

The China-Australia Human Rights Technical Cooperation Program

An independent review by
Paul Dalton and Martine van de Velde

Copenhagen and Tokyo
February, 2011

Table of Contents

Section 1: Executive Summary	5
Section 2: Introduction	10
Section 3: New Opportunities in a Changing Operating Environment	12
Section 4: Policy Alignment / Program Relevance	15
a. AusAID policy and strategy documents	15
b. DFAT China priorities	15
c. China-Australia HRD	16
d. Coordination with other HRTCPs and HRDs	17
e. Applying International Best Practices	18
Section 5: Most and Least Successful Activities / Stakeholder Perceptions	20
Section 6: Program Performance	24
a. Impact	24
b. Effectiveness	25
c. Efficiency	26
d. Gender Equity	29
e. Risk Management Strategy of the Program	30
f. Sustainability	30
Section 7: Program Management	32
a. General Comments	32
b. Program design	33
c. Use of Program Change Theory and LogFrame approaches in the HRTCP	34
d. Theory of Change versus LogFrame	36
e. Baseline document	37
f. Program Reporting	37
g. Monitoring and Evaluation	39

h. Program Planning and Review Mission	41
Section 8: Future Directions	42
a. Re-conceiving the program design and program management tools.....	42
b. The HRTCP planning cycle – maintain status quo or move to a 3-year cycle?	43
c. Partners and participants in the HRTCP	44
d. Improved understanding of outcomes and impact	44
e. HRTCP funding for the program managed by MFA’s Poverty Alleviation Office	45
f. Possibility for introducing a flexible component	46
g. The mix – and number – of activities	47
h. Equity.....	49
Appendix 1: Terms of Reference	
Appendix 2: Aide Memoire	
Appendix 3: LogFrame	
Appendix 4: Review working schedule	
Appendix 5: References	
Appendix 6: 2007-10 Activity Monitoring Table	

Abbreviations and Acronyms

ACR	Activity Completion Report
ACWF	All-China Women's Federation
AHRC	Australian Human Rights Commission
AMC	Australian Managing Contractor
AusAID	Australian Agency for International Development
BZLAO	Beijing Zhicheng Legal Aid Office
DFAT	Department of Foreign Affairs and Trade
GoA	Government of Australia
GoPRC	Government of the People's Republic of China
MCA	Ministry of Civil Affairs
MFA	Ministry of Foreign Affairs
MFA PAO	Ministry of Foreign Affairs Poverty Alleviation Office
MoJ	Ministry of Justice
MPS	Ministry of Public Security
NJC	National Judges College
NPFPC	National Population and Family Planning Commission
OECD DAC	Organisation for Economic Co-operation and Development – Development Assistance Committee
SEAC	State Ethnic Affairs Commission
SPC	Supreme People's Court
SPP	Supreme People's Procuratorate
UNAC	United Nations Association of China
UPR	Universal Periodic Review

Section 1: Executive Summary

a. Background

The China-Australia Human Rights Technical Cooperation Program (HRTCP) was initiated as one of the outcomes of the first Human Rights Dialogue (HRD) between the two countries, in August 1997. The goal of the HRTCP, is to strengthen the administration, promotion, and protection of human rights in China. Its purpose is to assist key Chinese organisations to contribute to improvements in the administration, promotion and protection of human rights in three program theme areas: i) legal reform, ii) women's and children's rights and iii) ethnic and minority rights.

This review was carried out in January 2011 by Paul Dalton (human rights specialist) and Martine Van de Velde (monitoring and evaluation specialist). The objectives of the review were: (a) to assess how effective the HRTC has been in fulfilling its goals and objectives; and (b) to make constructive recommendations that will enable HRTC to improve its effectiveness and strategic impact.

Significant changes have taken place in China since the Australia-China Human Rights Dialogue (HRD) and the HRTCP were initiated in 1997. In the field of human rights, the Chinese legal and administrative framework for the promotion, protection and realization of human rights is much stronger today than it was then. There is a much greater level of understanding within China now of the content of the international human rights norms and of comparative models and strategies for domestic implementation.

b. Findings

(i) Policy Alignment / Program Relevance

Keeping HRD participants updated on developments in the HRTCP

The HRTCP and HRD processes complement each other, but there is only limited synergy between them in terms of participants and themes. This is not necessarily a problem. On the contrary, the effectiveness of the HRTCP as a program of practical cooperation could well be hampered if it was too closely associated with the political dimension of the HRD. HRD participants should be updated regularly on the substance of the HRTCP, including outcomes and achievements.

Coordination with other HRTCPs and HRDs

It is important that the HRTC be in alignment with other human rights or human rights-related programs being carried out by Chinese agencies and international cooperation partners. Alignment should go beyond efforts to avoid overlap and extend to how the HRTCP can build on other initiatives in the spirit of the Paris and Accra Declarations.

Applying international best practices

It is important that the HRTCP operates on the basis of a strong design and planning process, allowing the program to be monitored and evaluated in a manner that demonstrates evidence-based results. The review team found no evidence that the AHRC has researched and learned from international practice and experience on improving the planning and evaluation of human rights programs.

(ii) Most and Least Successful Activities / Stakeholder Perceptions

Successful activities that have contributed to stronger results are those that have had a clear link to law and policy reform. Greater long-term impact will be achieved in those activities where the cooperating agency has articulated a clear strategy for how they will absorb or apply the results of the activity in an ongoing process.

Activities deemed to be the least successful were those where workshops or seminars lacked clear human rights content and/or where there was no follow-up plan to disseminate the information or knowledge gained beyond the program activity.

As part of the next design phase the AMC, in collaboration with cooperating agencies, should develop clear criteria for success against which activities will be assessed. Criteria for success should be referenced to human rights promotion and long term sustainability of results, with a clear link to law and policy reform.

(iii) Program Performance

Impact

The project documentation often states that attribution is difficult, if not impossible, to make in this kind of program. The review team believes, however, that attribution can be made between the HRTCP and broader policy and institutional changes if the program is properly designed and evaluated. At present, program management of HRTCP – as reflected in the program documentation - does not go beyond activity-level monitoring.

Effectiveness

The large majority of activities that have taken place over the past four years have been of a good standard with careful forward planning and organisation and with the involvement of well-qualified experts. This is a credit to the AHRC and to the Chinese cooperating agencies. There is nevertheless a need to avoid repetition in the activities being organised under the program. Once comparative approaches to a particular human rights protection issue have been explored and a pilot implementation activity (or similar) has been carried out, the time would generally be right to move on to a new issue.

Efficiency

As part of the next planning phase, the AMC, AusAID and HRTCP cooperating agencies need to reassess whether the types of activities funded under the program are the most (cost-)efficient means of pursuing the program objectives.

Equity

Women's rights issues can be addressed much more effectively in the program than they are at present. A first step that should be taken is to develop an HRTCP gender strategy for the program. This should go much further than simply promoting gender parity among participants in seminars or study tours. Cross-agency capacity building activities on gender equity issues should be included in the next phase of the program.

There should also be an HRTCP strategy for ethnic and minority rights in place to ensure that representatives of these groups are fairly represented in design and implementation of program activities. In this regard, the project component on poverty alleviation activities in Yunnan Province should be redesigned so that they are in alignment with the HRTCPs goal, objectives and themes.

(iv) Program Management

The review team found that the implementation of the activities has been well-managed and that co-ordination arrangements between the AHRC and MFA have generally functioned smoothly. AHRC program staff are perceived by cooperating agencies to be competent and conscientious, capable of providing management support in organising the various activities and in identifying relevant Australian expertise.

While the AHRC has specialist human rights expertise as well as management experience gained over the past decade in China and Vietnam, they are not as strong on project design, financial management, monitoring and evaluation or on providing strategic advice to cooperating agencies for programming.

(v) Program design

The review team finds that the current program design is weak at two levels:

- The program does not move beyond the activity-level implementation and does not actively promote strategic engagement with Chinese cooperating agencies and increased diversification of interventions;
- The program is not supported by a rigid planning, design and M&E process, which makes implementation and evaluation more challenging.

The HRTCP should be redesigned based on AusAIDs established quality assurance processes to make certain that the following minimum features are in place:

- A monitoring and evaluation framework that captures useful information that informs subsequent phases, that has established baseline data against performance indicators, supports joint monitoring and evaluation among the AMC and cooperating agencies, and a commitment of the AMC and agencies to assess performance of activities against HRTC higher-level objectives and goal.
- A reporting process that is more manageable, focusing on providing evidence-based information, and demonstrating HRTC achievements or failures at the higher objectives level.

A draft LogFrame has been attached to the review report. This is a very preliminary version of a possible LogFrame for the program. The intention is to provide AusAID, the MFA, the AHRC and cooperating agencies with some preliminary ideas for further discussion.

(vi) Program Cycle and Program Participants

The review team believes that the HRTCP would be more effective and achieve greater impact if the planning cycle was changed to three years. The new program design should be developed through consultations between the MFA and AusAID, with the opportunity for other program stakeholders to provide inputs.

In connection with the move to a three-year cycle, there should be a reduction of the number of participating agencies to between five and eight. Priority should be given to those agencies who are strong performers and who are working in areas that are clearly linked to the thematic priorities.

c. Principal Recommendations¹

From Section 3: Emerging opportunities in a changing operating environment

The HRTCP should reflect the changing operating environment by moving beyond activities only involving primarily exchange of comparative experiences, to higher level and longer term co-operations – linked to, e.g., Chinese priorities for law and policy reform; to pilot programs for implementation of new rights-friendly models for Government and judicial sector service delivery, or for development of human rights curricula for professional training institutions.

From Section 4: Policy alignment / program relevance

(i) The potential exists to improve the quality of information flow to HRD participants about the HRTCP. Future HRTCP presentations should focus on achievements – ‘good news stories’ – coming out of the HRTCP activities.

(ii) Efforts to avoid overlap between the HRTCP and similar initiatives should not be limited to avoiding duplication, but should extend to strategic decision-making about which types of activities and which cooperating agencies the HRTCP should support in the future, taking into account its relative size and the extent of support cooperating agencies receive from other donors.

(iii) The AHRC should be regularly updating itself on and applying international best practices in program design and evaluation, particularly in fields of specific relevance for this program: human rights, women’s rights and equity.

From Section 6: Program performance

(i) Greater emphasis needs to be placed on results rather than on activity-based output reporting, including the provision of systematic impact evaluations at appropriate stages throughout the implementation process by cooperating agencies and the AHRC. Reporting must be ‘tightened up’ so that AusAID, the MFA and the AHRC can evaluate the impact of the program on policy reform.

(ii) As part of the next planning phase, the AMC, AusAID and HRTCP cooperating agencies need to assess the types of activities funded under the program, taking into account the costs of different activity types, with a view to determining the most effective means of pursuing the program objectives.

(iii) A financial management review of the HRTC program should be undertaken with a view to increasing the efficiency and cost-effectiveness of the program. The financial management review should include a cost-benefit analysis of the placement of an in-country AMC representative in Beijing versus the existing program management and monitoring arrangements.

(iv) A comprehensive HRTCP gender strategy to strengthen meaningful women’s participation and a gender perspective in HRTCP should be developed in advance of the next phase of the program.

From Section 7: Program management

1 A complete list of recommendations are included in the review report

- (i) The roles and responsibilities of AHRC should be more clearly defined in the next phase of the program, especially as regards AHRC's role in monitoring and evaluation, reporting, research, networking and providing support to cooperating agencies.
- (ii) There should also be greater clarity in the next phase of the program on the respective roles and responsibilities of AusAID, the MFA and the AHRC in providing strategic direction, ensuring accountability for achieving results against objectives and engaging with cooperating agencies.
- (iii) The review team proposes that the LogFrame approach to the program be reintroduced and that a program baseline document be developed. Follow-up measures should be taken to ensure that there is a solid understanding within the AMC team of this approach and of how it can be used as a management tool and provide strategic direction to the cooperating agencies.
- (iv) As part of the next design it is important to streamline the reporting and monitoring and evaluation activities undertaken by the AMC as part of a well developed M&E plan for the program. At the moment, a wide range of reporting and monitoring activities are implemented without clear guidance on how these activities are mutually supportive. There is also no hierarchy, with reporting and M&E not going beyond the activity level, and there is a lack of analysis at the goal and objectives level of the program. It is also important that reporting, monitoring and evaluation are undertaken in a cost-effective manner.

From Section 8: Future Directions

- (i) The review team recommends that the program be redesigned based on new opportunities identified in a changed operating environment.
- (ii) The review team recommends that the program should change to a three-year cycle. A new program design should be developed through consultations between the MFA and AusAID, with the opportunity for all program stakeholders to provide inputs.
- (iii) In connection with the move to a three-year cycle, there should be a reduction of the number of participating agencies to between five and eight. Priority should be given to those agencies who are strong performers and who are working in areas that are clearly linked to the thematic priorities.
- (iv) The project component on poverty reduction activities in Yunnan Province should be redesigned so that it is in alignment with the HRTCPs goal, objectives and themes. The redesign should follow AusAID's quality assurance guidelines for improved implementation, reporting, monitoring and evaluation.
- (v) The review team recommends that HRTCP guidelines be developed to assist cooperating agencies in developing activity proposals linked to particular strategic or organisational objectives.
- (vi) The AHRC and cooperating agencies need to ensure strategies are in place to support gender equity. For those activities targeting minority communities, a strategy should be put in place to ensure representatives of minority communities are fairly represented in all aspects of the design and implementation of program activities.

Section 2: Introduction

a. Background on the China-Australian Human Rights Technical Cooperation Program

The China-Australia Human Rights Technical Cooperation Program (HRTCP) was initiated as one of the outcomes of the first Human Rights Dialogue (HRD) between the two countries, in August 1997. The goal of the HRTCP, as expressed in various program documents, is to strengthen the administration, promotion, and protection of human rights in China. Its purpose is to assist key Chinese organisations to contribute to improvements in the administration, promotion and protection of human rights in three program theme areas: i) legal reform, ii) women's and children's rights and iii) ethnic and minority rights.

The program takes the form of technical assistance and cooperation aimed at improving the protection, promotion and administration of human rights in China. The HRTCP is implemented in 18-month cycles. The activity plans for each phase of the program are presented to the HRD for approval. The HRTCP is funded by the Australian Agency for International Development (AusAID) and managed by the Australian Human Rights Commission (AHRC), under a record of understanding between the AHRC and AusAID.

On the Chinese side, the Ministry of Foreign Affairs (MFA) co-ordinates the program and is one of 12 cooperating agencies, the others being All China Women's Federation (ACWF), Beijing Zhicheng Legal Aid Office (BZLAO), Ministry of Civil Affairs (MCA), Ministry of Foreign Affairs Poverty Alleviation Office (MFA PAO), Ministry of Justice (MoJ), Ministry of Public Security (MPS), National Judges' College (NJC), National Population and Family Planning Commission (NPFPC), State Ethnic Affairs Commission (SEAC), Supreme People's Court (SPC), the Supreme People's Procuratorate (SPP), and the United Nations Association of China (UNAC).

For the current phase of the program, the year 2010-11, AusAID has committed to pay up to an amount of AUD 2,580,000 / RMB 17,116,400. The figure of AUD 2,580,000 includes AUD 150,000 for implementation of small grants by the MFA's Office for Poverty Alleviation and AUD 80,000 for the annual Program Review and Planning Mission. The available budget for the current year is above the yearly AusAID grant of AUD 2,350,000 due to savings made in the previous year.

The program is funding the implementation of 20 activities in Australia and China during 2010-11. Program activities include a model UN Human Rights Council, with participation of Chinese and Australian university students (activity implemented by UNAC), the development of resource materials on workers' rights (BZLAO), a seminar on protection of cultural diversity (SEAC), and a study visit on sentencing and related issues in judicial practice (SPC).

The program has been reviewed twice previously, in 2002 and 2006.

b. Review objectives

The objectives of the review as set out in the Terms of Reference were to: (a) assess how effective the HRTC has been in fulfilling its goals and objectives; and (b) make constructive recommendations that will enable HRTC to improve its effectiveness and strategic impact.

c. Review approach

The review was carried out in January 2011 by Paul Dalton (human rights specialist), from the Danish Institute for Human Rights in Copenhagen, and Martine van de Velde (monitoring and evaluation specialist), an independent consultant based in Tokyo. The review process can be broken up into five stages: (a) A desk review of program documents and other materials provided by AusAID and the AHRC; (b) interviews with the AHRC and GoA stakeholders in Canberra; (c) interviews with GoPRC and GoA stakeholders in Beijing; (d) production and presentation of the Aide Memoire to AusAID and the MFA; and (e) production of the draft and final reports. A schedule of all meetings held in Australia and China is attached at Appendix 4.

Section 3: New Opportunities in a Changing Operating Environment

Remarkable changes have taken place in China since the Australia-China Human Rights Dialogue (HRD) and the HRTCP were initiated in 1997. In the field of human rights, the Chinese legal and administrative framework for the promotion, protection and realization of human rights is much stronger today than it was then. Extensive exchanges in human rights, rule of law and related fields have taken place between Chinese agencies, institutions and organisations and counterparts in other countries and there is now a comparatively high level of understanding within the Chinese administration, academia and civil society of the content of the international human rights norms and of comparative models and strategies for domestic implementation.

The changes in the operating environment and in the capacity of key institutions and agencies make it possible to carry out a program such as the HRTCP at a much higher ambition level than was the case when the HRTC was first conceptualised. The potential exists for the program to move beyond activities involving primarily exchange of comparative experiences, to a higher level and longer term co-operations – linked to, e.g., Chinese priorities for law and policy reform; to pilot programs for implementation of new rights-friendly models for Government and judicial sector service delivery, or for development of human rights curricula for professional training institutions.

a. Whole-of-Government approaches to human rights implementation

Both China and Australia have in recent years been taking a more systematic approach towards domestic implementation of their human rights commitments and there exist overlapping areas of interest and development. China has already had some experience in formulating and implementing national human rights action plans. Australia is currently in the process of developing, for the first time, a National Human Rights Action Plan.² An exposure draft of the Action Plan and a draft report on Australia's human rights status are expected to be released for public comment in April 2011. There is great potential for useful cooperation between the two countries on design, implementation, monitoring and, not least, evaluation of impact of action plans of this kind.

Such cooperation would take place in part within the HRD, but it can also be pursued in future phases of the HRTCP. Australia has a lot of expertise – within Government and the academic sector - in statistical analysis of data and in using the results obtained to inform Government policy and programming. As far as the review team understands the situation, China was previously not so strong in this area. There could therefore be potential for exchange of expertise and experiences in this field which would further the objectives of both the HRD and the HRTCP.

b. Social research and statistical analysis as tools to inform and guide human rights policy and practice

² Further information is available at the website of the Attorney-General's Department:
http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_NationalHumanRightsActionPlan

The UN human rights treaty bodies are increasingly requiring of states parties to Conventions that they include statistical analysis in periodical reporting³, so that assertions made in the reports about human rights implementation status have a more scientific grounding in fact. States Parties are generally quite good at describing those laws, regulations, policies and programs that are relevant for the implementation of specific human rights commitments, but not so good at providing evidence of how laws and other measures are being implemented in practice.

Undertaking social research is a very useful means of obtaining information about human rights implementation status 'at ground level'. If human rights guarantees incorporated into domestic law and policy are not being respected in practice, the evidence obtained through social research will assist Government to refine its implementation strategy, to initiative any necessary preventative measures (e.g. through amendment of an existing law which may be producing unintended consequences, through a targeted education campaigns for Government officials and others), or through renewed efforts to provide effective protection for vulnerable groups and / or to ensure that public officials who may have violated the law are held accountable for their actions.

c. Potential for bilateral cooperation in follow-up on UPR recommendations

China and Australia are also active participants in the Human Rights Council and in the Universal Periodic Review process (UPR). The UPR process can be a constructive means of discussing domestic human rights achievements and challenges with other UN Member States. The final recommendations – those that have been endorsed by the country under examination – open up potentially fertile ground for ongoing dialogue and joint efforts by China and Australia in the HRD and HRTCP.

China was reviewed for the first time in 2009. As part of the outcome of the review process, China has accepted 42 recommendations. Australia was reviewed during the just completed 10th session of the Working Group on the UPR.⁴ The Working Group's draft report lists 145 recommendations made during the course of the review, which are currently being examined by Australia and which it is required to respond to not later than the 17th session of the Human Rights Council in June 2011.

The review team was surprised to discover how few of the HRTCP cooperating agencies were aware of the UPR process or of the recommendations that have been accepted by the Chinese Government. From discussions with other cooperation partners and international agencies based in Beijing, it appears that 'UPR-follow-up' is not attracting very much attention, either in bilateral cooperation and dialogue or domestically. The strengths of the UPR process are its universality and equal treatment of all UN member states while at the same time being a public international peer review. The plenary discussions

3 See for example the Concluding Observations of the UN Committee against Torture to China's 4th Periodic Report, UN document CAT/C/CHN/CO/4, 12 December 2008, at paragraph 2. Document accessible online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/457/10/PDF/G0845710.pdf?OpenElement>

4 The Draft Report of the Working Group (UN document A/HRC/WG.6/10/L) is accessible online at http://lib.ohchr.org/HRBodies/UPR/Documents/Session10/AU/Australia-A_HRC_WG.6_10_L.8-eng.pdf

during the UPR take the form of non-binding exchanges of views and suggestions between states, but the outcome of the process is a voluntary commitment by the State under review to implement recommendations of their choice. These features taken together make UPR follow-up a promising new context for bilateral cooperation.

The potential exists to reference the 42 recommendations that China has accepted into the framework of the HRTCP. The review team is recommending that a baseline document be developed for the HRTCP which will include, among other things, references to those UPR recommendations accepted by China which relate to the objective and themes of the program (see sections 8 on Program Management and 9.a. on Future Directions – Program Design). By linking the HRTCP design and activities to these recommendations, the HRTCP can support the UPR follow-up process, which will also help to ensure that it continues to be aligned with Chinese and Australian human rights priorities.

Recommendation: The HRTCP should reflect the changing operating environment by moving beyond activities only involving primarily exchange of comparative experiences, to higher level and longer term co-operations – linked to, e.g., Chinese priorities for law and policy reform; to pilot programs for implementation of new rights-friendly models for Government and judicial sector service delivery, or for development of human rights curricula for professional training institutions.

Section 4: Policy Alignment / Program Relevance

a. AusAID policy and strategy documents

AusAID's most recently formulated China Program Strategy document was for the years 2006-2010. A new strategy document is currently under development, but is unlikely to be in place until at least the middle of 2011. For the purposes of the Review, therefore, the review team considered the 2006-2010 strategy document, supplemented by discussions with AusAID staff in Canberra and Beijing.

The 2006-10 strategy document has three strategic objectives: *1) Build capacity in selected sectors in China, in particular governance, environment and health; 2) Enhance the Australia - China relationship by building institutional linkages; and 3) Work collaboratively to strengthen the region.* In the review team's assessment, the HRTCP is well-aligned with strategic objectives 1 and 2 as elaborated in the strategy document. Most, if not all HRTCP activities involve some elements of capacity-building within the governance sector.

AusAID does not apply a specifically rights-based approach in its international programs. The overall objective of Australia's overseas aid program is 'to further Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development.' In this context it is interesting to reflect on the programs AusAID are funding in China in the governance, environment and health sectors. For each sector, the activities being carried out could be described in terms of a form of human rights technical cooperation.

During the review mission, it was observed by Chinese partner organisations on several occasions that the HRTCP was focusing on civil and political rights to the exclusion of social, economic and cultural rights issues. The review team agrees that a majority, although far from all of the HRTCP activities, are addressing primarily civil and political rights issues. But if one looks at the totality of AusAID's China program, there is at least as much focus on economic, social and cultural rights issues as there is on civil and political rights.

