

Evaluation of the Cambodia Country Programme 2017 – 2020

Final Report

External Consultants have prepared this report. The views expressed herein are those of the Consultants and therefore do not necessarily reflect the official opinion of OHCHR.

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Acronyms and abbreviations

CO	Country Office
CSO	Civil society organisation
CNRP	Cambodian National Rescue Party
DAC	Development Assistance Committee
EBA	Everything but arms
ECCC	Extraordinary Chambers in the Courts of Cambodia
EU	European Union
EYR	End-of-year review
FOTCD	Field Operations and Technical Cooperation Division
HR	Human rights
HRBA	Human rights-based approach
HRC	Human Rights Council
HRD	Human Rights Defender
HQ	Headquarters
ILO	International Labour Organization
LANGO	Law on Association and Non-governmental Organizations
LGBTI	Lesbian, gay, bisexual, transgender and intersex
M&E	Monitoring and evaluation
MoU	Memorandum of Understanding
NGO	Non-governmental organization
NHRI	National human rights institution
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OIOS	Office of Internal Oversight Services
OMP	OHCHR Management Plan
PO	Provincial Office
PPMES	Policy, Planning, Monitoring and Evaluation Service
RBM	Results-based management
RC	Resident Coordinator
RGC	Royal Government of Cambodia
RO	Regional Office
SDG	Sustainable Development Goal

SEK	Swedish Krona
SGBV	Sexual and gender-based violence
SIDA	Swedish International Development and Cooperation Agency
SMT	Senior Management Team
SR	Special Rapporteur
TOC	Theory of change
TOR	Terms of Reference
UN	United Nations
UNCT	United Nations Country Team
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNEG	United Nations Evaluation Group
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNHQ	United Nations Headquarters
UNOG	United Nations Office in Geneva
UNTAC	United Nations Transitional Authority in Cambodia
UPR	Universal Periodic Review
USG	Under-Secretary-General
USAID	United States Agency for International Development
WHO	World Health Organization
XB	Extra budgetary

EXECUTIVE SUMMARY

Background

Established in October 1993, the OHCHR Country Office in Cambodia is the agency's longest standing such operation. Its presence derives from the 1991 Paris Peace Accords which mandated the United Nations to continue its human rights work in the country following the completion of the role of the United Nations Transitional Authority in Cambodia (UNTAC). The unique ongoing presence and mandate of the Office is guided by successive United Nations resolutions, particularly A/RES/48/141, and is underpinned by biennial Memorandums of Understanding with the Royal Government of Cambodia (RGC). The current MOU until 31 December 2020 commits RGC and OHCHR to "cooperate in the implementation of a Technical Cooperation Programme in the field of Human Rights" [...] that is "designed to strengthen further the capacity of both governmental and non-governmental institutions to promote and protect human rights in Cambodia."

The OHCHR Country Programme for Cambodia in the period 2018-2021 builds on previous progress by setting out priorities and measures for promoting and protecting human rights in Cambodia under the following four pillars:

- Increasing implementation of the international human rights mechanisms' outcomes.
- Strengthening rule of law and accountability for human rights violations.
- Integrating human rights in sustainable development.
- Enhancing and protecting civic space and people's participation.

Cambodia's long term 'Vision 2050' sets out the aspiration to become "a prosperous, but also, socially inclusive and environmentally sustainable" country. Cambodia's principle national development frameworks - the Rectangular Strategy IV, National Strategic Development Plan (NSDP) 2019-2023 and Cambodia (local) Sustainable Development Goals (CSDGs) - set out priorities and steps in this direction, with the aim of becoming an Upper Middle Income Country by 2030. Upholding the country's international human rights commitments is central to ensuring such progress is equitable and the benefits are widely shared.

However, as elaborated below, a deterioration since 2017 in civil and political rights, as well as subsequent increase in inequality, vulnerability and poverty as a result of the COVID-19 crisis, pose major challenges to the realization of this vision. These developments are a key part of the current human rights landscape in Cambodia which informs this report and will influence the strategic positioning and priorities of the Office under the next country programme. With some key international players reducing activities or withdrawing from Cambodia¹ as a result of the post-2017 developments, and civil society organizations expressing concerns about the reduction

¹ White paper on the Political situation in Cambodia "Strengthening the Rule of law and liberal democratic process", The Council of Ministers' Press Quick Reaction Unit, Phnom Penh, 8 February 2018

of international support, OHCHR stands as one of the main international actors for human right promotion and protection in the country.

A fundamental aspect of the operating environment for OHCHR is the wider United Nations system in Cambodia, of which the Office is a vital part. OHCHR's active engagement contributed in no small measure to the increase in the profile of human rights across the current United Nations Development Assistance Framework (UNDAF), which gives prominence to the human rights commitments to which all United Nations entities are bound. These have been reinforced by 'The Highest Aspiration: A Call to Action for Human Rights' by António Guterres, United Nations Secretary-General.² OHCHR currently leads the Human Rights Theme Group within the UNCT and co-leads the Outcome Group on Accountability and Participation. The positioning and role of the Office in the formulation of the new United Nations SDG framework which will replace the current UNDAF in 2024 will be critical to the stronger integration of human rights into all aspects of the work of the UNCT in both the immediate and longer term.

In 2017 the United Nations Office of Internal Oversight Services (OIOS) drew attention to the absence of an impact and contribution assessment of OHCHR's long-term presence in Cambodia. As part of its partnership arrangement with OHCHR, the Swedish International Development Cooperation Agency (SIDA) required an independent evaluation to be conducted for the project "Supporting OHCHR in Advancing a Human Rights Agenda in Cambodia," running from January 2017 until December 2020 amounting 26 million Krona (24,5 M €).

Methodology

This evaluation was conducted between February and August 2020 by a team of two independent external consultants. The inception phase consisted of a documentation review, scoping interviews with nine staff from OHCHR Geneva and submission of an inception report on March 10, 2020. After the World Health Organisation officially declared COVID-19 virus a pandemic on March 11, 2020, the evaluation plans were significantly adjusted. The field phase foreseen from April 1 to April 10 was cancelled due to international travel restrictions and replaced with a "virtual field phase". From April 24 to June 22, 2020 the evaluation team used online approaches to interview 83 stakeholders based in Phnom Penh, Battambang, Bangkok, Geneva and Brussels (see Annex II: list of stakeholders interviewed) and compiled feedback from a survey of seven OHCHR training participants over the previous 12 months (Annex III: data collection tools).

The refocusing of the evaluation to a remote consultation modality highlighted a number of constraints and challenges. These included the need to manage interviews within a limited daily time window across three time zones, requiring an extended overall consultation period compared with what would have been achievable with a direct field visit; adapting to a range of online communication platforms in line with interviewee preference and availability; a variation in interviewee familiarity with working online; a loss of communication quality in some cases due to connectivity problems; and coordination challenges arising from the engagement of many interlocutors in the COVID-19 response. A number of in-country interviews required on-line

² Issued in 2020 on the occasion of the seventy-fifth anniversary of the United Nations

interpretation, which was provided by an independent in-country interpreter commissioned by the Country Office.

The evaluation Terms of Reference (ToR) set three objectives:

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

Main findings

Relevance: [Overall assessment: **Highly relevant**]. The OHCHR Country Programme 2018-2021 in Cambodia is **highly relevant** to human rights challenges in the country; the context of the diminishing support and field presence of other international actors; Cambodia's international human rights obligations and SDG commitments; national legal and policy frameworks; and key stakeholder priorities. OHCHR's comparative advantages, which are detailed below, are well understood by stakeholders, who showed a high degree of common perception in this regard. Implementation of the programme demonstrated the effective application of a number of strategies linked to OHCHR's comparative advantages, while also highlighting areas for attention and lessons for future reference.

Effectiveness: [Overall assessment: **Variable**]. While overall programme implementation at the pillar level is generally on track, the achievement of country programme results to date is **variable**. Key factors in this regard have included the challenging human rights environment since 2017 and the subsequent impact of the COVID-19 crisis. The latter factor affected field delivery of the programme, although the Office was still able to undertake several protection missions, maintain relations with stakeholders (including the briefing of diplomatic missions), and strengthen engagement with the United Nations Country Team (UNCT).

Despite the challenges in the period since 2017, a number of important achievements were evident. Building on previous progress over many years, these included progress in advancing the land-rights of indigenous peoples (with movement towards simplification of processes and the innovative use of professional mediation services); the 'dignified' resettlement of floating Vietnamese ethnic communities on Tonle Sap Lake; enhanced engagement by the RGC and CSOs in international human rights mechanisms (e.g. the 2019 Universal Periodic Review process of the United Nations Human Rights Council); facilitation of government/CSO and CSO/CSO dialogue around common priorities and concerns; influential strategic research and follow-up in areas including social land concessions and popular justice; provision of a protection umbrella for CSO space and activity; a reduction in the number of chained-up persons with disabilities in rural communities; and improvements in the conditions of women prisoners, including in the COVID-19 context (refer Annex IX for full summary).

An important contributing factor in Office successes has been the coordinated roles of the United Nations Secretary-General, the High Commissioner for Human Rights and successive Special

Rapporteurs on the situation of human rights in Cambodia. Such involvement attracts government, CSO and media attention in Cambodia and helps to keep the spotlight on human rights concerns while allowing space for the Office to continue pursuing the implementation of its country programme in cooperation with government, judicial and CSO partners.

In addition to the external challenges, internal factors have also influenced the effectiveness of programme implementation. These include insufficient attention over time to the impact and evaluation of training and other activities, skill gaps within the Office and the need to continue strengthening the application of results-based management approaches in line with the United Nations strategic planning principles.³ The need to shift to a primarily online work modality during the COVID-19 period in accordance with UNCT and UNHQ guidance also required rapid upskilling and adjustments for both staff and stakeholders.

Efficiency: [Overall assessment: **Variable**]. Recent structural changes have improved Office cohesion and performance in core areas such as monitoring, analysis, reporting, communications and public outreach. At the same time, the Office has taken steps to strengthen the availability of relevant expertise to meet programme delivery demands through the use of staff funded by voluntary contributions (XB); investment in staff at P4 level; and the use of United Nations Volunteers (UNVs), Junior Professional Officers (JPOs) and consultants. However, fundamental questions remain about the match between the Office overall skill base and shifting strategic requirements of a rapidly evolving human rights context, especially in light of the high proportion (85 percent) of the Office budget being directed to salaries. The programmatic rationale for continuation of the Battambang Regional Office was affirmed, subject to a comprehensive review by 2025, with areas highlighted for strengthening, while scope was identified for closer practical collaboration with the OHCHR South-East Regional Office in Bangkok. The need for continued attention to the efficient and effective functioning and use of the Human Rights Violations Database within the Country Office is emphasized.

Impact: [Overall assessment: **Fragile**]. Indications of direct and indirect impact as a result of the Office's long-term presence in Cambodia can *inter alia* be seen in the country's ratified treaty framework; increased engagement with international human rights mechanisms; certain relevant laws and policies; and a number of case-by-case human rights successes, some of which have occurred in the period from 2017 as indicated earlier.

At the same time, however, robust evidence of sustained country-level impact resulting from the Office's current and long-term engagement is difficult to obtain due to data constraints and absence of regular evaluation (training being an illustrative example that is examined in this regard). Despite the long-term Office presence and active programme, it is observed that improvements overall with respect to the implementation of human rights obligations remain fragile and subject to reversal, with systemic change elusive. Answering the question: "Does our impact justify keeping working as we have done or should we shift approach?" suggests that OHCHR is at a major crossroads in its Cambodia presence. It is concluded that a need exists after 27 years of OHCHR operations for a fundamental "reset" of its engagement in Cambodia. Central to such process should be a new and well-grounded theory of change which links global

³ United Nations. Strategic Planning Guide for Managers. Available at https://hr.un.org/sites/hr.un.org/files/4.5.1.6_Strategic%20Planning%20Guide_0.pdf. This sets out five cascading goals, including a focus on ensuring that "our people" are "trained and have sufficient knowledge."

directions with the Cambodian context, is developed with national and international stakeholder input and is integrated with the new United Nations cooperation framework for Cambodia from 2024. At the same time the potential is highlighted for the appropriate incorporation of OHCHR's "frontier issues" into future programme strategies.

Sustainability: [Overall assessment: **Fragile**]. The impact areas highlighted above are also relevant to consideration of the sustainability of human rights progress in Cambodia. However, as observed above, these and other manifestations of often hard-won progress have been shown in recent years to be fragile and prone to political influence. The COVID-19 crisis has introduced further challenges, particularly with respect to economic and social rights, posing risks of growing inequality and social unrest, further undermining the potential for sustainability. While assessed as being still "work in progress," the full and proactive integration of human rights into all aspects of the work of the UNCT is addressed as a factor in sustainability. This is linked to the UNCT's engagement on SDG implementation and national capacities with all major areas of government and civil society. Carefully strategized work to ensure human rights are at the core of the process to formulate a new UNCT cooperation framework from 2024 is required, drawing on progress already made and the potential highlighted by the COVID-19 response for much deeper and more systemic integration.

Gender and human rights (disability inclusion) integration: [Overall assessment: **Variable**]. The participation of the Country Office in the OHCHR Gender Accreditation Programme has added focus and momentum to gender mainstreaming and related planning, with increased profile in the 2020 workplan through the prioritization of sexual and gender-based violence and surrogacy. The pre-accreditation baseline for gender awareness and inclusion in the Office was low, a situation also reflected among several of the Office's national counterparts. It is key that progress be maintained as a collective engagement and responsibility of all the office, including in programme design, implementation, monitoring and reporting. Unless supported by wider measures and processes, creating a gender focal point position in itself may be a step back in some ways, releasing the useful attention that has been put on gender through the accreditation programme and isolating it as a separate task and obligation. In the case of disability, more explicit attention is needed to mainstreaming and data gathering across all work areas. The impending 2020 process of preparation for Cambodia's report to the International Treaty Body for the Convention on the Rights of Persons with Disabilities (CRPD) provides an important opportunity for such issues to be examined jointly by government and CSOs. Mindful of resource constraints and the roles of other international and domestic actors, the evaluation endorses decisions currently taken on thematic and sector prioritization with regard to both gender and disability as being well grounded and within Office capabilities. At the same time, attention is drawn to the generally low levels of interest and commitment of government officials and many CSOs to disability as a matter of fundamental rights rather than a charity issue.

Summary of lessons

The following lessons from the experience of OHCHR in Cambodia since 2017 were identified by stakeholders consultations and document review for reference in future planning and implementation. These are presented in more developed form in Section 3.

- **Political will**, particularly at the higher levels of government, is critical to progress in moving the human rights agenda forward in Cambodia, including in areas where good working relations exist at the technical level. At the same time, the process of change is slow and complex. A long-term vision and strategies are critical to placing current developments into perspective and navigating the short and medium-term challenges.
- **Strategies** to engage to the degree possible at senior governmental levels need to effectively leverage all available links and entry points. This includes the synergized engagement of United Nations spokespersons at all levels as well as the appropriate combination of public and private approaches and other engagement tools.
- **International UN Treaty Body reporting processes, the Universal Periodic Review** system of the UN Human Rights Council and **United Nations Special Procedures** (including but not limited to the Special Rapporteur on the human rights situation in Cambodia), all provide important inter-linked platforms for government / CSO dialogue. They also provide opportunities for the development of critical capacities and working relations to underpin ongoing Cambodian engagement with international human rights mechanisms.
- Clarity about respective **government, CSO, OHCHR and broader UNCT roles, space and comparative advantages** is critical to maximizing the potential for progress in implementation of Cambodia's human rights obligations. Key elements include respecting and strengthening national ownership at governmental and CSO levels; ensuring there is no substitution by OHCHR of national institutions and organizations; and maximizing synergies based on respective mandates and skills around human rights within the UNCT.
- The experience of **OHCHR engagement within the joint UNCT response to the COVID-19** pandemic in Cambodia shows the potential for strengthening the impact of the Office's role within the UNCT as a leader and advocate on the human rights dimensions of its work, with particular focus on vulnerable groups and those left most behind.
- Potential exists to more proactively and explicitly **leverage the human rights dimensions of the SDGs** to promote implementation of Cambodia's international human rights obligations. This includes specific attention to the economic development/human rights intersections and their links to national development objectives and priorities.
- The current context in Cambodia with respect to the exercise of political and civil rights and impacts of the COVID-19 crisis highlights the importance of continuing to strengthen the **OHCHR focus on prevention, protection, monitoring and associated analysis and reporting**. This requires ensuring the necessary skill-base within the Office as well as the effective functioning and use of the internal Human Rights Violations Database.
- **OHCHR's monitoring work** has greater impact when it is strategically directed and part of a deliberate wider approach including follow-up visits and use of all available mechanisms and tools to leverage the data for change.
- Realizing the full **potential of OHCHR training activities** requires stronger attention to the consolidation of learning through follow-up support; ensuring trainees' agencies and organizations are committed to maximizing the use of newly acquired knowledge and skills; and ensuring follow-up evaluations of impact and lessons.

- Strengthening the **mainstreaming of gender within the work of the Office** is a long-term process which requires consistent leadership, clarity on goals, targets and expectations; and a whole-of-office approach and ownership.
- **Youth involvement** in International Human Rights Day commemorations and demonstrated interest in OHCHR social media communications indicates the potential for their strengthened engagement on human rights as the future “human rights influencers” of Cambodia.

Good practices

A number of good practices, as follows, were further identified to inform for future programme planning and implementation. These and others which emerge in time can be leveraged for institutional learning and performance purposes.

Special role and function

Production and leveraging of **strategic research** to stimulate and inform Government and CSO policy-making and engagement, e.g. in areas including social land concessions; popular justice; evictions and resettlements; alternative sentencing; and the knowledge, attitudes and perceptions of youth on human rights and participation. Such research responds to the need to strengthen stakeholders’ policy capacities and mitigates the challenge of lack of access to information. The OHCHR social land concession study was commended by both government and CSO interlocutors, for example, as a relevant contribution to improving the situation of the communities involved. It provided the basis for OHCHR engagement with national and local authorities, as well as for official OHCHR field visits to present the study to residents and local authorities and follow-up on the improvements to the concession sites in four provinces.

