



Aktennotiz

Date: 27 August 2015
To: GRH
Copy to: OBO, DFS, SFL, SVR

Management Response to the External Evaluation of TRIAL's projects "Helping Victims of International Crimes Obtaining Justice" (2009-2014)

K.234.32 (SAP 631872) / SZG

1. General Assessment

The findings of the evaluation are important, useful and actionable and a good basis for further developing and steering the partnership with TRIAL. The report points out that the "quality of TRIAL's reports is excellent and reflects a staff in Geneva and in Nepal that is fully competent and committed" and that the achievements reflect "a high level TRIAL expertise regarding international human rights; access to local knowledge and the competence and dedication of Nepali TRIAL staff; the contribution of TRIAL partner organizations; and the courageous participation of victims, witnesses, and family members."

The report also states that TRIAL's international and domestic advocacy and training has not resulted in the desired executive action and legislative reform, but highlights that it is not even likely that donors will have sufficient leverage to overcome government and political party resistance to rights-based approaches. The evaluator lists three main challenges, which are reflected in the recommendations to TRIAL. The report does not contain specific recommendations to the HSD.

2. Comments to specific recommendations of the evaluator

2.1. Implementation challenge: linking international and domestic advocacy

- i. Strengthen the logical framework (project planning):* The evaluation concludes that there is some ambiguity in the relationship between outputs, outcomes, and the broader impact or goal. The logframe suggestions in Annex D are comprehensive and very useful.
- ii. Strengthening domestic advocacy (national level):* TRIAL should formulate an outcome aimed at supporting and sustaining the development among human rights defenders in Nepal of a shared analysis and understanding of the challenges and opportunities for combating impunity.
- iii. Strengthening local constituencies of victims and their communities (local level):* TRIAL should consider strategies that take into account the broader social, economic as well as legal dimensions of victim reparations and empowerment.
- iv. Continuity with victims following international decisions (policy level):* TRIAL should clarify in its commitment to victims after a UN Human Rights Committee decision.

2.2. Capacity challenge: TRIAL's exit strategy

The evaluator makes several suggestions regarding the training of trainers, the participation in training activities and an engagement between lawyers and victim communities, which could improve the success of TRIAL's work and eventually contribute to an exit strategy.

2.3. Resolving TRIAL's legal status in Nepal

TRIAL is a Geneva based NGO that has not been able to register with the Social Welfare Council (SWC) in Nepal. The report highlights that the current legal uncertainty and limbo is not a viable option. It recommends that TRIAL should ensure that Nepali staff members are fully comfortable with any chosen modality for operating in Nepal.

3. Proposed way forward with regard to the partnership until 2016

Based on the findings and recommendations of the evaluation report the steering committee consisting of OBO, SFL, SVR and SZG recommends the following next steps:

- a) As a result of the fact that the evaluation acknowledges the relevance of the work TRIAL did during the evaluation period the agreement for the current project (2015 – 2016) should be signed and the first instalment should be paid immediately.
- b) The steering committee concurs with the recommendations regarding the implementation challenge. TRIAL should until the end of October submit an amended set of logframes for the second year of the current project (2015 – 2016) and submit proposals how to implement the other three recommendations. This requirement should be included in the agreement.
- c) The steering committee agrees that building local capacity is an important aspect of the domestic implementation strategy. TRIAL should better plan its exit strategy and in particular consider forming a core Nepali team of trainers.
- d) The steering committee notes that the recommendations regarding TRIAL's legal status don't take into account that in order to get registered, an organization needs to have a budget of more than 100'000 USD excluding costs for international staff. It however agrees that TRIAL should come up with recommendations how the problem for the staff can be mitigated.

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