One advantage of describing AusAID's China program in a rights-based framework in future policy and strategy documents would be to draw the attention of stakeholders, both Chinese and Australian, to the fact that the GoA is taking a balanced and even-handed approach to rights issues in its engagement in China, in line with the principle underpinning the strategic objectives for the 2006-2010 country program strategy objectives, which are intended to 'support equity in China's development, addressing the factors that underpin poverty.'

b. DFAT China priorities

It is important at the outset to acknowledge that DFAT's priorities for the bilateral relationship with China go far beyond the contents of the HRTCP. The relationship encompasses a broadly based list of bilateral, regional and global issues and themes, including trade, strategic dialogue, climate change,

regional security and disarmament. China's and Australia's future prosperity are both linked to the stability and growth of the Asia-Pacific region⁵.

The HRTCP is important for DFAT, for the GoA as a whole, because the wish to see improved standards of human rights protection in China is an important and long-standing part of Australia's bilateral engagement with the GoPRC. There is an expectation from the Australian public that the GoA will discuss human rights issues with the GoPRC as part of the bilateral relationship. DFAT staff in Canberra and Beijing emphasised the added value of a program such as the HRTCP, the contents of which are shaped by the priorities of the Chinese cooperating agencies, and which facilitates personal and professional exchanges between Chinese and Australian officials.

c. China-Australia HRD

The HRTCP arose out of and continues to be linked to the annual China-Australia HRD. According to the Terms of Reference and program documents, the HRTCP 'supports the HRD by implementing specific activities that give substance and specific outcomes to the Dialogue process.' As discussed in section 3 (Introduction) above, the annual activity plan for the HRTCP is presented for approval at each HRD session.

In reality, the link between the HRTCP and the HRD is currently not very substantial. The knowledge of the HRD participants of the HRTCP activities is limited to a short presentation made by an AHRC representative at each HRD session, prior to the tabling of the annual activity plan. Very few of the HRTCP participating organisations are represented in the HRD sessions, and even for those who are, organisational personnel directly involved in the design and implementation of HRTCP activities are unlikely to have any knowledge of issues being discussed in the HRD.

The HRTCP and HRD processes complement each other, but there is only limited synergy between them in terms of participants and themes. This is not necessarily a problem. On the contrary, the effectiveness of the HRTCP as a program of practical cooperation could well be hampered if it was too closely associated with the political dimension of the HRD.

What is important is that the HRD participants are kept regularly updated on the substance of the HRTCP, including outcomes and achievements. The quality of information flow to HRD participants can be improved by upgrading the format and contents of the presentation on the HRTCP during the HRD sessions. The review team recommends that future HRTCP presentations be made jointly by AusAID / the AMC and the MFA. The presentation should focus on achievements – 'good news stories' – coming out of the HRTCP activities. The written presentation distributed to HRD participants should reference the HRTCPs monitoring and evaluation framework, with progress assessed against performance indicators, but the oral presentation should draw attention to 'human aspects' of the HRTCP. The presentation style should be dynamic, making use of visual prompts wherever possible, so as to open a

⁵ 'The Australia-China relationship', Transcript of speech by former Australian Minister for Foreign Affairs Mr. Steven Smith at Sichuan University, <http://the-diplomat.com/2009/05/07/the-australia-china-relationship>

window for the HRD participants into the activities carried out within the HRTCP in the preceding years (see also section 9.b. on Future Directions).

Recommendation: The potential exists to improve the quality of information flow to HRD participants about the HRTCP. Future HRTCP presentations should focus on achievements – ‘good news stories’ – coming out of the HRTCP activities. The written presentation distributed to HRD participants should reference the HRTCPs monitoring and evaluation framework, with progress assessed against performance indicators, but the oral presentation should draw attention to ‘human aspects’ of the HRTCP.

d. Coordination with other HRTCPs and HRDs

The HRTCP is a bilateral program linked to a bilateral HRD, which is itself a part of a bilateral relationship between Australia and China. While acknowledging the bilateral nature of the program, it is nevertheless important that the HRTC be in alignment with other human rights or human rights-related programs being carried out by Chinese agencies and organisations with international cooperation partners.

Alignment between cooperation partner initiatives should go beyond efforts to avoid overlap in activities amongst agencies operating in China, and extend to how the HRTCP can build on other initiatives in the spirit of the Paris and Accra Declarations.

AusAID endorsed the Paris Declaration and Accra Agenda for Action which entails a commitment to increase efforts in harmonisation, alignment and managing aid for results with a set of ‘monitorable’ actions and indicators. The Paris Declaration encourages all countries and donors to shift their focus to development results, harmonisation and mutual accountability.⁶ The review team did not find any references to aid alignment in the program documents.

Schedule 18 to the Record of Understanding between AusAID and AHRC for the current phase of the HRTCP includes a list of some relevant activities being carried out by other agencies in China. Information on human rights-related activities being carried out by other agencies is gathered by the AHRC during the biannual program monitoring visits and the annual program review / design visit. The list is far from complete. The review team received a more comprehensive list of international cooperation activities in the area of human rights and rule of law currently being carried out in China during its visit to Beijing. HRTCP planning and reporting should pay closer attention to the relationship between these activities and other bilateral and multilateral initiatives than it is doing at present. Some of the HRTCP agencies are involved in extensive program co-operations with other international agencies, which makes coordination all the more important, so as to ensure complementarity of initiatives and to gain a deeper understanding of legal and structural reform processes which are also relevant to this program.

⁶ http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html

In this regard, the review team recommends that the AMC establish informal but regular information-sharing with agencies involved in similar cooperation programs in China. To give one example, the Norwegian Centre for Human Rights, which is also implementing a HRTC program linked to a bilateral HRD, would seem to be a very useful professional contact for the AMC⁷. Others include several US organisations and academic institutions carrying out programs in China with financial support from the US Government; and the Danish Institute for Human Rights.

As discussed above, alignment between the HRTCP and similar programs should not be limited to merely avoiding duplication of activities, but extend to assessment of activity proposals and to decisions about inclusion of new and / or revision of the number of existing cooperating agencies (see section 9.c. below). With a budget of circa 2.5 million AUD per year, the HRTCP needs to be increasingly strategic in the way it selects activities and cooperating agencies. Some of the HRTCP cooperating agencies are also receiving very large amounts of financial and technical assistance from other cooperation partners. Given the rather broad nature of the thematic priorities of the HRTCP, there will inevitably be overlap between this program and its participating agencies and other programs. Again, while this is not necessarily a problem, it does require that the AMC, in coordination with the donor, AusAID, carefully consider which activities and partners should be prioritised for future program support.

Recommendation: Efforts to avoid overlap between the HRTCP and similar initiatives should not be limited to avoiding duplication, but should extend to strategic decision-making about which types of activities and which cooperating agencies the HRTCP should support in the future, taking into account its relative size and the extent of support cooperating agencies receive from other donors.

e. Applying International Best Practices

During the review no examples were found that demonstrate the AMC's learning or application of international best practices in program design and evaluation. As outlined in other sections of the review report, it is important that the HRTCP is the result of a strong design and planning process, allowing the program to be evaluated using the internationally accepted OECD DAC Principles for Evaluation of Development Assistance: Relevance; Effectiveness; Efficiency; Impact and Sustainability.⁸ It is important that these international standards are applied to support Australia's commitment to aid effectiveness and accountability.

Even more significantly, the review team found no evidence that the AHRC has researched and learned from international practice and experience on improving the planning and evaluation of human rights programs. A number of reports have been developed over recent years to support better planning and

⁷ For a useful overview of the history of the China-Norway HRD and of the interplay between the dialogue and the technical cooperation activities being managed by the Norwegian Centre for Human Rights (NCHR) on behalf of the Norwegian MFA, please refer to the document 'Sino-Norwegian Human Rights Dialogue 1997-2007', which can be downloaded from the NORAD website at: http://www.norad.no/en/_attachment/137209/binary/69617?download=true

⁸ http://www.oecd.org/document/22/0,2340,en_2649_34435_2086550_1_1_1_1,00.html

evaluation of human rights dialogues and programs. Some good examples include: 'Indices, Benchmarks and Indicators: Planning and Evaluating Human Rights Dialogues' by the German Institute for Human Rights and various documents published by the Vera Institute of Justice⁹. The latter has published a number of excellent guidelines supporting the design of performance indicators for the justice and rule of law sectors.

Another area where the AHRC is not utilising available international research or good practice is in the area of women rights and gender equity. The linking of gender concepts with development and human rights has been an evolving process, with the advancement of human rights seen as an overarching framework to support women's participation and empowerment. In developing a pro-active gender strategy for the program, as recommended in sections 7.d (Program performance – Gender Equity) and 9.h (Future Directions – Equity) of this report, the AHRC needs to tap into these resources.

Recommendation: The AHRC should be regularly updating itself on and applying international best practices in program design and evaluation, particularly in fields of specific relevance for this program: human rights, women's rights and equity.

⁹ See for example: 'Measuring Progress toward Safety and Justice: A Global Guide to the Design of Performance Indicators across the Justice Sector', Vera Institute of Justice, November 2003, and 'Developing Indicators to Measure the Rule of Law: A Global Approach, July 2008; available for download at http://www.altus.org/index.php?option=com_content&view=article&id=47&Itemid=32&lang=en#

Section 5: Most and Least Successful Activities / Stakeholder Perceptions

Based on discussions with cooperating agencies the review team identified a number of conditions that contribute to or limit the success of the activities. Conditions were assessed against the higher level objectives of the program. No criteria have been developed by the AMC against which HRTCP activities can be assessed for their success or failure. In the absence of such criteria, statements made in ACRs that a report is considered to have been a success are essentially subjective judgments, based on anecdotal comments made by participants or observation by the Australian participants / the AMC. As part of an improved design and monitoring strategy success, a set of criteria for assessing success or failure of activities linked to the program objectives should be developed in collaboration with the cooperating agencies.

As discussed further in Sections 7-9 of the report, a key challenge, which requires immediate remedy, is the 'evaluability', or lack thereof, of the program. The absence of an evidence-based approach to monitoring and evaluation has limited the ability of the review team to make their findings.

a. Perceptions of most successful activities

Successful activities that have contributed to stronger results are those that have had a clear link to law and policy reform. HRTCP activities have been more likely to contribute positively to policy reform in instances where the program had a more long-term involvement in one particular area. Greater long-term impact will be achieved in those activities where the cooperating agency has articulated a clear strategy for how they will absorb or apply the results of the activity in an ongoing process.

Examples:

Domestic Violence with the All China's Women Federation (ACWF) – Study Tours and Seminars:

Over a period of 10 years, the HRTCP has been involved with ACWF specifically on issues related to domestic violence. This has allowed the HRTCP to be in position to have greater influence on policy reform.

Human Rights and Family Planning with the National Population and Family Planning Commission (NPFPC) – Study Tours and Seminars:

NPFPC is the only cooperating agency that operates on a multi-year plan. The practice of pilot projects is generating positive achievements through the development of a client's rights code which addresses, among other things, protection of privacy and the issue of 'informed choice'. The NPFPC also takes necessary steps to ensure that the knowledge and experience gained reaches a wider audience through disseminating information, updating its website and making publications. This in turn builds and strengthens human rights networks associated with NPFPC, and allows them to better apply a rights-based approach to the work they do with communities.

Where the subject of workshops and study tours was closely linked with the human rights objectives of the HRTCP, the review team assumed there was an increase in the mutual understanding between both Chinese and Australian participants and increased awareness among the participants of the universality of human rights issues and their applicability in China and Australia. However, in the next program cycle the management team and cooperating agencies need to ensure that this assumption can be more closely linked to evidence-based information.

An important aspect of the success of the activities is the opportunity for the exchange of expertise between Chinese and Australian representatives and the fostering and nurture of professional linkages that will hopefully continue beyond the program. The latter is an important aspect of the program around which more evidence should be collected in the future.

b. Perceptions of least successful activities

Activities deemed to be the least successful were those where workshops or seminars lacked clear human rights content and/or where there was no follow-up plan to disseminate the information or knowledge gained beyond the program activity.

It was noticeable that some activities had begun as excellent initiatives with great participation, energy and ideas, thus promising the potential for fruitful exchanges, but that they had subsequently been repeated a number of times and had arguably lost their added value in achieving HRTC objectives. (Example: the Model UN with the UNAC – see below). It is important for a program to have clear criteria on which to assess whether the ‘change’ or ‘growth’ potential of an activity in the HRTCP has been exhausted and it should therefore be discontinued.

Examples:

- HRTCP small activities implemented through MFA’s Poverty Alleviation Office

Under the HRTCP funding has been provided to MFA’s Poverty Alleviation Office (PAO) for small development activities in Yunnan province. For the year 2010-2011 the total funding for this component of the program is AUD 150,000 (HRTC Small Activities). The activities are implemented by the MFA’s PAO in a province where there is a large number of ethnic minorities and where the population is faced with a wide range of development challenges.

Due to time constraints the review team was unable to visit the Yunnan area where the activities are being implemented. While HRTCP documentation should generally be sufficient to assess the results of all activities carried out under the program and their contribution to the objective of the HRTCP to strengthen human rights, even without having the opportunity to visit the implementation site in person, this is not the case for the HRTC small activities. The absence of a project design linked to the objective of the HRTCP and English-language periodic reports on the status of the small activities is a clear challenge for the program and poses a number of risks for AusAID from an accountability and effectiveness perspective.

In discussions with AusAID and the MFA, both expressed a commitment to explore how the activity could achieve a closer linkage to the objectives of the program in the future. Both groups also raised the subject of how there could be Australian involvement in the design and monitoring of the activities.

An activity such as the HRTC small activities should be designed and assessed against the OECD-DAC criteria¹ supporting more effective and accountable aid programs using a rights-based, participatory and inclusive approach in the field. In addition to the OECD-DAC criteria, a further common reference point for Chinese-Australian cooperation in this area could be the Office of the High Commissioner for Human Rights’ publication ‘Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies (December, 2006)’¹

The Model UN Human Rights Council implemented by the United Nations Association of China (UNAC):

Since 2004 an annual Model UN activity has been organised under HRTCP. The Model UN has brought together, on an annual basis, students from across China to learn about the functioning of UN human rights structures and to engage in active debates on human rights issues. The review team believes that after having organised the Model UN for six consecutive years by UNAC, it is time to change the approach and focus more directly on the sustainability of the activity.

It was brought to the attention of the review team that many Chinese universities are now unilaterally organising similar Model UN forums, on the Human Rights Council, the General Assembly or other UN bodies. In response to these developments in the Chinese context, UNAC should now move to provide greater capacity-building support to these universities in bringing them together and helping them to generate dialogue amongst themselves. UNAC should also create a booklet that provides guidelines on how best to organise the Model UN activities based on lessons and experiences gained.

It is important for UNAC and AHRC to introduce approaches that monitor and follow up activities undertaken by students and faculty attending the Model UNs. There should, for example, be an assessment of whether articles, how-to-do guides or similar on the Model UN activities have been written, or if sections of the course contents have been included in university curricula. In instances such as these, it is necessary for the cooperating agency and the AHRC to make a strategic assessment of: the value of their activities; how to expand (not just replicate) them, and how/when to move to a new thematic area and/or mode of cooperation.

c. Other perspectives

The review team found that a number of activities that have been organised under the HRTCP had no direct link with the program objectives concerning human rights, and that their contribution to achieving the HRTCP objectives was therefore minimal. While these activities might be worthwhile in their own right, the review team's assessment of these activities has been undertaken from the perspective of the objectives of the HRTCP.

Examples:

Seminars and study tours on the role of civil society implemented by the Ministry of Civil Affairs (MCA)

A number of seminars and study tours have been conducted under the HRTCP to facilitate the exchange of knowledge and experience between Australia and China on the role of civil society in human rights and on models for the administration and structure of NGOs. The review team considers that sufficient knowledge on these topics has now been exchanged between the two sides and little more added value can be achieved through additional workshops or study tours on the role of civil society in Australia. The team found that the linkage between the topics discussed during seminars and study tours and the human rights objectives of HRTC was weak to non-existent. If MCA is to continue as a cooperating agency under the program then there needs to be a careful assessment of the activities it is undertaking and the extent to which they clearly link to the program objective. The most recent MCA seminar on “Government Purchase of NGO Services” is a case in point. If the aim of the seminar was to support civil society development and the administration and regulation of the NGO sector in China, then it falls outside of the scope of the HRTCP. The review team also found that the NGO sector was under-represented at this and other activities carried out by the MCA. AusAID should also assess the risk around such activities. Members of Parliament and the NGO community in Australia might consider these kinds of activities as too restrictive and not sufficiently supportive in promoting a dynamic civil society.

Legislation and Judicial Action Study Visit and Seminar on Judicial Review of Administrative Decisions by the National Judges College (NJC)

From the documentation received it is unclear to what extent the study tours and seminars have impacted on curriculum development at the College. This would be an excellent indicator for the success of these activities and of the contributions towards achieving the objective of the program. At this stage, the program should reassess whether it is relevant and efficient to work with both the National Judicial College (NJC) and the Supreme People’s Court (SPC), given the lack of clear outcomes and impact. Better developed training activities that are clearly linked to the objectives of the program and for which ongoing organisational implementation plans have been developed by the cooperating agency / agencies, could help to build the internal and external capacity of both institutions. It is also recommended that the program takes into consideration the cooperation activities between the SPC, the NJC and other international agencies. In the case of the NJC, the Governments of Germany and Japan are providing / supporting training programs for judges, as are Temple University (US). The contents and scope of these training programs should be taken into account when designing and assessing activity proposals under the HRTCP.

Recommendation: As part of the next design phase the AMC, in collaboration with cooperating agencies, should develop clear criteria for success against which activities will be assessed. Criteria for success should be referenced to human rights promotion and long term sustainability of results, with a clear link to law and policy reform.

Section 6: Program Performance

a. Impact

The OECD-DAC definition of impact is: “The positive and negative changes produced by a development intervention, directly or indirectly, intended or unintended.”¹⁰ When evaluating the impact of a program or a project, it is useful to consider the following questions: What has happened as a result of the program or project? What real difference has the activity made to the beneficiaries?

For the HRTCP, it is important that strategies are developed to better understand the overall impact of HRTCP which is concerned with strengthening *the administration, promotion and protection of human rights in China*. At the moment it is only possible to make certain assumptions about HRTCP’s longer term impact, in terms of policy development or changes in institutional or individual practices.

Expectations of results at the goal level are modest, acknowledging that facilitating change in human rights practices requires a long term approach. However, this does not mean that the HRTCP should not endeavour to assess results and changes brought about by the HRTCP activities.

At present, the program does not produce a consolidated Annual Progress Report summarising the progress of HRTCP activities in relation to program objectives, within the context of activities being carried out by other Chinese and international agencies, the changing human rights context in China and its implications for the HRTCP. The review team recommends that the AMC prepares such a report for use within AusAID and MFA, and for distribution to cooperating agencies. The format for the report can be developed in consultation with AusAID and the MFA.

Current program reporting does not provide results or indicate progress achieved against the program objectives. There is no substantive qualitative difference between the information included in the various reports, with each report having a focus on the implementation of each activity by itself.

There is some anecdotal evidence in the program reports suggesting that activities have contributed to the achievement of HRTCP objectives. Similar statements were also made to the review team in the course of interviews with cooperating agencies in Beijing. None of these statements are, however, supported by any evidence. During the period 2007-2010, an estimated 2300 people have attended 35 HRTCP workshops, seminars, trainings and consultations; 134 people have visited Australia in connection with 21 HRTCP study visits; 665 students have participated in model United Nations Human Rights Council activities, and 56,269 people have participated in three on-line human rights knowledge competitions. The HRTCP reporting documents produced by the AMC assume that, through the transfer of knowledge and the initiation of networks, participants in these activities will have increased their knowledge on issues related to human rights and that this will have an impact on the way they carry out their work. There is no evidence or data to substantiate these assumptions.

The review team acknowledges that it is difficult to measure impact in Human Rights and Rule of Law programs and acknowledges that activities appear to have been well targeted. However, questions remain as to whether there is sufficient ‘buy-in’ from all cooperating agencies. To address concerns about the program’s impact and sustainability, cooperating agencies must demonstrate a commitment

10 http://www.oecd.org/document/22/0,2340,en_2649_34435_2086550_1_1_1_1,00.html

to incorporating the knowledge gained and lessons learned from activities into ongoing internal or external organisational processes – e.g., law and policy reform or incorporating training modules into permanent curriculum.

The project documentation often states that attribution is difficult, if not impossible, to make in this kind of program. The review team believes, however, that attribution can be made between the HRTCP and broader policy and institutional changes if the program is properly designed and evaluated.

Recommendation: Greater emphasis needs to be placed on results rather than on activity-based output reporting, including the provision of systematic impact evaluations at appropriate stages throughout the implementation process by cooperating agencies and the AHRC. Monitoring should be done against quantitative and qualitative performance indicators supported by an evidence-based monitoring strategy. Reporting must be ‘tightened up’ so that AusAID, the MFA and the AHRC can evaluate the impact of the program on policy reform.

b. Effectiveness

The purpose of the HRTCP is ‘to assist key Chinese organisations to develop capacities that contribute to improvements in the administration, promotion and protection of human rights in each of the three program areas, being (i) legal reform, (ii) women and children’s rights, and (iii) ethnic and minority rights.

The review team considers that the large majority of activities that have taken place over the past four years have been of a good standard with careful forward planning and organisation and with the involvement of well-qualified academic experts and practitioners. This is a credit to the AHRC and to the Chinese cooperating agencies. Furthermore, most of the activities have had a clear link to both the HRTCP purpose and one or more of the three program themes. At the activity level, therefore, we believe that the program has been effective in making a contribution to human rights promotion in China.

Having said this, the review team is nevertheless of the view that there is a need to avoid repetition in the activities being organised under the program. Given the purpose of the program and its links to the HRD, the HRTC activities should focus on professional and technical exchanges and new and emerging issues in the Chinese human rights context, rather than on service delivery or activities replicated from one program cycle to the next. Examples of the latter are the model UN activities (UNAC) and the ongoing series of seminars on domestic violence (ACWF). For some program activities which have already taken place a number of times, it is also clear that no further Australian inputs – financial or otherwise - are necessary. Once comparative approaches to a particular human rights protection issue have been explored and a pilot implementation activity (or similar) has been carried out, the time would generally be right to move on to a new issue. See also the related discussion at Section 9.g (Future directions - Mix and number of activities) below.

At a whole-of-program level it is difficult to assess the effectiveness of the program due to weaknesses in the program design and the absence of a credible evaluation methodology or performance indicators.

Even taking into account the difficulties inherent in assessing the impact of human rights cooperation programs, a lot of meaningful data on impact could nevertheless be generated if the program had a clear design and monitoring framework. In Section 8 (Project Management) of this report recommendations have been made that, if implemented, will make it easier in the future for program stakeholders to identify and to report on program achievements against mutually agreed-upon indicators.

c. Efficiency

Financial Management

Program expenditure has been within the overall budget. Of the 62 HRTCP activities carried out between 2007-10 for which financial data (planned and actual expenditure) is known, only 11 activities had an actual expenditure higher than the planned budget figures. For three of the activities there was a very close correlation between planned and actual expenditure and the remaining 48 activities were implemented with actual budgets far less than the planned budget figures. The reason for so many of the program activities being implemented for less than the planned budget was mainly caused by exchange rate gains during the period under review between the Australian Dollar and the Chinese RMB.