Leveraging the **OHCHR facilitation and convening role** to promote multi-stakeholder dialogue for example:

- ☞ For government and CSOs in areas such as development of legislation (e.g. the Law on Association and Non-governmental Organizations, LANGO), national policy formulation and Cambodia’s engagement with international Human Rights Mechanisms.
- ☞ For CSOs to strengthen networking and develop shared positions e.g. on UPR input, legislative change and responding to current developments within Cambodia including the COVID-19 crisis.
- ☞ For parties in dispute – e.g. over land rights where the OHCHR role can be important to ensure that developments are framed by international human rights obligations, help rebalance power relations and ensure communities are capacitated to engage effectively.

The engagement of an **independent mediation service** in the successful process to resolve land dispute between Bunong indigenous communities and a foreign company in eastern Cambodia. This was an innovative contribution to dispute resolution which holds the promise of wider use in such cases. OHCHR supported the mediation role through a blend of complementary strategies which included engaging a local CSO to empower community participation, promotion of women’s leadership and developing the human rights knowledge and understandings of participants.

Leveraging the practice and learnings of the **Extraordinary Chambers in the Courts of Cambodia** (ECCC, commonly known as the Cambodia Tribunal or Khmer Rouge Tribunal), to support the professionalization of the criminal justice system and promotion of fair trial rights, through means including a legal dialogue training for lawyers and training for law students.

Combining strengths and resources

Investing increased staff time and institutional resources in participation in **joint actions and thematic UNCT groups** (e.g. UNCT communication group, COVID-19 task force, joint statements on the LANGO). As well as contributing to collective impact, such investment builds institutional and social capital and strengthens the basis for future collaboration and knowledge sharing.

The coordination and **synergizing of OHCHR and wider United Nations roles to maximize impact** in drawing attention to human rights concerns in Cambodia, including the UN Secretary-General, the High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Cambodia and other special procedures, the OHCHR Regional Office for South-East Asia, the UN Resident Coordinator's Office and the UNCT, and the OHCHR Country Representative in Cambodia. Such engagements are pursued through a blend of public and private diplomacy, submissions and communications. They are further supported by engagement in UPR and Treaty Body processes as well field visits from Geneva (e.g. an OHCHR fact-finding group and the Rubens Group) which send strong signals to the government, CSOs and UNCT.

Effective protection

Despite resource constraints, helping to retain the degree of space possible for human rights CSO activity through employing a combination of complementary **protection measures**. These include putting a spotlight on violations of civic space through the role of the Special Rapporteur (Cambodia); providing a physical presence outside offices to deter surveillance; working with development partners and diplomatic missions to increase their engagement; and using the OHCHR Human Rights Defender Facility to support those at risk.

Operational assets

While recognizing that OHCHR is not principally a development or humanitarian partner per se, the Office has been able to effectively leverage targeted cooperation around the provision of technical cooperation and assets to build trust and open-up opportunities for policy engagement. A key example in this regard has been technical support to the development and rolling out of the **Criminal Justice Database** which is now operational in 25 courts of first instance. The database tracks cases through all stages of the criminal procedure process and brings greater transparency and accuracy to this process. It is further important to larger judicial reform agendas such as the introduction of alternative sentencing, which in turn will contribute to reducing prison over-crowding. Another example is the leveraging of limited / targeted cooperation on installing windows to improve prison conditions to open opportunities for more substantial exchanges on reform.

Adapting the Office **communication style, content and messaging** through social media, including through successful online campaigns in areas such as LGBTI to more effectively reach the public, particularly youth; raise the profile of the Office and Special Rapporteur; and generate a wider awareness of human rights.

Conclusions and summary of recommendations

Against the backdrop of OHCHR's long-term presence in Cambodia, the period since 2017 has (and indicated earlier) seen some ongoing successes in areas such as indigenous land rights and social land concession settlements, engagement with international human rights mechanisms, protection for CSO activity, and court system improvements.

At the same time, major setbacks have been experienced in Cambodia’s human rights situation. These include the severe restrictions of civic and democratic space since 2017,⁴ as well as an intensification of these along with pre-existing inequalities, vulnerabilities and poverty, arising from the COVID-19 crisis.⁵ These developments have exposed the fragility of progress in meeting Cambodia’s international human rights obligations and brought OHCHR’s engagement programme to an important crossroads after 27 years.

While there are steps that can be taken to further improve effectiveness and impact of the current programme, this report argues that a deeper revisit of longer term strategic directions is also timely, with a view to a reset of OHCHR’s strategic positioning through the development of a new theory of change.

In this context, the evaluators have clustered recommendations into the following four categories to provide an impetus for the proposed reset and prioritization of key areas:

- ☞ **Strategize** – linking global and local
- ☞ **Support** – leadership and management in the office
- ☞ **Prioritize** - selective thematic focus
- ☞ **Strengthen** - “UN as ONE” on human rights with 2024 in view

Related **actions and lead responsibilities** for implementation are listed in Section 4.

<p>Strategic positioning and direction</p>	<ol style="list-style-type: none"> 1. In recognition of the changing human rights context in Cambodia, prioritize the development of a new national theory of change for the period from 2022 as a basis for strategic decision-making on priority areas for engagement and the formulation of the next country programme. Integrate such development with the early phase of formulating the next United Nations cooperation framework in Cambodia from 2024. Foresee regular (annual) revisions to take into account new drivers of change which may emerge in the evolving context with broad participation from Country Office staff as well as external actors (RGC, UNCT, CSOs and donors). 2. Commission strategic research on a “back to first principles” basis of the human rights key trends and dynamics in Cambodia to underpin the development of the theory of change. The strategic research may include a joint mapping of trends and dynamics by CO staff in its first phase to <i>inter alia</i> build an understanding of theory of change fundamentals.
<p>Office leadership, management and resourcing</p>	<ol style="list-style-type: none"> 3. Extend its commitment to a Country Office in Cambodia for at least another six-year period,⁶ subject to renewal of the biennial MoU with the Royal Government of Cambodia and adequate resourcing.

⁴ Report of the Special Rapporteur on the situation of human rights in Cambodia to the Human Rights Council, Geneva, 9–27 September 2019.

⁵ Asian Development Bank. (2020). Cambodia’s Economic Growth to Slow in 2020, Rebound Expected in 2021: Available at: www.adb.org/news/cambodias-economic-growth-slow-2020-rebound-expected-2021-adb

⁶ Equivalent to three biennial RGC/OHCHR MOU periods.

4. Regularize the appointment and tenure of the **OHCHR Country Representative** position in order to strengthen the continuity and stability of Office leadership.
5. Review and (if necessary) rebalance the relationship and distribution of staff resources between the **OHCHR Regional Office for South-East Asia** and the Cambodia Country Office, with a view to maximizing the value-added of the regional role vis-à-vis the impact of OHCHR's Cambodia programme and reducing the current load for staff costs in the budget (85%) over the next 3 years.
6. Retain the **Battambang Office** for the period of the next Country programme, subject to a comprehensive review after three years of its ongoing added-value and in-country financial considerations at a time of increasing long-term uncertainty about United Nations' resourcing levels, including due to COVID-19. Strengthen the ability of the office to reflect local priorities in work planning and upgrade the head-of-office position to International Officer or National Professional Officer level to further strengthen the local skill base and capacity to operate effectively without the requirement of regular travel of staff from Phnom Penh.
7. Continue to strengthen **Results-Based Management (RBM)** approaches, capacities and application within Country Office work plans and daily work, with support from OHCHR HQ. Include the concepts and formulation of theories of change; needs assessment; identification and assessment of risks and assumptions; and programme/activity monitoring, evaluation and learning. Prioritize attention to strengthening the impact of training activities in this context.
8. Strengthen the consistency and utility of data collection, management and presentation in the Office by continuing to prioritize the embedding of the new **Human Rights Violations Database** into everyday processes, procedures, requirements and culture.
9. Formulate an **Organizational Development Plan** (complementary to the Office's Organizational Effectiveness Outputs⁷) which takes account of all prior recommendations and sets out measures, milestones and timeframes to ensure that the Country Office (Phnom Penh and Battambang) is fit for purpose in the context of the new theory of change and United Nations cooperation framework, supported by an office configuration, job roles, systems and skill-base which are well aligned to agency priorities.

Key elements of such plan should include (i) a systematic review of the current skill and experience base within the Office alongside the anticipated skill/experience requirements of the new theory of change and Country programme for the period from 2022; (ii) measures such as the reclassification of posts and revision of job descriptions; (iii) strengthening the seniority and skill level in the Battambang Office; and (iv) clear milestones for progress and tracking.

⁷ Refer to 'Organizational Effectiveness AP outputs,' Annual Work Plan - CO Cambodia (2020)

<p>Programme and thematic prioritization</p>	<ol style="list-style-type: none"> 10. Prioritize increased attention to prevention among the core strategies employed by the Office in recognition of the intensified challenges to human rights and long-term development objectives which have become evident in Cambodia since 2017, including as a result of the COVID-19 crisis. 11. Prioritize the strengthening of mutually reinforcing linkages between human rights, economic development and the SDGs in the Cambodian context, including both through active engagement with the UNCT and as a core component of OHCHR’s strategy for engagement with the RGC. 12. Continue to strengthen systematic attention across all facets of the work of the Office to (i) gender equality and women’s empowerment, building on achievements and lessons under the OHCHR Gender Accreditation Programme, and (ii) the rights of persons with disabilities, including more explicit attention in all aspects of data gathering and reporting as well as in project/activity indicators and targets. 13. Establish longer-term (3-5 year) cooperation frameworks that do not restrict themselves to the MoU 2-year duration in order to strengthen longer-term joint planning and the impact of Office support for selected strategic government, judicial and CSO partners. 14. Strengthen strategic prioritization of human rights monitoring to (i) enhance depth and consistency over time in key areas; (ii) enable a more rigorous tracking of change, challenges, success factors and lessons for wider application; and (iii) strengthen the ability of the Office to reflect local priorities in formulation of results and indicators in work planning.
<p>UN as One’ on human rights</p>	<ol style="list-style-type: none"> 15. Drawing on the above, cooperate with the Office of the United Nations Resident Coordinator to develop a strategy and plan for deepened integration of Human Rights Based Approaches (HRBA) into the planning and work of the UNCT with a view to strengthening the human rights base for next United Nations cooperation framework in Cambodia from 2024. 16. Expand its own direct partnerships with other UNCT members around shared priorities, with a focus on the integration of human rights into the thematic/sectoral area concerned.

I. INTRODUCTION

I.1 Programme background

As OHCHR's oldest field presence, the Office in Cambodia has been operating since October 1993. The 1991 Paris Peace Accords gave the United Nations Transitional Authority in Cambodia (UNTAC) a mandate⁸ to monitor the human rights situation during the transitional period that lasted until general elections were held and a new Government was established in 1993. Once the work of UNTAC was concluded, the Accords mandated the United Nations to continue its human rights work in the country⁹. The Office's current programme derives from this mandate. At the same time the Office has evolved from a large presence after the conflict (seven sub-national offices) to a head office in Phnom Penh and regional office in Battambang since 2002.

The ongoing presence and mandate of the Office is guided by successive United Nations resolutions, particularly A/RES/48/141, and is underpinned by biennial Memorandums of Understanding with the Royal Government of Cambodia (RGC).

Since 1993, the Office has been fulfilling its mandate through engagement in the following priority areas:

- Supporting the development of a legal and institutional framework which protects the exercise of human rights, consistent with the international human rights standards enshrined in Cambodia's Constitution.
- Monitoring the implementation of laws and the actions of state institutions responsible for respecting and upholding rights, reporting problematic areas to the Government and other relevant actors for corrective action, and looking jointly for solutions.
- Supporting the Government's cooperation with the UN Human Rights Council and its mechanisms, and promoting the ratification of international human rights treaties,
- Supporting the capacity of civil society actors to monitor and advocate for human rights and protecting their activities through fostering a climate of mutual respect, dialogue, and cooperation with the Government.

Chronology of Cambodia's Human Rights Treaty Ratifications

1983

CERD - International Convention on the Elimination of All Forms of Racial Discrimination.

1992

CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment;
CCPR - International Covenant on Civil and Political Rights;
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women;
CRC - Convention on the Rights of the Child,
CESCR - International Covenant on Economic, Social and Cultural Rights.

2012 – 2013

CRPD - Convention on the Rights of Persons with Disabilities;
CED - Convention for the Protection of All Persons from Enforced Disappearance.

Signed but not ratified

2004 CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

⁸ UNTAC was established by Security Council [resolution 745 \(1992\)](#) of 28 February 1992

⁹ 49th Session, 19/02/1993, [E/CN.4/RES/1993/6](#) "Situation of human rights in Cambodia"

In this context, the OHCHR-Cambodia is currently focusing on the achievement of four goals that align with these mandated priorities and respond to the four-year funding agreed with the Swedish Ministry of Foreign Affairs:

- Goal 1: To strengthen international human rights mechanisms
- Goal 2: To protect the democratic space
- Goal 3: To combat impunity and strengthen accountability and the rule of law
- Goal 4: To integrate human rights in the development and economic sphere/ Agenda 2030

The goals were developed in consultation with Cambodia stakeholders in line with the Office's global thematic priorities and are designed to specifically address the critical human rights challenges identified in Cambodia. Within this context, the core focus areas in the Office's Results Framework for 2020 are (i) monitoring and reporting on the rule of law and access to justice (including a focus on the rights of persons with disability); (ii) land and housing rights (including evictions, resettlement and indigenous land rights); and (iii) protecting and expanding civic space.

Greater attention is being given to gender equality across all areas of engagement as a result of the Office's participation as a pilot country within the OHCHR global Gender Accreditation Programme and the addition of a new result to address sexual and gender-based violence (SGBV). Increased attention is also being placed on the prioritization of the work of the Office, exemplified by the tight prioritization of engagement on economic and social rights around simplification of indigenous land rights processes and development of guidelines for resettlement of evicted communities. Strengthening the prevention and protection aspects of the OHCHR agenda in Cambodia is also currently being prioritized within the framework of the current country programme.

At the same time, the Office is continuing to strengthen its effectiveness in the evolving Cambodian context through (i) measures to improve organizational effectiveness in areas including external communications, dynamic knowledge, diversity and gender equality, resource mobilization and operational management; (ii) establishment of a unit to strengthen capacity for consistent high quality monitoring, analysis, reporting and advice, including to the international community; (iii) steps to further mainstream gender into internal culture and processes; (iv) the ongoing development of the Office's organizational structure to better integrate key programming areas and align Office resources and capacities with the pressing human rights priorities in Cambodia and (v) the digitalization of office records to provide a more effective basis for research, analysis and advocacy.

Human Rights, the SDGs and OHCHR in Cambodia

Human rights anchor the 2030 Agenda for Sustainable Development and the SDGs. The 2030 Agenda explicitly states that it is grounded in the Universal Declaration of Human Rights and international human rights treaties. The SDGs are closely linked to political, civil, economic, social and cultural rights. They cover areas such as health, education, decent work, food, water and equality, as well as personal security, access to justice and fundamental freedoms. Many of the SDGs refer explicitly to human rights, such as ending all forms of discrimination, protecting sexual and reproductive health rights and labour rights, prohibiting torture and protecting fundamental freedoms (Goals 5, 8, 10 and 16). In addition, human rights principles, such as non-discrimination

and equality, participation and accountability, cut across the 2030 Agenda and the SDGs, providing guidance on their implementation in the context of the underlying SDG principle to “leave no one behind.”¹⁰ Many of the recommendations the country has received in connection with Treaty body reports, the UPR and the reports and communications of special procedures mandate holders relate directly to the targets of the 2030 Agenda.

In her report to the Human Rights Council of Human Rights Council 9–27 September 2019, the Special Rapporteur on the situation of human rights in Cambodia however highlighted several concerns with respect to the key human rights elements which have not been carried across from the global SDG framework to the locally adopted Cambodian SDGs (CSDGs).¹¹ The latter stand alongside the Rectangular Strategy IV and the National Strategic Development Plan (NSDP) as core elements of Cambodia’s national development architecture. For example, of the 12 targets under SDG 16 on peace, justice and strong institutions, the Cambodian SDGs only reproduce three. SDG Indicator 16.19.1 on the safety of journalists and human rights advocates, for which OHCHR is the custodian, is not included, for example.

Current human rights context in Cambodia

The following features of the human rights situation in Cambodia particularly inform this report:

Pressures on civil and political rights: These have intensified in the context of the dissolution prior to the national 2018 elections of the Cambodia National Rescue Party, the removal of all its members from national and commune level governance and the current high-profile trial of party President Mr. Kem Sokha. Data provided on a regular basis through OHCHR reporting indicates an increasing restriction of civic space. Several CSO interlocutors for this evaluation provided examples of harassment, surveillance and arrest. Such measures have intensified since the introduction of the COVID-19 Emergency Law, which has been described by the Special Rapporteur on the human rights situation in Cambodia as “risking violating the right to privacy, silencing free speech and criminalising peaceful assembly.” The Special Rapporteur has also expressed concern about certain provisions of the Law on Associations and Non-Governmental Organizations, such as article 8 (registration), article 9 (unregistered NGOs not allowed to operate) and article 24 (neutrality of NGOs). Similar concerns relate to the Trade Union Law, including with respect to constraints on the ability of unions to represent their members in the workplace.

Those being left most behind: The Special Rapporteur highlights several specific groups that are most at risk of being left behind in Cambodia. This includes women, children, indigenous peoples, asylum seekers and refugees, persons in street situations, drug and substance users with dependency issues, persons in detention, persons with disabilities, people who have been evicted from their land or homes, the Cham and ethnic Vietnamese and Khmer Krom communities, lesbian, gay, bisexual and intersex persons, informal sector workers, older persons and migrant workers returning from neighbouring countries before the closing of borders due to COVID-19 measures.

¹⁰ Report of the Special Rapporteur on the situation of human rights in Cambodia to the Human Rights Council, Geneva, 9–27 September 2019.

