>Goal</b> Commitment of PRC Government to apply human rights principles and practices in a rapidly changing context	Nature and type of policy and practice reforms adopted by GoC; # immediate and potential long term beneficiaries	Annual synthesis report: from activity level reporting, review of published literature and other donor and international organisation reporting	Technical Adviser
	# agencies proposing significant HR reforms	Annual synthesis from activity level reporting	Technical Adviser
	# and type of Chinese agencies approaching HRTCP for support	AHRC records	AHRC
	# Chinese leaders/interlocutors advancing HR reforms on specific issues	Annual synthesis from activity level reporting	Technical Adviser
	Changes in perception among stakeholders/clients/beneficiaries of GoC commitment to reform	Explore developing an index on GoC HR reform agenda	AHRC
	Changes in GoC position and messaging on human rights in international forums	Analysis of international media reporting, Australian Government cables, other published reports	AusAID/DFAT

<b>Objective</b>			
Australian and Chinese Agencies will collaborate on key Chinese-identified priorities for reform	Changes in perception among Australian WoG agencies on access, responsiveness and cooperation with GoC counterparts	Informal feedback to AusAID, DFAT and AHRC noted and discussed in Annual Meeting. Minutes of the Human Rights Dialogue.	AusAID/AHRC
	Measure of significance and importance of collaboration by feedback from program stakeholders (technical experts, counterparts, participants)	Included in individual project report template, ratings of significance and value and open ended text feedback	AHRC
<b>Strategies</b>			
Progressive engagement	# agencies by sectors/disciplines in stages 1,2 and 3 of program	Annual Synthesis report: data included in Activity Completion Report (ACR) template	AHRC
	# activities by topic and type	Annual Synthesis report: data included in ACR template (standard topic and type menu to be developed)	AHRC
Leadership, networks and coalitions	# leaders, men and women, and 'level' of position exposed to HR framework	Annual Synthesis report: data included in ACR template	AHRC
	Satisfaction and feedback from participants at the time of participation and later	Annual Synthesis report: data included in ACR template; tracer study to be conducted every two years; possible case study by Developmental Leadership Program	AHRC
Advocacy and messaging	# engagement/events/opportunities to communicate core messages	Annual Synthesis report: data included in ACR template	AHRC
	Nature and type of core messages for each period	Documented in Annual Plan and Annual Meeting	AHRC

	Australian WoG, Chinese civil society and other donor perception on status of Australia's profile, positioning and advocacy in China and internationally on China HR issues	Analysis of cable traffic, reports from AHRC and observation and feedback in-country (and discussed by AusAID Post at Annual Meeting)	AusAID/DFAT
Drawing on the expertise and experience of Australia's national human rights institution	# and type of Australian agencies participating in the program	Annual Synthesis report: data included in ACR template	AHRC
	# men and women, and nature of expertise of Australian professionals participating in the program	Annual Synthesis report: data included in ACR template	AHRC
<b>Activities</b>			
<i>AHRC program planning</i>	Summary of agencies, participants, topics/themes and core messages for the period	Annual Plan	AHRC
<i>Project planning and approval</i>	Individual project outputs and objectives	Activity Proposals	Partners
<i>Project reporting</i>	Report against outputs and objectives: standardised format and menu for coding	Activity Completion Reports	AHRC / partners
	Consistent data set for overall synthesis	Activity Completion Reports	AHRC / partners

Key **performance monitoring questions** will be developed to test the assumptions underpinning the program's theory of change and to test the validity and effectiveness of the strategies chosen to achieve the program objective.

Examples of the types of questions to be asked of Chinese agencies / individual participants at Level 2 and 3 and the data they will provide include:

<b>Monitoring Outcome Questions</b>	<b>Purpose – information that the question will provide</b>
<b>What changes in your work on human rights</b> have you made, building on the inputs provided by the HRTCP?	A measure of how the cooperation with Australian agencies has contributed to changes in way agency / individual works
<b>What benefits</b> have resulted / will result from this change - examples of who you have influenced or assisted, what have you / your agency done?	A measure of wider outcomes and impact on other individuals / agencies and human rights reform that has or may occur as a result
In what ways has the activity / engagement with the Australian partner <b>influenced your approach</b> (in this area of human rights reform)?	The effectiveness and relevance of the inputs provided – ways that the Australian engagement has influenced their work
<b>What other factors have influenced your ability to make change</b> - enablers and barriers?	A measure of other influences, external to the program – enablers and barriers to human rights reform
<b>What assistance would you seek in the future</b> (kind of inputs and areas of human rights reform) and where would you seek this from?	The relevance and appropriateness of the assistance on offer from Australia in meeting Chinese identified priorities

Examples of the types of questions to be asked of the AHRC and other Australian agencies providing technical advice and capacity include:

<b>Monitoring Outcome Questions</b>	<b>Purpose – information that the question will provide</b>
<b>What changes have you found in the agency / individuals</b> during or after the activity or engagement?	A measure of effectiveness of the program (knowledge, skills etc) and also a measure of relationships and trust
<b>How appropriate in progressing human rights were the requests for technical inputs by Chinese partners</b> given the operating context?	A measure of the relevance of the Chinese requests and inputs provided by the cooperation with Australia
<b>How has the Chinese partner applied / planned to apply the skills and knowledge</b> gained from the activity in support of human rights reform?	A measure of the effectiveness and relevance of the inputs provided
<b>What other factors have influenced the application of the skills and knowledge gained</b> - enablers and barriers?	Wider contributing factors and extent to which the Australian inputs have contributed to change
<b>How do the inputs contribute to a particular human right reform?</b>	Measure of impact
<b>What other factors may have influenced changes in the particular human rights reform</b> - enablers and barriers?	Wider contributing factors and extent to which the Australian inputs have contributed to change

## Annex G: Indicative budget

As outlined in the design, actual direct costs are dependent on partners' proposals and implementation costs. The proportion of money allocated between one-year activities and multi-year activities may also vary from the indicative costs outlined below, depending on partners' needs. This will be outlined in AHRC's annual plan and once finalised, a detailed budget included in the schedules to the ROU. Monitoring and evaluation costs amount to around four per cent of total program expenditure and include activity monitoring and reporting by AHRC and the Technical Adviser costs.

<b>COST (in AUD)</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>
<b><i>Indirect Costs</i></b>				
Salaries	\$360,000	\$360,000	\$360,000	\$360,000
Superannuation & long service	\$65,000	\$65,000	\$65,000	\$65,000
Staff training & development	\$10,000	\$10,000	\$10,000	\$10,000
Administration costs (equipment, stationary, etc)	\$30,000	\$30,000	\$30,000	\$30,000
Corporate overheads and Commission inputs (facilities & services, office costs, senior management and support staff)	\$325,000	\$325,000	\$325,000	\$325,000
Travel & associated expenses	\$160,000	\$160,000	\$160,000	\$160,000
<b>Total Indirect Costs</b>	<b>\$950,000</b>	<b>\$950,000</b>	<b>\$950,000</b>	<b>\$950,000</b>
<b><i>Direct Costs</i></b>				
One-year activities	\$950,000	\$750,000	\$600,000	\$600,000
Multi-year activities	\$150,000	\$300,000	\$450,000	\$450,000
- Model UN	\$100,000	\$150,000	\$150,000	\$150,000
- MFA study tour	\$200,000	\$200,000	\$200,000	\$200,000
Yunnan activities <sup>8</sup>	\$150,000	\$150,000	\$150,000	\$150,000
Technical Adviser <sup>9</sup>	\$60,000	\$35,000	\$35,000	\$35,000
<b>Total Direct Costs</b>	<b>\$1,610,000</b>	<b>\$1,585,000</b>	<b>\$1,585,000</b>	<b>\$1,585,000</b>
<b>TOTAL COSTS</b>	<b>\$2,560,000</b>	<b>\$2,535,000</b>	<b>\$2,535,000</b>	<b>\$2,535,000</b>

<sup>8</sup> Funding for development activities for ethnic minorities in Yunnan will be paid and managed directly by AusAID.

<sup>9</sup> The Technical Adviser will be contracted directly by AusAID.



## Annex H: Risk management matrix

This includes the higher level risks for the program as a whole. Activity level risks will be identified in activity proposals, along with actions to manage these.

Risk	Likelihood and impact	Risk Level	Examples of actions
Reduced Australian or Chinese Government commitment to HRTCP / human rights reform	Possible / Major	Moderate	<ul style="list-style-type: none"> <li>- Maintain relevance and responsiveness of activities, and adapt to new needs</li> <li>- Maintain strategic link with HRD</li> </ul>
Breakdown in relationship with MFA	Unlikely / Major	Moderate	<ul style="list-style-type: none"> <li>- Continue to consult MFA on program progress and to seek MFA support for activities</li> <li>- Maintain regular three way contact (AHRC, AusAID and MFA)</li> </ul>
Damage to relationship with Chinese partners	Possible / Minor	Moderate	<ul style="list-style-type: none"> <li>- Clear communication about new program</li> <li>- Use of different levels within program to manage different partners, their expectations and capacities</li> </ul>
Inability to source required expertise	Unlikely / minor	Low	<ul style="list-style-type: none"> <li>- Continue to develop and maintain diverse networks</li> <li>- Market the HRTCP as a professional development opportunity</li> <li>- Only accept activities with reasonable chance of sourcing expertise</li> </ul>
Inability of partner to implement activity to achieve expected outcome	Possible / minor	Moderate	<ul style="list-style-type: none"> <li>- Work with variety of partners and chose appropriate level of engagement depending on capacity</li> <li>- Close engagement by AHRC, including direct involvement in activities</li> </ul>
Inadequate financial reporting / acquittal by partner	Possible / moderate	High	<ul style="list-style-type: none"> <li>- AHRC works closely with partners, providing support as needed, and may not continue future activities until acquittal received</li> <li>- AHRC attends all activities</li> <li>- AHRC provides only part payment in advance of activities</li> </ul>