The review team appreciates the cautious attitude of the AMC towards exchange rates; however, the exchange rates being used at present are overly cautious. This makes it difficult to ensure that each year's program funding is used in full. If a conservative exchange rate is applied then the AMC should ensure there are procedures in place to calculate and spend exchange rate gains within the current financial year.

AusAID transfers funding to the AHRC in four tranches each financial year. The AHRC then distributes the agreed funds to the individual partner agencies for their activities. This is done one activity at a time, with 80% of budgeted costs transferred in advance of the activity, and the balance after the activity has been completed and the agency has provided a completion report to the AHRC. Cooperating agencies do not provide copies of invoices or financial acquittals to AHRC.

Arrangements for financial auditing of the HRTCP are not clear. It is likely that AHRC finances would be subject to normal audit processes applicable to Commonwealth Government agencies, but these processes may not apply to funds received by the AHRC in connection with the HRTCP. Although AusAID normally has its own audit provisions for development aid programs, the Head Record of Understanding between AusAID and the AHRC, signed in 2006, makes no reference to auditing arrangements.

Recommendation: AusAID should confirm what the expected arrangements are for financial reporting and audits of HRTCP program funding, based on AusAID's standard processes. There should be clarity about the financial reporting requirements of the cooperating agencies vis-à-vis the AMC, and the AMC vis-à-vis AusAID. The AHRC should ensure that all cooperating agencies are aware of these requirements before receiving funds. This recommendation is also relevant regarding risk management procedures and accountability. Starting from the next program design, clear financial procedures for financial reporting and acquittals by cooperating agencies and the AHRC should be introduced. Cooperating agencies should be informed in writing about these procedures well before next year's planning cycle.

Recommendation: The AHRC should use a more realistic exchange rate to ensure annual program funds are used in full on the program. Efforts should be made to avoid a significant percentage of funds being rolled over to the next financial year.

Cost-Effectiveness

The review team considers cost-effectiveness to be an integral part of an assessment of overall program efficiency. The focus of the activities during the period under review has been on seminars/workshops in China and study tours to Australia.

All activities funded under the HRTCP involve a high cost for international travel, whether it is to cover international travel for Chinese participants in study tours to Australia or to cover international travel for Australian experts and AHRC's coordinators to attend seminars and workshops held in China. During the review a number of cooperating agencies expressed the wish that modalities for HRTCP implementation be revisited. Some agencies pointed to the high cost of study tours given the limited number of participants (*one study tour to Australia had only 3 participants*).

Some agencies were surprised to hear that the HRTCP can support activities other than workshops, seminars or study tours; i.e. that other types of activity would also be acceptable if they fall within the strategic and thematic parameters of the program.

Recommendation: As part of the next planning phase, the AMC, AusAID and HRTCP cooperating agencies need to assess the types of activities funded under the program, taking into account the costs of different activity types, with a view to determining the most effective means of pursuing the program objectives.

Management Costs

The AHRC is receiving approximately the same level of remuneration for its work as AMC for the program as commercial contractors implementing programs on behalf of AusAID, who would have had to participate in an open tender process. Given this, the review team believes that there needs to be a reassessment undertaken of what it is that the AHRC can and should be delivering as HRTCP managing contractor. The roles and responsibilities of AHRC should be more clearly defined in the next phase of the program, especially in relation to AHRC's role in monitoring and evaluation, reporting, research, networking and providing support to cooperating agencies.

The HRTCP has not undergone a financial review since its inception. The current review team did not undertake a full financial review but found that, from a cost effectiveness angle, improvements could be made. A financial review may be beneficial in determining benchmarks for overhead costs, for inputs by Australian and Chinese experts, and for assessing the merits of whether program monitoring should continue to take place as it does at present, with periodic visits by the AMC, or whether it would be better for the program if the AMC had an in-country representative.

The review team's suggestion to AusAID and the AHRC of assessing the possibility of placing an in-country office to support program implementation should be considered from both 1) a cost-effectiveness point of view, and 2) the potential to achieve better results through more regular interaction with cooperating agencies and other stakeholders.

Recommendation: A financial review of the HRTCP should be undertaken with a view to increasing cost-effectiveness in the management of the program and the implementation of program activities. The financial review should include a cost-benefit analysis of the placement of an in-country representative in Beijing versus maintaining a fully staffed office in Sydney providing remote monitoring and implementation support.

Profiles of AHRC HRTCP staff

Upon the review team's request the AHRC provided professional profiles for the five staff members working at the AHRC on management of the program. All staff members have backgrounds with varied expertise, including project management; research; human rights; and women's rights.

If the HRTCP is to move, as the review team are recommending it should, towards a more strategic engagement with Chinese cooperation agencies and increased diversification in activities and forms of support, there is an adequate human resources base within the AHRC's International Department to implement such a move. The review team is of the opinion that AMC staff members should take a more active and engaged role in the program, going beyond mere administration and coordination of the program activities, and extending to a more direct role in program implementation, specifically as regards provision of technical expertise. There will continue to be an important role for external Australian resource persons in the implementation of the program, but given the specific expertise in the field of human rights theory and practice which the AHRC possesses, AMC staff have the capacity to also deliver some of the 'substance inputs' from the Australian side. The review team believes it is reasonable to expect that the AHRC delivers a greater proportion of the program substance in future phases of the program, in line with what would be expected of commercially contracted AMCs delivering AusAID programs. As discussed above, the management costs for the program appear to be at the same level as other AMCs implementing programs in China on behalf of AusAID.

The opportunity to have a more active involvement in the substance of the HRTCP will make the program arguably more attractive to HRTCP staff, several of whom have research or program implementation backgrounds. There is potential for AHRC staff working on the HRTCP to carry out small-scale research and / or to publish materials on developments in human rights discourse and practice in China, thereby making use of the unique insights – within the Australian context - that the AHRC has on practical human rights developments in China today. There is also potential for the AHRC to network with Australian academics and others who are following developments within the subject matter of the program in China and to host – or co-host - occasional meetings or forums on China with the participation of Australian and Chinese professionals. Rather than being too prescriptive, the review team recommends that these issues be taken up again in discussions between AusAID and AHRC and during the design of the next phase of the program.

Finally, the review team's assessment, based on meetings with the AHRC in January and a perusal of staff professional profiles, is that the AMC needs to acquire further skills in the monitoring and evaluation of programs implemented in areas of human rights and the Rule of Law.

Recommendation: In order to obtain greater clarity on the expected role of AHRC in the management of the HRTCP, AusAID should provide detailed guidance to the AHRC on the 'skills set' it considers necessary for the AHRC to successfully manage the program. To the extent that the AHRC is lacking in some of the skills areas identified, remedial measures should be set in place to ensure that these additional skills are acquired within a reasonable period of time.

d. Gender Equity

As in many aid programs, the choice of partners has a major influence on achievements in the areas of gender equity. The long-term participation in the HRTCP of the ACWF and the NPFPC has been important in terms of ensuring that the program has a focus on women's rights, which is one of the HRTCPs three thematic focus areas. ACWF's participation in the program is, however, not in itself enough to ensure the program is effective in making a contribution to the improvement of women's rights.

Women made up, on average, 80% of participants for those ACWF activities where data on participants was available. For the UN Model conferences organised by UNAC women participation was around 50%. Among the other 10 HRTCP partners, women made up an average of just 32% of the participants. This figure is based on 12 activities (out of a total of 24) in-China for which gender disaggregated data was available. There is a need for caution in using this percentage figure as an estimate of the level of women's participation in the program activities. The figure is not necessarily reliable as data was not available for a number of the activities completed. From the activity completion reports it appears that the activities for which no gender data was available had very low levels of female participation.

Activities specifically supporting women's rights in the HRTCP have included seminars and workshops on domestic violence legislation and seminars for staff from provincial family planning services that promote the application of rights-compliant approaches in client service delivery.

It is important for cooperating agencies to develop strategies that aim for the equal participation of women in program activities. If the existing HRTCP activity formats do not support greater women's participation, then partner agencies should be encouraged to explore other implementation modalities that do.

The amount of gender-disaggregated data available to the review team was very low. During the next phase, partners should set themselves targets for achieving higher levels of women's participation and be able to document the progress made in all HRTCP activities. The review team appreciates that simply setting a target is not the most effective way of supporting women's participation. Nevertheless, target-setting can be a useful first step, especially if it takes place parallel to the initiation of other strategies designed to strengthen meaningful women's participation.

There is considerable potential for addressing women's rights issues more effectively within the program in the future. A first step that should be taken is to develop a credible gender strategy for the program. An adequate gender strategy will go much further than simply promoting gender parity among participants in HRTC organised seminars or study tours. The AHRC should, by virtue of its long experience of working on gender equality issues in Australia, be capable of designing a draft gender strategy for the program, in consultation with AusAID, the MFA and the cooperating agencies.

Cross-agency capacity building activities on gender equity issues should be included in the next phase of the program and agencies should also consider opportunities that ensure HRTCP funded activities better address concerns around women's rights.

Recommendation: A comprehensive HRTCP gender strategy to strengthen meaningful women's participation in HRTCP should be developed in advance of the next phase of the program. The gender strategy should not just focus on participation of women in HRTCP activities but also on the inclusion of a gender perspective to the contents of the HRTC activities.

e. Risk Management Strategy of the Program

The Head Record of Understanding includes a provision on "Risk Assessment and Management" and makes reference to a risk management matrix 'to be developed unless it is not required for a particular activity'. The review team did not see a risk management matrix in the program documentation and assume that no such matrix has been developed. Activity Completion Reports or Annual Program Review and Planning documents do not include any references to identification and management of risks.

Recommendation: As part of the next program design, an identification of risks and mitigation strategies should be incorporated. Based on this, a risk management matrix should be developed for the program. Annual HRTCP progress reports should include details on risks encountered during implementation.

f. Sustainability

Sustainability for the HRTCP can be assessed in various ways:

- (i) On a case-by-case basis at the activity level. However, assessing the sustainability of the activity is not possible if there is no evidence gathered on how the outputs of the activities support the achievement of the higher level objectives.
- (ii) At the organisational level through gathering evidence around new organisational procedures introduced or publications made after staff members participate in training courses or study tours.

As was the case for effectiveness (at section 7.b above), it is difficult to assess the sustainability of the HRTCP at present due to weaknesses in the program design and the absence of a monitoring framework.

As regards the activity level of the program, there is some information in the activity completion reports about how the activity outputs relate to goals or objectives of the relevant partner organisations. ACWF and the NPFPC are the two organisations in the HRTCP that are best at articulating a narrative for how the outputs of individual activities support higher level objectives: in the case of the ACWF it is the adoption of a law and operational guidelines on combating domestic violence; in the case of the NPFPC

it is the development and gradual adoption at higher levels of administration of a rights-complaint client service charter for use by staff at family planning clinics. These two cooperating agencies may not refer directly to the HRTCPs higher level objectives, but there is an understanding within the two organisations of the need to link outputs from single activities to a higher level process if they are to be sustainable.

For other cooperating agencies, there was no clear link between the activities they are carrying out under the program and higher level objectives articulated in the program documents or in the review team's meetings with them.

This can be remedied in the next phase of the program by the holding of an all-agency meeting to present the program redesign and, in particular, the new framework for monitoring and evaluating program impact and effectiveness. This will make it clear – perhaps for the first time for some of the cooperating agencies – what the goal and purpose of the HRTCP are. Working with this new framework, in the design of activity proposals and in activity completion and periodic reporting, can build capacity within the cooperating agencies to develop their own organisational planning and management tools, just as the NPFPC began doing after a program cooperation with the UN Population Fund (UNFPA).

Section 7: Program Management

a. General Comments

The review team found that the implementation of the activities has been managed well and the co-ordination arrangements between the AHRC and MFA have generally functioned smoothly. It was noted that AusAID has had only limited involvement in the implementation of the program. This is standard practice when a Managing Contractor has been appointed to oversee the management of a program. However, there is currently no direct involvement by AusAID in the design or strategic direction of the program. This needs to be rectified to meet concerns raised in this report regarding accountability and effectiveness.

The Australian Human Rights Commission (AHRC)

The AHRC is held in high regard by the cooperating agencies. AHRC staff are viewed by cooperating agencies as competent and conscientious, capable of providing management support in organising the various activities and in identifying relevant Australian expertise.

However, while the AHRC has specialist human rights expertise as well as management experience gained over the past decade in China and Vietnam, they are not as strong on project design, financial management, monitoring and evaluation or on providing strategic advice to cooperating agencies for programming.

The review team has also identified a number of challenges related to the AHRC's lack of physical presence in China. The AHRC is alone among the managing contractors currently implementing programs for AusAID in China in *not* having a China-based project manager. Without a physical presence in China, the AHRC lacks the advantage of being up to date on relevant developments, emerging priorities or on the activities of other Chinese and international agencies working on similar issues. An in-country presence would facilitate closer coordination and networking with the HRTCP cooperating agencies. This in turn would lead to strengthened relationships and more strategic program development and identification of priority activities. Establishing in-country representation would also increase the cost-effectiveness of the program.

Roles and Responsibilities – AusAID, the MFA and AHRC

The 2006 Record of Understanding includes a standard division of responsibilities between AusAID and the Human Rights and Equal Opportunities Commission¹¹. However, this division does not include MFA since this is a direct funding agreement between AusAID and the AHRC. Roles and responsibilities should be identified and stated more clearly between the three agencies responsible and accountable for the HRTCP achieving its objectives. The AHRC has the prime responsibility for program management and coordination with the HRTCP cooperating agencies. At the same time, AusAID and MFA, in close collaboration with the AHRC, have a responsibility for setting the strategic direction of the program,

11 From 2008, the Australian Human Rights and Equal Opportunities Commission its changed corporate identity to the Australian Human Rights Commission (AHRC).

especially to ensure the HRTCP supports the ongoing human rights dialogue between China and Australia.

Recommendation: The roles and responsibilities of AHRC should be more clearly defined in the next phase of the program, especially as regards AHRC's roles in monitoring and evaluation, reporting, research, networking and providing support to cooperating agencies.

As part of the program redesign, clarity should be provided on the respective roles and responsibilities of AusAID, the MFA and the AHRC in providing strategic direction for the program, for ensuring accountability for achieving results against objectives and for engaging with cooperating agencies.

AusAID (Post and Canberra) should work more closely with the AHRC in the design of the program to ensure an optimal combination of the AHRC's human rights expertise with AusAID's organisational approach to development programming.

It is recommended that AusAID and the AHRC assess the possibility of establishing an in-country presence to support a more effective and efficient implementation of the program.

b. Program design

In the Terms of Reference for this review the objectives of the program were summarised as follows:

The goal of HRTC in China is to strengthen the administration, promotion and protection of human rights in China. The purpose of the program is to assist key Chinese organisations to develop capacities that contribute to improvements in the administration, promotion and protection of human rights in each of the three program theme areas, being (i) legal reform, (ii) women's and children's rights and (iii) ethnic and minority rights.

The following additional objectives are important to the program and need to be built into any future program design or if/when making modifications to the program design:

- The HRTC program is linked to the annual Human Rights Dialogue and is designed to 'provide effective support to the foreign policy objectives of the Australian Government and to the broader human rights development objectives of China';
- Fostering professional linkages between Chinese and Australian individuals and organisations; and
- Increased mutual understanding among the Chinese and Australian public on policies and practices around human rights developments in both countries.

Review of the 2006-2007 LogFrame:

The AHRC informed the review team that up until 2007 the LogFrame approach was used to guide implementation. The LogFrame was developed around the three program components of: 1) legal reform and the administration of justice¹²; 2) women's and children's rights; and 3) ethnic and minority rights.

¹² The review team note that the phrase 'the administration of justice' does not appear in more recent program documents, including the ToR for this review. We were unable to find any document explaining why this change was made. We did observe, however, that the activities being

The LogFrame identified outputs for each component, followed by activity outputs, which were supported by verifiable indicators, means of verification and assumptions against each activity. No performance indicators or baseline data were included against the objectives and outputs.

The period 2006-2007 was the last funding cycle for which a LogFrame was used. The LogFrame was discontinued for the period under review. As the review team is considering recommendations to strengthen approaches and tools for program management, a review of the former LogFrame was undertaken.

Although the LogFrame included a number of qualitative and quantitative indicators that would allow the AMC and cooperating agencies to assess performance at the activity level, there were weaknesses in the way in which it was used.

The principal weaknesses were the following:

- The lack of baseline data to assess performance. Baseline data should have been included at the higher level objectives and outputs. This would have allowed the program to assess progress over time.
- The absence of evidence in the Program Completion Report that reporting against the LogFrame was done by AHRC or the cooperating agencies.

c. Use of Program Change Theory and LogFrame approaches in the HRTCP

Following the independent review of the program in 2006, the Program Change Theory was introduced to the program for the period 2006-2007. This was done parallel to the logical framework approach. As of 2007-2008 the LogFrame approach was discontinued and only the Program Change Theory remained in support of program implementation.

In order to assess the effectiveness and impact of a program it is essential to not only have a clear view of the project objectives, but also to identify how they are expected to relate to each other. One common way of doing this is to summarise the project design in the form of a LogFrame. Used properly a LogFrame can describe a program's "Theory of Change" (ToC); i.e., how a series of events are expected to lead to a desired outcome.

The review team has a number of concerns about the "Theory of Change" approach developed by the AHRC to guide HRTCP implementation:

- The expected sequence of events is described only in very general terms. There is no elaboration of the expected linkages between objectives and activities.
- There are no means of verification demonstrating how it would be possible to establish if any of the events in the sequence have, or have not, taken place.
- There is no mention of assumptions made concerning the wider context and how it will affect the sequence of events. A program may fail if it makes faulty assumptions.

carried out by several cooperating agencies, the Judicial Training Centre being a particular case in point, did not really fall within the scope of the current three project themes, but would have done so under this broader formulation.

Using the Program Change Theory, without any objectively verifiable indicators, targets or benchmarks, the program becomes largely un-evaluable (*see section below*), with reporting being limited to general statements being made about achievements.

Example: Activity Completion Report / Women's Law Workshop / ACWF / April 2008/Section 8

Outcomes: (...) *The new knowledge gained at the workshop, in the form of gendered and human rights frameworks for understanding equality issues, has potential to feed into approaches towards policy and legislative development and reform at national and provincial levels. The knowledge will reinforce current trends towards increasingly gendered and human rights understandings of women's rights in China (...)*

Many similar statements on Outcomes are made in other Activity Completion Reports without providing any evidence. Such statements imply that because the program theory of change predicts that upstream and downstream outcomes *will* happen as a result of the activity, then by definition change *has* occurred.

Weak design contributes to the program being un-evaluable

At present the HRTCP is made up of a large number of stand-alone activities carried out by the 12 cooperating agencies. To assess the effectiveness and impact of a program, objectives need to be clearly stated and structured, and accompanied by an explanation of how program activities will contribute to their achievement. A stronger program design would have a direct positive impact on the evaluative capacity and sustainability of a program.

The weaknesses in the program design and evaluation were identified four years ago, in the 2006 review of the China HRTCP, where the review team called for a "*move beyond deductive reasoning approaches applied at activity completion to determine whether activity objectives are likely to have been met*". The current review team is of the opinion that discontinuing the LogFrame and applying the Theory of Change Approach as the only M&E tool has in fact reinforced the practice of deductive reasoning.

Weak design contributes to weak strategic direction

The level of understanding among cooperating agencies about the higher level HRTCP objective of "strengthening the administration, promotion and protection of human rights in China" and how their own activities contribute to this higher objective is varied. The absence of a clear program logic contributes to a lack of direction for the implementing cooperating agencies. Particularly in situations where there is no regular coordination and communication on strategic directions, a weak program design exacerbates a tendency for cooperating agencies to focus solely on their own activities rather than on how they contribute to the success of the overall program.

The lack of a well-defined program logic also leads to the situation where cooperating agencies are developing program activities for support that might not be the most effective intervention to achieve the higher-level program objective.

Activity design by Cooperating Agencies

A number of the activity designs submitted for the year 2010-2011 by cooperating agencies have been reviewed. The quality of these activity designs is mostly weak, with the NPFPC design a notable exception. The activity designs focus mainly on budgetary issues and time tables for study tours and, in general, do not link with the human rights objective of HRTCP. Guidelines should be given by the AMC to the cooperating agencies to enhance the quality of the activity designs.

Recommendation: The review team proposes that the LogFrame approach to the program be reintroduced and that there be follow-up measures taken to ensure that there is a solid understanding within the AMC team of this approach and of how it can be used as a management tool during program implementation.

The LogFrame should be realistic and its implementation achievable, with well chosen performance indicators and means of verification providing strategic direction to the cooperating agencies.

Program performance indicators will subsequently be identified in a process including joint discussion between GoA and the GoPRC program partners, facilitated by an M&E expert. A participatory approach will support common ownership of the program, increased understanding of the program goals and objectives and awareness of how project activities contribute to achieving program goals and objectives.

d. Theory of Change versus LogFrame

The Theory of Change reflects the underlying process and pathways through which the hoped-for change (in knowledge, behaviour, attitudes or practices, at the individual, institutional, community or other level) is expected to occur. The Theory of Change approach is considered to be more a planning tool at a macro-level, while the logical framework approach clarifies the project objectives and highlights the need to link planned activities with desired outcomes. The latter approach is more suitable for a program with multiple partners and activities, allowing for a more unified approach and direction among all stakeholders involved. The Theory of Change, as a tool for explaining the underlying rationale for a program, is not sufficient to provide guidance to multiple agencies, or to demonstrate how their own activities can and need to contribute to the higher-level program objectives.

Some definitions:

Theory of change (ToC)

ToC makes explicit the underlying reasons for an intervention. It can become too theoretical and is most useful as a planning tool to test assumptions during the programming stage. TOC models are largely focused on the macro-level.

Logical Framework

Logical Frameworks provide a basis to examine the rationale for a program/project, the intended outcomes, the activities that will achieve these outcomes and the risks posed to the program/project. They clarify the project objectives and the assumptions underpinning specific interventions. They also highlight the need to link planned activities with desired outcomes and to clearly identify the type, range and number of inputs required for each. Finally, they provide a basis for monitoring and evaluation by highlighting the need for, and the prospects of, project sustainability.

e. Baseline document

The development of a baseline document for the program is one way in which the Australian and Chinese partners to the program can systemize their knowledge of the human rights operating context in China. Baselines are frequently used in human rights or law reform programs¹³ as a means of comparing relevant international standards with the status of domestic incorporation and / or implementation of those standards at a given point in time.

The review team envisages the baseline document as a snapshot of the international and domestic legal framework for the program at a given point in time, which could be updated on a periodic basis, ideally in connection with the annual program reports. The baseline document will be most useful in the HRTCP if it can provide a common reference point for all program stakeholders.

The purpose of the baseline document is to provide part of the operating framework for the HRTCP, a common reference point which will assist in the interpretation of the program and make it possible to track and update changes to the international or domestic normative frameworks over time.

At the macro-level: The baseline document should provide a summary of relevant existing Chinese laws, regulations, policies, action plans and procedures. There should be a linkage in the document between these Chinese normative and programmatic documents and relevant human rights norms. The baseline document will provide a common reference point for the AHRC and the program agencies, relevant to the progress at the goal level of the LogFrame.

At the micro-level: Partner agencies should develop baseline documentation against performance indicators at the output level for the activities they are implementing. The review team is recommending a strengthening of the design of the activities implemented by the agencies to allow for better assessment of progress and results. This will allow for improved linkages between the activities, outputs and higher level objectives of the HRTCP program.