¹¹ [Cambodia's voluntary National review 2019 on the Implement of the 2030 Agenda for Sustainable Development](#)

The economic and social rights impacts of the COVID-19 crisis: The vulnerability of a majority of the Cambodian population to economic shocks has been reinforced by the advent of the COVID-19 pandemic which has seen more than 200,000 women losing their jobs in the garment sector alone and significant increases in poverty across both rural and urban areas.¹² The COVID-19 crisis has further exposed the fragile nature of the current economic growth model, highlighting deep economic and social inequalities and inadequate health and social protection systems. Women and girls tend to be disproportionately impacted by COVID-19.¹³ OHCHR has received reports of increased levels of violence against women in the context of COVID-19 restrictions on movement.¹⁴ The increased levels of marginalization and inequality which are becoming evident as a result of the COVID-19 crisis bring with them increased prospects of social unrest.¹⁵

Cambodia's relationship with China: Several evaluation interlocutors pointed to the Cambodia/China growing relationship as a reinforcing factor in the growing restriction of political and civil rights in Cambodia. Since 2010, China has become Cambodia's biggest donor and investor,¹⁶ enabling Cambodia to reduce its dependence on western investment with human rights strings attached. Recent years have seen a reorienting of Cambodia's positions in international and regional fora towards Chinese geopolitical priorities, most evident in ASEAN but also increasingly within the United Nations Human Rights Council.¹⁷

As a result of the above and other human rights related developments in Cambodia. OHCHR is receiving an increasing number of requests by the international community for analysis and advice concerning Cambodia's adherence to international human rights norms and standards. The Office is taking steps, as indicated above, to strengthen its capacity to respond effectively to such requests.

¹² Care Cambodia, *Women in Cambodia's Garment Industry: Their Work and Safety*, (Phnom Penh, 2017), available at: https://www.care.org.au/wp-content/uploads/2017/04/SHCS_Brief-Women-Cambodia-Garment-Industry-March-2017_CA.pdf

¹³ UN Women, *Policy Brief: The Impact of COVID-19 on Women*, (Geneva, 2020) Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2020/policy-brief-the-impact-of-covid-19-on-women-en.pdf?la=en&vs=1406>.

¹⁴ Interviews with OHCHR staff in the Country Office, Phnom Penh

¹⁵ Interviews with CSO stakeholders and staff of OHCHR and other United Nations agencies, Phnom Penh.

¹⁶ OHCHR Country Programme for Cambodia (revised) (2018-2021)

¹⁷ Human Rights Watch: Accessed on 01/07/2020 at <https://www.hrw.org/world-report/2020/country-chapters/cambodia>

I.2 Evaluation background

In 2017 the United Nations Office of Internal Oversight Services (OIOS) drew attention to the absence of an impact and contribution assessment of OHCHR's presence in Cambodia for more than 25 years. Thus, the Swedish International Development Cooperation Agency (SIDA) included the requirement for OHCHR to carry out an independent evaluation and submit the review report not later than 31 August 2020 for the period 1 January 2017 until 31 December 2020 under the project "Supporting OHCHR in Advancing a Human Rights Agenda in Cambodia" funded by SIDA up to a maximum amount of 26 million Swedish Krona (24,5 M €).

This evaluation was consequently conducted in line with the following three summative and formative objectives:

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

I.3 Methodology and approach

Overview

The evaluation was conducted by a team of two external consultants between February and August 2020 using a mixed-methods approach - quantitative and qualitative, with rigorous triangulation of information. The evaluation's overall approach was guided by the principle of credibility – that is, ensuring that the best evidence available is harnessed, and that it is analysed appropriately, to generate findings, conclusions and recommendations that management can feel confident acting upon.

The evaluation approach used the five DAC evaluation criteria of relevance, effectiveness, efficiency, impact contribution and sustainability. A sixth criterium was added on gender, human rights and disability inclusion.

The key components of the methodology envisaged in the evaluation Inception Report were: (i) desk review; (ii) secondary data analysis; (iii) field mission; (iv) interviews; (v) focus groups, including context and stakeholders mapping; (vi) short questionnaires; (vii) short case studies; and (viii) direct observations.

Impact and lessons of COVID-19 pandemic

In the event, the methodology applied in practice went through major adjustments when COVID-19 was declared a pandemic on March 11, 2020. The ensuing restrictions on international travel resulted in the scoping and field phases in Switzerland, Bangkok and Cambodia being conducted

from home and the overall evaluation timeline being extended. The “virtual field phase” lasted from April 24 until May 20 (ie. over four weeks) whereas it should have ended on April 10, had circumstances been unchanged. With the valuable support of the Country Office, the evaluators based respectively in New Zealand and France organized and conducted all interviews online (refer Annex II – List of stakeholders interviewed). A set of lessons and observations drawn from these exceptional circumstances is presented in Annex V:

Data sources and collection methods

The evaluation team used the following interconnected methods in pursuing its adjusted evaluation approach: (i) desk review and secondary data analysis; (ii) virtual field mission; (iii) structured interview forms; (iv) short online survey to OHCHR training participants; (v) short case studies; (vi) interview consolidation form for each stakeholder group to ensure rigorous triangulation of information and (vii) direct observations.

A set of interview summary forms was developed to systematize and facilitate data consolidation and analysis following the interview phase. The forms were designed to keep fresh records of feedback collected, knowing this phase would be extended due to the above-mentioned implications of the online consultation approach. No more than eight questions were shared in advance with interviewees and were adapted to the different profiles of those consulted. For example, the form for the Country Office staff had a much stronger focus on efficiency than was the case for the one for CSOs.

An online questionnaire (via Survey Monkey) on the quality and impact of OHCHR training was submitted to a small group of selected government officials with 10 semi-closed or closed questions about their experience and needs. The level of technology proficiency appeared as a hurdle. Seeing only 20 percent of responses coming in, the Country Office facilitated the completion of the survey by phone (60 percent responses in total).

Four case studies were identified and written-up to illustrate the work and lessons of the Country Office in particular areas since 2017. These are presented in full in Annex VIII¹⁸.

Desk review and secondary data analysis

The list of documents reviewed is contained in Annex IV. This mainly consists of OHCHR’s strategic and annual planning documents for Cambodia, annual reports within the period being evaluated, global documents such as the OHCHR Management Plan (OMP), UPR and treaty body findings and recommendations, reports of the UN Special Rapporteur and other UN and international agencies, and CSO documentation and websites.

¹⁸ Case study 1: Shared focus on global human rights review creates platform for dialogue

Case study 2: Adopting a rights-based approach to resettlement facilitates a positive outcome for Vietnamese minority communities

Case study 3: Challenges in business and rights strategy leads to reorientation of approach

Case study 4: Gender mainstreaming boosted by participation in OHCHR global programme

Stakeholders overview

The evaluators engaged with a diverse range of key governmental, judicial/legal and civil society stakeholders, as well as OHCHR staff in Cambodia (Phnom Penh and Battambang), Geneva, Brussels and Bangkok. Annex II categorizes Cambodian stakeholders according to their duty-bearer and rights-holder status.

Gender equality and disability inclusion

Gender, disability and other inclusion considerations were integrated into all aspects of the evaluation from the review of desk material to the inclusion of specific questions under all core lines of enquiry with stakeholders (refer to Annex III). Consultations were conducted with representatives of women's and disability CSOs (including the CSO national disability umbrella body), as well as with the Disability Action Council (DAC) of the RGC. Where appropriate, attention was given in consultations to the practical impact of the Offices' participation in the OHCHR Gender Accreditation Programme on programme design and delivery, partnerships, results and internal office culture and processes.

2. MAIN FINDINGS PRESENTED ACCORDING TO EVALUATION CRITERIA

The findings summarized below follow the criteria set out in the evaluation Terms of Reference, as well as the evaluation questions (EQ) set out in the Inception Report.

2.1 Relevance

Overview: The evaluation found that the OHCHR 2018-2021 Country Programme in Cambodia was **highly relevant** to human rights challenges in the country, Cambodia's international human rights obligations and SDG commitments, national legal and policy frameworks and key stakeholder priorities. OHCHR's comparative advantages were well understood by stakeholders, who showed a high degree of common perception in this regard. Implementation of the programme demonstrated the effective application of a number of strategies linked to OHCHR's comparative advantages, while also highlighting areas for attention and lessons for future reference.

EQ: How does the Country programme align with and support national policies, strategies, plans, programmes and priorities on those issues that should be considered as human rights priorities?

OHCHR's engagement in Cambodia is anchored in the country's ratification of eight of nine fundamental human rights instruments as detailed in Section I. The Country programme and overall Office approach both links and contributes to implementation of commitments in the Rectangular Strategy IV 2018-2023 to "promoting the rule of law, human rights and dignity" and with a range of laws, policies, strategies and plans. The latter includes the Law on Prisons, the Juvenile Justice Law, the Anti-Corruption Law, the draft Law on Freedom of Information, the Criminal Code, the Code of Criminal Procedure, the draft Legal Aid Policy, the National Policy on Development of Indigenous Peoples and the National Disability Strategic Plan.

The systemic human rights trends and issues which have become more evident in the current programme period as elaborated previously, including in the context of supporting the UNCT and government responses to COVID-19, reinforce the relevance of OHCHR presence in Cambodia despite the widely acknowledged challenges of making progress in the current environment.

EQ: How has OHCHR’s comparative advantage as an impartial and independent norm-setting agency with a field presence allowed it to reach out and engage with government, civil society and other stakeholders?

The longstanding field presence of OHCHR, linked to its historic mandate and accumulation of knowledge and experience of local conditions and dynamics, was cited by several national stakeholders as both a distinct comparative advantage and a major influence on Cambodia’s progress to date with respect to human rights progress since 1993, albeit with many limitations and more recent setbacks.

In addition to the further comparative advantages summarized in Box 1, government, judicial and CSO stakeholders alike further highlighted Country Office qualities such as responsiveness to requests for technical advice and support; accessibility (both formal and informal - “the office is only a phone-call away”, said one CSO); a proactive orientation to reaching-out to new partners; an “open and honest” approach to engagement with partners; and flexibility in the handling of small grants arrangements. Although small, the latter has been important in the ability of some CSOs to carry on key elements of their work at a time restricted civic space and declining availability of funding.

EQ: How relevant has been the country programme for the situation of human rights in the country, OHCHR’s global mandate and the Office mandate as set out under its MOU with the RGC, OHCHR’s Management Plan and the Sustainable Development Goals?

Box 1: OHCHR comparative advantage – key points in common across stakeholder groups

- **Unique human rights mandate**, role and expertise, with international standing as an impartial normative agency.
- **Longstanding country presence and related national expertise**
- **Mandate to work with government and CSOs** – well established trust-based links with a national network of human rights CSOs.
- **Protection role** for human rights CSOs, providing safe space for CSO/CSO interaction.
- Evidence-based **monitoring, investigative and reporting** role, as basis of policy engagement and holding human rights duty bearers to account.
- **Convening and facilitation** role for government/CSO and CSO/CSO dialogue and consultations on human rights matters.
- Institutional and technical **capacity development** role based on global mandate and expertise for government and CSOs.
- **Technical advisory expertise and role** on development of national legislation, policies, strategies, and plans, as well engagement in international human rights mechanisms and development of strategic tools and assets such as the criminal justice system database.
- **Integral part of global system of human rights mechanisms**, with ability to facilitate/support Cambodian Government and CSO engagement, including through the role of the Special Rapporteur.
- **Strategic research** to inform policy engagement on critical human rights issues.

The overarching national framework for the country programme is provided by the Memorandum of Understanding (MOU) between the RGC and OHCHR for the period 1 January 2019 – 31 December 2020. This commits RGC and OHCHR to “cooperate in the implementation of a Technical Cooperation Programme in the field of Human Rights” [...] that is “designed to strengthen further the capacity of both governmental and non-governmental institutions to promote and protect human rights in Cambodia.” Specified key substantive areas for cooperation include the integration of human rights dimensions into health, education and other development programmes; support to government reforms in areas including the administration of justice and legislative processes; and encouragement of CSO participation and promotion of public education in democracy and human rights.

The MOU is complemented by Resolution A/HRC/RES/42/37 of the United Nations Human Rights Council which invited “the Secretary-General, agencies of the United Nations system present¹⁹ in Cambodia and the international community, including civil society, to continue to work with the Government of Cambodia in strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia.” The resolution specifies the provision of support to draft laws; assist the establishment of an independent national human rights institution; strengthen the capacity of legal institutions;²⁰ strengthen the capacity of national institutions for criminal investigation and law enforcement (as well as providing the equipment necessary for these ends); implement accepted universal periodic review recommendations; and assist the assessment of progress in human rights issues.

OHCHR’s core monitoring/reporting role is critical in this context, providing the essential evidential and analytical basis to ensure that technical cooperation and capacity development are well grounded and directly relevant to addressing the key human rights issues in Cambodia. As detailed in following commentary, the country programme reflects all these elements in design and practice, as well as in the current thematically-based structure of the Country Office itself. While it is often OHCHR’s work on political and civil rights that attracts public attention, an analysis of the Office’s full scope of work and allocation of financial and human resources (including JPO and consultancy support) shows an appropriate balance of engagement across the human rights spectrum, including economic, social and cultural rights. It is important to note that priorities for OHCHR’s engagement in the latter area are currently under internal review as a result of the COVID-19 crisis and learnings from the joint UNCT response, with the right to health and socio-economic issues likely to receive increased attention in the pandemic recovery period and beyond. At the same time, OHCHR recognizes and respects the lead mandates and roles of other agencies within the UN system in areas such as sustainable economic development, health, education, labour rights and child rights. OHCHR has a vital role in this context to effectively exercise its human rights mandate and expertise in support of other UNCT members to ensure human rights are explicitly at the core of all work under the UNDAF, in line with UN Development System commitments to HRBA.

¹⁹ Resolution A/HRC/RES/42/37 on ‘Advisory services and technical assistance for Cambodia’ adopted by the United Nations Human Rights Council on 27 September 2019, at its Forty-second session, Geneva, 9–27 September 2019

²⁰ Including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia.

A further key reference point for OHCHR's engagement in Cambodia is the commitment "to support ... the realization of human rights and the promotion of peace through the achievement of the Sustainable Development Goals" stated in the UNDAF 2018-2023, agreed between the UNCT and the RGC. OHCHR was an important contributor to the UNDAF's formulation and implementation and is the holder of custodial responsibilities for four SDG indicators.²¹

EQ: Have the strategies used to achieve results been adequate for the local context and stakeholders and based on a context analysis where risks and assumptions were both considered and applied to programme design, management and implementation?

A number of strategies for OHCHR engagement with governmental, CSOs, United Nations and other actors in Cambodia stood out in stakeholder feedback and the desk review as having the greatest potential for contributing to longer-term change, albeit mostly incremental in the current period. These are summarized in Annex VII.

At the same time, not all strategies employed by the Office have proved successful. For example, OHCHR has decided to change tack on its approach promotion of business and human rights due to lack of progress over a decade beyond a small number of companies (refer to 'Extract from case study 3' below). A lack of strategy and a tendency towards ad hoc activity which rolled over from year to year was also observed in some areas of Office engagement. As elaborated later, this was particularly the case for training activities to develop the human rights capacities of governmental, judicial/legal and CSO stakeholders. As also later elaborated, potential likewise exists for a more strategic approach to the human rights monitoring work of the Office, including through the targeting of priority areas for in-depth consolidated monitoring over time. This would enable a more rigorous tracking of change, challenges, success factors and lessons for wider application, as well as a stronger body of evidence for engagement with duty bearers. The following three case study extracts examine contrasting examples of the application of OHCHR strategies. For the full text in each case, refer to Annex VIII.

Extract from case study 1: Leveraging international human rights engagement to strengthen government / CSO dialogue

Background and actions taken: Cambodia is required to periodically participate in the Universal Periodic Review (UPR) process of the UN Human Rights Council. OHCHR played a key role in the facilitation of dialogue between the government and human rights CSOs on the content of the official national report for Cambodia's Third UPR hearing in 2019. OHCHR also provided technical support to the UNCT and CSOs for their respective UPR reports. A key OHCHR focus in the preparatory period was the strengthening of stakeholder knowledge and understanding of the UN human rights system, the UPR process, and reporting formats and requirements. Following the UPR hearings, OHCHR collaborated with the UN Resident Coordinator, UPR Info and the Cambodian Human Rights Committee (CHRC) to

²¹ These are conflict-related deaths (16.1.2); killings and other attacks against human rights defenders, journalists and trade unionists; independent national human rights institutions (16.a.1); and prevalence of discrimination and harassment (10.3.1/16.b.1).

organize a multi-stakeholder workshop to disseminate the recommendations, raise awareness on best practices concerning implementation and contribute to follow-up planning.

Results to date: Despite differences in perspective and priorities, government and CSO interviewees indicated that their joint participation facilitated the development of stronger government/CSO working relations as well as strengthened knowledge and skills to participate effectively in International Human Rights Mechanisms in the future. Such engagement further contributes to the longer-term promotion of good governance and democracy.

Lessons and success factors: Stakeholders highlighted the value of OHCHR's technical expertise and knowledge, its direct relationship with international Human Rights Mechanisms, its links with CSOs and other stakeholders and its long-term presence in Cambodia and familiarity with the local context. The shared focus on the 'larger agenda' of international human rights commitments in a forum external to Cambodia was also a factor enabling constructive engagement.

Extract from case study 2: Adopting a rights-based approach to resettlement facilitates a positive outcome for Vietnamese minority communities

Background and actions taken: Some 1,500 ethnic Vietnamese families have long made their livelihoods in floating villages on the lake Tonle Sap which accounts for 75 percent of Cambodia's freshwater fish catches. However plans by the Kampong Chhnang Province administration to beautify the lake front and improve water quality required the resettlement of some 750 families onto lakeside land. As a result of OHCHR monitoring and engagement with national and provincial authorities, the provincial government agreed to resettle the households in a dignified and phased way on plots of land alongside a canal built specifically for the resettlement. The Office also provided training for the resettled communities on how to obtain legal identify documentation and how to participate in legal processes.