Recommendation: The program should be supported by a baseline document to be developed by AHRC in collaboration with the cooperating agencies.

f. Program Reporting

The reporting undertaken by the AMC is extensive, labour intensive, repetitive and fails to move beyond activity-level reporting. The project reporting documentation includes the following: Activity designs by

¹³ For a very detailed example (much more detailed than needed for the purposes of the HRTCP) see 'UNCAC- A Bangladesh Compliance and Gap Analysis', Government of Bangladesh', (January 2008), http://www.baselgovernance.org/fileadmin/docs/pdfs/Publications/GOB_UNCAC_Part1.pdf

the Cooperating Agencies; Activity Completion Reports; Case Studies; a prepared Annual Completion Report; the Program Monitoring Visit Report; and the Program Review and Planning Mission Report.

For the purpose of the review report we have analysed two kinds of reports developed by the AMC to assess performance of activities completed: Activity Completion Reports and Case Studies.

Activity Completion Reports

The Activity Completion Reports (ACRs) are the main monitoring instrument for the program. These are based on activity completion reports submitted directly to the AHRC by the partner agencies, supplemented with information from face-to-face and email communications between the AHRC and the partner agencies. The absence of a standardised reporting format, in addition to the consciously undemanding nature of the relationship with partner agencies, means that the quality and detail of these reports are quite variable. Useful supporting documentation - training programs, a participants list and copies or materials produced and distributed at events - are sometimes (but not always) provided by the partner agencies.

The quality of the analysis in the ACRs must be improved. The section “Outcomes” on the activities contribution to the program objectives is very formulaic, with the same statement linked to the Program Change Theory appearing in most ACRs.

Recommendation: The AHRC should develop a simple list of standard information requirements to be followed when partners are submitting their ACRs to the AHRC. These could include: (a) a copy of the event program; (b) lists of participants (names, organisations, gender); (c) conclusions, recommendations or plans regarding participants’ follow up activities; (d) copies of any materials produced during the event; and (e) other information deemed important by the AHRC, including topics included in the existing ACRs. A similar list could be developed for activity proposals at the beginning of each new phase.

Case Studies

Case studies are separately funded, and focus on specific agencies or activities. Five case studies have been undertaken with different cooperating agencies (list included under Appendix 5 – References). The stated purpose of the case studies is to address a recommendation by the 2006 independent review of the HRTCP: “*where considered appropriate, some ex-post evaluation activities should in future be costed and built into multi-year activity designs.*”

It is the opinion of the review team that the case studies do not address the 2006 review team’s concerns about the lack of evidence and results-based reporting against objectives. There are no guidelines/methodology developed for carrying out the case studies that provide an overview of the purpose, the process involved for collecting and analysing data, or the involvement of the cooperating agency in question, or of AusAID. The AMC needs to ensure that a number of different monitoring and evaluation tools are in place. Case studies should not be the only M&E tool utilised in the program.

The approach used and the contents of the case studies illustrate the weak capacity of the AHRC in monitoring and evaluation.

Example:

Case Studies on Outcomes of HRTC Activities – Supreme People’s Court (March 2010) – Juvenile Justice – Restorative Justice.

The Case Study provides an overview of institutional changes and reforms in the fields of juvenile and restorative justice. In the Case Study, assumptions are made on the possible influence of HRTCP activities. However, these assumptions are not substantiated by any evidence. “Since the completion of the HRTC activities and inspired by the NSW State Juvenile Justice Department, the SPC have set up an additional Juvenile Justice Office at the national level”. It is not clear from the Case Study what the focus of this Office will be and no evidence has been provided by the participants as to how this newly established office will incorporate lessons learned and experiences gained from previous HRTC seminars and study visits. As with all the case studies, assumptions are made about HRTC contributions to institutional changes. These statements are not evidence-based.

Recommendation: If case studies are one of the tools being used to address concerns previously expressed about the lack of rigorous evaluation practices, then an evaluation methodology should be developed for carrying out the case studies, with appropriate sampling of data at the activity and respondent level and aggregation of data collected. Methodology for the case studies and a peer review process should be developed in coordination with AusAID’s Performance and Quality Management Unit and / or external M&E expertise.

Recommendation: As part of a re-designed M&E Framework the AHRC should select a number of M&E tools, depending on the nature of the activity, that are the most suitable to monitor and evaluate performance.

g. Monitoring and Evaluation

Review of the HRTCP’s Monitoring and Evaluation Framework

A positive step forward for the program was the development of an M&E Framework following the program review of 2006. However, it is questionable whether the existing M&E Framework and subsequent M&E strategies have provided the program with the information needed to adequately assess performance.

Some of the weaknesses identified include:

- The absence of a baseline survey and baseline data against indicators;
- The lack of common reporting tools and performance indicators; and

- The lack of a clear linkage in the activity designs between the goal and higher-level objectives of the HRTCP.
- A lack of understanding of M&E terminology. Based on the various reports produced, the review team is of the opinion that AHRC staff does not fully comprehend the meaning of 'outputs' versus 'outcomes' versus 'impact'.

Recommendation: As part of the next program design an M&E Framework should be developed in collaboration with cooperating agencies that:

- Articulates program goals and measurable short-, medium- and long-term objectives;
- Defines clear relationships between inputs, activities, outputs, outcomes and impact;
- Clarifies the relationship between program activities and external factors;
- Demonstrates how activities will lead to desired outcomes and impacts; and
- Clearly stipulates the responsibilities of the AMC/AHRC, the MFA and the cooperating agencies in the implementation, reporting, and monitoring and evaluation of the program.

Role of the participating agencies in M&E

From the interviews with the participating agencies it is evident that they are not involved in the program monitoring and evaluation activities undertaken by the AMC. No performance indicators have been developed with the participating agencies. If there are no common performance indicators in place, the cooperating agencies have no clear idea of the criteria against which the performance of each activity will be assessed. This will also impact on the quality and type of activity designs the agencies prepare.

Program Monitoring Visits by AMC

The Program Director and Program Manager of the AMC undertake three monitoring visits annually. The monitoring trips are funded separately in the budget. After reviewing the monitoring visit reports the review team found that the contents of these report does not provide much additional information to the information included in the activity completion reports.

Example:

Program Monitoring Visit Report – November 2010:

The visit report provides an overview of meetings held with the 10 current partners and one potential partner (China Disabled Person's Federation). The report gives an indication of how the planned activities are being prepared and how each organisation is participating in the HRTCP.

To enhance the quality of future program monitoring visit reports the AMC needs to include an overview of how the program is performing as a whole against an agreed set of performance indicators. As part of the process of undertaking program monitoring visit, the AMC should draft Terms of Reference and a series of monitoring questions that can be shared with the cooperating agencies prior to the visit taking place.

The sharing of Terms of Reference for monitoring visits and case study missions will address concerns that some agencies might have regarding these visits. Monitoring and evaluation visits are often perceived as mechanisms for scrutinising and criticising, instead of what they are intended to be - opportunities for learning, sharing of knowledge and finding solutions to challenges in a collaborative manner.

Recommendation: As part of the next design it is important to streamline the reporting and monitoring and evaluation activities undertaken by the AMC as part of a well developed M&E plan for the program. At present, a wide variety of reporting and monitoring activities are implemented without clear guidance on how these activities are mutually supportive. There is also no hierarchy, with reporting and M&E not going beyond the activity level, and there is a lack of analysis at the goal and objectives level of the program. It is also important that reporting, monitoring and evaluation are undertaken in a cost-effective manner.

h. Program Planning and Review Mission

The AHRC undertakes an annual Planning and Review Mission. This should be an opportunity for the AHRC, AusAID, the MFA and cooperating agencies to reflect jointly on the achievements and challenges of the program. The Planning and Review Mission is the time during which the AHRC should demonstrate its knowledge and strategic leadership to bring the program forward. However, based on the review of the last two Planning and Review reports, the review team found that these reports are weak and again, very activity focused.

Examples from the Program Review and Planning Mission report of 30 September 2009:

- The report identified a number of challenges and areas where the Program could be improved: “The need for the program to become more sophisticated in understanding the potential options for reform and the repercussions of such reform”. The report does not elaborate further on how the program can and should take up this challenge.
- “Activities completed in 2008-2009 demonstrate both the strategic approach and the implementation flexibility that have become hallmarks of the Program”. Based on the report it is not clear how the HRTCP activities strategically engage with the Chinese cooperating agencies.
- The bulk of the report is a description of activities implemented over the past year and an overview of activities planned for the coming year. There is a disconnect in the report between some of the more general observations made on the human rights context in China and the planned activities.

The annual Program Planning and Review Mission is funded by AusAID separately to the HRTCP, up to a value of 80,000 AUD. While the review team notes that the full amount available has not been utilised in recent years it does raise the question of value for money of the PRPM.

Section 8: Future Directions

a. Re-conceiving the program design and program management tools

The review team finds that the current program design is weak at two levels:

- The program does not move beyond the activity-level implementation and does not actively promote strategic engagement with Chinese cooperating agencies and increased diversification of interventions;
- The program is not supported by a rigid planning, design and M&E process, which makes implementation and evaluation more challenging.

The focus of the program has primarily involved the exchange of comparative experiences between Australia and China. After an implementation period of over 10 years it is time for the program to move beyond very activity-focused interventions (as explained in more detail in section 4 above).

It is important that more strategically chosen interventions are supported by a strong program planning and design process. As explained throughout the review report this process should make certain that, at a minimum, the following features are in place:

- Clear understanding of M&E terminology among the AMC staff members of ‘activities’; ‘outputs’; ‘outcomes’ and ‘impact’. At the moment this terminology is used throughout the various reports in a manner that demonstrates a weak understanding of their definition. This is indicative of a broader lack of understanding and experience of the AHRC in design and M&E.
- A monitoring and evaluation framework that captures useful information that informs subsequent phases, that has established baseline data against quantitative and qualitative performance indicators, supports joint monitoring and evaluation among the AMC and cooperating agencies, and a commitment of the AMC and agencies to assess performance of activities against HRTC higher-level objectives and goal.
- A reporting process that is more manageable, focusing on providing evidence-based information, and demonstrating HRTC achievements or failures at the higher objectives level.

The project design should be based on AusAID’s established quality assurance processes and needs to be articulated clearly in a form that is communicable and evaluable. A relatively simple LogFrame version of the project design is feasible and should be used in lieu of any better representation. It would be an improvement on the current combination of “Program Change Theory” and “Program Logic”, whose limitations have been discussed in section 7 and 8.

A draft LogFrame has been attached to the review report at Appendix 3. This is a very preliminary version of a possible LogFrame for the program. The intention is to provide those involved with some preliminary ideas for further discussion. The LogFrame should be designed as part of a design mission during which the LogFrame should be the result of discussions among the GoPRC, GoA, AHRC and the cooperating agencies.

Recommendation: The review team recommends that the program be redesigned based on new opportunities identified in a changed operating environment. The redesign process should be collaborative in nature and should result in a program design that is communicable and evaluable.

b. The HRTCP planning cycle – maintain status quo or move to a 3-year cycle?

The review team believes that the HRTCP could become more effective if the planning cycle was changed to three years. The HRTCP has been operating in its current format since it was initiated in 1998. An 18-month program cycle (albeit one that is budgeted on a yearly basis and is linked to an annual HRD), a large number of participating agencies and numerous self-contained small-scale activities have been the enduring features of the program during its 13 year existence.

The review team's understanding is that the rationale for the existing program design is that human rights implementation is a very sensitive area in China, that an activity-based program – with the activities being selected by the Chinese participating agencies - is therefore more suitable for the HRTCP than a more programmatic approach and that it is valuable to engage a large number of relevant agencies, thereby facilitating professional exchanges between China and Australia across a variety of fields of expertise.

In the review team's opinion, the operating environment in China has changed considerably (see Section 4, above) since the program began and the program design should also change to take these changes into account, if it is to continue to be relevant in the years to come. Furthermore, the strength of the relationships in the program – between AusAID and the MFA, between the AMC and the cooperating agencies, are such that the design of the program can be revisited without undue risk.

Both the AMC and the cooperating agencies have expressed support for the change to a three-year cycle. The change to a three-year cycle will make it possible for the program to plan for and deliver clearer outputs and outcomes.

In a three-year program with a reduced number of cooperating agencies (see section 9.c. below) the size of the project grants will increase, which will enable the agencies to design project concepts that follow particular processes (e.g. carrying out of pilot activities followed by scaling-up; law or policy development; curriculum development etc) over an extended period of time.

At the same time there are some potential problems with a three-year cycle, in particular as regards reduced programming flexibility that will need to be taken into account in a new program design. The MFA has expressed a wish that some elements of the program – e.g. the MFA scholarships program - continue to operate on a yearly cycle. Another consideration is whether the HRTCP should have a flexible component linked directly to the HRD (see discussion at section 9.f. below). Rather than exploring possible designs for the new program, the review team recommends that the new design be developed through consultations between the MFA and AusAID. The AMC and the cooperating agencies should also have the opportunity to provide inputs into these discussions.

Recommendation: The review team recommends that the program should change to a three-year cycle. A new program design should be developed through consultations between the MFA and AusAID, with the opportunity for all program stakeholders to provide inputs.

c. Partners and participants in the HRTCP

Given the number of existing cooperating agencies and the perceived weaknesses in the program design methodology and M&E framework (see the section 4, Monitoring and Evaluation, above), the review team would not recommend that any additions be made to the existing cooperating agencies until the design and evaluation issues have been satisfactorily addressed.

If the program moves to a three-year cycle (see section 9.b., above) it would make sense to carry out a consolidation of the existing cooperating agencies. 12 agencies are too many for a program of this size. Considering relevant Australian and Chinese priorities, the thematic priorities of the program and the cooperation activities being carried out by cooperating agencies with other bilateral and multilateral donors (see also Section 5 on Policy Alignment, above), some of which far exceed the quantum or scope of the HRTCP, rational arguments exist for reducing the current number of agencies to between five and eight. Priority should be given to those agencies who are strong performers and who are working in areas that are clearly linked to the thematic priorities.

AusAID staff in Canberra and Beijing have emphasised to the review team that AusAID should be more closely involved in the design and management of the program in future phases of the program, starting with the redesign of the program for the year 2011-2012. Up until now, most program design, strategic planning, activity selection and evaluation activities have been carried out by the AMC without very much direct AusAID input. AusAID has identified a need to be more actively involved in the HRTCP to ensure that it is aligned with broader institutional and GoA strategic objectives. AusAID Beijing flagged this planned change of approach to MFA during the presentation of the review team's Aide Memoire in Beijing on 28 January 2011.

Recommendation: In connection with the move to a three-year cycle, there should be a reduction of the number of participating agencies to between five and eight. Priority should be given to those agencies who are strong performers and who are working in areas that are clearly linked to the thematic priorities.

d. Improved understanding of outcomes and impact

The Terms of Reference asks the review team to consider “*strategies and methods to better understand short term and long term impact of activities*”.

On several occasions in this report we have discussed what we see as the non-evaluability of the program at the impact level. This non-evaluability is due to the absence of the pre-requisites in place to assess the performance of a program at the impact level:

- It is not clear from the program design and subsequent reports which areas of change the program aims to assess or who the program aims to impact upon.
- There is no strategy in place from the onset regarding what will be evaluated and how this will take place.
- Importantly, the review team found that cooperating agencies do not take an active role in M&E and are merely the subject of AHRC's staff gathering information through asking questions of the agencies

(Case studies are an example of this approach). This aspect is very important as it will encourage cooperating agencies, who ultimately witness the change in their organisation, to seek and provide information that the program requires to demonstrate short and long term impact.

To assess change and results over time there needs to be a starting point. Therefore, the review team recommends that the program carries out a baseline survey to provide a framework in which the HRTCP will operate.

To assess 'impact', reviewers will look for changes that have taken place at the 'goal' level. In the proposed preliminary LogFrame two goals have been incorporated:

- Goal 1: Improved protection of human rights in China;
- Goal 2: GoA has improved knowledge of the human rights context in China.

These goals should be further discussed as part of the next design phase. For both goals the program needs to develop a monitoring and evaluation strategy utilising various sources of information:

Goal 1:

- Progress reports on implementation of UPR recommendations;
- Progress report by credible third party expertise. The focus here should be on documents/reports with an identifiable connection to issues addressed by HRTCP activities.

Goal 2:

- Evidence of this could be found in reports by the AHRC and AusAID or DFAT;
- Ongoing exchanges between Australian and Chinese experts and organisations;
- Use of documentation and resources on the human rights context in China at Australian universities.

Recommendation: HRTCP should make use of a LogFrame to communicate how the different project objectives are meant to relate to each other and to the program goal, and how outputs and activities are supporting the achievement of the objectives. A draft LogFrame has been attached to the review report for consideration. It should be noted that this is a very preliminary draft and should be revisited and discussed further as part of the next program design.

e. HRTCP funding for the program managed by MFA's Poverty Alleviation Office

Over many years, the HRTCP has included a budget line for a poverty reduction program carried out by the MFAs Office of Poverty Reduction (MFA PAO) in a district of Yunnan Province close to the China-Vietnam border. For 2010-11, 150,000 AUD (999,886 RMB) has been allocated to the program. Most of the beneficiaries of the program are members of ethnic minorities. The review team received a briefing on the program from PAO staff. There has not been any Australian involvement in the design or implementation of the activities. AusAID Beijing made a field visit to Yunnan Province in 2007 and a further visit is planned this year. The PAO sends yearly reports in Chinese to AusAID on the progress of the program.

The review team was invited but unfortunately unable to carry out a site visit to Yunnan due to limited number of working days in China. The MFA has emphasized that the PAO program is important to the Ministry and that they see it as a way of achieving a balance in the HRTCP, which is in other respects focused more on civil and political rights issues.

At the same time, the continued inclusion of the program in the HRTCP in its current format is a risk for AusAID, since it does not have sufficient insight into the activities being conducted or the administration of project funds. Further, the inclusion of a poverty reduction activity in the program is not in alignment with the 2006-10 China-Australia Country Program Strategy (CPS), which signaled 'a shift away from discrete poverty reduction activities towards the sharing of ideas, high level capacity building, and policy engagement'¹⁴.

The issue was discussed by AusAID and MFA on 28 January and MFA has proposed that AusAID / the AMC have direct involvement in the planning and / or implementation of the next and subsequent phases of the program. In line with the change of direction flagged in the 2006-10 CPS, the Yunnan activities could in future take place within a framework of exchange between Chinese and Australian officials on international development methodology, good (comparative) practices from the field, and principles and strategies for a rights-based approach to poverty reduction strategies¹⁵.

Recommendation: The project component on poverty alleviation activities in Yunnan Province should be redesigned so that it is in alignment with the HRTCPs goal, objectives and themes. The redesign should follow AusAID's quality assurance guidelines for improved implementation, reporting, monitoring and evaluation.

f. Possibility for introducing a flexible component

The review team was asked by DFAT Canberra to consider whether a flexible component should be included in future phases of the HRTCP. A flexible component is a facility by which useful ad hoc activities can be identified and agreed to by the HRD participants outside the normal HRTCP cycle or program review, design and yearly activity schedule approval by the HRD participants. A flexible component would potentially increase the degree of linkage between the HRD and the HRTCP; at the same time ensuring that the HRTCP was responding to emerging human rights implementation issues and related bilateral cooperation opportunities

¹⁴There is an elaboration of this issue at p.2 of the 2006-10 country program strategy, as follows: 'The objective of Australia's overseas aid program is to further Australia's national interest by assisting developing countries to reduce poverty and achieve sustainable development. In China, the aid program will work in collaboration with the Chinese Government to reduce poverty through support for "balanced development" policies and programs. The Country Program Strategy (CPS) objectives will therefore be based more on supporting equity in China's development, addressing the factors that underpin poverty and less on direct poverty alleviation.'

¹⁵ A very useful reference point here would be the Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies developed by the Office of the High Commissioner for Human Rights (December 2006). The document has been produced in English and Chinese versions and can be downloaded from the OHCHR's website:
<http://www.ohchr.org/EN/PUBLICATIONSRESOURCES/Pages/SpecialIssues.aspx>

A flexible component was tried without success in the Australia-Vietnam HRTCP, a similar program to the China-Australia HRTCP where AusAID and the Vietnamese MFA are counterparts for a program managed by the AHRC. In the case of Vietnam, the flexible component proved unworkable in practice due to the difficulty the Vietnamese MFA experienced in obtaining top of Government approval for activities that had not been included in the schedule approved by the participants at the annual HRD.

Leaving aside the specificity of experiences from Vietnam, which may or may not be relevant in China, the review team does not recommend the introduction of a flexible component, for two reasons. First, as discussed in section 5 (Policy Alignment) above, there is not very much overlap between the HRD and HRTCP at present, either in terms or participants or themes. There is a real risk that an ad hoc activity identified by the HRD participants, even if it fell within the mandate of one of the HRTCP cooperating agencies, would be the responsibility of another division of that agency with which AusAID and the AMC had not previously had any contact. The success of the HRTCP activities, and of the program as a whole, is to a significant degree dependent on the working relationships that have been built up between the Australian and Chinese stakeholders. Cooperating agencies such as MPS are so large that the HRTCP can only hope to achieve an effective level of engagement with a small part of that agency. In the case of MPS, the engagement to date has been with the Prisons Division. This is not to rule out the possibility that the focus of the engagement with a cooperating agency will change over time. But it is practically difficult for the program to change course mid-phase, particularly under the current one-year program cycle.

The second argument against the introduction of a flexible component is related to the discussion at sections 7 (Program Performance), 8 (Program Management) and 9.a. (Re-conceiving program design) above. In its current format, the HRTCP has some significant design and methodological weaknesses that need to be addressed. AusAID has flagged that this process will include a redesign of the program, in close consultation with the MFA, later in 2011. The review team recommends that this process be taken place, so that the program attains greater clarity and a better linkage to, among other things, AusAID's strategic priorities before the possible introduction of a flexible component is considered.

Recommendation: The review team recommends against the introduction of an HRTCP 'flexible component' directly linked to the discussions in the annual HRD session.

g. The mix – and number – of activities

As part of the HRTCP redesign process, consideration should be given to the variety and number of activities being carried out. A first step is to examine the existing activities and assessing the extent to which they match the three HRTCP themes. Some of the activities carried out since the last review was conducted in 2006, particular those being conducted by the JTC, the MCA and the UNAC, are not really 'on all fours' with the HRTCP themes. This is not to say that the activities have not been relevant or useful, only that they fall outside the stated parameters of the program.

In section 9.b. above, the review team has recommended that the program change from a one-year to a three-year cycle. As part of this change, the review team recommends further that some reduction take

place in the number of cooperating agencies (see section 9.c). This will enable the program to fund more ambitious multi-year 'program concepts' submitted by cooperating agencies, where the program concept is linked to an overarching goal / objectives and is expecting to achieve certain pre-identified outputs and outcomes, progress towards which will be captured by the cooperating agencies and the HRTCP as a result in periodic program monitoring.

The weakness of the existing program design, which is comprised of a large number of activities with at best loose connections to each other, makes it difficult for AusAID, for the MFA and for HRTCP stakeholders to identify what the program is really achieving in terms of medium or higher-level objectives. The program concepts referred to in the foregoing paragraph may very well be comprised of a large number of individual activities, but they will be linked to an overarching goal and objectives, to be achieved within a three-year cycle.

A weakness with a number of the activities that have been carried out during the period 2007-10 has been the lack of an articulated plan for how the knowledge gained / strategy developed / guidelines work-shopped / training commenced is to be followed up on by the cooperating organisation. For example, How will the knowledge gained be incorporated into the organisation's policy and programming? If the intention is to provide human rights training to all the institution's staff, how is the training that was conducted in province Y for X number of staff-members going to be replicated across the country? This information is very important in order to effectively evaluate the impact of the activity / the HRTCP and the review team recommends that it should be included in all future activity proposals.

An added advantage of having an articulated plan for what the cooperating agency intends to achieve by carrying out a certain activity is that it makes it easier for the AMC / HRTCP stakeholders and for the agency itself to determine when the activity's objectives have been achieved and it is time to move on to a new theme. Two examples from the HRTCP are the Model UN activities being carried out by UNAC and the training on domestic violence being conducted by ACWF. In both cases, these activities have been carried out in essentially the same format over a number of years. The review team found it difficult from the program documents and from meetings with the AHRC and the two cooperating agencies in question to ascertain what the rationale was behind the repeating of activities already carried out in previous phases of the HRTCP, albeit in different locations and with different participants.

Given the strategic nature of the HRTCP, it should not be funding repeat activities; rather, it should be a vehicle for the introduction of new ideas and practical models for human rights implementation in different spheres of Government and society.

Recommendation: The review team recommends that HRTCP guidelines be developed to assist cooperating agencies in developing activity proposals linked to particular strategic or organisational objectives. The activity proposals should explain how the activity will contribute towards achieving these objectives.

h. Equity

Very little information is available on the nature of the organisations and types of people who have participated in program activities to date. It is important for the AHRC to develop a strategy, in conjunction with the cooperating agencies, with regard to which people / organisations should be targeted for each activity. This will ensure that every activity reaches its target audience to the fullest extent.

Gender disaggregated data was in place for only half of the activities conducted. The AHRC needs to carry on an ongoing dialogue with the cooperating agencies regarding the importance of gender equity in the program. The review team found a certain level of uneasiness among the cooperating agencies to discuss gender equity in the program. AHRC is expected to play a more active role in advancing the second program theme area, “women’s and children’s rights”.

The third thematic area of HRTC focuses on “ethnic and minority rights”. It is necessary for the HRTC to examine its engagement with Chinese cooperating agencies on ethnic and minority rights. There is very little data available on the involvement of organisations and individuals from minority areas in the program activities. This thematic area of the HRTC should be given more consideration in a new program design, so as to ensure a more appropriate balance between the three thematic areas.

Recommendation: More analysis needs to be undertaken on who is participating in partner agency activities to identify target groups, opportunities for greater cross-participation and progress on increasing the overall level of women’s participation. The AHRC should systematically analyse data on activity participants, to identify (i) the nature of cross-participation by different partner agencies and (ii) the range of other audience types reached by each agency’s activities.

Recommendation: Cooperating agencies should be informed of the requirement to provide gender disaggregated data for each activity. The review team recommends that the AHRC collate and analyse data on women’s participation levels provided by partners.

Recommendation: The AHRC and cooperating agencies need to ensure strategies are in place to support gender equity. For those activities targeting minority communities, a strategy should be put in place to ensure representatives of minority communities are fairly represented in all aspects of the design and implementation of program activities.

Appendix 1: Terms of Reference

Terms of Reference

Australia Human Rights Technical Cooperation Program Review Mission: China

BACKGROUND

Australia conducts a formal and regular Human Rights Dialogue with China. Since 1997, the Dialogue has been complemented by Human Rights Technical Cooperation Programs (HRTC) in China. The program is funded by the Australian Aid Program (AusAID) and delivered by the Australian Human Rights Commission (AHRC). The lead counterpart agency for HRTC in China is the Ministry of Foreign Affairs (MFA).

In August 1997 China and Australia initiated a high level dialogue on human rights. During the course of the initial dialogue it was agreed that the two countries would undertake a program of technical cooperation. The goal of HRTC in China is to strengthen the administration, promotion and protection of human rights in China. The purpose of the program is to assist key Chinese organisations to develop capacities that contribute to improvements in the administration, promotion and protection of human rights in each of the three program theme areas, being (i) legal reform, (ii) women's and children's rights and (iii) ethnic and minority rights.

The HRTC program is linked to the annual Dialogue and is designed to 'provide effective support to the foreign policy objectives of the Australian Government and to the broader human rights development objectives of China'. It supports the Dialogue by implementing specific activities that 'give substance and specific outcomes to the Dialogue process'. However, the specific activities under the program, however, are not confined to the topics discussed in the annual Dialogue.

The Human Rights Technical Cooperation (HRTC) Program is comprised of a number of sub-activities which are small scale and generally of relatively short duration. While the program as a whole is intended to have a long-term impact across Chinese society, each activity focuses on an organisation and a sectoral area where it is possible to have an immediate impact on a specific aspect of human rights in China. The design of the program recognises that its overall impact is likely to be modest and that substantial change is likely to come slowly. However it is implicit in the design of all activities that they have a direct impact and that they foster and sponsor longer term contact between Chinese and Australian individuals and organisations.

Program Context

The HRTC program in China has been implemented for over 10 years, beginning in 1997; until 2009-10 the program was annually budgeted at approximately AUD2 million. In 2009-10 the annual program budget was increased to AUD2.5 million.

During the course of the program's implementation, the program has increased its scope in terms of cooperating agencies, human rights related topics and geographic reach of the activities. Reviews of the program took place in 2003 and 2006, both of which reported favourably on the program and its achievement to dates. The 2006 review revised the program logic and put greater emphasis on the program's capturing of outcomes.

Rationale for the Review

The HRTC program has been implemented in China for over 10 years. The program was last reviewed in 2006. The 2006 'Management Review' resulted in useful recommendations which have since been incorporated into the program's implementation strategy. The review also served as a vehicle to reflect upon the development of the program and provided an opportunity to refine the Program Change Theory.

The China HRTC program represents modest, progressive and practical engagement on human rights issues which has deepened relationships between Australian and Chinese organisations and progressively opened spaces for exchange on sensitive issues such as juvenile justice and reintegration of former prisoners into society.

As the program continues to evolve and is looking towards exploring new modalities for cooperation and human rights areas to include, it is a timely to review the China HRTC program outcomes against the stated program objectives while taking into consideration broader interests and priorities of the Australian and Chinese governments.

A review of the Vietnam HRTC, which is managed by the AHRC and has similar objectives, will take place in November 2010. With the aim of identifying program wide lessons learned, it is proposed that a review team jointly examine both programs.

In this context, the review is necessary to assess the program's **efficiency, effectiveness and impact**.

Timing

It is expected that the Vietnam review will be conducted in early November 2010 and the results and recommendations will be presented to the Human Rights Dialogue in December 2010. The China review will take place after the Vietnam HRTC review within the time frame of late November 2010 to January 2011.

The China HRTC review will inform the 2011 planning mission in June/July 2011.

Results of the China and Vietnam reviews will be collated where relevant and if overlapping key findings are identified these will be reported.

REVIEW OBJECTIVES

The purpose of the review is to conduct a thorough examination of the HRTC experience in China. The Review will assume that the Human Rights Dialogue and the HRTC program in China will continue to operate for the foreseeable future. It will also assume that the overall goal of the HRTC (i.e. to strengthen the promotion and protection of human rights in China) will not change. Therefore, the Review will *not* make judgments as to whether the Human Rights Dialogue should or should not take place, or whether there should be an HRTC, or whether the goals and objectives of the HRTC are appropriate.

The overarching objectives of the Review will be to:

1. Assess how effective the HRTC has been in fulfilling its goals and objectives;
2. Make constructive recommendations that will enable HRTC to improve its effectiveness and strategic impact.

The review of China HRTC will be conducted on the back of the Vietnam HRTC review¹⁶. The purpose of this is for the review team to identify areas of commonality and overarching HRTC lessons learned.

Relevance

Key question:

To what extent is the China HRTC objective and program logic aligned with national priorities identified in China and in line with Australian interests?

Dimensions:

- To consider the extent to which the current objectives reflect the desired outcomes of the program from the Australian perspectives.
- To what extent do the current program objectives capture/reflect the program outcomes
- Are the priority thematic areas in line with human rights priorities in China and appropriate entry points for cooperation between Australia and China on the issue of human rights;
- The scope to include organisations that are not yet cooperating under the HRTC, but which could be relevant cooperating organisations in the future.

Effectiveness

Key question:

16 Please see Vietnam HRTC TOR

To what extent is the China HRTC objective on track to being achieved?

To what extent have HRTC sub-activities contributed to achievement of the broader program objectives?

Dimensions:

- Do the activities constitute practical strategies to promote human rights in China;
- Do the activities and their sub-objectives align with the human rights priorities of key Chinese agencies with relevant experience and expertise;
- Do the activities sub-objectives contribute to achievement of the overarching program objective;
- Are the activities successful in enhancing links between Chinese and Australian institutions working in the field of human rights.

Efficiency

Key question:

Are the HRTC processes and strategies efficient in meeting program needs and objectives while also suited to adapt to program evolution?

Dimensions:

- Does AHRC's implementation of activities make effective use of time and resources to achieve the outcomes, including liaison via the counterpart agency;
- The extent to which the HRTC program takes into consideration the human rights activities of other donors in China;
- Do current reporting arrangements succinctly present information and findings from the program accessible to a range of program stake-holders.

Outcomes and likely impacts of HRTC

Key question:

Do current HRTC processes and strategies maximise relationships with program stakeholders and program benefits?

What are the types of program benefits, identified by HRTC stakeholders, as means for supporting and promoting human rights in China?

Dimensions:

- Assess the lessons learned from less successful HRTC activities
- Assess the factors associated with more successful HRTC activities
- Assess the relevance of HRTC to its operating environment and responsiveness and alignment to and with partner organisations' priorities.
- Gender equality
- Monitoring and Evaluation

- The ability of the program change theory to capture the program outcomes
- To what extent is the monitoring and evaluation system capturing useful information that informs subsequent phases;
- Whether data is gender-disaggregated to measure the outcomes of the activity on men and women.
- Make recommendations for future HRTC
 - The extent to which the current program strategy for the China implementation remains the best approach (i.e. short activities implemented over 15 month timeframe, focus on study tours/seminars/workshops, and annual Planning Missions and Dialogue approval processes);
 - Scope for the HRTC to better support and/or complement other priority issues identified by AusAID and/or Australian of Department of Foreign Affairs and Trade and make recommendations accordingly;
 - Strategies and methods to better understand short term and long term impact of activities;
 - What lessons from the program can be applied to future China HRTC programming.

The review of the China and Vietnam HRTC programs will be conducted by one team, however it is critical that the review is not seen as a comparative exercise given the different operating contexts and different dynamics of both programs. While the management of both programs may be similar and the implementing agency the same, the relevance and implementation of both programs must be looked at individually; the review will however look to identify overarching HRTC lessons learned based on a holistic view of both programs.

The review process

1. The approach taken will ensure that the views of all stakeholders are heard and incorporated into the findings of the review. The plan and methodology will specify the roles and responsibilities of each team member. The plan will outline how the objectives will be fulfilled by data collection and analysis including indicative scheduling for the fieldwork. The plan, methodology and checklists of detailed evaluation questions should be appended to the main written report. The review team will produce an evaluation work plan and methodology which outlines the proposed approach to the review.
2. The HRTC review will involve a desk review of the program in China (including its management structures, objectives, achievements to date and background to the human rights context) followed by an in-country mission to China.
3. The review will take around 3 weeks and is planned for January 2011. The mission will involve up to 27 days for the team leader and 25 days for the capacity building / organisational development specialist and the national advisor.
4. The exact date and timeline of the review is to be confirmed based on the evaluation plan and full methodology to be developed by the team leader.
5. In undertaking the review, the team will:

Home based

i. Conduct a desk review

- a) Review relevant program documentation provided by AusAID and advise AusAID of any additional documents or information required prior to the in-country visit (1 day for each team member).
- b) Develop an evaluation plan including a fully methodology, field research guide and instruments and identification of key respondents and further documentation required. The plan will indicate the roles and responsibilities of each team member for data collection, analysis and reporting. The evaluation plan is to be submitted no later than two weeks before the mission (2 days for each team member)
- c) Appraisal of the key program documents; documents will be allocated between the IPR team members, according to area of expertise, to allow for full appraisal (1 day for each team member).

ii. Travel to Australia (1 day for each team member)

In Australia

iii. Consultation with the Australia based Managing Contractor representatives (MC) (1 day for each team member).

iv. Consultation with AusAID and DFAT relevant sections in Canberra and any other relevant stakeholders as identified (2 days for each team member).

v. Travel to China (1 day for each team member)

In China (10 days):

- a) Meet with Australian Embassy officials and AusAID in Beijing for briefing and debriefing;
- b) Hold consultations with MFA and other participating Chinese agencies and organisations;
- c) Hold consultations with other donors to garner lessons learnt and assess the implications of these programs for the HRTC.

On return from the in-country mission:

vi. Return travel (1 day for each team member)

vii. Provide the following reports/documents to AusAID in a timely manner:

- a) An Aide Memoire (not exceeding 7 pages) for each country program detailing mission findings to be presented to and discussed with AusAID and Embassy officials in Beijing and the Chinese MFA prior to departure;

- b) A two page document summarising overarching lessons learned from the AusAID funded Human Rights Technical Cooperation programs in China and Vietnam;
- c) A China HRTC draft written report, in electronic (Microsoft Word) format, to AusAID by 17 February 2011;
- d) A final China HRTC report, in electronic (Microsoft Word) format, which should incorporate AusAID comments on the draft report, to AusAID within 5 working days after receipt of comments on the draft report. 4 hard copies of the final report will also be required.

All reports must:

- i) be provided in accordance with the template provided;
- ii) be accurate and not misleading in any respect;
- iii) allow AusAID to properly assess progress under the Contract;
- iv) not incorporate either the AusAID or the Contractor's logo; and
- v) be provided at the time specified.

DURATION AND PHASING

It is anticipated that the Review Team will need to commit the following time in January 2011 to the Review:

- (i) 1 week in Australia, in order to undertake preparatory reading and meet with relevant Australian organisations;
- (ii) 1.5 weeks in China;
- (iii) 2 weeks following the in-country missions, to write up the findings of the Review in a draft review report.

PERSONNEL

The Review will be undertaken by a Review Team comprising personnel with the following specialist skills and/or experience:

- (i) Vietnam and China, particularly in a context relevant to human rights;
- (ii) Law and/or Human Rights ;
- (iii) Project Management, including Monitoring and Evaluation and Performance Assessment.

The following provides some guidance on primary responsibilities for the review. However, this should be a collaborative assessment and roles should not be seen as mutually exclusive.

Team leader & legal/human rights specialist:

Will be responsible for directing, coordinating and managing the assignment. Drawing on his/her legal/human rights expertise, he/she will pay particular attention to assessing the operating environment, effectiveness of the current approach and the impact of the program appropriate thematic areas. Consider and make recommendations on the strategic direction of the program. The Team Leader will have primary responsibility for report preparation.

Monitoring & Evaluation Specialist:

Will, in particular, assess the appropriateness of the management, planning and implementation of the program, the factors associated with successful activities, the lessons learned from those which were less successful and how these could be incorporated in planning future activities. He/she will have primary responsibility for summarizing the key achievements and impacts of HRTC.

Officers from the AHRC, AusAID Beijing and Hanoi and the Ministries of Foreign Affairs will provide support to the Review Team by facilitating the arrangement of meetings with relevant organisations during the in-country mission and in Australia and by helping the Review Team obtain any additional information which might be relevant to the Review.

As preliminary background, the following documents will be made available to the Review Team:

China HRTC

- (i) AusAID and AHRC Record of Understanding
- (ii) 2009-10 Quality at Implementation report
- (iii) Report from the 2003 review
- (iv) Report from the 2006 review
- (v) 2009-10 Program Completion Report
- (vi) 2010 Program Review and Planning Mission
- (vii) 2010-11 Activity Schedule under the head Record of Understanding between AusAID and the Australian Human Rights Commission
- (viii) 2007-8 and 2009-10 HRTC case studies
- (ix) Chinese partner organisation profiles

Appendix 2 : Aide Memoire

Review of the China Human Rights Technical Cooperation Program (HRTCP)

Program Background

The HRTCP is funded by AusAID and managed by the Australian Human Rights Commission (AHRC) in cooperation with 12 Chinese cooperating agencies. It is coordinated by the Ministry of Foreign Affairs (MoFA). The partners are: the All China Women's Federation (ACWF), Beijing Zhicheng Legal Aid Office (BZLAO), Ministry of Civil Affairs (MCA), Ministry of Foreign Affairs (MFA), Ministry of Justice (MoJ), Ministry of Public Security (MPS), National Judges' College (NJC), National Population and Family Planning Commission (NPFPC), State Ethnic Affairs Commission (SEAC), Supreme People's Court (SPC), the Supreme Peoples Procuratorate (SPP), and the United Nations Association of China (UNAC).

Review objectives and approach

The review was carried out in January 2011 by Paul Dalton (human rights specialist) and Martine Van de Velde (monitoring and evaluation specialist). The objectives were to: (a) assess how effective the HRTC has been in fulfilling its goals and objectives; and (b) make constructive recommendations that will enable HRTC to improve its effectiveness and strategic impact.

The review process included interviews with GoA and GoPRC officials, with the AHRC, with the HRTCP partners, and with representatives of bilateral and multilateral agencies in Beijing. This Aide Memoire presents a summary of the independent review team's initial findings.

Operating Environment

Remarkable changes have taken place in China since the Australia-China Human Rights Dialogue (HRD) and the HRTCP were initiated in 1997. In the field of human rights, the Chinese legal and administrative framework for the promotion, protection and realization of human rights is much stronger today than it was then. Extensive exchanges in human rights, rule of law and related fields have taken place between Chinese agencies, institutions and organisations and counterparts in other countries and there is now a comparatively high level of understanding within the Chinese administration, academia and civil society of the content of the international human rights norms and of comparative models and strategies for domestic implementation.

The changes in the operating environment and in the capacity of key institutions and agencies make it possible to carry out a program such as the HRTCP at a much higher ambition level than was previously the case. The potential exists for the program to move beyond activities involving primarily exchange of comparative experiences, to a higher level and longer term co-operations – linked to, e.g., Chinese priorities for law and policy reform; to pilot programs for implementation of new rights-friendly models

for Government and judicial sector service delivery, or for development of human rights curricula for professional training institutions.

Both China and Australia have in recent years been taking a more systematic approach towards domestic implementation of their human rights commitments and there exist overlapping areas of interest and development. China has already had some experience in formulating and implementing a national human rights action plan. Australia is planning to develop a national human rights action plan for the first time in 2011. There is potential for useful cooperation between the two countries on this issue.

China and Australia are also active participants in the Human Rights Council and in the Universal Periodic Review process (UPR). The UPR process can be a very constructive means of discussing domestic human rights achievements and challenges. The final recommendations – those that have been endorsed by the country under examination – open up potentially very fertile ground for dialogue and joint efforts. The potential exists to reference the Chinese UPR recommendations into the framework for the HRTCP (see Program Design below).

Program Design

At present the HRTCP is made up of a large number of stand-alone activities carried out by the 12 cooperating agencies. To assess the effectiveness and impact of a program, objectives need to be clearly stated and structured, and accompanied by an explanation of how program activities will contribute to their achievement. Furthermore, a strong design has a direct impact on the evaluative capacity and sustainability of a program.

Given the involvement of a wide range of cooperating agencies it is important that the program provides strategic direction that links activities with common objectives. The Logical Framework Approach is a useful tool to bring together a wide range of partners towards common objectives. The review team will provide a draft LogFrame for consideration by MoFA, AusAID and the AHRC.

Baseline Document

The program should be supported by a baseline document to be developed by AHRC in collaboration with the cooperating agencies.

At the macro level: The baseline document should provide a summary of relevant existing Chinese laws, regulations, policies, action plans and procedures. There should be a linkage in the document between these Chinese normative and programmatic documents and relevant human rights norms. The baseline document will provide a common reference point for the AHRC and the program agencies, relevant to the progress at the goal level of the LogFrame.

At the micro level: Partner agencies should develop baseline documentation against performance indicators at the output level for the activities they are implementing. The review team is recommending a strengthening of the design around the activities implemented by the agencies to

allow for better assessment of progress and results. This will allow for improved linkages between the activities, outputs and higher level objectives of the HRTCP program.

Monitoring and Evaluation (M&E)

The program design, which provides a description of the project objectives and strategy, is not in a form that enables it to be evaluated by any systematic and objective means. There are no objectively verifiable indicators for assessing progress on any of the objectives, nor is there any form of baseline data. Acknowledging the challenges around evaluation of human rights and rule of law, the review team believes that attribution can be achieved between the activities and the objectives if performance assessment is carried out in a systematic manner.

Reporting on the progress of the program as a whole remains one of the weakest areas and is linked to the weak design process. It would therefore be beneficial for periodic information sharing events to be held between partner agencies that could be facilitated by the AHRC as part of the Annual Review and Planning Mission.

M&E arrangements for the program should be kept simple and must respect the nature of the HRTCP program. However, at present, the program is unable to provide reporting that allows for evidence-based decision making.

Impact and Effectiveness

According to the ToR, the purpose of the program is ‘to assist key Chinese organisations to develop capacities that contribute to improvements in the administration, promotion and protection of human rights in each of the three program areas, being (i) legal reform, (ii) women and children’s rights, and (iii) ethnic and minority rights.

The review team considers that the large majority of activities that have taken place have been to a high standard with good forward planning and organisation and with the involvement of well-qualified academic experts and practitioners. This is a credit to the AHRC and to the Chinese cooperating agencies. At the activity level, therefore, we believe that the program has been effective in making a contribution to human rights promotion in China.

At a whole-of-program level it is difficult to assess the effectiveness and sustainability of the program due to the lack of a program design and evaluation methodology. If the recommendations made in the review report are implemented, it will become easier in the future for program stakeholders to identify and to report on program achievements against mutually agreed upon indicators. Even taking into account the difficulties inherent in assessing the impact of all human rights cooperation programs, a lot of meaningful data on impact could nevertheless be generated if the program had a clear design and monitoring framework (see also Program Design and Monitoring and Evaluation Sections above). A number of useful guidance documents have been developed on evaluation and performance indicators for human rights programs, and these will be referenced in the review team’s report.

Thematic Approach

The HRTC is focusing on three themes: legal reform, women and children's rights, and ethnic and minority rights. Each of these themes is being addressed to a certain extent in the program.

Several of the cooperating agencies' organisational objectives and work under HRTC do not correlate to these themes and careful consideration should be given as to whether the themes or choice of partners should be revisited.

A sharper thematic focus for the program could be explored. Women's rights issues are not being satisfactorily addressed in the program at present (see Equity, below). The activities addressing ethnic and minority rights could also be more dynamic – and have a clearer rights focus - than they have at present. Although law and policy reform forms a backdrop for discussions in many of the activities that are taking place in the program, few of them are directly linked to legal reform processes. In line with the changing operating environment in China (see Operating Environment, above) and with the desirability of the program raising its ambition level and including activities that go further than exchange of information about comparative models and experiences, the potential exists for the program to provide more direct support to law and policy reform processes in the future.

Efficiency and Cost Effectiveness

AHRC and the cooperating agencies need to avoid repetition in the activities being organised under the program. Given the nature of the program and the link to the HRD, the HRTC activities should focus on professional and technical exchanges rather than regular programming or service delivery. For some program activities which have already taken place a number of times, it is also clear that no further Australian inputs are necessary.

Once comparative approaches to a particular human rights protection issue have been explored and a pilot implementation activity (or similar) has been carried out, the time would generally be right to move on to a new issue.

Equity

The long-term partnership under the HRTCP between the AHRC, the ACWF and the NPFPC has been important in terms of focussing on women's rights. Activities supporting women's rights have included seminars and workshops on domestic violence legislation and seminars supporting provincial family planning services that apply human rights principles.

It is important that partner agencies develop strategies that aim for the equal participation of women in program activities. If the format of the activities does not support greater women participation then partner agencies should be encouraged to explore other modalities that do.