Results to date: At the time of drafting of this report, the resettlement process was partially completed. Community members as well as national and provincial officials are more aware of the human rights dimensions of such resettlements. Communities have developed negotiation skills and knowledge which position them better for navigating their current lifestyle transition.

Extract from case study 3: Challenges in business and rights strategy leads to reorientation of approach

Results to date: After lengthy public outreach, advocacy and trainings, only a small number of businesses have committed to applying the UN guiding principles and there is little demonstrated likelihood of an active government involvement. Companies appeared more interested in corporate social responsibility than in a rights-based approach. Some small successes were observed however. A training organized for agribusiness in 2019, for example, led to some participants requesting support to organize more such training for field staff and provincial partners.

Taking account of the lack of overall progress, OHCHR has reoriented its approach in the 2020 Workplan through a new result calling for the government to strengthen its role in holding businesses to account for human rights violations.

Lessons and success factors: A key lesson is the importance of regular review of all work and partnerships from the perspective of impact and resources vs results, supported by an openness to look strategically at alternative ways to work towards the same end.

It is important to note that the various strategies employed by OHCHR in its work do not stand alone but interlink with others in the context of the Office's core roles. OHCHR's role in the resolution of the land dispute between Bunong indigenous communities and French company Socfin-KCD in eastern Cambodia demonstrates the ways in which key strategies can be applied in flexible, complementary and innovative ways for positive outcomes.

Convening and facilitation: OHCHR facilitated the engagement of the Independent Mediation Group (IMG) and supported dialogue between all the concerned parties.

Monitoring: OHCHR sent staff as observers to monitor dispute hearings and how the parties were perceiving and understanding the mediation process and their involvement.

Community awareness and capacity development: OHCHR funded a longstanding national CSO partner to educate and support the community and encourage the parties to stay in the process. This support included how to elect representatives, engage in dialogue and carry out land mapping. A key aim was to rectify the power imbalance in the process between poor and marginalized communities and a large corporate entity.

Mainstreaming gender and ensuring nobody is left behind: OHCHR encouraged and supported gender mainstreaming from the beginning. When villages elected their representatives for the mediation process, it was required that at least two out of four in each case must be female, for example. In reality, the number of females ranged from one to four, recognizing women's role and knowledge with respect to land.

Applying its human rights mandate and expertise throughout the process: Providing the necessary knowledge and links to international human rights obligations and standards was a crucial element of the mediation process, including as part of the community awareness raising through the role of the national CSO.

At this stage most elements of the dispute have been resolved. An evaluation is planned of the process to identify and disseminate lessons, including on the role and value-addition of independent mediation which requires the voluntary commitment of all relevant parties. OHCHR is well positioned as a result of this engagement to contribute to the development of alternative resolution approaches in Cambodia in partnership with the RGC, CSOs, the business sector and affected communities.

[Analysis of assumptions and risks](#)

With respect to analysis of related contextual risks and assumptions in programme design and strategy selection, the OHCHR Country Programme 2018-2021 sets out assumptions at the results level based on analysis of contextual factors at that time, although no explicit set of overall national level assumptions is set out. A national risks analysis table is included but only partially completed. The latest (2020) Office Workplan integrates references to assumptions and risks into

its introduction and strategy section, but no explicit analysis in this regard is included (for example, in the form of an assumptions and risks table). Annual End-of-Year and mid-year reports do include a risk assessment and management table, with assumptions again being woven into the report narrative.

It is proposed that both multi-year and annual planning and reporting documents would benefit from the inclusion of explicit analysis of both assumptions and risks, either within a unified format or separately, but linked. The annual workplan would update and present both as a basis for the annual and six-monthly reporting which follows. It is noted in this context that planning at the donor project level does contain a risks assessment and management analysis.

2.2 Effectiveness

Overview: The evaluation found that while the achievement of country programme results has been **variable** due to factors including the challenging human rights environment since 2017 and the subsequent impact of the COVID-19 crisis, overall implementation at the consolidated programme pillar level is generally on track. Internal factors have also influenced the effectiveness of programme implemented to date, including insufficient attention to training impact and evaluation and the need to continue strengthening the application of results-based management approaches. The introduction of more rigorous assessment, planning and evaluative requirements in January 2020 for the internal approval of stakeholder training initiatives is an important step towards addressing these issues, requiring commensurate attention to the requisite skills base and systems.

EQ: What have been the main results achieved in the different areas of the country programme during the period assessed, if any?

The End of Year reports for 2018 and 2019 track progress over 10 results broken down according to four of OHCHR six global pillars (Accountability, Participation, Development and Mechanisms which are prioritized in the country programme). According to OHCHR's monitoring system which uses three ranks of progress (no progress, some progress and good progress), those 10 results, which unfold into 27 outputs, observed "Some progress" in 86 percent of cases and "Good progress" for 14 percent.

This nomenclature, along with the reliance on self-assessment, does not lend itself well to an understanding of what works well nor to question what does not. It further potentially impacts on the accuracy of planning as timeline, nuances or comparisons, are not encouraged. For example, the format does not require justification for the shift in status from one year to another, nor ask the estimated time and conditions before some progress turns into good progress. The introduction of considerations of this type may help to strengthen the RBM culture and strategizing of the Office and bring better visibility to actual impact.

A further key factor affecting the application of RBM is the tension that can exist between the formulation of relevant and grounded outcomes and activities at country level on the one hand, and the priorities established at global level on the other hand. The latter don't always fit the particularities and dynamics of the local context. This can lead to a necessity within the OHCHR planning system to 'shoe-horn' country outcomes, outputs and activities into the global template. The application of RBM is further affected by the challenges (including the resource requirements) of establishing benchmarks at country level as a basis for assessing progress in the highly normative and dynamic environment within which OHCHR operates.

Of the 27 outputs reviewed in the 2018 and 2019 end-of-year reports, 17 relate to capacity building and 10 to awareness raising. This duality contrasts with the variety of the support observed from documentation review and interviews and does **not speak for the resources** mobilized and evidenced by the achievements listed per pillar in Annex IX. As evidenced in Annex IX, causality is sometimes secondary or implicit. For example, pillar I accountability indicator on the level of compliance with international human rights norms match with outputs that relate to capacity building (4) and awareness (1) while the achievements noted from reports and other sources demonstrate the Office also conducted policy engagement and provided technical support to the government.

Overall, taking all above factors into account, progress in implementing the OHCHR Country Programme is assessed to be generally on track under each of the four pillars, despite the sometimes unnuanced reporting on broader, not time bound results. An overview of results by pillar is provided in Annex IX based on 2018 and 2019 end-of-year reports.

EQ: Are there areas where it is not possible to identify positive results on human rights issues in the country? What prevented the Country Office from achieving results in those areas?

Certain critical areas have proven to be consistently problematical in terms of realizing substantive human rights progress in Cambodia. Among these are the promotion greater judicial independence (where higher level political agendas and issues of corruption present major challenges); the resolution of land rights issues (where powerful interests come into the play and multiple national and local stakeholders can be involved); and the afore-mentioned promotion of the United Nations business and human rights agenda within the private sector (see Case Study 3).

A key strategy for change that is applied across all of these areas with government and judicial counterparts is capacity development through training. This is a sphere where evidence of tangible impact is difficult to discern from OHCHR reporting and major questions are being asked internally and among some stakeholders about value-addition. While contextual factors are a major factor in slow progress in the thematic examples highlighted above, training is an area where improvement is within the control of the Office. For this reason, the following commentary concentrates on training impact. However, it is the observation of this evaluation that the issues and lessons related to OHCHR's training engagement in Cambodia are also generally applicable to other key workstreams within the Office, including the core monitoring and reporting function.

Provision of training, for example for judges and civil servants, has been a core OHCHR strategy for protecting and promoting human rights among with Cambodian stakeholders since 1993. In

2019 alone, 45 OHCHR training activities reached 2,241 participants, 377 of whom were women. While all stakeholders welcomed the training role of OHCHR and generally saw it as contributing over time to a gradual build up wider human rights knowledge, the evaluation observed that training provision was often either ad hoc in nature or based on an annual “recycling” approach, without attention to the assessment of impact and application of lessons learned. As a result, little information was available to this evaluation about the longer term impact of training for both participants and their organizations or institutions. Noting the absence of systematic follow-up to training, the United Nations Office for Internal Oversight Services (OIOS) recommended in 2017 that the Office should institute regular follow-up evaluations.²² The Office is required to report on progress to this end on an annual basis. The OIOS report reinforces the guidance of the OHCHR Handbook on Evaluating Human Rights Training Activities, which recommends the use of both internal self-evaluation and follow-up evaluations to monitor mid-term and long-term impact.

In recognition of these issues, the Office has already taken steps towards a more rigorous approach to its training programme. This includes a requirement that needs assessments be carried out and justification provided in areas such as government commitment, alignment with institutional priorities, sustainability, and OHCHR’s comparative advantage and capacities to provide the necessary support. Attention beginning in 2020 to more regular evaluation of training impacts and lessons is also now required, although it is still too early for this to have been meaningfully enacted and tested in practice. In the meantime, a small highly targeted survey of participants in a selected OHCHR training was conducted by this evaluation via an online platform, with direct telephone follow-up by the Office (refer Box 2). This approach may provide some pointers for future such post-training evaluations by the Office.

Box 2: Results of training survey

Seven of 12 participants in a OHCHR training on “land rights, natural resources, business and human rights in relation to the national legal framework and international standards” took part in an online survey

The **quality of training** was widely acknowledged and praised. In particular training materials (100% of respondents), trainers (85%) and training techniques (85%) were positively recognized. The level of satisfaction around the **selection of topics** was average (57%). On the question whether respondents had been asked about their **needs**, 57% answered positively.

The variety of training topics offered is noted by respondents, both through earlier trainings (9) and expected in the future (e.g. human rights, natural resources, and community management; human rights protection; tourism; environment and fisheries).

Key areas highlighted for **improvement** were a need for more space and time to share experiences (71%) and further planning for follow-up actions (57%). It was suggested to extend training duration to two-three days in some cases

Impact at the personal level was noted, 100% feeling capacitated with new skills, 86% with new perspectives and 71% with a wider network.

²² United Nations Office of Internal Oversight Services. (29 March 2017). *Report 2018/022: Audit of the Office of the High Commissioner for Human Rights operations in Cambodia*. E/AC.51/2017/9

A further area requiring ongoing attention in terms of strengthening the capacity of the Office to achieve desired results is the application and understanding of RBM practice and understandings. While having the necessary systems, procedures and processes in place for RBM is important, the staff skill base and understandings in this regard are also critical. To this end, three dedicated staff RBM retreats have been held in recent years, staff are encouraged to take online courses and in-house feedback and mentoring is provided. However, as the above commentary on training indicates, ongoing strengthening is needed in areas such as regular needs assessment; risk assessment and assumptions; monitoring, review and evaluation; and the identification and application of lessons learned in daily planning and monitoring processes.

Finally, OHCHR's expected results and outcomes in Cambodia (as elsewhere) can only be achieved over time through the collective efforts of many parties within a highly dynamic and complex environment. This is a key consideration in decision-making on strategies, priorities, partnerships and the allocation of resources - requiring continuous contextual analysis and learning as central elements of the application of RBM. The ongoing identification of those factors which either enable or hinder the achievement of results is core in this context, providing the basis for the development and refining of strategies which are most likely to make a difference (or 'deprioritization' of those which are not).

As highlighted by the independent evaluation of RBM within OHCHR globally carried out in 2019),²³ the Office cannot be held directly accountable for higher level achievements and non-achievements in transforming the implementation of human rights commitments due to "countless critical success factors beyond OHCHR's control." However, there is nonetheless scope for the Office to further strengthen its results orientation and impact in areas where it is able to exercise influence. It is thus proposed that strengthening RBM approaches, capacities and application continue to be an explicit focus of Office management attention. Progress in this regard will be strengthened by the recently introduced requirement that accountability for application of core practices such as RBM will be part of staff performance appraisal.

2.3 Efficiency

Overview: The evaluation assessed performance in this regard as **variable**. While recent structural changes have improved Office cohesion, efficiency and performance in core areas such monitoring, analysis, reporting, communications and public outreach, certain fundamental issues still remain. Key among these is a mismatch between the overall human resources of the Office and the strategic requirements of rapidly evolving human rights and technological landscape at a time of decreasing resourcing for the United Nations, including OHCHR. Important elements in this context are the overall skill-base of a long-established office which evolved in a different national environment; a lack of alignment between the roles that many General Service staff are expected to perform and their job description;²⁴ and reported low levels of accountability within

²³ Massey, Camille and Singleton, Mark. (September 2019). Independent Evaluation of the Implementation of Results-Based Management at the United Nations Office of the High Commissioner for Human Rights (OHCHR): Final Evaluation Report

²⁴ The latest Country Office Organigram shows a total of 46 staff. Of these 10 are professional (P) staff, 5 are National Human Rights Officers (NOA at level A or B), 25 are General Service (GS) and 3 are SB staff (driver, cleaner and maintenance).

the Office, demonstrated by the tendency for gender mainstreaming commitments to fall back onto the designated focal point, rather than being approached as a collective responsibility.

The programmatic rationale for continuation of the Battambang Office as an outpost of the broader Country Office was affirmed, albeit with areas highlighted for strengthening, subject to a comprehensive review by 2025. Scope was identified for closer practical collaboration with the OHCHR South-East Regional Office in Bangkok, including looking at the potential for a rebalancing of staffing resources between the two offices. The need for continued attention to the efficient functioning and use of the internal Human Rights Violations Database was also highlighted.

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

A key learning from the evaluation is that the Office approach used to be rather outputs-oriented or similar to “a technical assistant.” This approach showed its limitations after the 2018 elections when civic and democratic space was further restricted, despite OHCHR capacity building and other efforts to strengthen such space over many years. Office self-reflections since 2017 have stressed that a lack of anticipation and strategizing has created a legacy of (i) scattered resources (28 topic areas currently within the Office work programme); (ii) overly ambitious plans with little prospect for realization, (iii) overlaps between sections, and (iv) an overall lack of sustained impact as elaborated in this Section. Evaluation observations endorse these points.

Several elements are considered in examining Office efficiency in this context. These include (i) financial dimensions (e.g. alignment between resources and core agency business); (ii) internal systems, synergies and mutual reinforcement across units and programmes; and (iii) the alignment of human resources (including skill-base) with organizational priorities.

Financial lens: OHCHR is funded through a mix of regular budget and extra-budgetary sources. All voluntary contributions (e.g. from SIDA and the EU) go through the ‘United Nations Trust Fund for a Human Rights Education Programme in Cambodia.’ This was established by the United Nations Secretary General in 1992 and is administered by OHCHR. While some pledges target specific work areas, other contributions are not earmarked to specific work streams, giving OHCHR flexibility in their application. Decreases in regular budget and voluntary funding to OHCHR-Cambodia since 2012 have led to a significant overall decrease in the level of funding for the Office. This includes increasing shortfalls in regular budget support which does not take into account the increasing costs for fixed-term staff who have annual step increases. A particularly notable feature of the OHCHR Cambodia budget in this context is the overall allocation of 85 percent of total resources to staff costs. This is much higher than the average 50 percent (approximately) of budget allocation to staff costs in OHCHR field presences worldwide and is not sustainable in the long term in the context of declining resources. A contributing factor in this regard has been the addition of new staff, including through XB funding, to provide skills otherwise not available within the office.

While, as elaborated elsewhere, there have been many successes (larger and smaller) during the period of OHCHR presence in Cambodia as part of a long gradual trajectory of gradual

improvement, the serious deterioration in implementation international human rights obligations since 2017 (including in the context of the COVID-19 crisis) poses fundamental questions about the lack of systemic impact and sustainability. In particular, it puts the spotlight on the results being achieved by the current configuration of Office resources, the high level of budget allocation to staff costs and OHCHR's strategic prioritization and capacity to adapt in Cambodia. These issues are considered further in other sections of this report, including the recommendations for longer-term change.

Staffing resources and configuration: Significant steps were taken in November 2019 during the 2020 planning exercise to strengthen coherence, systems and processes across the Office. These included the establishment of a new functional structure with four main thematic units: Rule of Law and Administration of Justice Unit (AJU); Economic and Social Rights Unit (ESRU); Civil Society Unit (CSU) and Programme Monitoring, Protection and Analysis Unit (PAIMU). This structure is reflected in that of the regional Office in Battambang, which includes focal point staff for AJU, ESRU and CSU.

The establishment of the internally-focused PAIMU has had a significant impact already in strengthening the Office's human rights monitoring and reporting. Particular improvements have included enhanced standards, consistency and rigour in conducting and reporting on monitoring visits; greater clarity and value of office communications to the UNCT and international/diplomatic community (validated by stakeholder feedback); and a revamping and digitalization of the office's information management systems to improve accessibility and the evidence base for advocacy.

The major staffing configuration issue still requiring attention is that of the alignment between the current overall in-house skill base vis-à-vis the requirements of the strategic directions being prioritized by the office, with many longstanding general staff undertaking professional tasks in this context which go beyond their job descriptions. Considerable attention has been given in recent years to staff development across all areas in line with the "our people" focus of the United Nations Strategic Planning Guide for Managers. However, the overall long-term office skill-base remains oriented to a technical cooperation model which has been described by some internal interlocutors as no longer fit for purpose in light of the current human rights challenges and priorities within the country, as well as the pressures on OHCHR to show results at a more systemic level.

Implementing a skill-base transition to meet new strategic requirements of the Office will be a challenging task, with many complexities related to the longstanding nature of the Office to be navigated. Drawing on existing resources to the extent possible, including through staff reskilling and upskilling, will be necessary and is encouraged to the extent possible by this evaluation. The process will require a clear strategy, planning, transparency, care and sensitivity. It is thus recommended that a comprehensive three-five year Organizational Development Plan be formulated in an open and participatory manner which brings all key elements of transition together in an integrated way, alongside the Cambodian implementation of OHCHR's global Organizational Effectiveness Plans.²⁵ It is further proposed that such Organizational Development Plan be formally reviewed and updated annually and include:

²⁵ (Refer to 'Organizational Effectiveness AP outputs,' Annual Work Plan - CO Cambodia (2020))

- (i) a systematic review of the Office skill requirements to implement the proposed new theory of change and country programme vis-à-vis the current skills and experience available within the Office; and
- (ii) a plan, milestones, timeframe to address the skill gaps and priorities identified, including through reskilling and upskilling where feasible and appropriate.

Already there is significant momentum upon which to build in this regard, with a phased internal process underway with OHCHR headquarters support to shift the balance between general service positions and the national professional posts which are allocated under each of the thematic programme units. An additional important step in response to the requirements of the operating context has been the creation of an economist position within the Office to support the stronger integration of human rights and economic development imperatives, funded by HQ surge capacity in the initial phase.

It is further proposed that an assessment of required skills be routinely factored into all programme, project and activity design within the Office in order to ensure adequate prior provision is made for these to be available, including through the relevant XB budget and/or consultancy support, where applicable.

Internal systems and processes: The central issue raised with the evaluation was that of the recent introduction the office of the global Human Rights Violations Database. While the new system aims to enhance data management and support to OHCHR's reporting, programme and advocacy work, its full potential remains to be fully realized. In some areas it has still been necessary to operate parallel spreadsheets to meet programme requirements, raising efficiency questions. In light of the fundamental place of accurate and immediately accessible data in all of OHCHR's work, ensuring the database operates to its full potential is crucial, with all staff providing inputs correctly and using it to full advantage in their roles. One CSO which relies on OHCHR data in its own work highlighted the benefits to them on the database working optimally. Accordingly, ongoing prioritization of the database and its efficient and effective use is recommended by this evaluation.

Internal synergies and mutual reinforcement across units and programmes: The need for continued improvement in this regard was spotlighted by a case during the current programme period when staff from three different units visited a prison without being aware of the involvement of the others. Internal feedback to the evaluation indicated an enhanced practice and culture of cross-unit interaction as a result of the recent structural changes, but also the need to keep this under regular review within a busy office which is often driven by short-term external demands in response to human rights violations. One area to keep in the spotlight is relations with CSOs, especially where two or more units have interaction with the same counterpart (including with Phnom Penh and Battambang / North-West Province CSO offices). Sharing information on the respective relationships helps to ensure all engagements by the Office with particular CSOs are kept in sync.

EQ: Have the organizational arrangements of the Country Office been adequate to the country programme priorities, context and stakeholders? How has been the coordination of the Country Office with Headquarters on programmatic, financial and administrative matters?

Complementing the above commentary, this section focuses on organizational arrangements and relations with respect to the Battambang Regional Office; the OHCHR South-East Asia Regional Office in Bangkok and OHCHR Headquarters in Geneva.

Battambang Regional Office of OHCHR in Cambodia

The organizational arrangements of the Country Office as a national integrated whole are discussed above. However a particular component of current arrangements requiring attention is the role and added-value of the OHCHR Battambang Office. This office, which focuses on five provinces in Cambodia's northwest,²⁶ was the product of the amalgamation of other sub-offices following an evaluation in 2002 which saw all other such outpost offices closed. A key element of the original rationale for a concentration of OHCHR engagement in this region was the legacy of land rights and other human rights challenges following the final defeat of the Khmer Rouge which retreated there after being driven out of Phnom Penh.

The office is fully integrated into the overall Country Office structure and budget. While this meets the requirement for the overall OHCHR entity in Cambodia (Phnom Penh and Battambang) to function cohesively under the same national framework, the absence of localized analysis and the tendency to set generic and broad results for both the overall Country Office and regional office have hindered their ability of the latter to capture actual progress and impact. Accordingly, the need to ensure appropriate flexibility to reflect local conditions and priorities is flagged below for attention.

With respect to the dynamics of local engagement, staff and local judicial and locally-based CSO partners reported positive working relations, with partners variously describing the Office as "indispensable" to the region, very active, highly knowledgeable about local issues and dynamics, well connected with provincial authorities and locally-based CSOs, responsive and accessible.

Relations with provincial government authorities, however, were described by the staff as being more variable and sometimes problematic, although CSOs reported that the presence of the Office on monitoring visits and in negotiations with local authorities often helped to "open doors" with officials or moderate difficult relations and behavior. Positive examples were provided by interviewees of improvements in prison conditions (especially for women), engagement in land disputes, providing protection for CSOs and Human Rights Defenders, indigenous land titling, training provision in areas such as monitoring and investigation, and supporting improved police / court/prison relations.

The evaluation concludes that sufficient programmatic justification exists to recommend the continuation of the Battambang Office for the next Country programme period from 2022 as a hub for OHCHR engagement in the five provinces concerned. However, in light of the in-country financial considerations involved at a time of increasing long-term uncertainty about United Nations' resourcing levels due to COVID-19, it is proposed that:

- (i) Such continuation be subject to a full review of the added-value of the office after three years (i.e. by 2025). This should include a comprehensive field visit and examination of all relevant resourcing and management factors in the context of the requirements of OHCHR's overall field presence at Country Office level in Cambodia.

²⁶ The provinces are Battambang, Banteay Meanchey, Pursat, Siem Reap and Pailin

- (ii) More attention be specifically given in development of the annual Office workplan to ensuring that the Battambang component reflects specific local priorities and dynamics to maximize relevance to the local context. It is recognized that the ability exists for the Battambang Office to raise priorities which are particular to the local circumstances during regular national level Country Office planning and review processes. However it is considered that stronger attention is required to ensure a well-grounded Battambang Office sub-plan which is more than a ‘cut and paste’ from the overall national plan.
- (iii) Consideration be given to upgrading the Battambang head-of-office position to International Officer (or at least National Professional Officer) level to further strengthen the local skill base and ability to operate effectively without the requirement and expense of regular international staff travel from the capital.

Relations with OHCHR South-East Asia Regional Office, Bangkok

The South-East Asia Regional Office of OHCHR covers nine of 10 ASEAN countries, plus Timor Leste. Although there are no specific joint projects with the Cambodia Country Office, interaction is frequent through opportunities such as regional senior management retreats and participation by Cambodia-based staff in regional meetings and trainings. The Bangkok Office at times issues media statements on developments in Cambodia and represents the Country Office when this will be advantageous. In 2018-2019, the Bangkok Office ran training in Cambodia on Treaty Body reporting. Work on a set of Standard Operating Procedures is currently underway to more clearly define the relationship between the two offices.

In light of the strategic questions under consideration about OHCHR’s directions in Cambodia and the work soon to get underway towards the next United Nations cooperation framework in Cambodia, it is suggested that it is timely to look again at the Regional Office/Country Office relationship to see what changes may be appropriate to help maximize OHCHR’s impact in Cambodia. Various suggestions were made to the evaluation team, including looking at the balance of staff and skills between the two offices in areas such as resource mobilization and communications. Value was seen in a closer interaction, including in the context of steps in Cambodia towards the establishment of an NHRI in accordance with the Paris principles, where Regional Office access to lessons and experience in the region would be highly relevant. The availability of a dedicated resource in Bangkok on United Nations cooperation frameworks within ASEAN is also highly relevant to Country Office priorities.

Relations of Cambodian Country Office with OHCHR headquarters

A very interactive relationship exists between country and global levels, including active hands-on support provided by HQ for the annual Cambodia Office planning cycle. Geneva staff commented favourably overall on the responsiveness and general quality of Country office reporting, the consistent quality of analysis provided and the improved attention to RBM. Cambodian staff in turn favourably assessed the responsiveness and quality of support received from Geneva around both planning matters and in specific area such as gender and the role of the Special Rapporteur on the situation of human rights in Cambodia. The systemic issues about the direction of the Country Office and the reconfiguration of resources to support potential strategic change are a focus of regular senior level global/country interaction. One area that should be also “on the

table” in such considerations is (as observed above), the role of the Regional Office vis-à-vis Cambodia at this time of transition.

EQ: Changes brought about by strategy and methodology used to work together, communicate and disseminate results among the local stakeholders, donors, partners and UN Country Team?

In examining how OHCHR works together and communicates with key stakeholders, the following commentary focuses on (i) the enhancement since 2017 of Office public communications and outreach; (ii) provision of monitoring data and analysis to local and international stakeholders. and (iii) communications and collaboration with national stakeholders. Interaction with UNCT counterparts is addressed in Annex X.

OHCHR public communications and outreach

As well as reaching out to the wider public, the public communications function of the Office is an important component of its interaction with national and internal counterparts. The recently strengthened Office communications unit plays a key role in this context, engaging closely with the thematic units on their priorities and needs and adding another important impetus to the visibility of human rights within Cambodia.²⁷ The unit has become a critical element of OHCHR’s growing focus on engagement with Cambodia’s next generation of human rights influencers as a core OHCHR long-term strategy for change. Scope exists for closer collaboration with other UN agencies who are also targeting youth in similar ways, including around rights at work within the United Nations joint programme on Developing Employment for Youth (DEY).

Box 3: Communications success story

Set up as the driver of a major revamp since November 2017 of Office communications, the work of the communications unit has contributed to a major increase in OHCHR’s social media profile. This has jumped from 8,500 followers in 2017 to 35,000 followers in early 2020. Key features of the change have been a major push towards the use of social media and mobile phone technologies; a shift away from ‘bureaucratic jargon;’ and a decision to target youth in particular, using accessible language and images. Seven campaigns have been initiated to date in areas such as youth participation, LGBTI, popular justice, human rights defenders, women’s rights and the United Nations Universal Declaration of Human Rights. In some cases there has been collaboration with UN partners in specific areas, for example with the UNCT more broadly on the annual United Nations International Human rights Day and with UN Women around violence against women. OHCHR’s best performing social media post last year reached 2.5 million viewers on LGBTI rights. OHCHR was further nominated for the best public campaign in Cambodia in 2018, a far cry from the low-profile communications of previous years.

Improving data and analysis for human rights advocacy

International community interlocutors (government and INGO) commented positively on the improved quality and timeliness of communications and human rights messaging from the office following the increased focus in this area during the current programme period, including in the context of the joint United Nations COVID 19 response. They described data and analysis from OHCHR as a vital element in their own engagement with the RGC. Direct outreach and briefings to diplomatic missions in Phnom Penh and Bangkok has been increased and regularized in 2019/2020 based on a standardized format. 15 diplomatic missions took part in an OHCHR Cambodia briefing in Bangkok in February 2020. Local CSOs also actively use OHCHR data and

²⁷ The unit was run by a United Nations Volunteer until 2020, when a professional officer at P3 level was recruited.

analysis in their own work and in many cases contribute to the evidence base on human rights violations that OHCHR provides. Training provided by the Office on monitoring and reporting has increased CSO capacities and effectiveness in this regard.

OHCHR's principle international donors (the EU and SIDA) indicated that they valued OHCHR as a key partner and crucial actor within Cambodia and saw scope for more regular higher-level communications and joint strategizing beyond regular information flows and briefings. USAID which has an extensive and well-resourced human rights portfolio in Cambodia expressed a similar interest in strategic dialogue as well as potential programme cooperation. A key milestone in the OHCHR / SIDA partnership was the transfer of responsibility on the Swedish side from Stockholm to Phnom Penh, greatly enhancing communication.

2.4 Impact

Overview: Overall progress in this regard is assessed as **fragile**. Indications of direct and indirect impact as a result of the Office's long-term presence in Cambodia can *inter alia* be seen in the country's ratified treaty framework; increased engagement with international human rights mechanisms; certain relevant laws and policies; and a number of case-by-case human rights successes, some of which have occurred in the period from 2017 as indicated earlier. At the same time, however, robust evidence of sustained country-level impact resulting from the Office's current and long-term engagement is difficult to obtain due to data constraints and absence of regular evaluation (training being an illustrative example that is examined in this regard).

Despite the long-term Office presence and active programme, however, it is observed that improvements at a more systemic level with respect to the implementation of human rights obligations remain fragile and subject to reversal. Answering the question: "Does our impact justify keeping working as we have done or should we shift the approach?" suggests that OHCHR is at a major crossroads in its Cambodia presence. It is concluded that a need exists after 27 years of OHCHR operations for a fundamental "reset" of its engagement in Cambodia. Central to such process should be a new and well-grounded theory of change which links global directions with the Cambodian context, is developed with national and international stakeholder input and is integrated with the new United Nations cooperation framework for Cambodia from 2024. At the same time the potential is highlighted for the appropriate incorporation of OHCHR's "frontier issues" into future programme strategies.

EQ: To what extent is the country programme making a significant contribution to broader and longer-term enjoyment of rights? Or how likely is it that it will eventually make this contribution? How have the roles of the High Commissioner, Deputy High Commissioner and the Special Rapporteur been used by the Country programme to better reach out to national stakeholders and beneficiaries?

The advancement of human rights is more than technical exercise. It is a complex political, economic and social/cultural process with inter-generational dimensions. Examples of areas where it can be said that OHCHR contributed directly in this context to change through means such as technical cooperation, public and private advocacy, strategic research and capacity development include:

- Development of Cambodia’s national human rights normative and institutional framework (albeit with all the limitations elaborated elsewhere) centred on its ratification of eight out of nine fundamental human rights instruments; improved engagement in international human rights mechanisms; ongoing legislative, regulatory and policy development in certain key areas; and the establishment of an institutional architecture through government mechanisms such as the Cambodian Human Rights Committee and National Committee Against Torture.
- Development and expansion of human rights knowledge and awareness through trainings provided in OHCHR’s priority fields since 2017. But as indicated previously, the general lack of post-training evaluative data hinders a meaningful assessment of impact. In the few cases where post training follow-up assessments were carried out since late 2019, increased levels of individual knowledge were not accompanied by evidence of policy or institutional change.²⁸
- Systems change within the administration of justice through the development and functioning of the criminal justice system database, bringing greater transparency and accuracy.
- The development of a well-established and vibrant human rights civil society constituency which has benefited from the capacity support, protection umbrella and international linkages facilitated by OHCHR.
- A number of case-by-case human rights successes in specific areas targeted by the current Country programme, as detailed in Annex IX for the period since 2017.

At the same time, there are many indirect impacts of OHCHR engagement in areas such as the undocumented diffusion of human rights knowledge with stakeholder constituencies, heightened human rights awareness of among Cambodia’s youth, OHCHR’s human rights promotion role within the UNCT; and the relationships of trust and informal interactions that have developed with key individuals across all the major stakeholder groups.

As noted earlier, the coordinated involvement of global, regional and national level human rights spokespeople has been an effective feature of OHCHR’s engagement in Cambodia in the above context, ranging from statements by the United Nations Secretary-General and High Commissioner for Human Rights to the regular missions and reports of successive Special Rapporteurs on the situation of human rights in Cambodia. Such statements attract government, CSO and media attention in Cambodia and help keep the spotlight on human rights concerns while allowing space for the Country Office to continue pursuing the implementation of its country programme in cooperation with government, judicial and CSO partners.

Assessed overall, it is clear that the presence of OHCHR in Cambodia has been crucial for progress, albeit it often with limitations, in the above and other critical areas. Against this background, one option for UNHCHR is that OHCHR should largely continue with the priorities and approaches, initiated under the current Country programme . Taking account of the intensification of challenges facing the human rights agenda in Cambodia, it can be argued that just maintaining a stable presence based on current commitments in the current context is in itself a success, providing foundations for later progress if and when political conditions become more advantageous.

²⁸ Post-training assessments have been required by the Office as part of new approval approaches introduced in 2020.

However, when progress to date and the scale of Office resources involved are weighed-up against (i) the deterioration in political and civil rights documented by OHCHR and other actors since 2017, and (ii) the extreme vulnerability of a majority of the population in the economic and social sphere that has been exposed by the COVID-19 crisis, major questions arise about the longer term impact and sustainability of OHCHR's efforts in Cambodia.

Despite the many case-by-case human rights successes over almost three decades at international commitment, legislative, institutional, policy and programmatic levels, it can be seen that systemic change remains fragile and subject to reversal.

In this context, this evaluation argues that such developments have brought OHCHR to a major crossroads in its Cambodia presence: (i) To hold onto the current course of incremental change and see impact and sustainability potentially diminished, or at least remain fragile, or (ii) step back and reassess the strategic directions for OHCHR engagement from a first principles perspective in the changed conditions as the basis for a revised theory of change and associated strategies for long term more systemic change.

Accordingly, this evaluation concludes that it is timely after 27 years of Office operations to consider a “back to first principles” revisiting and reset of its engagement in Cambodia. This assessment is reflected in the recommendations made by this report. Central to such reset should be a new and well-grounded theory of change which links global directions with the Cambodian context, is developed with national and international stakeholder input and is integrated with the new United Nations cooperation framework for Cambodia from 2024.

Box 4: Theory of change – basis for strategic prioritization

The United Nations Development Group (UNEG) describes a theory of change as a method that explains how a given intervention, or set of interventions, are expected to lead to a specific change, drawing on a causal analysis based on available evidence. A thorough and well-grounded theory of change helps guide the development of sound and evidence-based programme strategies, with assumptions and risks clearly analysed and spelled out. Often a theory of change is presented through a combination of diagram and narrative to ensure that linkages and logic are clear. The diagrammatic component can take many forms and is usually developed through a process involving facilitated internal and stakeholder discussion, research in relevant areas and several iterations which are refined over time.

While the country programme itself is described as constituting a theory of change, it doesn't clearly and succinctly articulate and link the national drivers of change in a way that meets the above definition and is both well-grounded in the local context and linked to OHCHR's global theory of change. The current country programme does set out theories of change at individual results level, but there is a “missing middle” between these and the higher-level global level theory of change. This appears to both reflect and reinforce what was described in some interviews as low levels of systematic attention over many years to (i) long-term strategizing, (ii) strategic adjustments to shifts in the context, (iii) assessing needs as a pre-

requisite to programme and activity planning and (iv) regular and rigorous self-reflection on what works well and what does not (although the last two years have seen increased focus in the latter area).