There is considerable potential for addressing more effectively women's rights issues within the program. Incorporating a gender strategy into the program requires more than promoting gender parity among participants in HRTC organised seminars or study tours.

There is also a lack of attention to monitoring the levels of women's participation. Gender disaggregated data should be available for all activities. During the next phase partners should set themselves targets for achieving higher levels of women's participation and be able to document the progress made in all HRTCP activities. The review team understands that simply setting a target is not the most effective way of supporting women's participation. Targets should be supported by positive strategies to strengthen meaningful women's participation.

ACWF's participation in the program is not in itself enough to ensure the program is effective in making a contribution to the improvement of women's rights (HRTCP second thematic area). There is a need to develop a credible gender strategy for the program. Cross-agency capacity building activities on gender equity issues should be included in the next phase of the program. Agencies should also look at opportunities that ensure HRTCP funded activities address better concerns around women's rights.

Partners and Participants

Given the number of existing cooperating agencies and the perceived weaknesses in the program design methodology and M&E framework (see the section Monitoring and Evaluation, above), the review team would not recommend that any additions be made to the existing cooperating agencies until the design and evaluation issues have been satisfactorily addressed.

If the program moves to a three-year cycle (see Planning Cycles, below) it would make sense to carry out a consolidation of the existing cooperating agencies. 12 agencies are too many for a program of this size. Considering relevant Australian and Chinese priorities, the thematic priorities of the program and the cooperation activities being carried out by cooperating agencies with other bilateral and multilateral donors, some of which far exceed the quantum or scope of the HRTC, rational arguments exist for reducing the current number of agencies to between five and eight. Priority should be given to those agencies who are strong performers or who are working in areas that are clearly linked to the thematic priorities.

Planning Cycles

The review team believes that the HRTC would be more effective if the planning cycle was to be changed from one to three years. Both the AMC and the cooperating agencies have expressed support for the change to a three year cycle. The change to a three-year cycle will make it possible for the program to deliver clearer outputs and outcomes.

In a three-year program with a reduced number of cooperating agencies the size of the project grants will increase, which will enable the agencies to design project concepts that follow particular processes (e.g. carrying out of pilot activities followed by scaling-up; law or policy development; curriculum development etc) over an extended period of time.

Appendix 3: Logframe

Narrative description <i>(of the theory of change)</i>	Indicators <i>(data types in this case)</i>	Means of Verification <i>(sources of data)</i>	Assumptions <i>(about each row narrative and its connection to others)</i>
Super Goal 1. <i>Reduction of poverty in PRC</i> 2. <i>Equitable human development and human security in PRC</i>	<ul style="list-style-type: none"> National poverty statistics UN MDGs achievements 	<ul style="list-style-type: none"> GoPRC UNDP 	<ul style="list-style-type: none"> GoPRC already has processes for reporting on poverty data AusAID reports on changes in poverty as part of its periodic reviews of its country strategy The HRTCP would not need to do any additional monitoring / reporting at this level
Goal <ul style="list-style-type: none"> <i>Strengthen the administration, promotion and protection of human rights in China</i> <i>GoA has improved knowledge of the human rights context in China</i> 	<ul style="list-style-type: none"> UPR and Treaty Body findings HRD conclusions and recommendations National HR Action Plan Changes in and implementation of policy and legislation 	<ul style="list-style-type: none"> UN Human Rights Council MoFA and AusAID reports on HRD As collated by AHRC Specialists reports by third parties 	<ul style="list-style-type: none"> Multiple perspectives would be needed on changes achieved at this level Objectives at this level should relate to both side of the partnerships: GoPRC and GoA Progress at this level would be discussed with the annual HRDs
Purpose 1. <i>Chinese cooperating agencies have developed their capacities to contribute to improvements in the administration, promotion and protection of human rights in i) legal reform ii) women's and children's rights and iii) ethnic and minority rights</i> 2. <i>GoPRC partners have applied new knowledge gained from HRTCP activities</i>	[Possible types] <ul style="list-style-type: none"> Evidence of further dissemination Participants' plans for subsequent use Follow up of a sample of participants Monitoring of subsequent contacts between organisations 	<ul style="list-style-type: none"> AHRC & GoPRC cooperating agencies 	1. Chinese cooperating agencies have sufficient autonomy to apply new knowledge 2. The sustainability of project impact will be greater where there are self-maintained relationships between Australian and Chinese institutions working in the field of human rights
Outputs 1. GoPRC cooperating agencies participate actively in all HRTCP activities 2. GoA agencies participate in all <i>categories</i> of HRTCP activities	<ul style="list-style-type: none"> Comprehensive partner reports available ACRs as scheduled 	<ul style="list-style-type: none"> MFA AHRC 	<ul style="list-style-type: none"> GoPRC agencies have a strategy to ensure there is dissemination of acquired knowledge Agencies see planned activities as relevant to their needs GoPRC partners see the value of Australian participation in activities

<p>Activities</p> <ol style="list-style-type: none"> 1. AHRC develops a program of activities with GoPRC partner agencies 2. AHRC assists partners with implementation 3. HRTCP activities are presented and discussed during the annual HRD 	<ul style="list-style-type: none"> • HRTCP Phase Design submitted & approved • Feedback from partners • HRTCP report submitted to HRD 	<ul style="list-style-type: none"> • AusAID • GoPRC Cooperating Agencies • AusAID 	<ul style="list-style-type: none"> • HRTCP Design document includes “<i>practical strategies to promote human rights in China</i>” [possibly including activities x policies matrix (i.e. UPR, HRD, Legislation)]
--	--	--	--

Appendix 4: Review working Schedule

ITINERARY FOR THE HRTC Review - Paul Dalton and Martine van de Velde - January 2011

	Time	Organisation	Address	Name
Thursday 6 January		Australian Human Rights Commission	Level 8, Piccadilly Tower, 133 Castlereagh St, Sydney NSW 2000	Mr. David Robinson, Director, International Programs
Friday 7 January		Australian Human Rights Commission		Mr. David Robinson
Wednesday 12 January	9.30-11.30	AusAID North Asia Desk	255 London Circuit, Canberra	Ms. Danielle Sever, Mr. Russell Harwood, Ms. Katie Whitting
	11.30 - 12.15	AusAID Human Rights Area	255 London Circuit, Canberra	Ms. Bridie Ruston
Thursday 13 January	9.30-10.30	DFAT (China Political Section/Human Rights Section)	R.G. Casey Building John McEwen Crescent Barton, Canberra	China Political: Ms. Melissa Pinfield (A/g Director), Ms. Louise Baker, Mr. Raphael Bekhor. Human Rights: Ms. Kirsten Zaat
	11.30 - 12.30	AusAID Asia Division M&E Advisor	255 London Circuit, Canberra	Mr. Graham Rady and Ms. Gina De Pretto
	16.00-17.00	Issue Paper writing and send to AusAID Beijing		

Program for China HRTC Review - Beijing 17 - 27 January 2011					
Date	Time	Organisation	Address	Name	Aspects (with activity ID as appropriate)
Monday 17 January	9:00-10:30	AusAID Beijing	AusAID Office Australian Embassy 21 Dongzhimenway	Ms. Rebecca Bryant, Counsellor; Mr. Grant Morrison, First Secretary; Ms. Anne Lubell, Senior Program Manager	
	10:30 - 11:30	DFAT Beijing	AusAID Office Australian Embassy 21 Dongzhimenway	Mr. Robert Fergusson, DFAT Beijing; Ms. Rebecca Bryant and Ms. Anne Lubell, AusAID Beijing	
	12:00 - 13:30	Lunch			
	14:30-15:00	Ministry of Foreign Affairs - Department of International Organisations and Conferences	No 2 Chaoyangmen Nandajie	Ms. Qi Xiaoxia, Special Representative on Human Rights, Deputy Director General of the Department of International Organizations and Conferences, Ms. Liu Renfei, Deputy Director, Dept. Of International Organizations and Conferences; Ms Chen Yingzhu, Attache, Dept. of International Organizations and Conferences	

	15:00 - 16:00	Ministry of Foreign Affairs - Poverty Alleviation Office	No 2 Chaoyangmen Nandajie	Ms. Ou Boqian, Deputy Director of the General Office, Mr. Xia Guoshun, Deputy Director of the Poverty Alleviation Office	Chinese participating organisation
	16:30 - 17:30	Norway		Mr. Erling Hoem, Political Section, Royal Norwegian Embassy	Donor
Tuesday 18 January	9:30 - 11:30	National Judges College		Wang Xiaofang, Vice Director, Foreign Affairs Division, Li Weihua, Project Manager, Exchange and Cooperation Division	Chinese participating organisation
	11:30 - 13:30				
	14:00 - 16:30	Ministry of Justice		Mr. Zhao Linna, Director, International Division, Department of Judicial Assistance and Foreign Affairs; Mr. Kang Yu, Deputy Director-General, Department of Judicial Assistance and Foreign Affairs	Chinese participating organisation
Wednesday 19 January	9.00-11.30	Ministry of Public Security		Mr. Liu Shugen, Deputy Director General, Penitentiary Administration Bureau	Chinese participating organisation
	11.30 - 13.30	Lunch			
	14.00-16.00	Supreme People's Court		Wang Chuan, International Exchanges and Cooperation Department	Chinese participating organisation
	16.30 - 17.30	CIDA	Canadian Embassy	Mr. Francois Lafreniere, Counsellor, Ms. Betty-Ann Chung, First Secretary, and Ms. Fahmeeda Wahab, First Secretary	Donor

Thursday 20 January	9:00 - 11:00	Ministry of Civil Affairs	147 Beiheyuan Dajie, Dongcheng District	Mr. Gao Cheng Yun, Deputy Division Chief, Department of Policies and Regulations; Ms. Zhou Shumei, Deputy Director, Bilateral Affairs Division; Ms. Yan Su, Program Officer	Chinese participating organisation
	11.30-13.30				
	14.00-16.30	All China Women's Federation	15 Jianguomennei	Ms. Cui Linlin, Division Director; Ms. Lan Qing, Division Head; Ms Li Xiaoxing, Director, American & Oceanian Division	Chinese participating organisation
Friday 21 January	9:00-10:00	Supreme People's Procuratorate		Ms. Long Mei, Division Chief, International Cooperation Department; Ms. Li Xin, Deputy Director-General; Ms. Wang Mei	Chinese participating organisation
	10:40 - 12:30	National Population and Family Planning Commission	14 Zhichun Rd., Haidian District	Mr. Hu Hongtao, Director General, Department of International Cooperation; Mr. Zhao Yanpei, Director-General, Department of Policy and Legislation; Ms Lang Jinxia, Division Director, Department of Policy and Legislation; Mr. Shi Yuanming, Division Director, Department of International Cooperation; Mr. Li Jing, Program Officer; Ms. Zhang Yan, Program Officer	Chinese participating organisation
	15:00 -16:00	USAID	US Embassy	Ms. Jennifer Adams Development Counsellor USAID/U.S. Embassy	Donor

Saturday 22 January					
Sunday 23 January					
Monday 24 January	10:00 - 11:00	UNDP	2 Liangmahe Nanlu	Mr. Steven Sabey, Policy Advisor	Multilateral organisation
	14.00-16.00	United Nations Association of China		Mr. Ye Xuenong, Deputy Director- General; Mr. Tian Yu, Program Manager	Chinese participating organisation
Tuesday 25 January	9:00-11:00	State Ethnic Affairs Commission		Li Huancai, Director of Cooperation Division	Chinese participating organisation
	12:30 - 13:30	Lunch			
	14.00-16.00	Beijing Zhicheng Legal Aid Office for Rural Migrants	Annex Building, 4th floor, 212 Zhouzhuangzi, Fengbei Rd, Fengtai District	Mr. Tong Lihua, Director; Ms Wendy Zhang, Deputy Director	Chinese participating organisation
Wednesday 26 January	14:00 - 16:00	Ministry of Commerce	MOFCOM	Mr. Kang Bingjian, Division Director. Department of International Trade and Economic Affairs	

Thursday 27 January	9:00 - 11:00	AusAID		Prsentation of Aide Memoire to AusAID, DFAT	
	12:00 - 14:30	Lunch hosted by MFA		Prsentation of Aide Memoire to MFA	

Appendix 5: Selected References

'Activity Schedule 18 to the Record of Understanding No. 39041 in Relation to cooperation between the Australian Human Rights Commission ("the Commission") and AusAID to the China-Australia Human Rights Technical Cooperation Program of Activities for 2010-11'

'Annual Program Performance Report: China 2009', AusAID (June 2010)

'AusAID Risk Management Guide', Performance Review and Audit Section, AusAID (2005)

AusAID, 'Guidance: Initiative-level Monitoring & Evaluation', ('exposure draft'), AusAid, (August 2007)

'The Australia-China relationship', Transcript of speech by former Australian Minister for Foreign Affairs Mr. Steven Smith at Sichuan University, <http://the-diplomat.com/2009/05/07/the-australia-china-relationship>

'Australia's Human Rights Framework', Attorney-General's Department (2010), <http://www.ag.gov.au/humanrightsframework>

'China-Australia Country Program Strategy 2006-2010', AusAID (2006), http://www.ausaid.gov.au/publications/pdf/china_strategy_06.pdf

'China-Australia Development Cooperation Program. Review of Human Rights Technical Cooperation Program. Report', Dr. Sarah Biddulph and Kai Detto (2006)

'China-Australia Human Rights Technical Cooperation Program (HRTC) - Guidelines for Selection of New HRTC Activities', AHRC-produced document (21 September 2010)

'China-Australia Human Rights Technical Cooperation Program – Some Key Achievements and Outcomes of the Program', (Information for the Human Rights Sub-Committee, Joint Standing Committee on Foreign Affairs, Defence and Trade), Australian Human Rights Commission (24 February 2009)

'China's Journey toward the Rule of Law – Legal Reform 1978-2008', Edited by Cai Dingjian and Wang Chenguang (2010), ISBN 1879-7539

'China Modernizes – threat to the west or model for the rest?', Randall Peerenboom (2007), ISBN 0-19-920834-4

'Chinese Law: Context and Transformation', Jianfu Chen (2008), ISBN 978 90 04 16505 2

'Gender Equality in Australia's Aid Program – Why and How?', AusAID (March 2007), http://www.ausaid.gov.au/publications/pdf/gender_policy.pdf

'China under transition to Rule of Law – the role of Legal Aid and Advocacy organisations', Huang Jinrong, Wang Fang & Hatla Thelle (2010); in 'A Human Right to Legal Aid – International experiences and promising practices for legal aid providers', Edited by Paul Dalton & Hatla Thelle, ISBN 978-87-91836-37-4, <http://www.humanrights.dk/news/launch+of+new+book+on+legal+aid>

'Human Rights Council - Chinese National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1', UN Document A/HRC/WG.6/4/CHN/1 (10 November 2008)

'Human Rights Council - Report of the Working Group on the Universal Periodic Review – China', UN Document A/HRC/11/25 (5 October 2009)

'Human Rights in the Asia-Pacific - Challenges and opportunities', Joint Standing Committee on Foreign Affairs, Defence and Trade (April 2010), ISBN 978-0-642-79232-7

'Indices, Benchmarks, and Indicators: Planning and Evaluating Human Rights Dialogues', Anna Würth and Frauke Lisa Seidensticker, German Institute for Human Rights (2005), <http://mande.co.uk/2010/uncategorized/indices-benchmarks-and-indicators-planning-and-evaluating-human-rights-dialogues/>

'Judicial Independence in China – Lessons for Global Rule of Law Promotion', Edited by Randall Peerenboom (2010), ISBN 978-0-521-13734-8

'National Human Rights Action Plan of China (2009-2010)', Information Office of the State Council of the People's Republic of China (April 13, 2009)

'Principles and Guidelines for a Human Rights Approach to Poverty Reduction Strategies', Office of the High Commissioner for Human Rights (December 2006), <http://www.ohchr.org/EN/PUBLICATIONSRESOURCES/Pages/SpecialIssues.aspx>

(White Paper on) 'Progress in China's Human Rights in 2009', Information Office of the State Council The People's Republic of China (September, 2010)

'Quality at Implementation Report, China Human Rights Technical Cooperation', Anne Lubell, AusAID (1 July 2009)

'Sino – Norwegian Human Rights Dialogue 1997-2007', Edited by Camilla Wedul, Norwegian Ministry of Foreign Affairs (2008), <http://www.jus.uio.no/smr/english/about/programmes/china/Publications/>

'UNCAC- A Bangladesh Compliance and Gap Analysis', Government of Bangladesh, (January 2008), http://www.baselgovernance.org/fileadmin/docs/pdfs/Publications/GOB_UNCAC_Part1.pdf

HRTCP Program Documentation prepared by the Australian Human Rights Commission

Australian Human Rights Commission (AHRC), China-Australia Human Rights Technical Cooperation Program, Some Key Achievements and Outcomes of the Program, 24 February 2009.

AHRC, China-Australia Human Rights Technical Cooperation Program, Program Monitoring Visit Report, prepared by David Robinson, Maureen Harris, February 2010.

AHRC, Program Review and Planning Mission (PRPM), Final Report, September 2010, 30 September 2009, 14 August 2008, 25 September 2007.

AHRC, Program Completion Report, 30 September 2010, 10 November 2009, 13 September 2008, 26 September 2007.

AHRC, Program Monitoring Visit Report, February 2010, David Robinson and Maureen Harris.

Selection of HRTCP Activity Completion Reports

- All China Women's Federation (ACWF)

Activity No. 7.1. Domestic Violence Legislation Seminar, Nanjing, Jiangsu Province, 8-11 December 2009, Natasha de Silva, AHRC.

Activity No.8.1. Domestic Violence Workshop, Wenzhou, Zhejiang Province, 20-22 April 2010, Natasha de Silva, AHRC.

Activity 6.1. Domestic Violence Study Visit, 25 October-4 November 2010, Australia, Natasha de Silva, AHRC.

- Beijing Zhicheng Migrant Workers Legal Aid and Research Centre

Activity 10.1 Workers' Rights Study Visit, 15-26 November 2009, Australia, Maureen Harris, AHRC.

Activity 10.2. Workers' Rights Seminar, 26-27 June 2010, Maureen Harris, AHRC.

- Ministry of Civil Affairs

Activity 18.1. Seminar on Charitable Foundations, 18-19 January 2010, Joshua Bird, AHRC.

Activity 19.1. Social Organisations Study Visit, 21 March-1 April 2010, Australia, Joshua Bird, AHRC.

- Ministry of Foreign Affairs

Activity 2.1. Seminar on ICESCR Reporting, 25-26 February 2010, Joshua Bird, AHRC.

- Ministry of Justice

Activity 21.1. Minor Offences Seminar, 21-22 June 2010, Maureen Harris, AHRC.

Activity 11.1. Restorative Justice Study Visit, 12-21 July 2008, Joshua Bird, AHRC.

- Ministry of Public Security

Activity 9.1. Penitentiary Administration Study Visit, 9-19 September 2009, Australia, Joshua Bird, AHRC.

Activity 11.1. Penitentiary Administration Consultations, 24-29 November 2008, Australia, David Robinson, AHRC.

- National Judges' College

Activity 17.1. Legislation and Judicial Action Study Visit, 2-10 December 2008, Joshua Bird, AHRC.

Activity 14.1. Seminar on Judicial Review of Administrative Decisions, 13-15 October 2009, Joshua Bird and Veronica Bell, AHRC.

- National Population and Family Planning Commission

Activity 19.1. Privacy Rights and Family Planning Consultation, 15-18 December 2008, Maureen Harris, AHRC.

Activity 15.1. Family Planning and Human Rights Workshop, 1-3 July 2010, Natasha de Silva, AHRC.

- State Ethnic Affairs Commission of China (SEAC)

Activity 12.1 Anti-poverty and Human Rights Study Visit, 29 November-8 December 2009, Maureen Harris, AHRC.

Activity 15.1. Anti-Poverty and Human Rights Seminar, 20-22 November 2008, Joshua Bird, AHRC.

- Supreme People's Court

Activity 11.1. Sino-Australian Seminar on Judicial Accountability and Supervision, 26-28 October 2009, Veronica Bell, AhRC.

Activity 2.1. Victims of Crime Study Visit, 17 February-1 March 2008, Joshua Bird, AHRC.

- Supreme People's Procuratorate

Activity 16.1. Police Supervision Study Visit, 5-10 September 2010, Natasha de Silva, AHRC.

Activity 4.1. Anti-Corruption Study Visit, 30 March – 3 April 2008, Natasha de Silva, AHRC.

- United Nations Association of China

Activities 3.1. and 3.2. Model United Nations Human Rights Council, Beijing, 6-8 November 2009, Natasha de Silva, AHRC.

Activity 3.1. Human Rights Knowledge Competition, January-July 2009, Natasha de Silva, AHRC.

HRTCP Case Studies

Case Studies on Outcomes of HRTC Activities – Ministry of Foreign Affairs, Long Term Human Rights Scholarship Program, Maureen Harris, August-December 2010.

Case Studies on Outcomes of HRTC Activities – Supreme People's Court – Beijing and Jiangsu Province, Natasha de Silva, 3-5 March 2010.

China HRTC Program – Evaluation Case Studies – March 2008, Summary of Key Outcomes identified during Case Studies, prepared by AHRC.