Using Pillar I as an example, Annex XI illustrates how key relationships and national dynamics can be shown within the causal chain the Office aims to activate to bring about desired systemic changes.

EQ: Are there priorities for human rights in the country that have not been addressed yet by the country programme, and if so, why not? What changes in the programme, strategies or organizational arrangements of the Country Office could be made to address those priorities that have not been addressed or those areas where positive results have not been yet achieved?

In addition to the above strategic assessment and specific areas flagged earlier for increased attention, one major further important area for attention concerns the emerging human rights priorities described in OHCHR's Organizational Management Plan as 'frontier issues.' The OMP sets out a set of complex global challenges that "if left unseen or misunderstood, will hamper efforts to find (human rights) solutions." These challenges are climate change, digital space, inequality, corruption and people on the move. Each of the frontier issues is highly relevant to the Cambodian context, as elaborated below. It is proposed that, subject to further examination of mandates, resourcing and skill requirements, they be given due attention in the coming period as integrated components of broader priorities within the new theory of change and country programme.

Climate change: This was identified by government and CSO interlocutors as an issue with respect to social land concessions, which are often in higher altitude locations, with potential to increase vulnerability and poverty. In collaboration with the relevant partners, it is proposed that advocacy and programmatic attention be given to the integration of climate change into the planning and development of social land concession infrastructure; the integration of human rights into environmental laws and policies; the inclusion of human rights CSOs in environmental decision-making processes; access to information and effective remedies for climate change victims; the integration of climate change considerations into the law for the establishment of an NHRI; the protection of environmental human rights defenders; and the integration of climate change considerations where-ever relevant in human rights research and advocacy.²⁹

Digital space: A major OHCHR project in the current year is the development of a human rights mobile phone app, giving CSOs, human rights defenders and the broader public access to crucial human rights information and guidance. The Office is also monitoring and reporting on restrictions on the use of social media and the internet under the current COVID-19 Emergency Law and providing hands-on technical support to human rights CSOs on the effective and secure use of digital tools for communications and networking.

Inequality: The United Nations Declaration on the Right to Development recognizes that inequality and human rights are integrally linked. As detailed earlier, Cambodia continues to be marked by high levels of inequality and vulnerability, which has been greatly exacerbated by the COVID-19 pandemic. In the Cambodian context, the need for OHCHR's role as an advocate

²⁹ OHCHR and Climate Change: Available at <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>

within all its work streams for the rights of those who are most marginalized, vulnerable and left behind has never been greater.

Corruption: In 2019 Cambodia was ranked at 162 out of 180 countries in Transparency International's Corruption Perception Index. The prevalence of corruption in official and judicial spheres was highlighted in several evaluation consultations as a major impediment to progress on human rights and application of the Rule of Law. OHCHR's work in areas such as professionalization of the criminal justice system and bringing greater transparency and consistency into the handling of evictions and resettlement contributes to broader efforts to address corruption.

People on the move: Cambodia has high levels of undocumented international labour migration, particularly into Thailand and often in areas where respect for international labour standards and other human rights is minimal or non-existent. At the same time, the internal movement of people from rural to urban areas, and between rural areas (including into social land concessions), is significant. While IOM, the ILO and UN Women and other international agencies play key roles in Cambodia in helping to address the human rights dimensions of migration, OHCHR's advocacy and technical expertise have a vital role to play alongside other partners. One priority in this respect is advocacy and technical support for Cambodia to in due course ratify the International Convention on the Right of All Migrant Workers and Members of their Families.

In light of the above-summarized relevance of the frontier issues to OHCHR's mandate and priorities in Cambodia, it is proposed that the potential and implications of their integration into the Office's work be more fully assessed in the context of the development of a new theory of change and country programme from 2022. Key factors to be considered in this context include resourcing availability and constraints; Office capacities (including access to relevant skills); and the mandates, roles and programmes of other UNCT members in the areas specified.

2.5 Sustainability

Overview. It is observed that while some of the of key foundations for sustainability of human rights progress since 1993 are in place, these and other manifestations of often hard-won progress have been shown in recent years to be fragile and prone to political influence. As well as seriously holding back the national pandemic response and progress towards the achievement of the SDGs and national development objectives, a number of deep challenges currently pose risks of social unrest and political instability, undermining the potential for sustainability.

While assessed as being still "work in progress," the full and proactive integration of human rights into all aspects of the work of the UNCT within the framework of the UNDAF and its 2024 successor is an important contributor to the sustainability of human rights gains. This is, reinforced by the engagement of the whole UN system with government counterparts and CSOs for the implementation of the SDGs. Ongoing efforts to this end are required, drawing on progress already made and the potential highlighted by the COVID-19 response for much deeper and more systemic integration.

EQ: Are the results, achievements and benefits of the country programme likely to be durable? Are the local stakeholders committed and able to continue working on the issues addressed by the country programme? How effectively has the Country Office built national ownership and necessary capacity?

As outlined earlier, at one level certain foundations for sustainability of human rights progress since 1993 are in place, albeit with a number of challenges as indicated below. These include ratified international human rights treaties; strengthened participation in international human rights mechanisms; national legislation adopted or in draft form in certain key areas; regulatory frameworks in areas such as criminal justice; and a well-established human rights civil society constituency, albeit under considerable stress currently. Institutional arrangements such as the RGC's Cambodian Human Rights Committee (CHRC) and a stated commitment to the establishment of an NHRI in line with the Paris principles are also in place. However, the CHRC operates within a governmental agenda framework with limited resources, and the track record of the RGC provides little optimism that an NHRI if established, will demonstrate the degree of independence required to meet Paris requirements.

However, at another level, as already indicated, these and other manifestations of often hard-won progress have been shown in recent years to be fragile, not well and consistently implemented and not necessarily in line with international human rights norms and standards. The human rights challenges emanating from such deficits are holding back the equitable and inclusive achievement of the SDGs and national development objectives, as well as posing risks of social unrest and political instability. Viewed through an HRBA lens, the challenges that stand out include:

- **Participation:** Since 2017, increasing limitations have been placed on the opportunities that Cambodians have to participate in processes to influence national priorities and share in the benefits of development.
- **Accountability:** Cambodia consistently ranks low internationally with respect to justice and the rule of law, freedom of expression, and corruption, affecting the ability of people to seek redress for violations of their rights.
- **Non-discrimination and equality:** Despite progress in relation to some economic and social rights (for example reduction in poverty and female participation in education), significant gaps and inequalities persist and are increasing in the COVID-19 context.
- **Empowerment:** Women, indigenous peoples, persons with disabilities, people who have been evicted from their land or homes, ethnic minority communities, LGBTI persons, informal sector workers, older persons and migrant workers are among those whose empowerment is constrained by the lack of implementation in practice of Cambodia's international human rights obligations.
- **Legal:** The implementation of human rights obligations and relevant laws is compromised when the rule of law is applied unevenly, inequitably and in ways which exclude those without direct access to power.

Underlying each of these areas are fundamental issues related to the lack of political will for the systemic change that is needed to meet Cambodia's own national priorities, commitments to the SDGs and ratified international human rights instruments. These issues mitigate against the sustainability of progress made as a result, directly or indirectly, of OHCHR's engagement in

Cambodia not just since 2017, but since 1993. Thus sustainability of human rights progress must be at the core of OHCHR's rationale and new theory of change to guide strategic decision-making at all levels on priorities for engagement, and how these relate to reach other.

An important strategy in this context is prevention, a core part of the OHCHR strategy tool kit but in need of elevation and strengthening in order to enhance Cambodia's resilience and safeguard Cambodia's development and human rights gains. It is thus proposed that this be a priority in both the ongoing development and implementation of the current country programme and the development of the new national theory of change. An enhanced prevention focus further links directly with the impact and sustainability of outcomes under the UNDAF as a whole, thus providing a platform for expanded and deepened OHCHR engagement with UNCT counterparts.

EQ: Has the Country Office been successful in integrating human rights into the UN Country Team programmes and activities?

The full and proactive integration of human rights into all aspects of the work of the UNCT within the framework of the UNDAF is a vital contributor to sustainability through the engagement of the whole UN system with government counterparts and CSOs across all sectors of society, with SDG implementation as a shared driver.

Whereas in previous years there was an orientation within the UNCT towards seeing OHCHR as the primary "normative watchdog" on human rights and taking "the major part of the burden onto its own shoulders" (in the words of one UN interlocutor), recent years have seen a shift towards a stronger collective UNCT approach. This is reflected in the greater explicit attention to human rights within the current UNDAF and given added weight by the current reforms of the United Nations Development System and the United Nations Secretary-General's 'Call to Action' on human rights.

At the same time, there remains a considerable variability of United Nations attention in practice to international human rights commitments, particularly in relations with government counterparts as agencies try to balance HRBA commitments with retaining access to State cooperation. This carries with it a risk of reduced national action on human rights obligations as government partners adopt a 'lowest common denominator' approach.

As well as its lead role around human rights in UNCT working groups and joint activities such as the COVID-19 response, a core component of OHCHR's engagement within the UNCT is its partnerships with particular individual agencies around shared priorities. These include UNESCO (e.g on the Freedom of Information Law), UNDP (on access to justice for persons with disabilities), UN Women (on sexual and gender-based violence), UNICEF (on conditions in social welfare centres, child rights and child labour), and the ILO (refer Box 5).

Box 5: OHCHR and the ILO – multiplying influence

OHCHR's relationship with the ILO demonstrates the potential for multiplying agency influence through good quality communications and practical collaboration. ILO and OHCHR complementary roles are discussed at agency-agency level at least annually through a strategic dialogue on shared priorities. The ILO focuses on international labour rights and standards, which are part of the wider human rights framework, while OHCHR focuses on the full spectrum of human rights. Core to the ILO approach is social dialogue and tripartism, meaning that progress involves dialogue and consensus involving government, employers,

and workers. A working arrangement exists in this context whereby OHCHR tends to be “at the front,” while the ILO “works from behind” with its constituents. The fact that OHCHR work closely with some of the same human rights CSOs reinforces the working relationship.

Overall, stakeholder feedback indicates that the process of integrating human rights into the work of the UNCT is assessed as being still “work in progress,” despite progress made under the current UNDAF and the intensification of OHCHR engagement with the wider UNCT through the COVID-19 response. The above-proposed greater prioritization by OHCHR of its prevention role will further open the way for enhanced OHCHR engagement across the UNCT, touching as it does on all aspects of UNDAF impact and sustainability in the Cambodian context.

A vital opportunity to accelerate the strengthening of the integration of human rights and the SDGs within the UNCT is provided by the soon-to-commence process to formulate the United Nations cooperation framework from 2024. Carefully strategized work to this end is required, drawing on progress already made and the potential highlighted by the COVID-19 response for much deeper and more systemic integration.

Box 6: OHCHR COVID-19 response puts focus on those most likely to be left behind

OHCHR was an active part of the joint UN response to the COVID-19 crisis, bringing a human rights perspective and focus on vulnerable groups. OHCHR worked with the Ministry of Rural Development and Phnom Penh Municipality to promote the right to housing of affected families; provided technical support to the General Department of Prisons and Phnom Penh Municipal Courts concerning the application of bail in cases involving pregnant women and women with children in pre-trial detention; supported measures to ensure the right to health of people in detention; promoted human rights compliant approaches to quarantine in prison settings and advocated for the release of prisoners to relieve prison over-crowding³⁰. OHCHR used its public messaging to raise public awareness of human rights related impacts of COVID-19. One OHCHR video on “preventing the spread of COVID-19”³¹ recorded 1.7 million views.

2.6 Gender and human rights (disability inclusion) integration

Overview: The evaluation finds that the participation of the Country Office in the OHCHR Gender Accreditation Programme has added focus and momentum to gender mainstreaming and related planning, with increased profile in the 2020 workplan through the prioritization of sexual and gender-based violence and surrogacy. However, progress needs to be maintained with the engagement of all staff.

The need for ongoing systematic attention to both gender and disability mainstreaming, including in programme, project and activity design and monitoring is highlighted. In the case of disability, the 2020 process of preparation for Cambodia’s report to the International Treaty Body for CRPD provides an important opportunity for such issues to be examined jointly by government and CSOs. Mindful of resource constraints and the roles of other international and domestic

³⁰ Phnom Penh Post. (27 May 2020), Minister of Interior announced: Crowded prisons will set free 10,000 inmates

³¹ <https://www.facebook.com/OHCHRCambodia/videos/621748451737479>

actors, the evaluation endorses decisions currently taken on thematic and sector prioritization with regard to both gender and disability as being well grounded and within Office capabilities.

EQ: Has a Human Rights Based Approach (HRBA: principles of participation, accountability, non-discrimination and equality, empowerment and legality) been mainstreamed in the Country programme ?

The evaluation finds that, despite the systemic human rights challenges being encountered in Cambodia, the Country programme has diligently applied a Human Rights Based Approach across all work streams and engagement.

- **Participation:** The Office is well-regarded by government and CSOs counterparts for its convening role and facilitation of participation by CSOs in legislative reform, UPR and international Treaty Body processes.
- **Accountability:** Ensuring that duty-bearers are held accountable for failing to fulfil their obligations towards rights-holders, and that effective remedies in place when human rights breaches occur, is central to the OHCHR mandate and programme in Cambodia. The Role of the Special Rapporteur on the human rights situation in Cambodia is particularly important in this context.
- **Non-discrimination and equality:** Although still “work in progress,” the Office prioritizes gender equality, the rights of persons with disabilities and vulnerable groups in its programming and partnerships.
- **Empowerment:** Working with government, judicial and CSO partners to enhance the environment and necessary capacities for communities and individuals to claim and exercise their rights is core to the country programme (e.g. ethnic Vietnamese and indigenous communities).
- **Legality:** All aspects of the country programme align directly with and aim to leverage and support implementation of Cambodia’s international human rights obligations and relevant domestic laws.

EQ: Did the country programme plan results that contributed to gender equality and disability inclusion? Were women and persons with disabilities consulted during the planning stage? How the Gender Accreditation Programme improved inclusion in consultation and in programming?

As noted, specific attention to gender equality has been increased in the 2020 Country Office work plan with the addition of a new result on sexual and gender-based violence and prioritization of work on surrogacy. At the same time, there is no reference to gender equality and disability-related issues in the background analysis of either the Country Programme 2018-2021 or the latest internal End-of-Year (EOY) progress report (for 2019). The latter furthermore includes very limited gender and disability references in reporting on results (compared with the greater attention in these areas in the 2019 annual report to SIDA). The results frameworks at overall country programme and annual work plan levels furthermore don’t include any specific gender or disability references at indicator and target levels. Such references are observed, however, further down the planning hierarchy at project document level, for example the project on access to justice for persons with disabilities.

While recognizing the challenges involved, it is proposed that the implementation of OHCHR commitments to gender and disability mainstreaming would be strengthened by more explicit reference across all aspects of the Office's planning and reporting documents, from background analysis to indicators and targets.

With respect to consultation with the relevant constituencies in programme design, women's organizations and the Cambodian Disabled Persons Organization (CDPO, a national umbrella group) were invited to a strategic planning consultation on the relevance of OHCHR in Cambodia in 2017. The outcomes were fed into the drafting of the global OHCHR Organizational Management Plan, which in turn was drawn upon for the design of the current Country programme. At the specific project and activity planning level, consultation with the relevant counterparts occurs as part of the design and implementation process. Interlocutors from DPOs in particular highlighted the responsiveness of the Office with respect to their concerns and valued the opportunity to also be part of wider CSO human rights dialogues with OHCHR. However, the need was raised for more attention to ensuring that their voices are given genuine space and attention. Further value would be added to OHCHR / DPO cooperation by more regular opportunity for dialogue at the higher strategic analysis and planning level.

In the context of the next country programme and its intersection with the new United Nations cooperation framework in Cambodia from 2024, it is proposed that there be specific structured opportunities for dialogue with networks and organizations of women and persons with disability, as well as other groupings representing the voices of vulnerable groups.

Case Study 4 elaborates the benefits and lessons of the Office's participation in the OHCHR Gender Accreditation Programme. To consolidate and extend the gains made, it is proposed that an external gender audit of progress be conducted in two years.

Extracts from case study 4: Gender mainstreaming boosted by participation in OHCHR global programme

Background and results to date: The attention given by the Country Office to gender equality has been energized by its participation in OHCHR's one-year Gender Accreditation Programme. In January 2020, the High Commissioner awarded the Office a level I accreditation, indicating that out of 40 markers, implementation had been found to be satisfactory for 20. The main issues identified were related to gender capacities within the Office. As a result of the process, the Office's annual gender mainstreaming workplan has been reactivated and a gender focal point team has been established to oversee implementation. A new result has been included in the 2020 workplan on sexual and gender-based violence (SGBV). A new priority focus on surrogacy has also been added. Within the Office a 'Dignity at Work' team has established in the office to provide a mechanism for safe discussion of issues.

Challenges: Maintaining momentum; ensuring all staff fully engage and own the agenda; the integration of gender into all aspects of the Office's day-to-day work and systems; and raising the profile of explicit attention to gender equality within engagements with partners.

Success factors: The commitment of Office leadership and management; involvement of all staff in the accreditation programme process; acknowledgement that there was room for improvement; and hands on support from OHCHR WHRGS in Geneva.

EQ: Has the programme monitoring on gender and people disability inclusion been mainstreamed / making progress in mainstreaming: has data been disaggregated by sex and disability? Do the benefits of the programme better accrue equally to women and persons with disabilities than they use to? Is differential impact monitored?

Although sex-disaggregated monitoring data is routinely collected and reflected in Office reporting on programme implementation, this is not yet the case for disability. It is proposed that consideration be given to building this requirement into all relevant programme monitoring guidelines and formats. Without access to such data, it is difficult to assess the degree to which Office activities are engaging with the rights of persons with disability and making a difference beyond specific projects and activities.

At the same time, external stakeholder feedback for this evaluation generally noted that they had not yet seen any tangible manifestation of the influence of the Gender Accreditation Programme on their relationship with OHCHR. While attention to gender equality was generally a key element in any OHCHR/stakeholder cooperation, the Office was generally not perceived as paying particular attention to gender equality in the sense of being a specific advocate or “champion.”