Appendix 6

China HRTC Program Activities implemented between 2007 and 2010

Beijing Zhicheng Legal Aid Office (BZLAO)
 Ministry of Civil Affairs (MCA)
 Ministry of Foreign Affairs (MFA)
 Ministry of Justice (MoJ)
 Ministry of Public Security (MPS)
 National Judges' College (NJC)
 National Population and Family Planning Commission (NPFPC)
 State Ethnic Affairs Commission (SEAC)
 Supreme People's Court (SPC)
 Supreme People's Procuratorate (SPP)
 United Nations Association of China (UNAC)

Partner Agency	Activity	Date (indicate where there is a difference between the planned and the actual timing)		Number of Participants (incl gender) + Profile of participants	Australian Experts (incl gender)	Objectives (brief)	Outputs Achieved	Budget (planned and actual expenditure)	Outcomes - Findings	Completion Report ? Case Study?	General observations or comments after the interviews conducted in Beijing by the review team
A C W F	Women's Law Workshop	Mar 2007	Hainan Province	80 mostly female from ACWF and member organisations of national and provincial women's coordination groups.	3 female from AHRC and Women's Legal Services NSW	To enhance the capacity of coordination groups on protection of women's rights and interests.	80 officials with new knowledge and information on measures to protect women's rights.	Planned \$94,640 ; Actual \$87,681.		No Completion Report viewed	Observations of the review team to be considered in future discussions with ACWF: a) Need to get a clear view on what are the priority issues around women's rights in China. b) Relevance: is Domestic Violence still the key issue to support and the most relevant topic to support women's rights? c) ACWF need to develop a database to monitor results (no evidence on changes around domestic violence after a decade of work on domestic violence). d) Not clear what is the importance and weight of ACWF in coordinating and influencing women's rights in government ministries.
A C W F	Domestic Violence Workshop	Jul 2007	Liaoning Province	100 mostly female from women's federations and public security bureaus in 12 provinces.	4 female from AHRC, Victoria Police, Domestic Violence NSW.	To enhance the capacity of women's federations and public security bureaus in 12 provinces to prevent and combat domestic violence.	100 officials with enhanced awareness and understanding of the issue of domestic violence and approaches and mechanisms for preventing domestic violence.	P - \$94,640; A - \$86,937		No Completion Report viewed	1. ACWF does not seem to possess a good tracking or monitoring system for its activities. During the interview in-country ACWF indicated that they do not have data on how many women use the 'hotlines' in police stations. Although an initiative of ACWF to incorporate domestic violence as a topic in the hotline, it seems that data are kept by the
A C W F	Women's Labour Rights Workshop (2007 - 2008 / Activity 13.1)	Nov 2007	Fujian Province	96 participants in total, 15 male. Labour inspectors from women's federations and labour and social security departments in various provinces.	3 female presenters, from Univ of SA, Aust Workplace Ombudsman and AHRC; and one female coordinator of AHRC	To enhance the capacity of the ACWF to combat discrimination and other forms of unfair treatment of women in the workplace.	96 women's federation officials and labour inspectors with increased knowledge of measures for protecting the rights of women in the workplace.	P - \$102,840; A - \$95,443	Participants from various provinces including Tibet and Hainan Island. Majority of participants in leadership positions (evidence?). The gap between existing labour laws and the lack of its implementation was discussed during the workshop.	Activity completion report viewed	
A C W	Women's Law Workshop	Apr 2008	Anhui Province	95 participants in total, 17 male. From	3 female: Senior lawyer HREOC, SA office for	To enhance the capacity of coordination groups on	95 officials with new knowledge and information on	P - \$94,840; A -	Awareness raising of mainstreaming gender awareness across government	Activity completion report	

F	(2007 - 2008 / Activity 14.1)			ACWF and member organisations of national and provincial coordination groups.	Women's Policy, WA Women's Law Centre and one female HREOC coordinator.	protection of women's rights and interests.	measures to protect women's rights.	\$96,413.	and society.	viewed	Ministry of Public Security and not shared with ACWF. The role of ACWF is promotional and doesn't follow up on the use of the hotline. 2. Funding for ACWF is one third from Government; in addition fundraising in society and own enterprises. 3. The topic of Domestic Violence under HRTCP was chosen in discussion with HRCA. Until a few years ago the topic of Domestic Violence was 'taboo'. Now attention to the subject is even at national level with 7 ministries having received guidance on domestic violence and legislation being developed. 4. Future Directions for ACWF as an organisation around Domestic Violence: Establish multi-departmental cooperation mechanism (Comment MV: does this not already exist?); collect information from Public Security; work with Public Security to provide guidance on "what to do on-site when visiting cases of domestic violence" (comment MV: The latter better to be done directly with MPS?). 5. Concept of Domestic Violence was introduced in 1985. Today a law on domestic violence is being prepared. ACWF is drafting their own version and provide input in the law preparation process. After the law has passed, ACWF will focus on follow up, coordination and implementation. 6. Other priority activities of ACWF include activities around cancer; micro credit for business start up; participation of women in village committees; training of female members in Government. Observations by review team: a) a lack of database and monitoring system b) a need to provide training on gender
A C W F	Domestic Violence Workshop (2007 - 2008 / Activity 15.1)	Jul 2008	Shandong Province	170 from women's federations and civil affairs departments. 70% female.	4 female from AHRC, Domestic Violence Advocacy Service, Vic Dept of Community Development, and Women's Refuge Resource Centre.	To enhance the capacity of the ACWF, Ministry of Civil Affairs and local women's federations and civil affairs departments to combat domestic violence.	170 officials with enhanced awareness and understanding of measures for combating domestic violence and providing services and assistance to victims.	P - \$94,840; A - \$94,676.	Awareness raising among civil affairs officials in developing services to assist victims of domestic violence. Activity completion report does not include list of participants.	Activity completion report viewed.	
A C W F	Domestic Violence Study Visit (2008-2009 / Activity 6.1)	Dec 2008	NSW / Tas	10 delegates from ACWF, MPS, SPC, NPC, State Council and Communist Party. 8 female, 2 male.		To enhance the capacity of the ACWF and other key agencies to combat domestic violence through development of a national law on domestic violence.	10 delegates with new knowledge and information to assist their work in drafting and development of China's national law on domestic violence.	P - \$123,540; A - \$96,735.	Study visit assisted the ACWF in their work in China to have more coordinated efforts among agencies in addressing domestic violence. Study group very focused on how this takes place in Australia. Other issues of relevance: police DV evidence kits; and the varied responses to minority groups.	Activity completion report viewed	
A C W F	Domestic Violence Workshop (2008-2009 / Activity 7.1)	Apr 2009	Hunan Province	140 from ACWF, SPC, provincial women's federations and provincial people's courts. 70% female and 30% male.	3 female, from AHRC, Vic Magistrates' Court, Tas Dept of Justice.	To enhance the capacity of women's federations and courts in China to combat domestic violence and protect the rights of women.	140 officials with enhanced and new knowledge and information on measures for combating domestic violence and protecting women's rights, with a particular emphasis on measures applied through the court system.	P - \$101,840; A - \$102,309	Exchange of information and experiences. Key output presented: 'Benchbook for handling marriage cases involving domestic violence' by the China Institute of Applied Jurisprudence located within the Supreme People's Court. It is not clear from the report what the link, if any, is between the HRTCP and the benchbook. Benchbook will be implemented in pilot counties. Again the report is not clear on the relation between ACWF; HRTCP and the pilot counties.	Activity completion report viewed	
A C W F	Domestic Violence Legislation Workshop (2009-2010 / Activity 7.1)	Dec 2009	Jiangsu Province	80 officials from ACWF, women's federations and coordination groups. Participants were from Shanghai, Liaoning, Henan, Xiamen, Jiangsu and Ningbo.	3 female from AHRC, Vic Law Reform Commission and Vic Dept of Justice.	To enhance the capacity of the ACWF and other key agencies to contribute to the development of a national law on domestic violence consistent with a human rights framework.	80 officials with new knowledge and information on legislative measures for combating domestic violence that will inform the current drafting process for China's domestic violence law.	P - \$119,255; A - \$82,320.	Report does not include details on participants (no list of attendants). Outputs were awareness raising; further networking. No gender disaggregated data.	Activity completion report viewed.	
A	Domestic	Apr	Zhejiang	120 officials	2 female, 1	To enhance the	120 officials with	P -	Professional contacts between	Activity	

C W F	Violence Jurors' Workshop (2009-2010 / Activity 8.1)	2010	Province	from ACWF, SPC, MOJ, women's federations and courts, representing all 31 provinces and autonomous regions. Approx 67% female and 33% male.	male, from AHRC, Victoria Legal Aid and Qld Univ of Technology.	capacity of women's federation members who work as People's Mediators and People's Jurors with the Chinese justice system.	enhanced awareness and understanding of human rights principles applicable to domestic violence mediations and court cases.	\$119,255; A - \$84,246.	Chinese and Australian experts. Report does not include details on participants.	completion report viewed.	awareness / gender sensitisation of ministries c) a need to conduct a review and look into attribution analysis between the activities that took place on domestic violence and the development of the law.
A C W F	Domestic Violence Study Visit	Oct-Nov 2010	Vic / Qld	9 female		To enhance the capacity of the ACWF and other key stakeholders to implement effective policy and services delivery measures to combat domestic violence.	9 officials with new information and knowledge of government and NGO responses to domestic violence that will assist in the development of comparable measures in China.	P - \$154,720; A - \$98,861.	Note the big difference between the planned and the actual budget.	Activity Completion Report viewed.	
B L A	Legal Aid Workshop	Jan 2008	Beijing	58 legal aid lawyers (no gender data)	2 female from AHRC and Kingsford Legal Centre	To promote the protection of the rights of migrant workers in China through provision of direct legal assistance.	58 legal aid lawyers with new information and capabilities in relation to provision of legal aid and protection of the rights of migrant workers.	P - \$51,930; A - \$49,132.		No Completion Report viewed	Agency has a good reputation for its work. HRTCP to explore more how the activities with BLA can have a stronger link with Human Rights and more of a sustainable impact. There is no follow up on actions identified by participants for follow up. There is also no clear link between activities undertaken over the last years.
B L A	Legal Aid Study Visit (2007-2008/Activity 9.1)	May 2008	NSW	1 female, 4 male, legal aid lawyers		To assist Beijing Legal Aid to identify relevant Australian expertise and experience to inform the development of future cooperation activities under HRTC.	5 legal aid lawyers with new information and capabilities in relation to provision of legal aid and protection of the rights of migrant workers, drawing on Australian experience in this field.	P - \$96,740; A - \$82,543.	Members of the study visit identified a number of ideas for follow up in China. (example: students working as volunteers and getting the work experience credited to their course. Group indicated that they would make a proposal on reform of the clinical legal education programs). Observation: CLE or pro-bono services made strong impact on group. Report falls short of clearly identifying the link with human rights.	Completion report viewed	Many good activities have taken place to support the work of BLA. There is no evidence that any follow up has been undertaken to assess what knowledge gained from the study tours or the workshops has been transferred within the organisation or in policies. Activities of the agency are in direct support of the thematic areas of the program.
B L A	Children's Rights Study Visit	Oct 2008	NSW / ACT	1 male, 4 female, legal aid lawyers		To provide a group of Chinese legal aid lawyers with information and knowledge on Australian experience in provision of legal aid and related measures to protect and promote	5 legal aid lawyers with increased awareness and capabilities in relation to provision of legal aid and protection of the rights of children.	P - \$100,970; A - \$83,505.		No Completion Report viewed	

						the rights of children.					
B L A	Children's Rights Legal Aid Workshop (2008-2009/Activity 13.2)	May 2009	Beijing	55 trainees from 14 provinces, consisting of 21 judges, 4 prosecutors and 30 lawyers.	2 female, 1 male from AHRC, NSW Dept of Juvenile Justice, Children's Court of NSW	To promote the protection of rights of children through provision of legal assistance.	55 legal professionals with new information and capabilities to assist their work in providing legal assistance for children and advocating for reforms to the juvenile justice and child welfare systems in China.	P - \$73,255; A - \$76,051.		Completion Report viewed	
B L A	Workers' Rights Study Visit (2009-2010/Activity 10.1)	Nov 2009	NSW / Vic	3 female, 2 male, legal aid lawyers		To provide a group of Chinese legal aid lawyers with information and knowledge of Australian experience in legal aid and related measures to protect the rights of workers.	5 legal aid lawyers with information and knowledge on Australian experience in protection of workers' rights, that will assist their research and advocacy on new models for protecting the rights of migrant workers.	P - \$94,590; A - \$68,786.	Note the big difference between the planned and the actual budget. Exchange of knowledge and experiences on protection of migrant workers.	Completion report viewed	Instead of shorter study tours BLA has requested more longer term internships of 2 to 3 months. It is important for the HRCA and BLA to assess the results from the internships versus the results from the study tours. BLA indicated in the meeting with the review team that initially introductory information was required. Now more in-depth knowledge is preferred.
B L A	Workers' Rights Legal Aid Workshop (2009-2010/Activity 10.2)	Jun 2010	Beijing	25% female. 60 lawyers and administrators of legal aid centres.	3 female from AHRC, Fair Work Australia, Fair Work Ombudsman	To promote protection of the rights of migrant workers through provision of legal assistance.	60 lawyers and administrators of legal aid centres with new information and knowledge to assist their work in protecting migrant workers' rights through individual casework, education, advocacy and participation in dispute settlement processes.	P - \$100,755; A - \$67,243.	Note the difference between planned and actual budget. Activity was a follow up to the Workers Rights Study Visit of November 2009. Not clear what happened with translated materials after the workshop. Dissemination of workshop materials is a challenge for other activities as well. Focus of the workshop was on labour dispute mechanisms.	Completion report viewed.	General comments based on the meeting with BLA: 1) A need for more lawyers representing migrant workers. HRTCP has a clear role to play in assisting to build this critical mass of lawyers. 2) BLA published many articles and documents following the workshops and study tours. Examples of these publications should be kept by HRCA. Should assess how best HRTCP can support BLA in building the capacity of lawyers becoming good advocates for migrant workers. 3) A need to assess the gender aspect of the work among migrant workers. It seems female migrants fall outside the scope.
M C A	Civil Society Consultation	Mar 2007	NSW / ACT	2 female, 1 male, officials of MCA		To support the development of Chinese civil society by providing the agency responsible for administration of NGOs with knowledge of the structure and role of Australian NGOs in the	MCA has a better understanding of how NGOs in Australia contribute to the protection and promotion of human rights, and are able to assess the viability of future cooperation	P - \$50,265; A - \$47,390.		No Completion Report viewed	

						protection of human rights, and to consider the prospects for future HRTC activities in this field.	on this subject under the HRTC Program.				
MCA	Government Support for the Development of Non Profit Organisations Seminar. (2007-2008/Activity 3.1)	Apr 2008	Beijing	33% female. 32 participants from NPOs, Ministry of Civil Affairs, Ministry of Health, academics.	2 male, 2 female, from AHRC, Aust Council of Social Service, Aust Tax Office, Cth Dept of Families	To provide the Ministry of Civil Affairs and related agencies with knowledge of Australian practices and approaches for governments to support the work of NPOS working in areas relevant to human rights.	32 officials provided with new information and knowledge on ways for government and NPOs to work together in ways that are beneficial to protection and promotion of human rights.	P - \$97,840; A - \$81,549.	The link between the topic of this seminar and the HRTCP objective of human rights is not clear. Focus of seminar was on regulating the NGO sector. The NPOs' representatives were not those representing NPOs active in the field of the promotion of human rights (China Social Entrepreneur Foundation; China Cotton Association; China Society of Natural Resources).	Completion Report viewed	
MCA	Devt of Social Organisations Seminar 1 (2008-2009/Activity 22.1)	May 2009	Beijing	18 female, 30 male, government and NPO representatives.	1 female, 2 male, from AHRC, NSW Dept of Community Services, National Roundtable of Non-Profit Organisations.	To support the development of Chinese civil society by providing government and non-government representatives with knowledge of ways in which governments in Australia support the work of civil society organisations.	48 officials with new information and knowledge of ways in which government and civil society organisations can work together in ways that are beneficial to the rights of Chinese citizens, including women, children and minorities.	P - \$76,320; A - \$61,782.	The overwhelming majority of participants in both seminars were from the Ministry of Civil Affairs and other government departments. NGOs represented were not representative of civil society actors expected to take an active role in raising awareness around human rights. Detailed list of participants is attached to the activity completion report. Focus of seminars focused on registration of NGOs.	One completion report for both seminars	
MCA	Devt of Social Organisations Seminar 2 (2008-2009/Activity 22.2)	May 2009	Beijing	12 female, 35 male, government and NPO representatives.	1 female, 2 male, from AHRC, NSW Dept of Community Services, National Roundtable of Non-Profit Organisations.	To support the development of Chinese civil society by providing government and non-government representatives with knowledge of ways in which governments in Australia support the work of civil society organisations.	46 officials with new information and knowledge of ways in which government and civil society organisations can work together in ways that are beneficial to the rights of Chinese citizens, including women, children and minorities.	P - \$42,860; A - \$43,760.			
MCA	Seminar on Charitable Foundations (2009-2010/Activity 18.1)	Jan 2010	Beijing	60+ officials from MCA and a wide range of NPOs and charitable organisations.	2 female, 1 male from AHRC, Aust Red Cross, Philanthropy Australia	To support the development of Chinese civil society.	60+ officials from MCA plus NPO representatives with new information and knowledge about Australian experience in the development and operation of charitable organisations.	P - \$118,255; A - \$77,106.	Note the big difference between planned and actual budget. No detailed list of participants or names of NGOs attached to the report.	Completion report viewed.	The report mentions on page 4 under "5.Objective" that the objective of this activity is: "to support the development of Chinese civil society. The activity did this by providing MCA and other government agencies with knowledge of Australian practices and approaches to providing government support for charitable organisations." The review team does not support

											this stated outcome. Supporting civil society would entail dialogue between civil society and government; focusing on enhancing the role of NGOs with less focus on merely registration.
MCA	Social Organisations Study Visit (2009-2010/Activity 19.1)	Mar 2010	NSW	2 female, 5 male, from MCA and NPOs.		To support the development of Chinese civil society.	7 representatives of MCA and Chinese NPOs with new knowledge about the operation and structure of Australian NGOs working in areas relevant to human rights.	P - \$103,220; A - \$78,935.	Note the difference between planned and actual budget. Activity completion reports should be more accurate in reflecting who is representing the NGO sector. In this case: Deputy Professor of China Youth University of Political Sciences; Director of Association of Social Organisations Promotion.	Activity completion report viewed.	From the activity completion reports it is not clear to the review team how the different activities implemented in cooperation with the Ministry of Civil Affairs have contributed to a stronger civil society to take up an enhanced role in promotion of human rights and awareness raising.
MCA	Seminar on Government Purchase of NGO Services	Dec 2010	Zhejiang Province	28% female. 57 trainees from MCA and local civil affairs departments plus NPO representatives.	4 female, from AHRC, Uniting Care and NSW Department of Community Services.	To support the development of Chinese civil society.	57 government and NPO representatives with knowledge of Australian practices and approaches to government purchase of services from NGOs working in areas relevant to human rights.	P - \$128,380.		No Completion Report viewed	
MFA	Seminar on ICESCR Reporting (2009-2010 - Activity 2.1)	Feb 2010	Guangxi Autonomous Region	Approx 35 officials from the Ministry of Foreign Affairs and other government agencies. No gender-disaggregated data	2 female, 1 male, from AHRC and Aust Bureau of Statistics.	To strengthen the capacity of MFA and other relevant agencies to implement ICESCR and enhance the quality of China's periodic reports under the treaty.	Approximately 35 government officials with better understanding of measures for protecting the rights guaranteed by ICESCR, and measures for complying with reporting requirements under ICESCR.	P - \$118,255; A - \$84,717.	Fourth activity on the topic of ICESCR reporting (not on an annual basis). Not clear if AHRC does an assessment as to the value of doing multiple activities on the same topic. It is not clear from the reporting what the justification of MFA is to keep doing the same activity. Not clear from the report how this activity goes beyond increasing knowledge in reporting/lobbying within UN system. Link with Human Rights objectives is missing.	Viewed Activity Completion Report.	
MFA	Human Rights Scholarship Program	AHRC to complete information	AHRC to complete information	To date 20 students (no gender disaggregated data)	AHRC to complete information	AHRC to complete information	AHRC to complete information	AHRC to complete information	AHRC to complete information	Viewed Case Study Report	Case study done in 2010. 20 MFA officials have completed studies in Australia. Nine former students responded to the questionnaire. It is not clear how many students received the questionnaire since some contact details were no longer up to date. No gender-disaggregated data for the 20 participants. Challenge remains on selection of female candidates.
M	Prisoner	Mar	NSW	3 female, 7		To strengthen the	7 officials with	P -		Did not	

O J	Reintegration Study Visit	2007		male, from the Ministry of Justice and provincial justice departments.		capacity of the Ministry of Justice to successfully reintegrate prisoners into the community, consistent with protection of their human rights.	knowledge of Australian experience in developing measures for reintegration of prisoners into the community.	\$128,980; A - \$105,462.		view the completion report.	
M O J	Restorative Justice Study Visit (2007-2008 Activity 11.1)	Aug 2008	SA	3 female, 4 male from the Ministry of Justice and provincial prison services.		To strengthen the capacity of the Ministry of Justice to protect and promote the rights of offenders through programs based on principles of restorative justice.	7 officials with knowledge of Australian law, policies and programs to implement restorative justice.	P - \$102,900; A - \$82,270.	Restorative Justice is a priority area of reform for MOJ. High level participants in study tour with knowledge of restorative justice. Allowed Australian experts to learn from Chinese experience and to feed into the ongoing reform of restorative justice in China. Based on written evaluations made by participants at end of study, the participants commented on the importance of restorative justice to repair relations between offender; victim and society.	Viewed Activity Completion Report.	
M O J	Minor Offences Study Visit	Apr 2009	NSW / ACT	1 female, 5 male, from the Ministry of Justice, local justice departments and drug treatment centres.		To support the proposed review of the Re-Education Through Labour System and more generally to support the development of non-custodial sentencing options for persons who commit minor offences.	7 officials with knowledge of Australian measures for dealing with citizens who commit minor offences that may assist ongoing policy development including the proposed review of the RTL system.	P - \$122,070; A - \$68,645.	The reform of the Re-Education Through Labour is expected to be ongoing for the coming years. Comments made in written evaluations by participants indicated a preference for more on-site visits, for instance to community corrections facilities. MC able to introduce the sensitive topic of RTL in a non-threatening way. Participants submitted report to the Minister and Vice Minister. Two delegation members published article on visit in Chinese journal 'On Justice'.	Viewed Activity Completion Report.	
M O J	Minor Offences Seminar	Jun 2010	Heilongjiang Province	30% female. 45 officials from the Ministry of Justice, Heilongjiang Provincial Justice Department, Baoding Training Institute for Correctional Officers.	2 female, 1 male, from AHRC and NSW Dept of Corrective Services.	To support the proposed review of the Re-Education Through Labour System and more generally to support the development of non-custodial sentencing options for persons who commit minor offences.	45 officials with knowledge of Australian measures for dealing with citizens who commit minor offences that may assist ongoing policy development including the proposed review of the RTL system.	P - \$93,255; A - \$68,757.	The seminar was a follow up to the Minor Offences Study Visit. Exposure to alternative models for dealing with minor offending. Feeding into the new legislation of "The Law on Education and Rectification of Illegal Acts" (currently at the drafting stage and MOJ will be providing input in the drafting of the law).	Viewed completion report	
M P S	Penitentiary Administration Design Visit	Dec 2006	NSW	1 female, 6 males, from MPS Penitentiary Administration		To strengthen the capacity of MPS to protect and promote the rights of female and juvenile detainees in	7 officials with new information and knowledge of Australian measures for protecting and	P - \$77,540; A - \$75,992.		Did not view the completion report.	