Ongoing systematic attention to both gender and disability mainstreaming is needed in areas including project and activity design and monitoring. The development of the requisite expertise and skills within the Office is also key to progress. In the case of disability, the 2020 process of preparation for Cambodia’s report to the Committee on the Rights of Persons with Disabilities (CRPD) provides an opportunity for such issues to be systematically looked at, including in the context of interaction with the RGC Disability Action Council (DAC) and DPOs.

EQ: Did the country programme achieve results in the areas of gender equality, women’s rights and disability inclusion? Which sectors are more inclined to progress in these areas?

The summary of Country programme progress in Annex IX, particularly under Pillar 2 (access to justice and rule of law), highlights activities undertaken to promote the rights of persons with disability, with access to justice a particular focus. A strategic decision to focus in this area was taken in light of the major issues which exist, the absence of coordinated efforts to address these, the possibility of developing CSO partnerships and the benefits of a consolidated thematic focus. However, while knowledge levels among relevant judicial and CSO actors increased as a result of training, there is limited evidence of more systemic change.

Engagement by the Office on gender equality saw some progress in areas such as improved separate facilities for women in prison; court monitoring of cases involving violence against women, advocacy on women victims of street sweeps and arbitrary detention in social affairs centres; research and advocacy for attention to surrogacy (including the initial development of a draft law); involvement of women as leaders in one particular indigenous land dispute case; advocacy for the rights of women’s housing rights; and protection initiatives for women human rights defenders.

However, progress towards systemic change on gender equality and the rights of persons with disability is contingent on complex contextual factors, including prevailing social norms, and an array of other actors. Clearly the Office needs to sharply prioritize its specific focus in line with

its comparative advantage while continuing to mainstream both gender equality and disability across all engagements. Mindful of resource constraints and the roles of other international and domestic actors, this evaluation endorses decisions currently taken on thematic and sector prioritization with regard to gender and disability as being well grounded and within Office capabilities. The importance of continuing to expand links and partnerships with women's and disability rights organizations and networks, as well as with the Ministry of Women's Affairs, is also emphasized.

3. LESSONS LEARNED

A number of lessons, as follows, stand out from stakeholder feedback and the review of documentation on OHCHR's engagement in Cambodia since 2017. As well as providing reference points for ongoing programme planning, implementation and improvement under the current 2018-2021 framework, these provide useful inputs into forward thinking for the design of the theory of change and next programme phase from 2022. The following elaborates the lessons overview provided in the Executive Summary.

Political will, particularly at the higher levels of Government, is critical to progress in moving the human rights agenda forward in Cambodia, including in areas where good working relations already exist at the technical level. A long-term strategy of positive engagement is needed which enables the RGC to deliver on existing human rights commitments, the SDGs and national development objectives, while over time building the confidence and trust necessary for dealing with challenging issues.

The process of change with respect to the promotion and protection of human rights in Cambodia is slow and complex. A long-term vision and strategies are critical to placing current developments into perspective and navigating the short and medium-term challenges. In this context, being able to sustain the development of critical human rights-related legal frameworks, capacities and working relationships, as well as OHCHR profile and credibility, can be seen as both a success in its own right and a basis for future progress as the local context evolves

Strategies to engage to the degree possible at senior levels of government need to effectively leverage all available links and entry points. These include the respective and complementary roles of the UN Secretary-General, the High Commissioner for Human Rights, the Special Rapporteur on the situation of human rights in Cambodia, the OHCHR Regional Office for South-East Asia, the UN Resident Coordinator's Office and the UNCT, and the OHCHR Representative in Cambodia.

Clarity about respective government, CSO, OHCHR and broader UNCT roles and comparative advantages is critical to maximizing the potential for progress in implementation of Cambodia's human rights obligations. Key issues in this context are respecting and strengthening national ownership of the implementation of human rights commitments; and

respecting the independent role of CSOs as advocates and programme providers in their own space, as restricted as this may currently be. The United Nations role was universally seen in evaluation feedback as one of facilitation and support for local priorities and capacity.

In the above context, an environment characterized by a plethora of CSOs (frequently counter-posed as “service providers / human rights defenders”) and polarized government / CSO relations, has not contributed to the multi-stakeholders dialogue that many actors have seen is a necessary enabler of progress towards systemic and long-term change.

The experience of OHCHR engagement within **the joint UNCT response to the COVID-19 pandemic in Cambodia shows the potential for strengthening the impact of the Office’s role within the UNCT** as a leader and advocate on the human rights dimensions of all aspects of UN work, with particular focus on vulnerable groups and those left most behind.

Potential exists to more **proactively and explicitly leverage the human rights dimensions of the SDGs** to provide space for multi-stakeholder engagement on the implementation of Cambodia’s international human rights obligations. This includes specific attention to the economic development/human rights intersections within the SDGs and their links to the Rectangular Strategy IV and national economic development strategies, including in areas related to land rights.

International UN Treaty Body reporting processes and the Universal Periodic Review process of the UN Human Rights Council provide important platforms for government / CSO dialogue as well as for the development of critical capacities and working relations to underpin ongoing Cambodian engagement with international human rights mechanisms. The substantive outcomes of such processes provide an important shared basis for government, CSO, UN and other stakeholder action to progress the human rights agenda in Cambodia.

The current context in Cambodia, particularly with respect to the exercise of political and civil rights and impacts of the COVID-19 crisis, highlights **the importance of continuing to strengthen the OHCHR focus on prevention, protection, monitoring and associated analysis and reporting**. *Inter alia* such focus is critical to the effective and timely engagement of the international community with the Cambodian government on the implementation of its international human rights commitments. In this context, the internal Human Rights Violations Database has a critical role to play in the work of the Office, highlighting the need for ongoing attention to its systematic use and related staff capacities.

OHCHR’s monitoring and public reporting work has greater impact when it is strategically directed and part of a deliberate wider approach including follow-up visits and use of all available tools and opportunities to leverage the data for change, including recourse to Human Rights Mechanisms such as the Special Rapporteur on the human rights situation in Cambodia, where appropriate and possible.

While steps have been taken to improve the impact of training for government officials, the judiciary and CSOs, **realizing the full potential of such training further requires systematic attention to the consolidation of learning** through follow-up support (training, mentoring and networking); ensuring trainees' agencies and organizations are committed to maximizing the use of newly acquired knowledge and skills; and ensuring follow-up evaluations of impact and lessons.

Strengthening the mainstreaming of gender within the work of the Office is a long-term process which requires consistent leadership, clarity on goals, targets and expectations; a whole-of-office approach which encourages ownership by all staff; systematic embedding within all systems, forms and templates; and a periodic in-depth review of progress, challenges and lessons.

Youth involvement in International Human Rights Day commemorations and demonstrated interest in OHCHR social media communications indicates the potential for their strengthened engagement on human rights as the future "human rights influencers" of Cambodia. However, attention is still needed to reach rural youth with lower levels of educational attainment and fewer opportunities for engagement.

4. CONCLUSIONS AND ACTIONABLE RECOMMENDATIONS

OHCHR has played pivotal role over 27 years in Cambodia's development of a legal and institutional framework for the protection of human rights, consistent with the international human rights standards and enshrined in the Constitution. This framework is an essential cornerstone for the realization of Cambodia's long term 'Vision 2050' to become "a prosperous, but also, socially inclusive and environmentally sustainable" country. However, as elaborated below, a deterioration since 2017 in civil and political rights, as well as subsequent increase in inequality, vulnerability and poverty as a result of the COVID-19 crisis, pose major challenges to the realization of this vision. These developments are a key part of the current human rights landscape in Cambodia which informs this report and will influence the strategic positioning and priorities of the Office under the next country programme. Further critical elements of the Office operating environment include the current reform process underway within the United Nations development system from which a new generation of SDG-focused country cooperation frameworks is emerging; Cambodia's commitments to the SDGs and its own national development objectives; and United Nations Secretary-General António Guterres' 2020 statement 'The Highest Aspiration: A Call to Action for Human Rights.' The declining resourcing situation of the United Nations, including OHCHR, is a further key element of the operating context.

The evaluation has found that:

- The programme remains highly relevant to the human rights context in Cambodia and since 2017 has continued to show successes in line with the country programme in specific areas including land rights and social land concession settlements, engagement with international


human rights mechanisms, judicial capacity development, court systems improvement and putting a public spotlight on the issue of popular justice.

- There is a high degree of stakeholder common perception of OHCHR's comparative advantages vis-à-vis other international actors, based on its human rights mandate, expertise and long-standing country presence and knowledge. Implementation of the programme has demonstrated the effective application of a number of strategies linked to these comparative advantages, while at the same time an ability to adapt where strategies have not proved to be successful.
- While the achievement of programme results to date has been variable due to a range of external and internal factors, including the challenging human rights environment since 2017, overall implementation at the consolidated programme pillar level is generally on track.
- Recent structural changes have improved Office cohesion and performance in core areas of business. However, certain internal factors have continued to constrain programme effectiveness. These include insufficient attention (at least until 2020) to the impact and evaluation of training activities; variable application of RBM and development of a results culture; and an overall misalignment between the Office skill-base and the shifting strategic requirements of a rapidly evolving human rights context.
- There is sufficient programmatic rationale for continuation of the Battambang Office for the period of the next country programme, subject to a comprehensive review by 2025. At the same time its role can be strengthened by a stronger emphasis in planning on priorities in the local context as well as consideration of the upgrading of the head-of-office position to the level of an international staff member or National Professional Officer.
- Potential exists for closer practical collaboration with the OHCHR South-East Asia Regional Office in Bangkok, including in specific areas such as the establishment of an NHRI in Cambodia³² and integrating human rights into the next United Nations/Cambodia cooperation framework. The possibilities for a rebalancing of staffing resources between the two offices should also be examined.
- The efficient and effective functioning of the Human Rights Violations Database is critical both for the core work of the Office and for stakeholders who rely on the data and analysis that the office provides. Its effective and efficient use needs to be strengthened.
- The participation of the Country Office in the OHCHR Gender Accreditation Programme has added focus and momentum to gender mainstreaming and related planning. Programmatic and internal capacity progress in this area, as well with respect to the rights of persons with disabilities, needs to be systematically maintained and monitored with the engagement of all staff.
- Core to the ongoing strengthening of UNCT engagement with human rights across all aspects of its work under the UNDAF is the integration of human rights, economic development and the SDGs in practical ways, particularly in engagement at all levels with the RGC.
- Although indications of direct and indirect impact as a result of the Office's presence in Cambodia can be identified, robust evidence of impact is difficult to obtain due to data constraints and absence of regular evaluation. At the same time, improvements overall with

³² Currently the National Institutions and Regional Mechanisms Section (NIRMS) in OHCHR HQ in Geneva is providing the primary support in this area.

respect to the implementation of human rights obligations remain fragile and subject to reversal, with systemic change elusive.

- The sustainability of programme outcomes also remains fragile, with the COVID-19 crisis introducing further challenges, particularly with respect to economic and social rights, posing risks of growing inequality and social unrest.
- Taking the above together, it can be said that OHCHR is at a major crossroads in its Cambodia presence, making it timely for a “back to first principles” revisiting and reset of its engagement. Central to such reset should be a new and well-grounded theory of change, the development of which should be integrated with the new United Nations cooperation framework for Cambodia from 2024. Such theory of change should be accompanied by an organizational development plan which sets out measures and steps to ensure the Office is fit for purpose in the new context.


RECOMMENDATIONS	ACTIONS AND TIMELINE	LEAD
<p> Strategic positioning and direction</p>		
<p>1 Prioritize the development of a new national theory of change for the programme period from 2022 as a basis for strategic decision-making on priority areas for engagement and the development of the next five-country programme. This should <i>inter alia</i> (i) provide a clear bridge between the global OHCHR Theory of Change and the key strategic human rights challenges in the national context, including as a result of the COVID-19 crisis; (ii) be formulated in sync with the development of the new United Nations cooperation framework for Cambodia from 2024 in order to maximize integration and synergies; (iii) build on strategies which have shown the greatest potential for systemic change; (iv) incorporate the OHCHR ‘frontier issues’ as components of larger strategies; and (v) draw on consultations with external stakeholders (RGC, CSOs, UNCT, donors).</p>	<p>Develop plan for formulation of ToC, including engagement with national stakeholders, UNCT and key donors. Incorporate into overall 2021 Office workplan. Assess the potential and implications of the integration of the OHCHR frontier issues. This should include consideration of Office comparative advantage; resourcing availability and constraints; Office capacities (including access to relevant skills); and the mandates, roles and programmes of other UNCT members in the areas specified.</p>	<p>Country Office with HQ.</p>
<p>2 Commission strategic research on a “back to first principles” basis of the human rights key trends and dynamics in Cambodia to underpin the development and updates of the theory of change. Such research should incorporate a political economy analytical approach and feed into both OHCHR’s own internal strategic planning processes and the formulation of the next Common Country Assessment (CCA) of the UNCT. Such research should be further updated as a key reference for OHCHR and UNCT planning and prioritization on a regular basis.</p>	<p>Identify topics for research, flag areas that are likely to experience changes in the planning year and commission work.</p> <p>The strategic research may include a joint mapping of national human rights trends and dynamics by CO staff in its first phase to <i>inter alia help</i> build an understanding of theory of change fundamentals.</p>	<p>Country Office with HQ.</p>

☞ **Office leadership, management and resourcing**

3	Extend its commitment to a Country Office in Cambodia for at least another six year period, ³³ subject to renewal of the biennial MoU with the Royal Government of Cambodia and adequate resourcing.	Preparation for biennial resolution of the United Nations Human Rights Council and biennial MoU with RGC. Continue to review, adapt and pursue resourcing strategies and arrangements at national, regional and global levels.	OHCHR HQ with Country Office.
4	Regularize the appointment and tenure of the OHCHR Representative position in order to strengthen the continuity and stability of Office leadership.	Strategic decision required by OHCHR HQ on level of prioritization of the Cambodia Country Representative position. Human Resources follow-up required.	OHCHR HQ.
5	Review and (if necessary) rebalance the relationship and distribution of staff resources between the OHCHR South-East Asia Regional Office in Bangkok and the Cambodia Country Office, with a view to (i) maximizing the value-added of the regional role vis-à-vis the impact of OHCHR's Cambodia programme and (ii) reducing the current load for staff costs in the Cambodia Office budget (85%) over the next 3 years.	Set-up discussion with Bangkok Office to review relations and areas for strengthened interaction, including in areas of communications and resource mobilization. Identify steps to take forward. Include Bangkok office in access to Cambodia reporting to HQ, in particular on issues related to the development of an NHRI in Cambodia and integrating human rights into the next UN Cambodia cooperation frame work.	Country Office and Regional Office.
6	Retain the Battambang Office for the period of the next country programme period in order to facilitate OHCHR's ongoing engagement with government, judicial, CSO and other relevant actors in the five provinces currently being served. In this context, it is further proposed that: (i) Continuation of the Battambang Office should be subject to a full review of the added-value of the office after three years (i.e. by 2025). This should include a comprehensive field visit and examination of all	Develop Battambang Office workplan for 2021 as part of overall Office planning, incorporating localized aspects as relevant. Explore with HQ the option, requirements and costing implications of upgrading the head-of-office role to International Officer or National Professional Officer level, with view of implementation in 2022 if financially and logistically feasible. Include such development within the staffing and	Country Office, and HQ.

³³ Covering an anticipated three further biennial RGC / OHCHR MoU periods.

	<p>relevant resourcing and management factors in the context of the requirements of OHCHR’s overall field presence at Country Office level in Cambodia.</p> <p>(ii) More attention should be specifically given in development of the annual Office workplan to ensuring that the Battambang component reflects specific local priorities and dynamics to maximize relevance to the local context.</p> <p>(iii) Subject to resource availability, upgrade the head-of-office position to International Officer or National Professional Officer level to further strengthen the local skill base and capacity to operate effectively without the requirement of regular travel of professional staff from Phnom Penh.</p>	resourcing component of the proposed Organizational Development Plan for the Office.	
7	<p>Continue to strengthen Results-Based Management (RBM) approaches, capacities and application within Country Office work plans and daily work, with support from OHCHR HQ. Include the concepts and formulation of theories of change; needs assessment; identification and assessment of risks and assumptions; and programme/activity monitoring, evaluation and learning. Prioritize attention to strengthening the impact of training activities in this context.</p>	<p>Conduct review of office staff RBM capacity needs. Develop 2-3 year plan for in-house further training, mentoring and other support. Incorporate into staff performance appraisals.</p> <p>Ensuring rigorous attention to needs assessment, targeting, strategic justification and impact evaluations of training activity in line with CO requirements. Initiate dialogue with OHCHR HQ on the criteria used to assess progress in programme implementation, with view to including more scope for indicating the quality of progress, justifications for the shift in status from one year to another and the necessary conditions for the transition (for example) of ‘some progress’ into ‘good progress.’</p>	Country Office with HQ support.
8	<p>Strengthen the consistency and utility of data collection, management and presentation in the Office by continuing to prioritize the embedding of the new Human Rights Violations Database into everyday processes, procedures, requirements and culture.</p>	<p>Include in regular staff performance appraisals. Conduct informal internal training as necessary. Review areas for further efficiencies in use and adaptation of database.</p>	Country Office with HQ.

9	<p>Formulate an Organizational Development Plan (complementary to the Office’s Organizational Effectiveness Outputs) which takes account of all recommendations and sets out measures, milestones and timeframes to ensure that the Country Office (Phnom Penh and Battambang) is fit for purpose in the context of the new theory of change and United Nations cooperation framework, supported by an office configuration, job roles, systems and skill-base which are well aligned to agency priorities.</p> <p>Such Plan should be formally reviewed and updated annually, and include:</p> <ul style="list-style-type: none"> (i) a systematic review of the Office skill requirements to implement the theory of change which is developed to guide the next five-OHCHR Country Programme vis-à-vis the current skills and experience available within the Office; (ii) milestones and timeframes to address the skill gaps and priorities identified, including through reskilling and upskilling (where feasible and appropriate) and the reclassification of posts and revision of job descriptions where necessary (i) strengthening the seniority level and skill base in the Battambang Office. 	<p>Review office acceptance / non-acceptance of all recommendations. Identify Office development components. Formulate 3-5 year OD plan with staff involvement, including necessary further office restructuring (Phnom Penh and Battambang); anticipated skill-base requirements vis-à-vis existing skill base; transitioning of staff into new roles where feasible; professional development support needed for existing staff (including needs assessment and development of Office and individual professional development plans); inclusion of implementation of plan into performance appraisal processes; and formulation of transition budgetary / resourcing needs and plans. Integrate skill need assessments into design and resourcing plans of all programmes and projects.</p>	<p>Country Office with HQ HR.</p>
<p> Programme and thematic prioritization</p>			
10	<p>Prioritize increased attention to prevention among the core strategies employed by the Office in recognition of the intensified challenges to human rights and long-term development objectives which have become evident in Cambodia since 2017, including as a result of the COVID-19 crisis.</p>	<p>Develop plan to take forward in 2020-2021. Incorporate into 2021 Country Office workplan and ToC formulation.</p>	<p>Country Office with identified international partners.</p>
11	<p>Prioritize the strengthening of mutually reinforcing linkages between human rights, economic development and the SDGs in the Cambodian context, including as a core component of OHCHR’s strategy for engagement with the RGC. Steps to this end to include (i) specific collaboration with UNCT counterparts in joint projects which integrate human rights and economic development imperatives; (ii) leveraging data and lessons from OHCHR’s engagement on land and housing rights which are at the core of economic</p>	<p>Develop plan to take forward with UNRC. Incorporate into 2021 Office workplan. Include in workplan of new Office economist position. Leverage OHCHR involvement in Sihanoukville joint UN research project. Leverage SDG priorities and human rights links as core element of engagement with the RGC.</p>	<p>Country Office, with support from HQ and BKK Office.</p>

	development challenges in Cambodia; and (iii) conducting and supporting strategic research and analytical work on the human rights / economic development nexus.		
12	<p>Continue to strengthen systematic attention across all facets of the work of the Office to:</p> <p>(ii) Gender equality and women’s empowerment, building on achievements and lessons under the Gender Accreditation Programme and including the commissioning of a follow-up gender audit within two years to assess progress, lessons, areas for improvement and future priorities for action.</p> <p>(iii) The rights of persons with disabilities, including more explicit attention to data gathering and reporting as well as inclusion in project/activity indicators and targets.</p>	(i). Further mainstream gender and disability into all monitoring, investigative, research, analytical and reporting work; (ii) integrate into the formulation of 2021 work plan and next Country Programme indicators, outputs and activities to extent possible; (iii) include in regular staff performance appraisals; (iv) map and follow-up options for expansion of links with relevant organizations and networks; (v) set-up strategic discussion with Ministry of Women’s Affairs on closer relations; (vi) ensure systematic focus in next annual Office gender plan on the further development of staff gender awareness, understandings, relevant capacities and practice; (vii) explore/follow- options for conducting external gender audit in 2022.	Country Office with HQ support.
13	<p>Establish longer-term (3-5 year) cooperation frameworks to strengthen the impact of the Office support for selected strategic government, judicial and CSO partners. Such frameworks would not restrict themselves to the MoU 2-year duration and would <i>inter alia</i> specify agreed priorities for cooperation on (i) legislative and policy and change, and (ii) institutional and professional capacity development in areas jointly deemed as critical from a systemic change perspective.</p>	Identify partners for new approach. Set-up plan to hold the necessary conversations. Introduce in context of new Country Programme in 2022. Identify/set-up one pilot (MoJ suggested) in 2021.	Country Office.
14	<p>Strengthen strategic prioritization of human rights monitoring to (i) enhance depth and consistency over time in key areas; (ii) enable a more rigorous tracking of change, challenges, success factors and lessons for wider application; and (iii) strengthen the ability of the Office to reflect local priorities in formulation of results and indicators in work planning.</p>	While retaining the ability to respond as necessary to developments as they arise, develop a strategy and plan for in-depth and sustained human rights monitoring over time in selected areas of systemic importance in the Cambodia context.	Country Office in consultation with RGC, judicial and CSO partners.

👉 **UN as One' on human rights**

15	Drawing on the above, cooperate with the Office of the United Nations Resident Coordinator to develop a strategy and plan for deepened integration of Human Rights Based Approaches (HRBA) into the planning and work of the UNCT across the whole spectrum of human rights, with a view to HRBA being integral from the beginning to all discussions on the United Nations / Cambodia cooperation framework which will replace the current UNDAF in 2024.	Develop plan to take forward with UNRC in association with above. Incorporate into 2021 Office workplan. Include in workplan of new Office economist position. Leverage OHCHR involvement in Sihanoukville joint UN research project.	Country Office, with BKK Office support.
16	Expand its own direct partnerships with other UNCT members , around shared priorities, with a focus on the integration of human rights into the thematic/sectoral area concerned.	As part of 2021 Office workplan development, look at/include options for expanded cooperation with UNCT members in priority areas. Set-up exploratory discussions where necessary, consider joint indicators to track increased quantity and quality of collaboration.	Country Office.

5. APPENDICES (AVAILABLE UPON REQUEST)

Annex I – Terms of reference

Annex II – List of stakeholders interviewed

Annex III – Data collection tools

Annex IV – Documentation reviewed

Annex V – Covid-19 impact on the evaluation methodology

Annex VI Stakeholder feedback on OHCHR comparative advantage

Annex VII – OHCHR high potential change strategies

Annex VIII – Case studies – full text

Annex IX – Progress summary per pillar

Annex X – UNCT increased collective impact on human rights

Annex XI – Global theory of change applied to pillar I

Management response to the recommendations

Management response		
Evaluation report title: Evaluation of the Cambodia Country Programme 2017 – 2020		
Recommendation 1:		
<p>Prioritize the development of a new national theory of change for the programme period from 2022 as a basis for strategic decision-making on priority areas for engagement and the development of the next five-country programme. This should inter alia (i) provide a clear bridge between the global OHCHR Theory of Change and the key strategic human rights challenges in the national context, including as a result of the COVID-19 crisis; (ii) be formulated in sync with the development of the new United Nations cooperation framework for Cambodia from 2024 in order to maximize integration and synergies; (iii) build on strategies which have shown the greatest potential for systemic change; (iv) incorporate the OHCHR ‘frontier issues’ as components of larger strategies; and (v) draw on consultations with external stakeholders (RGC, CSOs, UNCT, donors).</p>		
Management position on recommendation: Accepted		
Key Actions	Responsibility	Timeframe
<p>Develop plan for formulation of ToC, including engagement with national stakeholders, UNCT and key donors. Incorporate into overall 2021 Office workplan. Assess the potential and implications of the integration of the OHCHR frontier issues. This should include consideration of Office comparative advantage; resourcing availability and constraints; Office capacities (including access to relevant skills); and the mandates, roles and programmes of other UNCT members in the areas specified.</p>	Country Office with HQ.	14 months
Recommendation 2:		
<p>Commission strategic research on a “back to first principles” basis of the human rights key trends and dynamics in Cambodia to underpin the development and updates of the theory of change. Such research should incorporate a political economy analytical approach and feed into both OHCHR’s own internal strategic planning processes and the formulation of the next Common Country Assessment (CCA) of the UNCT. Such research should be further updated as a key reference for OHCHR and UNCT planning and prioritization on a regular basis.</p>		
Management position on recommendation: Accepted		
Key Actions	Responsibility	Timeframe

Identify topics for research, flag areas that are likely to experience changes in the planning year and commission work. The strategic research may include a joint mapping of national human rights trends and dynamics by CO staff in its first phase to inter alia help build an understanding of theory of change fundamentals.	Country Office with HQ.	14 months
Recommendation 3:		
Extend its commitment to a Country Office in Cambodia for at least another six year period, subject to renewal of the biennial MoU with the Royal Government of Cambodia and adequate resourcing.		
Management position on recommendation: Accepted		
Key Actions	Responsibility	Timeframe
Preparation for biennial resolution of the United Nations Human Rights Council and biennial MoU with RGC. Continue to review, adapt and pursue resourcing strategies and arrangements at national, regional and global levels.	OHCHR HQ with Country Office	11 months
Recommendation 4:		
Regularize the appointment and tenure of the OHCHR Representative position in order to strengthen the continuity and stability of Office leadership.		
Management position on recommendation: Accepted		
Key Actions	Responsibility	Timeframe
Strategic decision required by OHCHR HQ on level of prioritization of the Cambodia Country Representative position. Human Resources follow-up required.	OHCHR HQ	Tbc
Recommendation 5:		
Review and (if necessary) rebalance the relationship and distribution of staff resources between the OHCHR South-East Asia Regional Office in Bangkok and the Cambodia Country Office, with a view to (i) maximizing the value-added of the regional role vis-à-vis the impact of OHCHR's Cambodia programme and (ii) reducing the current load for staff costs in the Cambodia Office budget (85%) over the next 3 years.		
Management position on recommendation: Accepted		
Key Actions	Responsibility	Timeframe

<p>Set-up discussion with Bangkok Office to review relations and areas for strengthened interaction, including in areas of communications and resource mobilization. Identify steps to take forward. Include Bangkok office in access to Cambodia reporting to HQ, in particular on issues related to the development of an NHRI in Cambodia and integrating human rights into the next UN Cambodia cooperation framework.</p>	<p>Country Office and Regional Office</p>	<p>12 months</p>
<p>Recommendation 6:</p> <p>Retain the Battambang Office for the period of the next country programme period in order to facilitate OHCHR’s ongoing engagement with government, judicial, CSO and other relevant actors in the five provinces currently being served. In this context, it is further proposed that:</p> <p>(i) Continuation of the Battambang Office should be subject to a full review of the added-value of the office after three years (i.e. by 2025). This should include a comprehensive field visit and examination of all relevant resourcing and management factors in the context of the requirements of OHCHR’s overall field presence at Country Office level in Cambodia.</p> <p>(ii) More attention should be specifically given in development of the annual Office workplan to ensuring that the Battambang component reflects specific local priorities and dynamics to maximize relevance to the local context.</p> <p>(iii) Subject to resource availability, upgrade the head-of-office position to International Officer or National Professional Officer level to further strengthen the local skill base and capacity to operate effectively without the requirement of regular travel of professional staff from Phnom Penh.</p>		
<p>Management position on recommendation: Accepted</p>		
<p>Key Actions</p>	<p>Responsibility</p>	<p>Timeframe</p>
<p>Develop Battambang Office workplan for 2021 as part of overall Office planning, incorporating localized aspects as relevant. Explore with HQ the option, requirements and costing implications of upgrading the head-of-office role to International Officer or National Professional Officer level, with view of implement action in 2022 if financially and logistically feasible. Include such development within the staffing and resourcing component of the proposed Organizational Development Plan for the Office.</p>	<p>Country Office, and HQ</p>	<p>12 months</p>

Recommendation 7:

Continue to strengthen Results-Based Management (RBM) approaches, capacities and application within Country Office work plans and daily work, with support from OHCHR HQ. Include the concepts and formulation of theories of change; needs assessment; identification and assessment of risks and assumptions; and programme/activity monitoring, evaluation and learning. Prioritize attention to strengthening the impact of training activities in this context.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
Conduct review of office staff RBM capacity needs. Develop 2-3 year plan for in-house further training, mentoring and other support. Incorporate into staff performance appraisals. Ensuring rigorous attention to needs assessment, targeting, strategic justification and impact evaluations of training activity in line with CO requirements. Initiate dialogue with OHCHR HQ on the criteria used to assess progress in programme implementation, with view to including more scope for indicating the quality of progress, justifications for the shift in status from one year to another and the necessary conditions for the transition (for example) of 'some progress' into 'good progress.'	Country Office with HQ support	6 months

Recommendation 8:

Strengthen the consistency and utility of data collection, management and presentation in the Office by continuing to prioritize the embedding of the new Human Rights Violations Database into everyday processes, procedures, requirements and culture.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
Include in regular staff performance appraisals. Conduct informal internal training as necessary. Review areas for further efficiencies in use and adaptation of database.	Country Office with HQ	Tbc

Recommendation 9:

Formulate an Organizational Development Plan (complementary to the Office's Organizational Effectiveness Outputs) which takes account of all recommendations and sets out measures, milestones and timeframes to ensure that the Country Office (Phnom Penh and Battambang) is fit for purpose in

the context of the new theory of change and United Nations cooperation framework, supported by an office configuration, job roles, systems and skill-base which are well aligned to agency priorities.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
<p>Review office acceptance / non-acceptance of all recommendations. Identify Office development components. Formulate 3-5 year OD plan with staff involvement, including necessary further office restructuring (Phnom Penh and Battambang); anticipated skill-base requirements vis-à-vis existing skill base; transitioning of staff into new roles where feasible; professional development support needed for existing staff (including needs assessment and development of Office and individual professional development plans); inclusion of implementation of plan into performance appraisal processes; and formulation of transition budgetary / resourcing needs and plans. Integrate skill need assessments into design and resourcing plans of all programmes and projects.</p>	<p>Country Office with HQ HR</p>	<p>Tbc</p>

Recommendation 10:

Prioritize increased attention to prevention among the core strategies employed by the Office in recognition of the intensified challenges to human rights and long-term development objectives which have become evident in Cambodia since 2017, including as a result of the COVID-19 crisis.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
<p>Develop plan to take forward in 2020-2021. Incorporate into 2021 Country Office workplan and ToC formulation.</p>	<p>Country Office with identified international partners</p>	<p>14 months</p>

Recommendation 11:

Prioritize the strengthening of mutually reinforcing linkages between human rights, economic development and the SDGs in the Cambodian context, including as a core component of OHCHR's strategy for engagement with the RGC. Steps to this end to include;

- (i) specific collaboration with UNCT counterparts in joint projects which integrate human rights and economic development imperatives;
- (ii) leveraging data and lessons from OHCHR's engagement on land and housing rights which are at the core of economic development challenges in Cambodia; and
- (iii) conducting and supporting strategic research and analytical work on the human rights / economic development nexus.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
<p>Develop plan to take forward with UNRC. Incorporate into 2021 Office workplan. Include in workplan of new Office economist position.</p> <p>Leverage OHCHR involvement in Sihanoukville joint UN research project. Leverage SDG priorities and human rights links as core element of engagement with the RGC.</p>	<p>Country Office, with support from HQ and BKK Office</p>	<p>14 months</p>

Recommendation 12:

Continue to strengthen systematic attention across all facets of the work of the Office to:

- (i) Gender equality and women's empowerment, building on achievements and lessons under the Gender Accreditation Programme and including the commissioning of a follow-up gender audit within two years to assess progress, lessons, areas for improvement and future priorities for action.
- (ii) The rights of persons with disabilities, including more explicit attention to data gathering and reporting as well as inclusion in project/activity indicators and targets.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
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<p>(i). Further mainstream gender and disability into all monitoring, investigative, research, analytical and reporting work;</p> <p>(ii) integrate into the formulation of 2021 work plan and next Country Programme indicators, outputs and activities to extent possible;</p> <p>(iii) include in regular staff performance appraisals;</p> <p>(iv) map and follow-up options for expansion of links with relevant organizations and networks;</p> <p>(v) set-up strategic discussion with Ministry of Women’s Affairs on closer relations;</p> <p>(vi) ensure systematic focus in next annual Office gender plan on the further development of staff gender awareness, understandings, relevant capacities and practice; (vii) explore/follow- options for conducting external gender audit in 2022.</p>	Country Office with HQ support	Tbc
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Recommendation I3:

Establish longer-term (3-5 year) cooperation frameworks to strengthen the impact of the Office support for selected strategic government, judicial and CSO partners. Such frameworks would not restrict themselves to the MoU 2-year duration and would inter alia specify agreed priorities for cooperation on (i) legislative and policy and change, and (ii) institutional and professional capacity development in areas jointly deemed as critical from a systemic change perspective.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
Identify partners for new approach. Set-up plan to hold the necessary conversations. Introduce in context of new Country Programme in 2022. Identify/set-up one pilot (MoJ suggested) in 2021.	Country Office	Tbc

Recommendation I4:

Strengthen strategic prioritization of human rights monitoring to (i) enhance depth and consistency over time in key areas; (ii) enable a more rigorous tracking of change, challenges, success factors and lessons for wider application; and (iii) strengthen the ability of the Office to reflect local priorities in formulation of results and indicators in work planning.

Management position on recommendation: Accepted

Key Actions	Responsibility	Timeframe
While retaining the ability to respond as necessary to developments as they arise, develop a strategy and plan for in-depth and sustained human rights monitoring over time in selected areas of systemic importance in the Cambodia context.	Country Office	Tbc
<p>Recommendation 15:</p> <p>Drawing on the above, cooperate with the Office of the United Nations Resident Coordinator to develop a strategy and plan for deepened integration of Human Rights Based Approaches (HRBA) into the planning and work of the UNCT across the whole spectrum of human rights, with a view to HRBA being integral from the beginning to all discussions on the United Nations / Cambodia cooperation framework which will replace the current UNDAF in 2024.</p>		
<p>Management position on recommendation: Accepted</p>		
Key Actions	Responsibility	Timeframe
Develop plan to take forward with UNRC in association with above. Incorporate into 2021 Office workplan. Include in workplan of new Office economist position. Leverage OHCHR involvement in Sihanoukville joint UN research project.	Country Office, with BKK Office support	Tbc
<p>Recommendation 16:</p> <p>Expand its own direct partnerships with other UNCT members, around shared priorities, with a focus on the integration of human rights into the thematic/sectoral area concerned.</p>		
<p>Management position on recommendation: Accepted</p>		
Key Actions	Responsibility	Timeframe
As part of 2021 Office workplan development, look at/include options for expanded cooperation with UNCT members in priority areas. Set-up exploratory discussions where necessary, consider joint indicators to track increased quantity and quality of collaboration.	Country Office	36 months