				Department.		penitentiary administration centres.	promoting the rights of detainees, with particular focus on female and juvenile detainees.				
MPS	Penitentiary Administration Seminar	Apr 2007	Jiangsu Province	80 officials from MPS and provincial penitentiary departments.	2 female, 1 male, from AHRC, NSW Dept of Juvenile Justice, NSW Justice Health.	To strengthen the capacity of MPS to protect and promote the rights of female and juvenile detainees in penitentiary administration centres.	80 officials with new information and knowledge of Australian measures for protecting and promoting the rights of detainees, with particular focus on female and juvenile detainees.	P - \$103,160; A - \$86,525.		Did not view the completion report.	
MPS	Penitentiary Administration Study Visit (2007-2008 - Activity 5.1.)	Nov 2007	WA	1 female, 6 males, from MPS and provincial penitentiary departments.		To strengthen the capacity of MPS to protect and promote the rights of detainees in penitentiary administration centres.	7 officials with new information and knowledge of Australian measures for protecting and promoting the rights of detainees, based on some new perspectives from the WA correctional system.	P - \$72,540; A - \$56,092 - cost sharing; MPS paid for the airfares of the officials. MPS interested in additional visits to Australia fully funded by MPS.	Visit to West Australia. Very practical focus on visits to detention centres; exposure to a wide range of programs. Focus on contents of programs for detainees but also on the process of delivery. Exposure to the individualized case management versus the mass approaches to management of detention centres. Access to five correctional facilities. Exposure to non-intimidating approaches of corrections staff. Exposure to external oversight and process open to detainees for complaints. Evidence that activity will feed into the reforms of China's penitentiary administration system?	Viewed activity completion report	
MPS	Penitentiary Administration Policy Consultations (2008 - 2009; Activity 11.1)	Nov 2008	Beijing / Hubei Province / Guangdong Province	Approx 70 officials at various locations. Low % of females.	1 female, 4 male, from AHRC, NSW Dept of Corrective Services, WA Dept of Corrective Services.	To strengthen the capacity of MPS to protect and promote the rights of detainees in penitentiary administration centres.	Small groups of senior Chinese officials with responsibilities for policy and program development in the detention system with new knowledge arising from direct consultations with their Australian counterparts.	P - \$61,800; A - \$55,715.	Different approach from most HRTCP seminars. This activity brought together smaller groups of high level officials in various regions to exchange info on policy measures. The group visited three Chinese detention facilities. Focus on non-sensitive issues of provision of services to detainees.	Viewed activity completion report. Between Nov 07 and Nov 08 there was the production of a DVD by MPS. For the latter no Activity Completion Report provided.	
MPS	Penitentiary	Sep 2009	NSW / Qld	1 female, 5 male, from MPS		To strengthen the capacity of MPS to	6 officials with new information and	P - \$101,130;	Very similar findings and observations as for the visit to		

S	Administration Study Visit 2009-2010 Activity 9.1.			and provincial penitentiary administration departments.		protect and promote the rights of detainees in penitentiary administration centres.	knowledge about measures to protect and promote the rights of detainees.	A - \$70,098.	WA in 2007.		
NJC	People's Assessors Research Seminar	Dec 2006	Hainan Province	15 academics, judges and NJC officials from nine provinces. No gender disaggregated data.	Three (1 F - 2 M) - AHRC, NSW Judicial Commission, judge of NSW Supreme Court.	To strengthen the capacity of the NJC to apply human rights principles in training of jurors and development of related policies.	Australian measures for protecting and promoting human rights in the operation of the judicial system and processes.	P - \$68,640; A - \$60,240.		No Completion Report viewed	
NJC	Judicial Mediation Seminar - Alternative Dispute Resolution (ADR) (2007-2008 Activity 6.1)	Apr 2008	Yunnan Province	33% female. 80 serving and trainee judges, trainers, court officials and mediators.	5 participants; 4 M - 1 F; NSW Supreme Court; Federal Court of Australia; AHRC; Independent Mediator.	To strengthen the capacity of the NJC to contribute to reforms involving the development of specialist mediation units within Chinese courts.	80 officials with knowledge and information on Australian experience in development of mediation processes within the court system.	P - \$69,840; A - \$91,472.	Follow up activity (6.2) will publish seminar papers for use as training resource with NJC. <i>(not evidenced during review)</i> Australian participants presented at the annual Australian Mediators Conference a comparative analysis of Chinese and Australian mediation models. ADR incorporated in training curriculum for judges on mediation since April 2008 (confirmed by NJC officials during review). Training materials not further distributed; weak link within NJC.	Completion Report viewed.	
NJC	Legislation and Judicial Action Study Visit (2008 - 2009; Activity No. 17.1)	Dec 2008	NSW / ACT	2 female, 4 male, from the National Judges College and the Supreme People's Court.		To strengthen the capacity of the NJC to contribute to the development of judicial practices consistent with the protection and promotion of human rights.	6 officials with knowledge of legislative and judicial measures in Australia to protect and promote the rights of citizens involved in criminal justice processes.	P - \$78,420; A - \$55,882.	Study visit exposed participants to the role of Common Law in protecting Human Rights. Influence of International Human Rights Law on Statutory Interpretation.	Completion Report Viewed	
NJC	Workshop on Judicial Review of Administrative Decisions (2009 - 2010 Activity 14.1)	Oct 2009	Beijing	60 trainees, mainly judges from the SPC.	2 females, 2 male, from AHRC, WA Supreme Court, Federal Court of Aust.	To strengthen the capacity of the NJC to develop judicial practices consistent with the protection and promotion of human rights.	60 officials with new information and knowledge about Australian experience in judicial review of administrative decisions.	P - \$80,755; A - \$62,043.	China has experience in criminal and civil litigation; weak on administrative litigation. China introduced the Administrative Litigation Law (ALL) in 1989. Participants exposed to comparative experiences. The weak link within the NJC activities is the human rights focus. Reviewers were given the perception that further confidence needs to be built to share more concrete examples or case studies illustrating the Chinese experience.	Completion Report viewed	
NPF	Human Rights and Family	Mar 2007	Yunnan Province	45% female. 55 family planning officials from 6	1 male, from AHRC	To strengthen the capacity of family planning agencies in six	55 officials provided with new knowledge and information on	P - \$74,635; A -		No Completion Report	The period 2005-2007 saw the first multi-year program of cooperation, entitled "Project

P C	Planning Training			pilot provinces.		pilot provinces to incorporate human rights principles into their work programs.	protection of human rights in delivery of family planning services.	\$65,153.		viewed	proposal for Safeguarding Women's Reproductive Health Rights in Central and Western China". The program included pilot projects in 6 provinces. A review of the results of the first multi-year cooperation should have been done.
N P F P C	Human Rights and Family Planning Study Visit (2007-2008/Activity 16.1)	Nov 2007	NSW / SA	6 female, 4 male, from NPFPC and provincial family planning services.		To strengthen the capacity of NPFPC and provincial family planning services to apply human rights principles in their work programs.	10 officials with understanding of the rights based framework in Australia for family planning, reproductive and sexual health services.	P - \$136,730; A - \$105,624.	Note the difference between planned and actual budget. Officials of NPFPC introduced to the rights based framework in Australia for family planning as well as an introduction to practical approaches and practices.	Completion report viewed.	As with other activities, this activity falls short of achieving any immediate or longer term follow up on if and how lessons and experiences shared impacted on practices in China.
N P F P C	Privacy and Family Planning Consultation (2008 - 2009/Activity 19.1)	Dec 2008	Yunnan Province	40-50 official from NPFPC and family planning services in Guizhou and Yunnan Provinces.	2 female, 1 male, from AHRC, Office of Federal Privacy Commissioner, sexual health NGO in SA.	To enhance capacity of family planning agencies in the NPFPC's pilot provinces to apply privacy principles in delivery of family planning and reproductive health services.	NPFPC and provincial family planning officials provided with information and knowledge to assist the development of privacy guidelines currently being drafted (and later launched in 2010)	P - \$58,805; A - \$59,583.	It is recommended that the AHRC follows up on whether or not privacy guidelines have been drafted and implemented. This consultation activity was in direct support in the drafting of the privacy guidelines.	Completion report viewed.	NPFPC is one of the few cooperating agencies working based on a multi-year program. It has remained a strong performer throughout the program introducing clear human rights principles and policies in its work, planning their activities with a long term perspective, using a pilot approach allowing for failure and success and replicating successful experiences.
N P F P C	Human Rights and Family Planning Workshop (2008-2009/Activity 20.1)	May 2009	Guizhou Province	45 family planning officials from 13 provinces and autonomous regions. No gender-disaggregated data.	2 female, 1 male, from AHRC, NSW Family Planning, University of Melbourne.	To enhance capacity of family planning agencies in the NPFPC's pilot provinces to apply privacy principles in delivery of family planning and reproductive health services.	45 officials with new information and knowledge about Australian measures for protection and promotion of human rights in family planning and reproductive health services.	P - \$93,255; A - \$95,450.	Exchange of information. Workshop focused also on the challenges around working in majority Muslim provinces and other minority areas.	Completion report viewed.	
N P F P C	Human Rights Needs Assessment (2009-2010/Activity 16.1)	Feb 2010	Beijing	1815 Chinese participants in survey. 53% of respondents were female.		To assess the capacity of family planning agencies in the NPFPC's pilot provinces and autonomous regions to apply human rights principles in delivery services; identify key issues, needs and challenges.	Collection of data to inform the NPFPC's ongoing work in implementation of the pilot program, development of policy proposals, and design of training programs for local officials.	P - \$35,500; A - \$35,500.	Implemented over a period of 9 months based on the 10 key reproductive health rights in the IPPF Charter. This survey might be considered as a baseline for the work done by NPFPC. The survey was the basis for the agency to formulate activity proposals and policy.	Completion report viewed.	
N P F P C	Human Rights and Family Planning Project Consultation (2009-2010/Activity 17.1)	Mar 2010	Beijing	50 officials from NPFPC, provincial family planning services, academics. No gender-disaggregated data.	1 female from AHRC	To enhance the capacity of the NPFPC and provincial family planning services to apply human rights principles in their work programs; to assist the development of local work plans.	Development of work plans for 2010-2012 for each of the six pilot provinces; comments and input by experts on the draft plans.	P - \$25,660; A - \$24,277.	Officials from local family planning commissions obtained increased awareness of key human rights principles applicable to family planning.	Activity completion report viewed.	

N P P C	Human Rights and Family Planning Training	Jul 2010	Inner Mongolia	56 family planning officials from 11 provinces and autonomous regions. No gender disaggregated data.	3 female, from AHRC, Family Planning NSW, ACT Health Services Commissioner.	To strengthen the capacity of the NPFPC and provincial officials to apply human rights principles in the delivery of family planning services.	56 officials with new information and knowledge on issues related to human rights and family planning, including methodologies for evaluating programs, and relevant provisions of China's National Human Rights Action Plan.	P - \$118,255; A - \$86,003.	Sharing of knowledge and experiences on effective evaluation mechanisms; National Human Rights Action Plan of China; community education tools; building of networks.	Activity completion report viewed.	
N P P C	Human Rights and Family Planning On-Site Monitoring	Nov 2010	Ningxia Autonomous Region / Jiangxi Province	Chinese monitoring team consisted of 3 female, 4 male.	3 female, 1 male from AHRC, Family Planning NSW, Health Care Complaints Commission of NSW.	To enhance the capacity of officials working on the NPFPC's pilot programs to apply human rights based approaches in the implementation of those pilots.	Provincial family planning officials provided with new information and knowledge on human rights principles, which will assist the ongoing implementation of the provincial pilot programs.	P - \$133,620.		No Completion Report viewed	
S E A C	Anti-Poverty and Human Rights Seminar (2008-2009; Activity 15.1)	Nov 2008	Hunan Province	36 officials from SEAC, local ethnic affairs commissions, scholars. (Gender disaggregated data?)	1 female, 3 male, from AHRC, NSW Dept of Aboriginal Affairs, indigenous NGO.	To strengthen the capacity of SEAC to protect and promote the rights of ethnic minorities through the development of effective anti-poverty measures.	36 officials with new information and knowledge on measures for alleviating poverty among ethnic minority groups.	P - \$120,340; A - \$132,626.	Promoting effective anti-poverty strategies for ethnic minorities. Focus on economic and social rights. Challenges in developing a rights-based approach to poverty alleviation; culture and language preservation. Need to assess relevance of experience around indigenous development programs.	Viewed activity completion report	Discussions are ongoing with SEAC to have a more rights-based focus in the work with minority groups. Focus is strongly on socio-economic development in the minority regions. The latter, however, could be an entrance point for other work in protection of minority rights (such as use of language).
S E A C	Anti-Poverty and Human Rights Study Visit (2009-2010; Activity 12.1)	Dec 2009	NSW	2 female (Division-Chief; Deputy Division-Chief), 4 male, officials of the State Ethnic Affairs Commission		To strengthen the capacity of SEAC to protect and promote the rights of ethnic minorities through the development of effective anti-poverty measures.	6 officials with new information and knowledge about laws, policies and programs implemented in Australia to combat poverty among indigenous and ethnic minority groups.	P - \$108,730; A - \$80,716.	Note the difference between planned and actual budget. Visit focused on poverty alleviation among ethnic groups.	Viewed activity completion report	
S P C	Juvenile Justice Seminar	Apr 2007	Jiangsu Province	36% female. 49 judges and legal officials from 23 provinces.	1 female, 2 male, from AHRC, NSW Dept of Juvenile Justice, NSW Children's Court	To strengthen the capacity of the Supreme People's Court to protect the rights of juveniles in the criminal justice system and to contribute to PRC reforms in juvenile justice, including the proposal for a specialist juvenile court.	49 judges and legal officials with new information and knowledge of measures for protecting the rights of juveniles in the criminal justice system.	P - \$82,140; A - \$64,124.		No Completion Report viewed	
S	Victims of	Feb	NSW	2 female, 6		To strengthen the	8 judges with new	P -	Seniority of representation	Activity	The activity completion report

P C	Crime Study Visit	2008		male, judges from the SPC and provincial people's courts.		capacity of the Supreme People's Court to protect and promote the rights of victims of crime, through compensation and other measures.	knowledge and information about Australian measures for protecting and promoting the rights of victims of crime.	\$119,540; A - \$90,941.	amongst the Chinese participants.	completion report viewed	states that "preliminary evidence suggests that as a result of the activity, the SPC's capacity to protect and promote the rights of victims of crime, through compensation and other measures, was strengthened".(p.6). It is not clear on what basis this statement is made. What does "strengthening" mean in this context. Which performance indicators need to be achieved to state that evidence shows that capacity has been strengthened?
S P C	Victims of Crime Seminar (2007-2008; Activity 2.2.)	May 2008	Shandong Province	7% female. 30 judges, legal professionals and academics.	1 female, 3 males, from AHRC, NSW Victims Compensation Tribunal, NSW Dept of Juvenile Justice, NSW Dept of Corrective Services.	To strengthen the capacity of the Supreme People's Court to protect and promote the rights of victims of crime, through compensation and other measures.	30 judges and other officials with increased knowledge of measures for protecting the rights of victims of crime, including compensation measures and broader support services.	P - \$106,690; A - \$95,633.		Activity completion report viewed	No gender balance among participants. Lack of communication during the preparatory phase of the activity.
S P C	Judicial Accountability Study Visit (2008-2009; Activity 14.1)	Feb 2009	NSW / ACT	4 female, 3 male, from the Judicial Reform Dept and other areas of the SPC.		To strengthen accountability and public confidence in China's judicial system.	7 members of the Judiciary informed on Australia's judicial accountability	P - \$130,790; A - \$90,207.		Activity Completion Report viewed	In the completion report it is mentioned that large amounts of resource materials were made available to the delegation. A good measure of success would be to assess what the study visit participants have done with the materials upon return.
S P C	Judicial Accountability Seminar (October 2009; Activity 11.1.)	Oct 2009	Zhejiang Province	50 participants from the SPC and other courts, NPC, SPP, academics.	2 female, 1 male, from AHRC, Federal Court of Aust, Supreme Court of NSW	To strengthen accountability and public confidence in China's judicial system.	50 key officials with new information and knowledge of measures for promoting accountability in the judicial system, and enhanced capacity to pursue relevant reforms under the 2009-2013 Judicial Reform Plan.	P - \$118,255; A - \$81,387.	In the activity completion report AHRC stated that HRTC funded activities have supported SPC in major legal and policy reform initiatives. Direct outcomes in terms of providing judges and officials with knowledge and information that has the potential to be implemented immediately in the judges' daily work. (NB: these are assumptions made without tangible evidence)	Activity Completion Report viewed	(NB: Case studies on Outcomes of HRTC Activities with the SPC were prepared in March 2010.) In the activity completion report AHRC mentions the importance of "champions" within the organisation. Strong individuals within the agency supporting the HRTC activity are important for their success.
S P P	Juvenile Justice Workshop	Apr 2007	Jiangsu Province	38% female. 142 prosecutors from SPP and Jiangsu provincial prosecution service.	2 female, 2 male, from AHRC, NSW Children's Court, NSW Dept of Juvenile Justice.	To strengthen the capacity of the SPP to protect and promote the rights of juveniles in the criminal justice system.	142 prosecutors with new information and knowledge on measures for protecting and promoting the rights of juveniles in the	P - \$82,140; A - \$64,124.		No Completion Report viewed	Juvenile Justice was the subject of the Case Study conducted in March 2010. Juvenile Justice visit to Australia in 2006 and Juvenile Justice Seminar in China in 2007 were both subjects of the case study.

							criminal justice system.				
SPP	Anti-Corruption Study Visit	Mar 2007	NSW / Qld	2 female, 4 male, from SPP and provincial prosecution services.		To strengthen the capacity of the SPP and local prosecution services to combat corruption consistent with the protection and promotion of human rights.	6 officials with new knowledge and information on Australian measures for combating corruption consistent with the protection and promotion of human rights.	P - \$87,340; A - \$68,476.		No Completion Report viewed	
SPP	Anti-Corruption Study Visit	Apr 2008	NSW	1 female, 5 male, from SPP and provincial and municipal prosecution services.		To strengthen the capacity of the SPP and local prosecution services to combat corruption consistent with the protection and promotion of human rights.	6 officials with new knowledge and information on Australian measures for combating corruption consistent with the protection and promotion of human rights.	P - \$77,060; A - \$45,193.		No Completion Report viewed	
SPP	Anti-Corruption Seminar	May 2008	Tianjin	15% female. 50 prosecutors from the Tianjin municipal prosecution service.		To strengthen the capacity of the SPP and local prosecution services to combat corruption consistent with the protection and promotion of human rights.	50 officials with new information and knowledge on measures for combating corruption consistent with the protection and promotion of human rights.	P - \$77,840; A - \$61,847.		No Completion Report viewed	
SPP	Police Supervision Study Visit	Sep 2010	NSW	2 female, 4 male, from provincial prosecution services in Fujian and Gansu.		To strengthen the capacity of the SPP and local prosecution services to combat police corruption consistent with the protection and promotion of human rights.	6 officials with information and knowledge of Australian measures for combating police corruption consistent with protection and promotion of human rights.	P - \$78,420; A - \$38,022.	Large savings due to SPP meeting costs of airfares, and duration of visit shortened at SPP's request.	Activity completion report viewed	
UNAC	Model UN	Nov 2006	Sichuan Province	54% female. 140 students from Chinese universities.	3 male, 4 female, from AHRC and Univ of NSW	To strengthen the capacity of UNAC to promote the human rights aims of the United Nations and their application in China.	140 Chinese students with knowledge of international human rights treaties (ICCPR, ICESCR) and skills for advocacy and diplomacy concerning their application.	P - \$115,420; A - \$111,760.		No Completion Report viewed	
UNAC	Human Rights Knowledge Competition	Jan-June 2007	China	9,043 members of the general public in China.		To raise awareness of Chinese citizens about ICCPR and ICESCR.	9,043 Chinese citizens with increased information and knowledge of international human rights standards; increased profile of human rights in Chinese media.	P - \$72,000; A - \$67,499.		No Completion Report viewed	

U N A C	Model UN Human Rights Council (2007-2008; Activities 7.1-7.2)	Oct 2007	Heilongjiang Province	Over 50% female. 148 students from Chinese universities.	4 female, 3 male, from AHRC and Univ of NSW	To strengthen the capacity of UNAC to promote the human rights aims of the United Nations and their application in China.	148 Chinese students with information and knowledge of thematic human rights issues (right to education, poverty and human rights) and skills for human rights advocacy.	P - \$113,970; A - \$113,413.	Budget includes travel for Australian participants. Focus of the debates: The Right to Education and the Poverty and Human Rights. UNAC gained experience in conducting an educational activity around human rights. Students engaged in HR debate.	Activity Completion Report viewed	
U N A C	Human Rights Knowledge Competition (2007-2008 - Activity 8.1)	Jan-June 2008	China	18,316 members of the general public in China.		To raise awareness of Chinese citizens about international human rights standards.	18,316 Chinese citizens with increased awareness and knowledge of the Universal Declaration of Human Rights; increased profile of human rights in the Chinese media.	P - \$67,000; A - \$62,459.	Good geographic coverage; 29 provinces and municipalities. Participants: Government Officials 41.2%; Students 15.6% (others included in the report). Questions around cost effectiveness; expensive activity due to the high charges of the publishers; marketing companies; television stations. Internet used as the main vehicle.	Activity Completion Report viewed	
U N A C	Model UN Human Rights Council (2008-2009- Activity 2.1.- 2.2)	Nov 2008	Fujian Province	144 students from Chinese universities (36 universities - no gender data)	3 female, 4 male, from AHRC and Univ of NSW	To strengthen the capacity of UNAC to promote the human rights aims of the United Nations and their application in China.	144 Chinese students with knowledge of thematic human rights issues and skills for human rights advocacy. (Creative learning)	P - \$114,970; A - \$138,760.	Budget includes travel for Australian participants. Focus of the debates: Human Rights and the Environment; The Responsibility to Protect. Strengthened the capacity of Chinese universities to organise their own Model UN's by themselves on their campuses.	Activity Completion Report viewed	UNAC provided training to faculty members of universities in the lead up to the event. Student preparation was facilitated by a website set up by the event.
U N A C	Human Rights Knowledge Competition (2008-2009; Activity 3.1)	Jan-June 2009	China	28,910 members of the general public in China.		To raise awareness of Chinese citizens about the Millennium Development Goals.	28,910 Chinese citizens with increased awareness and knowledge of the Millennium Development Goals; increased profile of human rights in the Chinese media.	P - \$67,000; A - \$87,851.	Government officials: 84%; Students: 2%. Reduction of student participation is explained through an increased focus on studies and job applications due to the economic crisis. The geographic distribution is less varied with the majority of respondents from the Henan province 58.2%). The high percent of government officials stands out.	Activity Completion Report viewed	Very high costs involved in conducting the Human Rights knowledge competition to the wider public. UNAC seems to rely on private advertisement agencies / mechanisms involving very high costs. AHRC and UNAC to assess the cost effectiveness of conducting such a public awareness campaign. If continued other options of advertising the competition should be actively explored. It is also important for UNAC and AHRC to assess the outcomes of this activity versus the costs involved. It is also important for both agencies to assess if the Competition is still reaching its primary target audience.
U N A C	Model UN Human Rights Council. (2009-	Nov 2010	China	52% female. 48% male. Over 212 students from 54 universities.	3 female, 1 male from UNSW. 1 female UNSW faculty. 1 female AHRC	To raise awareness about human rights among Chinese population.	1) Universality of Human Rights 2) The Right to Education for Children.		Wide range of disciplines; very few law students participating. Australian students participating for the first time.	Activity Completion Report viewed. Was not	No information on faculty background of students; no information on what students do with the gained information when returning to their

	2010. Activities 3.1. and 3.2.)									included in the table by AHRC.	universities.
UNAC	Model UN Human Rights Council.	Nov 2010	Chongqing	52% female. 233 students from Chinese universities.	5 female, 1 male, from AHRC and Univ of NSW	To strengthen the capacity of UNAC to promote the human rights aims of the United Nations and their application in China.	233 Chinese students with knowledge of thematic human rights issues (rights of people with disabilities, human rights and the global financial crisis) and skills for human rights advocacy.	P - \$159,960	Observation by review team on Model UN: Has been organised since 2004 in various provinces in China by UNAC through various universities. It is expected that capacity has now been built among universities to organise Model UN by themselves on their campuses. UNAC should look into providing a brochure on "How to organise Model UN" based on experiences and lessons gained over the last years.	No Completion Report viewed	
UNAC	Human Rights Knowledge Competition	June-Nov 2010	China				Competition has been completed, awaiting report from UNAC.	P - \$105,500	This activity needs to be assessed from an angle of cost effectiveness. It is a very costly activity to be carried out compared to the people reached. The activity should also assess if it reaches a varied audience among its respondents.	No Completion Report viewed	

TOTAL NUMBER OF PARTICIPANTS IN WORKSHOPS/SEMINARS:		3162	Does not include NPFFC needs assessment of February 2010; does not include UNACs Human Rights Knowledge Competition		# 39 workshops/seminars
NUMBER AND PERCENTAGE OF WOMEN:		1229 (or 55%)	For 24 workshops/seminars gender disaggregated data available. Note that the activities of ACWF are included in this percentage.		Total number of participants in the 24 seminars: 2,229
TOTAL NUMBER OF PARTICIPANTS IN STUDY TOURS TO AUSTRALIA		143	21 study tours		
NUMBER AND PERCENTAGE OF WOMEN		60 (or 41%)			
Without ACWF	1348 total participants in workshops without ACWF (2,229 - ACWF workshops)	603 women attended (inclusive of UN Model where approx. 50% was achieved)	44%		
And without UN Model	695 participants	224 women	32%		